

**MINUTES OF THE MEETING OF THE HIGH POWERED  
COMMITTEE HELD ON 6<sup>TH</sup> APRIL, 2020**

1. In compliance with the directions of the Hon'ble Supreme Court of India, in Suo Motu Writ Petition (C) No.01 of 2020 - *In Re : Contagion of Covid 19 Virus in Prisons*, dated 23-03-2020, a High Powered Committee was constituted by the Government of Sikkim, vide Notification No.21/Home/2020, dated 30-03-2020, comprising of the following;

- (i) The Executive Chairperson, Sikkim State Legal Services Authority - **Chairman**
- (ii) The Chief Secretary, Government of Sikkim - **Member**
- (iii) The Senior Superintendent of Police, District Prison, Namchi - **Member** and
- (iv) The Additional Secretary (Confidential), Home Department - **Member Secretary**.

2. A meeting of the High Powered Committee under the Chairmanship of Hon'ble Mrs. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim State Legal Services Authority was held via Video Conferencing on 6<sup>th</sup> April, 2020, at 2.30 p.m. The meeting was attended by Mr. S. C. Gupta, IAS, Chief Secretary, Government of Sikkim; Mr. K. L. Tenzing, Senior Superintendent of Police, District Prison, Namchi and Mrs. K. D. Rechung, Additional Secretary (Confidential), Home Department, all Members of the High Powered Committee. Also in attendance at the meeting were;

- (i) Shri S. P. Bhutia, Member Secretary, Sikkim State Legal Services Authority;

- (ii) Shri Rinzing Chewang Bhutia, Secretary, Home (Protocol), Government of Sikkim;
- (iii) Smt. Matilda Isaacs, Special Secretary, Sikkim State Legal Services Authority;
- (iv) Smt. Pema Lhaden Lama, Joint Secretary, Home (Confidential), Government of Sikkim
- (v) Shri Renu Raj Chettri, Additional Superintendent of Prisons, State Central Prison, Rongyek, East Sikkim;
- (vi) Shri Yogesh Gurung, Law Officer, Home Department, Government of Sikkim; and
- (vii) Shri S. M. Chettri, Inspector (Jailor), District Prison, Boomtar, Namchi, South Sikkim.

3. The agenda of the meeting was as follows;

- (i) *Effective implementation of the directives of the Hon'ble Supreme Court of India vide Order dated 23-03-2020 in Suo Motu Writ Petition (Civil) No.01 of 2020 – IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS.*
- (ii) *Measures being taken for protection of the health and welfare of the prisoners and prevention of the spread of COVID 19 in the prisons.*
- (iii) *Determining the class of prisoners that can be released on parole or an interim bail for such period as may be thought appropriate and determination of the category of prisoners who should be released as aforesaid – criterion to be adopted and class of prisoners that should not be given parole or interim bail.*

**Agenda Item Nos.(i) and (ii) were taken up together**

- (i) *Effective implementation of the directives of the Hon'ble Supreme Court of India vide Order dated 23-03-2020 in Suo Motu Writ Petition (Civil) No.01 of 2020 – IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS.*

(ii) *Measures being taken for protection of the health and welfare of the prisoners and prevention of the spread of COVID 19 in the prisons.*

4. Sikkim has two Jails, State Central Prison, Rongyek, East Sikkim and District Prison, Namchi, South Sikkim. The total capacity in Rongyek Jail, as on today, is 186 (Male 165 and Female 21). However, presently there are (a) 191 male Undertial Prisoners (UTP), (b) 112 convicts of which one is a female and (c) 31 convicts sentenced to life imprisonment of which 2 are females. Hence, the total number of prisoners in Rongyek are 334 (Male 328 and Female 6). The capacity in District Prison, Namchi are 74 (Male Ward 64, Female Ward 5 and Confinement Cell 5), whereas the total number of UTPs presently are 107 (Male 104 and Female 3).

5. As of now Sikkim is free of the COVID 19, however owing to the unprecedented outbreak of the pandemic in the country and in the light of the direction of the Hon'ble Supreme Court of India, the Additional Superintendent of Prisons, State Central Prison, Rongyek, informed the meeting that possibilities are being explored to decongest the Cells of the convicts by temporary utilisation of a room being used as the Library. That, Jail Authorities are also making efforts to assess whether the convicts can be housed in any other room such as the rooms where the UTPs were being given training in cane work, carving, baking, etc. Prisoners who have been arrested recently have been placed in a separate barrack for the incubation period of 10-14 days. Thereafter, they shall be moved to the regular barracks after declaring them COVID 19, free by the dedicated medical team of State Central Prison, Rongyek. It was informed that presently there are only

12 fresh inmates in the Rongyek Jail who are being monitored regularly by the Prison Medical Team.

6. Insofar as the District Prison, Namchi is concerned only UTPs are housed therein. In an effort to decongest the Cells, the Senior Superintendent of Police informed that since presently there are only 3 female UTPs, whereas the capacity of the female Cell is for 5 inmates, they had been moved to the nearby Medical Dispensary inside the Jail, thereby creating space for 5 male UTPs in the female Cell temporarily. In view of the space constraints in the Jail there is no other room to accommodate the UTPs for the purpose of decongesting the existing numbers in the Cells.

7. Both the Jail Authorities informed the meeting that all safety measures are in place in both the Prisons which are also being sanitised using disinfectants on a daily basis and the prisoners are being educated on the prevention and spread of COVID 19.

8. It was suggested at the meeting that Jail visits of family members should be cut down and instead of such visits the inmates could well remain connected to their families by phone calls.

9. A suggestion was also made to the Jail Authorities that there should be a constant supply of soap as and when required, to the prisoners, who should be apprised of the importance of hand washing and the correct methods of such washing to be adopted. Presently, neither any convict nor any UTP is found to have exhibited any symptom of COVID 19 in either of the Jails.

### **Agenda Item No.(iii)**

- (iii) *Determining the class of prisoners that can be released on parole or an interim bail for such period as may be thought appropriate and determination of the category of prisoners who should be released as aforesaid – criterion to be adopted and class of prisoners that should not be given parole or interim bail.*

**10.** The meeting also discussed the class of convicts who could be released on parole and the UTPs who could be granted interim bail. It was further determined that any convict who had to undergo remaining imprisonment of only three months of the sentence imposed on him, and was beset with medical conditions could be released on parole. The High Powered Committee also decided that interim bail be granted to UTPs facing trial in cases which prescribes maximum sentence of 7 years or less with or without fine. UTPs who are first offenders or in custody for the last three months or more also be extended such consideration. At the same time, it was also deliberated that interim bail should be granted with circumspection, due consideration being taken of the facts as to whether the accused is a recidivist, not a resident of Sikkim or where chances of absconion are high. UTPs who were arrested under the Sikkim Anti Drugs Act, NDPS Act, offences under POCSO, offences under Sections 376, 376A to 376E of the Indian Penal Code, foreign nationals, UTPs facing trial under the Prevention of Corruption Act, PMLA and Anti-National activities would be outside the purview of consideration for interim bail.

**11.** On identification of UTPs eligible for interim bail by the Jail Authorities in both the Jails, applications may be submitted to the

concerned Court through empanelled Counsel of the concerned District Legal Services Authorities.

**12.** On careful scrutiny of the details of the Jail inmates as provided by the Jail Authorities, the High Powered Committee was of the considered view that convict Chatra Bahadur Chettri, aged 68 years, in Rongyek Jail whose sentence determines on 13-04-2020, be released on remission within this week, in view of the fact that he is beset with several ailments and requires treatment as reported by the Additional Superintendent of Prisons, Rongyek Jail. Convict Krishna Bahadur Pradhan, aged 52 years, who was sentenced to 3 months civil imprisonment under Section 58 of the Code of Civil Procedure, 1908, was also identified for being released on remission within this week as his sentence ends on 20-06-2020.

**13.** It was agreed by the High Powered Committee that should any prisoner exhibit symptoms of the COVID 19 they shall immediately be isolated and all concerned Authorities be alerted of the said circumstance, whereafter necessary measures shall be taken by them.

**14.** The meeting ended with a vote of thanks to the Chair.

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

( Mr. S. C. Gupta, IAS )  
Chief Secretary, Government of Sikkim  
Member, High Powered Committee  
( K. L. Tenzing )  
Senior Superintendent of Police,  
District Prison, Namchi,  
Member, High Powered Committee

( K. D. Rechung )  
Additional Secretary (Confidential),  
Home Department, Government of Sikkim  
Member Secretary, High Powered Committee

**Other Officers present at the meeting**

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

( Rinzing Chewang Bhutia )  
Secretary, Home (Protocol),  
Government of Sikkim

( Matilda Isaacs )  
Special Secretary,  
Sikkim State Legal Services Authority

( Pema Lhaden Lama )  
Joint Secretary, Home (Confidential),  
Government of Sikkim

( Renu Raj Chettri )  
Additional Superintendent of Prisons,  
State Central Prison, Rongyek, East Sikkim

( Yogesh Gurung )  
Law Officer, Home Department,  
Government of Sikkim

( S. M. Chettri )  
Inspector (Jailor), District Prison,  
Boomtar, Namchi, South Sikkim.