

High Court of Sikkim

Record of proceedings

WP(PIL) No.01 of 2015

In Re High Court of Sikkim

Date : **10-08-2021**

CORAM : **THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**
THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

For Petitioner

Mr. A. K. Upadhyaya, Senior Advocate (Amicus Curiae).

For Respondents

State

Mr. Vivek Kohli, Advocate General.

Mr. Hissey Gyaltsen, Assistant Government Advocate.

SLSA

Ms. Navtara Sarda, Advocate.

ORDER

Rai, J.

Mr. Jorgay Namka, Learned Amicus Curiae on record is absent today. Mr. Udai Kunwar, assisting Mr. A. K. Upadhaya, Learned Senior Counsel, today on behalf of Mr. Jorgay Namka, submits that the Amicus Curiae is unable to appear before this Court due to unavoidable urgent personal work.

We have perused the report filed by the State-Respondents No.1 and 2, dated 16-07-2021.

Learned Senior Advocate (Amicus Curiae) submits that the report of the State-Respondents has been perused and except for some reservations pertaining to the present condition of the District Prison at Boomtar, Namchi, South Sikkim, they have no objection to the proposals made by the State-Respondents in the report *supra*.

Learned Advocate General submits the following;

- (i) That, presently the total holding capacity of prisoners in State Central Prison, Rongyek, East Sikkim, is '186' (one hundred and eighty six) inmates.
- (ii) Three more barracks are being constructed which will be completed by 15-12-2021, which will house 60 (sixty) more male inmates and 15 (fifteen) females inmates, a total of 75 (seventy five) inmates.

High Court of Sikkim

Record of proceedings

- (iii) Inspection of the existing barracks was made by the Committee constituted vide Notification No.70/Home/2020, dated, 15-10-2020. It has been found that 9 (nine) barracks are suitable for vertical extension (Barrack No.1, 2, 3, 5, 6, 7, 8, 9 and 10).
- (iv) The proposed vertical extension will house approximately 150 (One hundred and fifty) more inmates.
- (v) Tenders have been issued for construction of the vertical extension. The opening of the bids were scheduled for 17-05-2021 which could not fructify due to the lockdown. Bids were opened on 09-07-2021.
- (vi) The Buildings and Housing Department has informed that the Contractor with the lowest quoted rate was identified and steps are in progress for award of the contract.
- (vii) That, the Central Prison Rongyek, will also house a De-addiction and Detoxification Centre for inmates of drug abuse with a capacity for about 200 (two hundred) such inmates. This Centre proposes to include Doctor's room, Counselling room, Visitor's room, visiting lawyers room, ward and patient room. This is however projected for completion only in 2029.
- (viii) So far as District Prison, Boomtar, Namchi, South Sikkim, is concerned, the present holding capacity is '74' (seventy four) inmates.
- (ix) Boomtar Jail cannot be extended due to the geographical limitations, viz., the area being a sinking area.
- (x) In lieu of extension of Boomtar Jail, land has been identified in Gyalshing, West Sikkim, for construction of a Jail therein for offenders in West Sikkim. The Social Impact Assessment (SIA) has been completed. Presently, the Land Revenue and Disaster Management Department has issued the work order for translation of SIA report in the local language. This is still under process.
- (xi) Addressing the issue of establishment of Jail in North Sikkim is concerned, it was found financially not feasible

High Court of Sikkim

Record of proceedings

considering the total number of prisoners involved in criminal cases in North Sikkim, the expenditure incurred for transportation of inmates to the North District from State Central Prison, Rongyek, East Sikkim vis-à-vis the cost of construction of a Jail in Mangan, North Sikkim.

- (xii) The inspection report of Learned District & Sessions Judge, North Sikkim, at Mangan, dated 04-08-2017, has also been considered. It is found that certain issues have been raised therein pertaining to measures that are yet to be addressed in the State Central Prison, Rongyek, viz., increased lighting in the Cells, provision of flush in the wash rooms, maintenance of medical files of inmates, more importantly fire safety measures which apparently are yet to be installed.

Learned Additional Advocate General shall address these issues before the next date and file a comprehensive report on the points raised above.

The issues pertaining to lighting in the Cell, provision of flush in the wash rooms in the Boomtar Jail, Namchi, South Sikkim, shall also be examined and report put forth.

List on 22-11-2021.

Judge
10-08-2021

Judge
10-08-2021

ds/ml