

WP(PIL) No. 01 OF 2015

Versus

1. The State of Sikkim,
Through the Chief Secretary,
Government of Sikkim,
Gangtok.
2. The Principal Secretary,
Home Department,
Government of Sikkim,
Gangtok.
3. The Principal Secretary,
Social Justice Empowerment,
Women & Child Welfare Department,
Government of Sikkim,
Gangtok.
4. The Director General-cum-Secretary,
Health Care, HS and Family Welfare Department,
Government of Sikkim,
Gangtok.
5. The Director General of Police,
Police Headquarters,
Government of Sikkim,
Gangtok.

PETITIONER
FOR -----
(ADVOCATE (S))

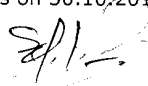
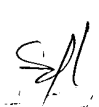
Case No.....

Serial No.	Date	Order (s) with Signature (s)
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09.	14.09.15 (Sinha, CJ)	WP (PIL) No. 01/2015 In Re: High Court of Sikkim (Suo Motu) vs. State of Sikkim & Ors. BEFORE HON'BLE THE CHIEF JUSTICE MR. JUSTICE S. K. SINHA HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE Present: Mr. A.K. Upadhyaya, Sr. Advocate with Mr. Jorgay Namka and Ms. Aruna Chhetri, Advocates for the Petitioner ('<i>Amicus Curiae</i>'). Mr. J.B. Pradhan, Addl. Advocate General with Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates for Respondents 1 to 5. ... Heard. We have perused the counter affidavit filed by the State on 14.05.2015. A perusal of paragraph 4(e) of the counter affidavit would show that there are no dispensaries in the two Jails of the State. It has been submitted that the dispensary for the Central Prison is planned for construction in Phase II of Prison Modernization for which the funds are yet to be released. Once the funds are released the construction work shall be undertaken. The said position is also clear from the communication dated 30.07.2015 sent by the Asstt. Inspector General of Police, Police Headquarters, Gangtok to the queries made by Mr. Jorgay Namka ('<i>Amicus Curiae</i>'). In paragraph 5 of the document annexed to this

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		communication, it has been mentioned in clear words that no provision of dispensary, resident Doctors and nursing staff is there in the prisons of the State. CHAPTER V of the Sikkim Prison Manual, 2010 deals with Medical Officer and Health of Prisoners. Likewise, clauses 13.68 and 13.69 falling in CHAPTER XIII deals with the medical facilities to be given to the women prisoners. The provisions of these chapters would show that according to the Manual itself there should be a dispensary in each jail, whereas, the said facility is totally lacking in the two jails of State. We are aware of the fact that construction of separate dispensary along with all infrastructure would take some time. We, therefore, issue direction to the State to establish temporary dispensary in both the jails with all facilities relating to the staff structure, conservative arrangements and medicines etc. as provided in the Manual. The dispensary may be established at such a place in the campus so that at any time the inmates may safely reach to the dispensary for getting medical treatment. We grant four weeks' time to the State to establish such dispensary and file a report in this regard.

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		As far as mentally challenged prisoners, under-trials/ convicts are concerned, we direct the State to give their position with details of facilities since the year 2011. As far as facilities relating to the members of the society, who are mentally challenged and are not involved in any case/ criminal activity etc., averments have been made in paragraph 14 of the affidavit dated 14.05.2015. According to these averments, a fully functional Psychiatric Department with out-patients facilities, as well as 20 in-door beds are presently available at STNM Hospital, Gangtok. The position relating to qualified Psychiatricians has also been highlighted. We learn from the affidavit that no such facilities are there in any other District of the State. The State will show the possibility of opening a functional Psychiatric Department in each District of the State. Let a compliance report relating to all these directions be filed on or before 30.10.2015. List for further orders on 30.10.2015.  Judge 14.09.2015  Chief Justice 14.09.2015

jk/bp

Index : Yes / No
Internet : Yes / No