

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.

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		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 M RAI, JUDGE 04. 15.05.15 Present: Mr. A.K. Upadhyaya, Sr. Advocate with Mr. Jorgay (Sinha, CJ) Namka and Ms. Binita 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. Report on behalf of Respondents has been filed in the form of an affidavit of Tashi Cho Cho, Addl. Secretary, Home Department, Government of Sikkim. So far as the women prisoners are concerned, it has been stated in the Report that presently there are seven women prisoners in two Jails in Sikkim, out of which one is convict and six are under trial prisoners (UTPs). It has further been stated that presently there is no case of women prisoners keeping their children below six years of age in prisons. Some provisions relating to women prisoners and their children have also been stated in the affidavit. In paragraph 12 of the affidavit, it has been stated that there are 680 numbers of persons, who are suffering

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		from mental disability in the State and are not involved in any crime, however, basis of the above data has not been supplied. That apart, it has been stated in paragraph 13 that the concerned Department of the State is providing financial assistance to the two NGOs, but it has not been stated that from which period they are being provided with such financial assistance and what is the amount they are being paid by the State. It has not been clarified whether the amounts paid to those NGOs are Central fund or the State fund. According to Section 4 of the Mental Health Act, 1987, it is obligatory on the part of the State Government to establish an Authority for mental health with such designation as it may deem fit. Further, according to the State Mental Health Rules, 1990 (Rule 3), the constitution of the Authority has been described with its various members (official and non-official). The affidavit filed by the State Government does not disclose as to whether such Authority has been constituted in the State of Sikkim or not. Learned Additional Advocate General submits that presently he is not in a position to tell about all these, however, if a week's time is granted, the said informations may also be brought on record.

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		Mr. Upadhyaya and Mr. Namka appearing for the Petitioner also submit that after going through the contents of the affidavit filed by the concerned Secretary, they would be making some more suggestions, therefore, they may also be given a week's time to do the needful. Let the State submit the above information by filing an other affidavit by next date. List for further orders on 27.05.2015.  Judge 15.05.2015  Chief Justice 15.05.2015

at/jk

Index : Yes / No
Internet : Yes / No