

HIGH COURT OF SIKKIM
Record of Proceedings

WP (PIL) No. 01/2015

IN RE HIGH COURT OF SIKKIM

WITH

WP (PIL) No. 10/2017

IN RE-INHUMAN CONDITION IN 1328 PRISONS

For petitioner : Mr. A.K. Upadhaya, Sr. Advocate.
Mr. Jorgay Namka, Amicus Curiae.

For State respondent : Mr. Vivek Kohli, Advocate General.
Ms. Y.W. Rinchen, Govt. Advocate.

For respondent SLSA : Ms. Navtara Sarda, Advocate.

Date: 16/04/2021

CORAM :

HON'BLE MR. JUSTICE JITENDRA KUMAR MAHESHWARI, CJ.
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, J.

...

PER J.K. MAHESHWARI, CJ

On 30.11.2020, the order was passed by this Court on the basis of the statement made by the Advocate General regarding setting up of the Committee vide Notification dated 15.10.2020. It was stated that the matter may be taken up in the second week of March, 2021 so that he can file a comprehensive affidavit incorporating the decisions taken by the Committee.

In view of the above, the case was listed on 16.03.2021.

An affidavit was filed on 15.03.2021 by Mr. Yadev K. Sharma who is said to be the Joint Director, Home Department, Government of Sikkim in which it was contended that the Committee constituted as per the Notification dated 15.10.2020 hold their meetings on 08.12.2020 and 22.01.2021 discussing all issues regarding overcrowding, amenities, de-addiction and detoxification centre for prisoners.

On the said date the Court observed that what were the decisions took place was not reflected in the affidavit not any proceedings of the meetings of

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the Committee were on record. The Court further observed that in the affidavit, it is said that the Committee has made substantial progress. From all these facts, the Court opined that it cannot be treated as compliance of the Order of the Court. Accordingly, on the request of learned Advocate General, three weeks' further time was granted with reluctance.

Today, learned Advocate General has stated across the Bar that the Committee has submitted its report on 13.04.2021, why the report has not been filed despite the aforesaid order, is not clear. Learned Advocate General contends that further time may be granted to file the report.

On showing the previous Order by the Court and the observation that time was granted with reluctance and now we will grant the time on cost, learned Advocate General contends that this is not an adversary litigation in which cost can be awarded and said he is unable to understand how the Court can observe like this.

In view of reference of the previous Orders dated 30.11.2020 and 16.03.2021, we find that nothing has come on record to justify the further prayer for asking time in a matter of overcrowding of jails pending since a long.

After hearing, as observed, in the interest of justice, we grant further time of one month, subject to payment of cost of Rs. 10,000/- (Rupees Ten Thousand). The cost be deposited in the High Court Legal Service Committee within two weeks and the said amount shall be utilized for the purpose of benefits of juveniles in the State.

List on 20.05.2021.

Judge

Chief Justice