

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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16.	19.08.16	WP (PIL) No. 01/2015 In RE: High Court of Sikkim (Suo Motu) vs. State of Sikkim & Ors. BEFORE MR. JUSTICE SATISH K. AGNIHOTRI, ACJ & MRS. JUSTICE MEENAKSHI MADAN RAI, J. Present: Mr. A. K. Upadhyaya, Sr. Advocate with Mr. Jorgay Namka and Ms. Binita Chettri, Advocates (<i>Amicus Curiae</i>) for the Petitioner. Mr. J. B. Pradhan, Addl. Advocate General and Mr. Karma Thinlay, Senior Government Advocate with Mr. Santosh Kr. Chettri and Mrs. Pollin Rai, Assistant Government Advocates and Mrs. Neera Thapa, Advocate (Health Deptt.) for the Respondents 1 to 5. ... Pursuant to the direction dated 27.07.2016 rendered by this Court, Mr. Jorgay Namka and Mrs. Binita Chettri, learned Counsel appearing as <i>Amicus Curiae</i>, inspected the site and submitted a Report on 17.08.2016. The Report points out several deficiencies as under: - 9. That even though the main Hospital building is well connected by rampway. The same is not extended to the Annexed building even though a provision has been left to internally connect the two RCC Buildings, specially the ward floor of Department of Neuro-Psychiatry & De-Addiction Centre (1st Floor), due to engineering flaws while constructing the Annexed building as depicted in the photographs "C". 10. That the two floors of the Annexed building (1st and the 2nd Floor) which is meant for Department of Neuro-Psychiatry & De-Addiction Centre, already has a full fledged O.S.T. (Opioid Substitutional Therapy) Centre operational a Central Government scheme. On the ground floor of the said RCC

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		building we found the room of Dr. C.L. Pradhan as depicted in photographs "D", the male and female wards are located on the first floor as depicted in photographs "E" for which we have to use the stairs only as of now as depicted in photographs "F". 11. That on our visit we did not find any Neuro-Psychiatry (mental) patient in the Department. It is also pertinent to state here that the report filed by Respondent No. 4 dated 19.02.2016 which reflected the number of Psychiatric patients (outdoor and indoor) in fact reflected Psychiatry patient due to DRUG related cases and not mental. 12. That during our interaction with the Doctors and staff of the we came to learn that for the Department to be fully functional, they require Electro Convulsive Therapy (ECT) Room to house violent patient, Electro Encephalography (EEG) Room, one seclusion Room and one Doctor's Room on the same floor where the ward is situated. At present they are sharing the Nurse duty room, guard room, attendant room, etc. They also require 1 Psychiatrist, 1 M.O., 1 Clinical Psychiatric, 1 Psychiatric Counsellor, 1 Psychiatric Social Worker. I must state here that the concerned Doctors at the District are making the best use of what they have been provided with, on our inspection we also found space and area which can be utilized for example, on the main entrance of the Annexed RCC building there is a huge space as depicted in photographs "G" which can be converted into a reception cum waiting area. On the first floor also there are rooms currently in use which can also be utilized as depicted in photographs "H". 13. That on our visit to the District Prison, Namchi on 12.08.2016 we found that the dispensary at Namchi Prison which was handed over to the Superintendent of Prison, District Prison, Namchi on 23.07.2016 has been really well done as depicted in photographs "I" it is located on the first floor and consists of a male ward with attached bathroom, female ward with attached bathroom and a Doctor Room. Dr. S. Rai, M.O. under NHRM and Shri Tulsi Prasad Chettri an MPSW is attached to District Prison Namchi. I must state that the M.O. is given Rs. 500/- per month as his travelling allowance and for other expenses.

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		14. That on verification we came to learn that we in fact were in Namchi SUB-JAIL and not District Prison which was built on a sinking land with total area of around 4 acres, meant to house only 50 inmates 36 MALE and 14 FEMALE, however at present the average no. of inmates is around 100 and on the day of our visit there was 92 male inmates and 6 female inmates. 15. That as stated above, here too the Engineers have completely failed in their work, the RCC building/structure which houses the male and female inmates are almost equal in size, even though there is huge difference in to no. of male and female inmates and thus the structure that house the male inmates are over-crowded always. The Office of the Jail Superintendent is located in such place from where nothing is visible and hence there is an urgent need for putting up CCTV Cameras. The above-stated deficiencies, as pointed out by the learned Advocates, are serious in nature and require immediate correction for effective implementation. It is further desirable to provide all the necessary requirements, i.e. proper facilities and personnel, to the District Hospital. It is also pointed out that the sub-jail, which is named as District Prison, does not have proper facility and has accommodated both male and female inmates in the identical chambers, where male inmates are over-crowded in one small place as compared to female inmates. Even the wards for the Department of Neuro-Psychiatry & De-Addiction Centre have not provided neat and clean atmosphere.

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		Accordingly, we direct the State Government to examine the afore-stated deficiencies, take corrective measures and submit a Report. It is further desirable that while taking corrective measures by removing the deficiencies, the concerned Doctors and other persons be consulted. The authorities may also consult the learned Advocates appearing in the matter. The Director General-cum- Secretary, Health Care, H.S. & F.W. Department, Government of Sikkim, is directed to ensure that the directions of this Court are properly complied with and submit an affidavit of compliance thereafter. Call on 06.10.2016.  Judge 19.08.2016  Acting Chief Justice 19.08.2016

pm/ds Index : Yes / No
Internet : Yes / No