

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))

WP (PIL) No. 01/2015
In RE: High Court of Sikkim (Suo Motu)
vs.
State of Sikkim & Ors.

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ

18. 22.11.16 Present: Mr. A. K. Upadhyaya, Sr. Advocate with Mr. Jorgay Namka, Advocate (*Amicus Curiae*) and Ms. Aruna Chettri, Advocate for the Petitioner.

Mr. J. B. Pradhan, Addl. Advocate General with Mr. Santosh Kr. Chettri, Mrs. Pollin Rai, Assistant Government Advocates and Ms. Neera Thapa, Advocate (Health Deptt.) for the Respondents No. 1 to 5.

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The matter, being a Public Interest Litigation, is to be heard by a Division Bench. For want of availability of Division Bench, the matter is adjourned. However, certain facts have been brought on record by way of IA No. 2/2016 and IA No. 03/2016, which are taken on record.

IA No. 2/2016, an application filed by respondent No. 4 on 09.05.2016, states that the steps are being taken to have indoor psychiatric facilities at Namchi hospital by 31.08.2016. It is further stated that the action shall be initiated to have similar facilities at Gyalshing, Singtam and Mangan hospitals in due course of time.

Subsequently, one more application, being IA No. 03/2016 was filed on 26.07.2016, wherein it was stated that the full-fledged indoor services Psychiatric ward has been made fully functional and a Neuro Psychiatrist, Dr. C.L. Pradhan has been made in-charge of the Psychiatric

ward with all other facilities at Namchi District Hospital. It is further reiterated that similar facilities shall be made available at other District Hospitals namely, Mangan, Gyalshing and Singtam.

IA No. 04/2016, being an application filed by the Special Secretary, Home Department, Government of Sikkim, provides that a dispensary building at Namchi prison has already been handed over to the Superintendent of Prison, District Prison Namchi on 23.07.2016.

In view of the above, IA No. 02/2016, IA No. 03/2016 and IA No. 04/2016 stand disposed of.

The respondents have filed the latest status report dated 21.11.2016, wherein deficiencies pointed out by the learned *Amicus Curiae* have been examined and necessary steps have been taken in respect of deficiencies pointed out in Namchi Sub-Jail, South Sikkim. The following reports have been submitted:

"Namchi Sub-Jail, South Sikkim: -

Sl. No.	Deficiency pointed out by Amicus Curie	Steps Taken
1.	Namchi Sub-Jail was built on 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 number of inmates is around 100 and on the day of their visit they found 92 male inmates and 6 female inmates. (Para-14 @ page 6 of the Amicus Curie Report dated 17/08/2016).	On 19.10.2016 a joint inspection of the Sub-jail Complex at Boomtar, Namchi South Sikkim was made by the team comprising Chief Engineer, Addl. Chief Engineer (S/W), Divisional Engineer (South), Assistant Engineer (Namchi) and Assistant Architect from Building and Housing Department, Addl. Director, Joint Director and two field officers from Mines and Geology Department and Superintendent of Police (Jail),

	South Sikkim. During the joint inspection, it has been observed that the buildings (RCC blocks) where male inmates are housed are overcrowded. However, in order to mitigate the present problem of overcrowding of male inmate it is found that there is a scope for vertical extension to construct new room/hall with wash room facilities over the existing Block 'C' building. The vertical extension of the Block 'C' also requires increase of the height of the existing angle iron fencing around the Block 'C' for safety purpose. Accordingly, the estimate for vertical extension of Block 'C' Sub-jail at Boomtar, Namchi, South Sikkim have been framed amounting to Rs.59,63,337/- and submitted by Namchi Sub Division. However, after vetting in Planning Cell, the amount has come to an estimate cost of Rs.55,25,920/-. In addition to the construction of vertical construction of Block 'C' (Prison Sub-jail at Boomtar, Namchi, South Sikkim), it is felt necessary to provide the protective walls at the disposal point of the drainage system and to modify or strengthen the existing drainage system wherever required and for providing complete new drainage systems which are not covered earlier. The Namchi Sub-Division have framed and submitted the estimate for protective works and drainage system at Sub-Jail at Boomtar, Namchi, South Sikkim to the tune of Rs.18,63,343/-. However, after vetting in the Planning Cell, the amount has come to an estimate of Rs.17,68,275/-. It is further submitted that the estimate for vertical extension of Block 'C' (Prison) Sub-Jail at Boomtar, Namchi, South Sikkim amounting to Rs.55,25,920/- and Protective works and drainage system at Sub-jail at Boomtar, Namchi, South Sikkim amounting to Rs.17,68,275/- have been submitted to the Home Department, Government of
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		Sikkim on 16.11.2016 and is under process for seeking approval and sanction of the Government for providing funds in the next financial year.
2.	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 the number of male and female inmates and thus the structure that house the male inmates are overcrowded 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.	It is submitted that Namchi Sub-Jail was designed and constructed as per the requirement of Police Department keeping in view the requirement of UTPs of South District.

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Taking the aforesaid report on record, the learned *Amicus Curiae* are required to examine the report and submit the latest status report. In the event further deficiencies have been noticed, the same may be brought into the notice of the Court.

List it for filing further status report by both the parties on 20.02.2017.

Chief Justice
22.11.2016

jk/to Index : Yes / No
Internet : Yes / No