

W.P. (PIL) No. 01/2015

**In Re: High Court of Sikkim (Suo Motu)
vs.
State of Sikkim & Ors.**

**BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ. &
MR. JUSTICE BHASKAR RAJ PRADHAN, J.**

27.02.18 Present: Mr. Jorgay Namka and Ms. Aruna Chhetri, Advocates
as *Amici Curiae*.

Mr. Karma Thinlay, Senior Government Advocate
with Mr. Thinlay Dorjee Bhutia, Government
Advocate, Mr. S. K. Chettri and Ms. Pollin Rai,
Assistant Government Advocates for the State-
Respondents No. 1 to 5.

...

We are informed that the State Government has
already identified two locations in Gyalshing, West Sikkim
as well as in Mangan, North Sikkim, for establishment of
prisons. It is further brought to our notice that certain
suggestions have been made by the Department of Mines,
Minerals & Geology, Government of Sikkim, to make the
structure permanent and safe, which is required to be kept
in view, at the time of raising the construction. It is also
stated in the Status Report dated 24.02.2018 that the
District Collector, West District as well as the District
Collector, North District, have assessed the estimate for
acquisition of land followed by rehabilitation and
resettlement.

Now, the financial approval or sanction is required
from the Government of Sikkim. On asking, as to how
much time it may take, learned Senior Government
Counsel, on instruction, submits two months. It is beyond
our comprehension as to how the approval by the

Government needs two months' time when the movement of file does not take more than 24 hours and when it does not take more than two weeks to reach the Cabinet.

Keeping in view the urgency involved in the matter, as also the Supreme Court, in various decisions, has observed that the jails situated in the Country are over-crowded and the same condition prevails in the State of Sikkim also for want of jails/prisons in the districts, we expect the State Government to take decision within a period of two weeks in regard to financial approval and sanction so that the authorities concerned may proceed with the process of the acquisition of land, thereafter, rehabilitation and resettlement.

Call on 20.03.2018.

Judge
27.02.2018

Chief Justice
27.02.2018

pm/avi **Index : Yes / No**
 Internet : Yes / No