

**IN THE HIGH COURT OF SIKKIM
CIVIL JURISDICTION**

WP(PIL) No. 01 OF 2015

In Re: High Court of Sikkim (*Suo Motu*) Petitioner

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.
-Respondents

PETITIONER
FOR -----
(ADVOCATE (S))

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15.	27.07.16 (Agnihotri, ACJ)	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 with Mr. Karma Thinlay, Senior Government Advocate, Mr. Santosh Kr. Chettri and Ms. Pollin Rai, Assistant Government Advocates for Respondents No. 1 to 5. Pursuant to the directions dated 13.11.2014 of the Supreme Court in <i>R.D. Upadhyay vs. State of A.P. & Others [Writ Petition (Civil) No. 559 of 1994]</i>, the writ petition was registered herein under a caption "<i>In Re: High Court of Sikkim (Suo Motu) vs. State of Sikkim & Ors.</i>" to ensure that the directions rendered by the Supreme Court, which reads as under: - "1) Copies of the reports received from the State Legal Services Authorities and Union Territories concerned shall be forwarded to the Jurisdictional High Courts along with a copy of this order with a request to the High Court to register a PIL and to continue the proceedings and issue such directions in accordance with law as may be considered necessary in the facts and circumstances of the case. 2) While examining the issue touching the rights of the under-trial prisoners especially the females and the children with them, the High Courts may also examine the question relating to the rights of mentally challenged under-trials and convicts and issue appropriate directions. The High Court may

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		while examining the rights of such unfortunate members of the society as suffer from any mental disability also examine whether any directions are required to be issued in relation to people who suffer from such illness but are not involved in any crime and yet suffer harassment, neglect or deprivation at the hands of their family or are seen roaming about in public places without any one taking responsibility for their care, protection or maintenance." are implemented effectively. In the currency of the petition, Mr. A.K. Upadhyaya, learned Senior Counsel, Mr. Jorgay Namka and Ms. Binita Chettri, learned Counsel were appointed as '<i>Amicus Curiae</i>', vide order dated 15.04.2015, to assist the Court. It is informed that no provision has been made to meet out-of pocket expenses made by the learned <i>Amicus</i>, who are expected to visit the places and submit reports and suggestions, accordingly. Considering the aforestated facts, we are of the view that the State be directed to deposit a sum of Rs.25,000/- (Rupees twenty five thousand) with Mr. A.K. Upadhyaya, learned <i>Amicus</i> to meet the expenses, on account, within a period of one week. <u>IA No. 03/2016</u> This is an application filed by respondent No. 4, wherein it is stated that a Psychiatric ward has been created at District Hospital, Namchi, however, personnel

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		required for functioning of the Psychiatric ward is yet to be appointed. Three weeks' time is granted to the learned <i>Amicus</i> to verify and file response. <u>IA No. 04/2016</u> This is an application to place on record a certificate, whereunder the Dispensary created for the District Prison, Namchi has been handed over to the Superintendent of Prison, Namchi. Three weeks' time is granted to learned <i>Amicus</i> to verify and file response. District Authorities at Namchi are directed to extend all the assistance to the learned advocates for their stay and also to have proper verification at respective places. List on 19.08.2016. Judge 27.07.2016 Acting Chief Justice 27.07.2016

ds/jk

Index : Yes / No
Internet : Yes / No