

**SIKKIM STATE HUMAN RIGHTS
COMMISSION, GANGTOK**



**ANNUAL REPORT
2015-16**

Sikkim State Human Rights Commission
Block-'c', Vidhayak Aawas, VIP Colony, Gangtok

Annual Report under Section 28(1) of The Protection of Human Rights Act, 1993 for the year 2015-16.

The Sikkim Human Rights Commission was constituted by the State Government vide its Notification No.101/Home/2008 dated 18-10-2008 with its Headquarter at Gangtok. Hon'ble Mr. Justice A.N. Ray, former Chief Justice of High Court of Sikkim was appointed as first chairperson of the Commission for a period of five years by His Excellency, the Governor of Sikkim vide its warrant, which was notified in the Gazette Notification of the State Government bearing No.106/Home/2008 dated 14-11-2008. Hon'ble Mr. Justice Ray assumed the charge on 25-11-2008 and demitted the office on 24-11-2013, thereafter, the post of Chairperson remained vacant till the appointment of Hon'ble Mr. Justice Narendra Kumar Jain, former Chief Justice of High Court of Sikkim as second Chairperson of Sikkim Human Rights Commission by His Excellency the Governor of Sikkim vide its warrant dated 08-10-2014 for a period of five years from the date, he assumes the charge of the office. Hon'ble Mr. Justice N.K. Jain, assumed the charge of the Office of the Chairperson on 08-10-2014.

Period of Annual Report : The Sikkim Human Rights Commission has prepared this Annual Report for the period 01-04-2015 to 31-03-2016 for submitting to the State Government under Section 28(1) of the Protection of Human Rights Act, 1993.

OFFICERS AND STAFF OF THE COMMISSION

Mrs. Lakchung Sherpa, Law Secretary, Govt. of Sikkim was appointed and given additional charge of the Secretary of the Sikkim Human Rights Commission by the State Government, who assumed the charge on 29-09-2014 and she continued as such during the period of this Annual Report also.

Mr. R.S. Rawat, Protocol Officer-cum-Principal Private Secretary to Hon'ble the Chief Justice of High Court of Sikkim was taken on deputation by the Commission from the High Court vide order dated 05-11-2014 and he continued as PPS to Hon'ble Chairperson-cum-Protocol Officer-cum-Court Master (Judicial), during the period of this Annual Report also, as on the request of the Commission vide its letter No. 331/SSHRC/2015 dated 15-09-2015 to the Hon'ble High Court, the period of re-employment of Mr. R.S. Rawat has been extended by the State Government vide its Office Order No. 1633/G/DOP dated 16-11-2015 and further his period of deputation by the High Court of Sikkim has been extended for a further period of one year w.e.f. 01-12-2015 to 30-11-2016 in terms of Rule 102 of the Sikkim Government Service Rule, 1974.

Mr. Mohan Lepcha, DDO of Law Dept. Govt. of Sikkim, who was appointed and given an additional charge of DDO of Sikkim Human Rights Commission, continued as such till the date of his untimely death on 14-06-2015 and soon thereafter the additional charge of DDO, S.H.R.C. was given to Mr. Sanjay Gurung of Law Department, who continued as

such till Mr. R.S. Rawat, Protocol Officer-cum-PPS to Hon'ble Chairperson was declared as Drawing and Disbursing Officer for Sikkim Human Rights Commission vide Government of Sikkim, Finance Revenue and Expenditure Department Office Order No.63/Fin/Adm. dated 08-09-2015.

During the period of this Annual Report, the following employees were working in the Office of SHRC on Muster Roll basis:-

1. Ms. Ohmu Hangma Subba, LDC.
2. Ms. Tika Maya Chhetri, LDC-cum-Typist.
3. Mr. Santa Bir Rai, Driver.
4. Mr. C.B. Chettri, Driver.
5. Mr. Lako Tshering Lepcha, Driver.
6. Mr. Sanjay Subba, Peon.
7. Mr. Mahindra Subba, Peon.
8. Mrs. Kabita Rai, Peon.

A request was made to the Finance Department, Govt. of Sikkim for the posting of one Accountant vide letter No. 113/SHRC/2015 dated 11-03-2015. The Finance, Revenue and Expenditure Department vide its Office Order No. 22/Fin/SSAS dated 06-04-2015 posted Mr. Lakpa Lepcha, Jr. Accountant, who was working in the Energy and Power Department Government of Sikkim and he joined the Sikkim Human Rights Commission in the forenoon of 10-07-2015 and since then he is working as such.

As per Sub-Section (1) (b) of Sec. 27 of the Protection of Human Rights Act 1993, "the State Government shall make available the Commission such police and investigating staff

under an officer not below the rank of an Inspector General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the State Commission". Since no Inspector General of Police or officer or staff was made available to the Commission, therefore, the State Government was requested by the Commission vide its letter dated 03-03-2016 to take action in this regard by giving an additional charge to the eligible officer, so that his services may be taken as and when the same is required. The State Government vide its letter dated 28-03-2016 directed the Director General of Police to take necessary action in this regard. No reply or order was received from D.G.P. till the end of period of this Annual Report. The State Government is still to act in terms of Sec 27 (1) (b) of Act referred above.

The statement showing the details of the Hon'ble Chairperson and other Officers is enclosed herewith and marked as **Annexure-I**. Another statement showing the details of staff of the Commission is enclosed herewith and marked as **Annexure II**.

OFFICE BUILDING OF THE COMMISSION

The State Government has allotted the Building for the office of Commission. The Office of the Sikkim Human Rights Commission is situated in Block 'C', Vidhayak Aawas, VIP Colony, Near Circuit House, Gangtok.

BUDGET AND ACCOUNTS

The State Government had allotted the budget of Rs. 1,48,31,000/- to the Sikkim Human Rights Commission in

Demand No.23 alongwith Department of Law & Parliamentary Affairs, Government of Sikkim for the financial year 2015-2016 in the following heads:-

· Salaries	-	96,01,000/-
· Travel Expenses	-	4,00,000/-
· Office Expenses	-	48,30,000/-
<u>Total</u>		<u>-1,48,31,000/-</u>

- Out of above sanctioned budget, a sum of Rs.70,00,000/- remained unused in the head of Salaries due to transfers of officers and staff from SHRC to Lokayukta. Rs.1,90,000/- was saved in the head of Travel expenses. Thus, total unused/saved amount of Rs.71,90,000/- (Rupees seventy one lakhs, ninety thousand) were surrendered to the Government on 31-03-2016.

The Commission is maintaining proper accounts and record. A monthly expenditure report is being sent by Commission regularly before 7th day of each succeeding month to the State Government. Quarterly reconciliation is also being made by the Commission with the office of Accountant General, Gangtok. A copy of Annual Statement of accounts is enclosed herewith and marked as **Annexure-III**.

It is relevant to mention that instead of paying grants to the Commission as required under Section 33 of the Protection of Human Rights Act, 1993 (For short "Act"), the State Government is allotting a budget as referred above. It is also relevant to mention that the Accounts of the Commission has not been audited by the Comptroller and Auditor General as required under Section 35 (2) of the Act, therefore, Audit

report could not be forwarded to the State Government, as required under Section 35 (4) of the Act.

AWARENESS PROGRAMME ORGANISED BY SSHRC

Section 12 (h) read with Section 29 of the "Protection of Human Rights Act, 1993" provides that the commission shall spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means. In compliance of above provision of Law, the Sikkim State Human Rights Commission has organized the Awareness Programme on Human Rights at the following places in Sikkim during the period of Report:-

<u>SL No.</u>	<u>Date</u>	<u>Venue</u>
1.	10-04-2015	At the Conference Hall of the District Administrative Centre, Namchi, South Sikkim.
2.	22-05-2015	At the Conference Hall of the District Administrative Centre, Mangan, North Sikkim.
3.	23-05-2015	At Forest Guest House, Lachung, North Sikkim.
4.	08-08-2015	At Conference Hall of Paryatan Bhavan, Tourism Department, Tadong, Gangtok East Sikkim jointly organized by the Department of Law, School of Social Sciences Sikkim University and SSHRC.
5.	21-11-2015	At the Community Hall, Pakyong, East Sikkim.

INSPECTION OF SIKKIM STATE CENTRAL PRISON, RONGYEK.

Hon'ble Mr. Justice Narendra Kumar Jain, Chairperson, Sikkim State Human Rights Commission has inspected the Sikkim State Central Prison, Rongyek, East Sikkim on 2nd September, 2015 where Sr. Superintendent of Central Jail, Additional S.P. and Assistant S.P. were present at the time of inspection. A copy of the Jail Inspection Report dated 03-09-2015 was forwarded to the Chief Secretary to the Government of Sikkim, the Home Secretary to the Government of Sikkim and to the Sr. S.P. Sikkim State Central Prison, Rongyek, East Sikkim by Commission vide letter No.362-364/SSHRC/2015 dated 17-10-2015 for further course of action. A copy of Jail Inspection Report dated 03-09-2015 is enclosed herewith and marked as **Annexure-IV**. The Sr. S.P. Central Prison Rongyek, Gangtok has sent its action taken report dated 02-11-2015, a copy of which is enclosed herewith and marked as **Annexure-V**. However, no compliance report from the State Government has been received by the Commission till the end of financial year of this Report. The State Government is required to improve the drinking water condition and installation of new CCTV cameras and/or Annual maintenance contract of old installed CCTV cameras in Central Prison, Rongyek, East Sikkim.

STRENGTH/CREATION OF POSTS FOR THE COMMISSION

At the time of establishment of Commission or thereafter, no post of subordinate staff was created or sanctioned. The Secretary has been appointed by the State Government by giving additional charge to the Law Secretary.

The PPS has been taken on deputation from the High Court of Sikkim. The L.D.Cs, Drivers and Peons are working on Muster Roll. However, a meeting was held on 19-02-2016 at Samman Bhavan with the officials of Law and Parliamentary Affairs Department chaired by Hon'ble the Chief Minister of Sikkim. In the said meeting, the proposal made by Sikkim State Human Rights Commission for creation of required manpower for the Commission was considered favourably and Law Department was directed to put up the proposal for creation of posts of required manpower for Sikkim Human Rights Commission. A copy of minutes of the meeting dated 19-02-2016 is enclosed herewith and marked as **Annexure-VI**. Thereafter, the State Government has been requested by the Commission to create the various posts for smooth functioning of the office of the Sikkim Human Rights Commission vide letter No. 475/SSHRC/2016 dated 03-03-2016, a copy of which is enclosed herewith and marked as **Annexure- VII**.

CONSTITUTION OF SIKKIM STATE HUMAN RIGHTS COMMISSION

Hon'ble Mr. Justice N.K. Jain (Former Chief Justice of High Court of Sikkim) is working as Chairperson of Sikkim State Human Rights Commission. The posts of remaining two members of the SSHRC are still to be filled by the State Government.

COMPLAINT RECEIVED/INSTITUTED/DISPOSED OFF

- Five complaints were pending as on 01-04-2015 before the Commission for want of report/comments/further

information, the details of which were given in Annual Report for the year 2014-2015.

The Commission received four complaints during the period of Report, the details of which are as under:-

Complaint No. 8 of 2015 of which 'Suo-motu' cognizance was taken by the Commission on the basis of news item published in daily newspaper "Sikkim Express" dated 19-05-2015 about the death of one Biben Rai due to alleged excessive force used by Police to take him under custody, resulting in his death. The complaint was registered and report/comments were called from the District Collector, South Sikkim, Namchi, the DGP Sikkim Police, Gangtok, East Sikkim, the Principal Secretary Home Department, Govt. of Sikkim and the Senior Superintendent of Police, South District, Namchi. The Complaint remained pending for want of further report/information.

Complaint No. 9 of 2015 made by Mr. Shyam Kumar, Khaniyara District (Kangra) Himachal Pradesh, through e-mail to the Court Master (Judicial) of the Commission on his e-mail address. The complaint appeared to be of Matrimonial in nature and did not disclose any violation of Human Rights as defined under Sub-Section (d) of Section 2 of the "Protection of Human Rights Act, 1993". Therefore the complaint was disposed off on 04-08-2015.

Complaint No. 10 of 2015 was made by Jaya Narayan Sharma, of Thekabong, East Sikkim against the Urban Development and Housing Deptt. Govt. of Sikkim, Gangtok in respect of non-payment of his Salary from April, 2013 to

September, 2013. The Commission called a report from the Nodal Officer for HSUI-cum-Town Planner-I, Urban Development and Housing Deptt. Govt. of Sikkim, Gangtok. The U.D.H. Department sent its report. Thereafter, the Complainant prayed and was granted time to file rejoinder. Thus the complaint remained pending.

Complaint No. 11 of 2016 made by Mr. Topzang Bhutia of Hee-Goan, West Sikkim, against the Superintendent of Police West District, Gyalshing. The complaint was relating to threatening and harassment by the Police working under Dentam Police Station. A copy of the complaint/application was sent to the opposite parties for sending their report/comments in the matter. The opposite party submitted its report. Thereafter, the complainant submitted an application to grant some time to file rejoinder, which was granted. Therefore the complaint could not be disposed off.

Complaint No. 12 of 2016 The complaint was received through E-mail address of the Court Master (Judicial) of the Commission on 18-03-2016. It was also received on e-mail address of the Chairperson and Secretary. From the subject and averments of the complaint, the grievance appeared to be in respect of some college girls, who were alleged to have been thrown into prostitution by Chamber of Commerce, Andhra Pradesh and Bridal Women to earn money. The complaint further revealed that it is general in nature which has been addressed and has also been sent to the Hon'ble President of India, the Prime Minister of India, the Governor of Andhra Pradesh and Talangana, the Chief Minister and the Home Minister of Andhra Pradesh, the National Human

Rights Commission etc. The so-called allegations in the complaint were alleged to have taken place in the territorial jurisdiction of Andhra Pradesh, Telangana and West Bengal. There was no allegation of any nature in the complaint alleged to have taken place in any part of the State of Sikkim. Therefore, the complaint was directed to be examined before its registration. Hence complaint remained pending.

Complaint No. 13 of 2016 made by Mr. Punya Prasad Sharma of Tareythang, PO-Bering, PS-Pakyong, East Sikkim, against the Executive Engineer, Central Water Commission, Sikkim Investigation Division, Tadong, Gangtok. The complaint was relating to non-regularization of service of complainant who was belonging to OBC category under Central Water commission. The report on the complaint has been called for from the Opposite Party. The case remained pending for submitting the report.

A consolidated statement, in brief, showing the details of the pending complaints as on 01-04-2015 and complaints received, instituted, disposed off and remained pending as on 31-03-2016 is annexed herewith and marked as **Annexure -VIII.**

PARTICIPATION IN CONFERENCE/WORKSHOP/SEMINAR ETC.

The National Human Rights Commission, New Delhi organizes Conference/Workshop/Seminar from time to time. The Hon'ble Chairperson and the Secretary of the Commission attended/participated in the following Seminar/Workshop:-

<u>SL No.</u>	<u>Period</u>	<u>Subject/Topic</u>	<u>Venue</u>
01.	18 th September, 2015	One day conference of National Human Rights Commission and State Human Rights Commissions with a view to facilitate a meeting of the Chairpersons, Members and Officers of NHRC and SHRCs on the theme "Areas of Co-operation and Co-ordination between NHRC and SHRCs".	In <u>New Delhi.</u>

WEBSITE

The Commission has launched its own Website, wherein all relevant details/information is loaded from time to time. Web address is **sshrc.nic.in.**

Chairperson

**DESCRIPTION OF HON'BLE CHAIRPERSON AND OFFICERS
WORKED IN THE COMMISSION DURING THE PERIOD
FROM
01-04-2015 TO 31-03-2016.**

<u>SLNo.</u>	<u>Name of Officers</u>	<u>Designation</u>	<u>Residential Address</u>
1.	Hon'ble Mr. Justice Narendra Kumar Jain	Chairperson	Bungalow No. 4, VIP Colony, Gangtok.
2.	Mrs. Lakchung Sherpa, SSJS	Secretary	Bungalow No. 8, VIP Colony, Gangtok.
3.	Mr. R.S. Rawat	PPS to Hon'ble Chairperson-cum- Protocol Officer- cum-Court Master (Judicial)	"Sahil Niwas" Chota Singtam, East Sikkim.

Annexure-II

STATEMENT/DETAILS OF STAFF WORKED DURING THE PERIOD
FROM
01-04-2015 TO 31-03-2016.

<u>Sl No.</u>	<u>Name</u>	<u>Designation</u>	<u>Remarks</u>
1.	Mr. Lakpa Lepcha	Jr. Accountant	Working since 10-07-2015
2.	Ms. Ohmu Hangma Subba	LDC	Working on Muster Roll basis.
3.	Ms. Tika Maya Chhetri	LDC-cum-Typist	"
4.	Mr. Lako Tshering Lepcha	Driver	"
5.	Mr. Santa Bir Rai	Driver	"
6.	Mr. Chandra Bdr. Chettri	Driver	"
7.	Mr. Mahindra Subba	Peon	"
8.	Mrs. Kabita Rai	Peon	"
9.	Mr. Sanjay Subba	Peon	"

Sikkim State Human Rights Commission
Annual Statement of Accounts
Statement showing Non Plan Budget for the F.Y-2015-16

Head/Sub-Head Detailed Heads/ of Commission	Budget Provision	Expenditure	Surrender of Funds	Balance
2070-00.001-63-44-01 Salaries	96,01,000/-	26,00,558/-	70,00,000/-	442/-
2070-00.001-63-44-13 Office Expense	48,30,000/-	48,29,934/-	NIL	66/-
2070-00.001-63-44-11 Travel Expenses	4,00,000/-	2,09,065/-	1,90,000/-	935/-

NOTE

1. Proper accounts and other relevant records are maintained by the Commission.
2. Monthly expenditure report is being sent by the Commission to the Director (Budget), Finance, Revenue & Expenditure Department, Govt. of Sikkim, Gangtok by 7th day of each succeeding month positively.
3. Quarterly reconciliation of accounts is being made by the Commission with the Office of Accountant General, Deorali, Gangtok.

Prepared by,

Lakpa Lepcha
Junior Accountant
Sikkim State Human Rights Commission

R.S. Rawat
Protocol Officer cum D&D.O
Sikkim Human Rights Commission

Annexure-IV

Mrs. Lakchung Sherpa
Secretary (SSJS)

Sikkim State Human Rights Commission.
Block 'C', Vidhayak Aawas,
VIP Colony (Near Circuit House),
Gangtok-737101
Mobile- 09800869722
Telefax- 03592-209072

No. _____/SSHRC/2015

Date:17-10-2015

To
The Chief Secretary,
Govt. of Sikkim,
Gangtok.

Sir,

This is to inform you that the Hon'ble Chairperson Justice N.K. Jain, Sikkim State Human Rights Commission inspected the Sikkim State Central Prison, Rongyek on 02-09-2015 where Sr. Superintendent of Central Jail, Additional S.P., and Assistant S.P., were present at the time of inspection.

As directed, I am enclosing herewith a copy of Jail Inspection report which is self explanatory for your information and for further course of action.

Thanking you,

Yours Sincerely,

Sd/-
Mrs. Lakchung Sherpa
Secretary
17-10-2015

Encl: As above.

Copy to:-

1. The Home Secretary, Govt. of Sikkim alongwith a copy of inspection report for information and necessary action please.
2. The Sr. S.P., Sikkim State Central Prison, Rongyek alongwith a copy of inspection report for information and necessary action please.

PRISON/JAIL INSPECTION REPORT

The Sikkim State Central Prison Rongyek was inspected by me on 2nd September, 2015. The Sr. Superintendent of Police (Prison), the Additional S.P. (Prison) and Assistant Superintendent (Prison) were present at the time of inspection. During meeting with all of them, the following queries were made to them:-

1. Whether there is regular health screening of prisoner on admission to jail as per the guidelines alongwith proforma circulated by National Human Rights Commission vide its D.O. No. 4/7/2010-PRP&P dated 17th May, 2010?
2. Whether any mentally ill prisoner is admitted in jails? If yes, then whether he has been sent to mental asylum or not?
3. Whether there is regular medical examination of all the prisoners (Undertrial as well as convicted), periodically?
4. Whether the competent authority is considering the cases of prisoners undergoing sentence of life for their pre-mature release as per rules framed in this behalf?
5. Whether there is a regular supply of reading materials to the prisoners in the jail?
6. Whether any death of any prisoner has taken place in jail. If yes, then what was the reason for it and the procedure adopted for post mortem, soon after the death of prisoner in jail?

The Sr. S.P. (Prison) in reply to query No. 1, submitted that no Medical Officer is posted in jail, therefore, it is not possible for health screening of prisoner at the time of admission to jail. However, he submitted that before admission of the prisoner to jail, the police used to get the prisoner medically examined in the hospital and submits his medical report at the time of admission in jail. The proforma for health screening of prisoner is not in consonance with proforma prescribed by NHRC but most of the relevant informations are included in the proforma of Sikkim Jail shown during meeting.

In reply to query No. 2, the Sr. S.P. (Prison) submitted that there is no mentally ill prisoner admitted in the jail.

So far as query No. 3 is concerned, it was replied that there is a regular medical check up of all the prisoners fortnightly in the Jail and their medical reports are kept on record. It was submitted that the Medical Officer comes in jail fortnightly to check all the prisoners (undertrial as well as convicts).

In reply to query No. 4, it was submitted that there was regular meeting for considering the cases of life convicts for their pre-mature release but in view of latest order of Hon'ble Supreme Court, the concerned Committee/Board is not considering the cases of life convicts for their pre-mature release. A Xerox copy of the order of the Hon'ble Supreme Court dated 23rd July, 2015 passed in Writ Petition (Crl) No. 48 of 2014 Union of India vs. V. Shriharan @ Murugan and Ors., was shown/made available during discussion.

In reply to query No. 5, it was stated that reading material including local newspapers, magazines etc. are made available to all the prisoners regularly. The prisoners do read the reading material regularly.

In reply to query No. 6, it was submitted that no death of any prisoner has taken place in jail.

During discussions, the Jail authorities were advised to comply with the direction of NHRC dated 17th May, 2010 referred above and to prepare the medical examination report of prisoner at the time of entry to the jail in the proforma prescribed by NHRC, a copy of which has also been sent to Sr. S.P. (Prison). The authorities gave assurance for the same.

So far as pre-mature release of prisoners undergoing sentence of life is concerned, the authorities were advised to request the concerned Committee/Board to consider the cases of those prisoners, whose cases are not covered by the order of Hon'ble Supreme Court dated 23rd July, 2015.

Apart from above, the query was also made in respect of order of Central Information Commission which was quoted by Commonwealth Human Rights Initiative, New Delhi (NGO) in its letter dated 5th/15th June, 2015 whereby Central Information Commission directed Tihar Prisons to place on internet and notice board under voluntary disclosure provisions, the diet chart, standards of food for inmates suffering simple and rigorous imprisonment and children, besides medical services,

redressal grievances available at respective prisons. The jail authorities shown their inability in this regard stating that there is no broadband/wifi provided by BSNL in jail premises and for want of better internet connectivity, the required information have not been uploaded. However, they assured to do the needful at the earliest.

After conclusion of discussions, the various barracks and also the kitchen, where the food for prisoners is prepared/cooked, were inspected and also met the prisoners.

The jail authorities, at the last, pointed out two difficulties, first, in respect of drinking water and second in respect of CCTV Cameras in jail. It was complained by them that there is no sufficient and proper arrangement for drinking water for prisoners as well as other staff of the jail premises. A letter asking for sufficient budget was written to the concerned department of State of Sikkim but the same has not been sanctioned and released so far. So far as CCTV Cameras in jail are concerned, it was stated that the same were installed in 2007 but for want of sufficient budget there was no annual maintenance contract, therefore, the same are not working after 2011.

So far as drinking water problem is concerned, a letter is required to be written to the Chief Secretary to the Government of Sikkim to solve this problem at the earliest by providing sufficient budget in this regard and to inform this Commission after doing the needful.

In respect of installation of CCTV Cameras in jail is concerned, the Hon'ble Supreme Court in the Case of

Dilip K. Basu vs. State of West Bengal and Ors., CrI. M.P. No. 16086 of 1997 in CrI. M.P. No. 4201 of 1997 vide its judgment dated 24th July, 2015 has directed all the State Government to take steps to install CCTV Cameras in all the prisons in their respective States within a period of 1 year but not later than 2 years. A copy of the judgment of Hon'ble Apex Court has already been sent to the State Government by Hon'ble Supreme Court for compliance. However, a letter in this regard is also required to be written to the State Government.

Sd/-
Justice N.K. Jain
Chairperson
Sikkim Human Rights Commission
03-09-2015



**GOVERNMENT OF SIKKIM
STATE CENTRAL PRISON
RONGYEK**

Memo No. 483/GOS/P/2015

Dated: 02.11.2015

To,

The Secretary,
Sikkim State Human Rights Commission
Block 'C' Vidhayak Aawas, VIP Colony,
Near Circuit House,
Gangtok

**Subject: Action Taken Report on the Jail Inspection Report of
the Hon'ble Chairperson, Sikkim State Human Rights
Commission, Gangtok**

Madam,

Kindly refer to your letter No. 362-364/SSHRC/2-15 Dated:
17.10.2015 on the subject cited above.

The Action Taken Report on the Jail Inspection Report of the
Hon'ble Chairperson, Justice N.K. Jain, Sikkim State Human Rights
Commission, Gangtok is enclosed herewith, please

Yours faithfully,

Sr. Superintendent of Police/ Prison

Copy to:

1. Secretary, Home Department, Government of Sikkim for info. Pl

**ACTION TAKEN REPORT ON THE INSPECTION REPORT OF
HON'BLE CHAIRPERSON,
SIKKIM STATE HUMAN RIGHTS COMMISSION,
AT GANGTOK**

1. With the establishment and functioning of dispensary and posting of Medical Officer and support staff in the Central Prison by the Department of Health Care, HS & Health Care, in compliance to the Order dated: 14.9.2015 by the Hon'ble High Court of Sikkim in W.P. (PIL) No. 01 of 2015 in the matter of Re-High Court of Sikkim (Suo Motu) vrs State of Sikkim & ors, we have started screening of prisoner at the time of admission of the prisoner to jail in the prescribed proforma issued by the National Human Rights Commission, New Delhi.
2. No any mentally ill prisoners are admitted in jails of the State.
3. All prisoners are subjected to regular medical examination.
4. With the latest decision of the Hon'ble Supreme Court passed in W.P. (CrI) No. 48 of 2014 in the matter of Union of India Vs V Shriharan @ Murugan & ors, the State Prison Administration will be initiating the process of the premature release of eligible prisoners undergoing life sentence in terms of the Notification on the subject and sec 433 A of Cr. P.C. 1973
5. All informations as sought for by Commonwealth Human Rights Initiative, New Delhi (NGO) duly quoting the order

of the Central Information Commission are incorporated in Sikkim Prison Manual 2010 and Sikkim Prison Act 2007 which had been inadvertently remained out of the Prison website, now have been uploaded in Sikkim Prison web site with necessary assistance of NIC, Gangtok, viz. [www. sikkimprisons.gov.in](http://www.sikkimprisons.gov.in). The CHRI have been intimated accordingly.

6. Two prisoners died while in custody in Central Prison in the year 2013. Magisterial Inquiry u/s 176 Cr. P.C with videography of autopsy done and final report submitted to the Custodial Death Cell, NHRC, New Delhi for disposal. All procedures made mandatory by the NHRC followed.
7. The status of safe drinking water for prisoners and prison staff and the CCTV cameras as apprised earlier remains the same. The requisite funds for improvement of existing water supply pipeline, construction of sedimentation tank and reservoir; and repairs of existing CCTV facility/ annual maintenance in Central Prison still remains to be approved by the State Govt. The Home Department has also been apprised of the orders of the Hon'ble Supreme Court of India in the matter of Dilip K. Basu vs State of West Bengal and ors, CrL M.P No. 16086 of 1997 in CrL M.P. No. 4201 of 1997 vide its judgement dated 24th July 2015 directing all State Govt. to take steps to install CCTV Cameras in all the prisons of the State within a period of one year but not later than two years.
8. The prisoners are provided with regular supply of newspapers.



**CHIEF MINISTER'S OFFICE
GOVERNMENT OF SIKKIM
GANGTOK**

No.203/CMO/2016

Dated: 20th Feb.2016

**Minutes of the meeting chaired by HCM on 19th Feb,
2016 at Samman Bhawan.**

The meeting started with HCM reiterating the fact that all officials should have problem-solving attitude instead of only voicing the problems of the departments.

The decisions taken were:-

Law & Parliamentary Affairs Department

1. Revision of registration fees for associations, committees, clubs etc. Such registration should be permitted strictly in public interest after proper verification.
2. Compulsory retirement for employees on unauthorized leave.
3. Law Department should be the sole authority for appointment of Legal Retainers.
4. There should be only one legal Retainer per Department. Law Department to put up cases of department with more than one Legal Retainer.

5. Law Department should put up proposal for creation of posts of required manpower for Human Rights Commission.

Sports & Youth Affairs

1. Assistant Directors promoted from Physical Education Teachers to be posted in BACs as Rural Sports Officer for spreading awareness on sports, motivating people to take up sports activities and organizing sports activities at the village level. They should be involved in talent hunt in the rural areas.
2. Establishment of Archery Academy and Football Academy.

Department of Science & Technology

1. Department to put up proposal for spreading awareness among the people about the benefits of science and make use of scientific knowledge for the welfare of the citizens. Science the department is related to science, it is their duty to create scientific temperament in our people.
2. Work towards spreading awareness regarding earthquake- resistant methods through various mediums.
3. Survey to be conducted on the species/flora and fauna available in view of the State's rich bio-diversity. Such information should be documented and can be made as readily available reference.
4. Explore the possibilities for patent rights of plants, traditional tools etc (example Takumara rice) and submit

to the Government. The State Government is ready to provide all kinds of assistance and support in this regard.

5. Department to give suggestions for possible commercial production of ginseng.
6. Revive Glacier & Climate Change Commission and take up related works.
7. Look into the new scientific technique of grafting, which makes it possible to produce two vegetables from one plant.
8. Technical knowhow on tissue culture and apiculture to be provided by the department.
9. Research should be done on uses of nettle besides being used as vegetables and making ropes.
10. Proposal to be submitted for using GPS technology in the State.
11. Proposal to be submitted with suggestions for methods in making the State carbon-neutral
12. Construction of Fossil Park, which will be a unique project, to be expedited.
13. In case of shortage of manpower, it is to be filled up through direct recruitment or deployment.
14. Department to provide support for production of bio-pesticides and bio-fertilizers.

Mines, Minerals & Geology Department

1. Excess or shortage of manpower to be sorted out.
2. Geo-technical survey of the entire State should be carried out and make it available as a ready reference.
3. Give suggestions and support on organic farming.

Printing & Stationery Department

1. The State Government will give all possible support and assistance for revamping Government Press. Proposal to be submitted regarding all kinds of requirements.
2. The Department to be self-sufficient. The Press should be able to take up printing works from all the State Government departments.

(Karma Youtso)
Joint Secretary to HCM

Copy to:-

1. Pr. Secy., Law & Parliamentary Affairs Deptt:- for immediate action under intimation to CMO.
2. Commissioner-cum-Secy., Mines, Minerals & Geology Department:- for immediate action under intimation to CMO.
3. Pr., Secy., Science & Tech. Deptt:- for immediate action under intimation to CMO.
4. Secretary, Sports & Youth Affairs Deptt:- for immediate action under intimation to CMO.
5. Secretary, Printing & Stationery Deptt:- for immediate action under intimation to CMO.
6. PS to CS - for information of CS.

Annexure-VII

Mrs. Lakchung Sherpa
Secretary (SSJS)

Sikkim State Human Rights Commission.
Block 'C', Vidhayak Aawas,
VIP Colony (Near Circuit House),
Gangtok-737101
Mobile- 09800869722
Telefax- 03592-209072

No. _____/SSHRC/2016

Date:03-03-2016

To
The Chief Secretary,
Govt. of Sikkim,
Gangtok.

Sub:- **Creation of posts as per the decision taken by the Govt. during the meeting held on 19-02-2016 chaired by Hon'ble Chief Minister.**

Sir,

I am directed to inform you that a meeting was held on 19-02-2016 at Samman Bhavan with the officials of Law and Parliamentary Affairs Department, chaired by Hon'ble Chief Minister of Sikkim in your presence. In the said meeting, the Government has considered the proposal made by Sikkim State Human Rights Commission for creation of required men power for the Commission. A copy of minutes of the meeting chaired by Hon'ble Chief Minister on 19th February, 2016 at Samman Bhawan is enclosed herewith for your kind reference please.

In the said meeting, the State Government has agreed to transfer/post Under Secretary and Accounts Clerk after the creation of the posts. It is pertinent to mention here that the Government has already posted one Junior Accountant to the Commission on the request of Commission.

In this regard, it is requested that the following posts are required, which may be created by the State Government for smooth functioning of the Office of the Human Rights Commission.

<u>Sl. No.</u>	<u>Name of Post</u>	<u>No. of Posts</u>	<u>Scale of Pay</u>
1.	Under Secretary	1	Existing scale of State Government in the grade
2.	Court Master	1	-do-
3.	Pr. Private Secretary to Hon'ble Chairperson	1	-do-
4.	Junior Accountant	1	-do-
5.	Accounts Clerk	1	-do-
6.	Steno-cum-PA to Hon'ble Chairperson	1	-do-
7.	Steno-cum-PA to the Secretary	1	-do-
8.	Head Assistant	1	-do-
9.	LDC-cum-Typist	4	-do-
10.	Drivers	4	-do-
11.	Process Server	1	-do-
12.	Peons	4	-do-
13.	Residential Orderly-cum- Cook	4	-do-
14.	Safai Karmarchari	1	-do-

You are, therefore, requested to kindly take necessary action in this regard at the earliest.

Thanking you,

Yours sincerely,

Sd-
Mrs. Lakchung Sherpa
Secretary
03-03-2016

Encl: As above.

**STATEMENT OF COMPLAINT CASES PENDING, RECEIVED AND DISPOSAL BY SIKKIM HUMAN RIGHTS COMMISSION
DURING THE PERIOD 01-04-2015 TO 31-03-2016**

Sl No.	Complaint Case No.	Date of Institution	Name & address of the Complainant	Name & address of the Opposite Party	Nature/Subject objective	Date of disposal /Pending
1.	1 of 2014	06-11-2014	Kamala Maley w/o Late Binod Sewa, Upper Samdong Busty, East Sikkim	Executive Engineer, Sikkim Investigation Division, CWC, Tadong, East Sikkim	Gratuity Claim	Pending
2.	2 of 2014	06-11-2014	Bikash Sewa, Tadong, East Sikkim	Executive Engineer, Sikkim Investigation Division, CWC, Tadong, East Sikkim	Gratuity Claim	Pending
3.	4 of 2014	17-12-2014	Binod Darjee, c/o Tul Bahadur Darjee, Vill-Lower Tareythang, P.S. Pakyong, East Sikkim	Executive Engineer, Sikkim Investigation Division, CWC, Tadong, East Sikkim	Non-regularisation of service	Pending
4.	5 of 2014	31-11-2014	Smt. Maya Devi Darjee, W/o late Pirthi Ram Sewa (Darjee), Tareythang, P.O. Bering, Pakyong, East Sikkim	Executive Engineer, Sikkim Investigation Division, CWC, Tadong, East Sikkim	Gratuity Claim	Pending
5.	7 of 2015	31-03-2015	Meena Dahal, D.P.H. Area, Gangtok	Dr. N.K. Kajariwal, Siliguri	Harassment by Doctor	28-05-2015
6.	8 of 2015	19-05-2015	Suo-Motu	1. The Pr. Home Secretary, 2. The D.G.P, Sikkim Police. 3. The District Collector, Namchi. 4. The Sr. S.P, Namchi.	Death occurred in course of Police Action	Pending
7.	9 of 2015	23-07-2015	Mr. Shyam Kumar, Khaniyara, Distt., Kangra, Himachal Pradesh	1. Pema Tshering Lepcha, 2. Pema Dhaden Lepcha, Mellichang, West Sikkim	Confinement of Wife	04-08-2015
8.	10 of 2015	16-10-2015	Mr. Jaya Narayan Sharma, Thekabong, East Sikkim	Urban Development & Housing Department, Govt. of Sikkim	Non-payment of salary for six months from April 2013 to Septt. 2013	Pending

9.	11 Of 2016	16-02-2016	Mr Topzang Bhutia, Hee Goan, West Sikkim.	S.P. West & others.	Assaulted by Dentam Police.	Pending
10.	12 of 2016	07-04-2016	Mr. Ashok Kumar Chowdary	Sandhya Devi & others	The college girls thrown into prostitution by Chamber of Commerce.	Pending
11.	13 of 2016	03-05-2016	Mr. Punya Prasad Sharma Tareything, PS Pakyong	Executive Engineer, Sikkim Investigation Division, Tadong	Non-regularization of service of OBC category candidate under CWC, Sikkim Investigation Division	Pending