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RONGYEK CENTRAL JAIL, SIKKIM

1. **Date of Visit:** I visited Rongyek Central Jail, on September 24th, 2014, around 11 AM. I was accompanied by Shri. Sonam Bhutia, Sikkim Police Service, Addl. SP, Prisons and Shri. Vinod Tamang, Assistant Superintendent of Jails. This jail was last visited by Justice N.K. Singh, Chief Justice, High Court of Sikkim on 26/03/2014. Before him, this jail was visited by Smt. Manita Pradhan, Chairperson, Sikkim Protection of Child Rights, Sikkim on 04/10/2013 and earlier by Justice Sonam P. Wangdi, Executive Chairman, Sikkim State Legal Services Authority on 14/05/2012.

2. **Introduction:** This jail was established as a Central Jail and is meant only for convicts but UTPs are also present here. A perennial spring water source is available within the campus of this jail in the third mile area. The area has been cordoned off and a storage water tank built.

The jail is situated almost 8 kms away from the town, in a steep, hilly area. The road leading to the jail needs repair.

'Rongyek' means 'burial grounds' in the local language. It was earlier used as such by the local people. **This is, perhaps, the only jail in the country to be declared as a tourist spot.** Every Sunday, domestic tourists pay Rs. 10/- (Rupees Ten) only to view selected areas of the jail. This only shows the high degree of the process of rehabilitation of the convicts practiced here. Foreign tourists are debarred from such visits.

3. **Prison Population:** The official capacity of this jail is 193 inmates (M=165; F=28). Today, there are 184 inmates (M=179; F=5). The breakup is:

	Male	Female	Total
Convicts	91	2	93
UTPs	88	3	91
Total	179	5	184

There are no UTPs who are here for more than 3 months.

4. **Staff:** There are 67 staff members in the Rongyek Central Jail. This includes the Consolidated Staff (CS) of cooks, drivers, followers, Home Guards and the Ministerial Staff (MS). A total of 22 posts are lying vacant here. The sanctioned strength and actual strength is given below:

RONGYEK CENTRAL JAIL, SIKKIM

Staff	Sanctioned Strength	Actual Strength	Vac.
SP/Sr. SP/DIGP	0	0	
Addl. SP	0	1	
Asst. Supdt. Jail	1	1	
Jailor	1	0	1
Sub Jailor	5	1	4
Asst. Sub Jailor	5	2	3
Head Warder	9	18	0
Warder (M)	45	31	14
Warder Driver	3	4	
CS	1	5	
Home Guards	0	1	
MS	0	3	
TOTAL	70	67	22

5. **Land and Building:** The area is 28 acres but only 13 acres are enclosed by a 20 feet high wall owing to financial constraints.

There is a total of 11 Wards in the jail complex. This includes the male, female, isolation and UTP wards. Also, there are 8 units each for the jail staff and for the Warders.

There are 5 Watch Towers inside the jail complex. These are manned by the jail staff. The main gate is guarded by battalion constables belonging to the State Police Force.

The distribution of the Wards is as follows:

	Capacity	Actual	Remarks
Ward 1	21	17	UTPs
Ward 2	21	17	UTPs
Ward 3	21	17	UTPs
Ward 4	16	8	UTPs
Ward 5	10	6	Isolation

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Ward 6	10	26	Convicts
Ward 7	5	7	Isolation
Ward 8	10	25	Convicts
Ward 9	21	30	Convicts
Ward 10	30	26	UTPs-Drug
Ward 11	28	5	Female Ward
Total	193	184	

A walk around the campus of this jail is truly revealing. There is a full-fledged carpentry section, complete with a carving unit, where ethnic Sikkimese furniture is made. Also, there is a tailoring section where uniform for the convicts are stitched. Two large green houses contain rare orchids as well as edible mushrooms. There is also a small tea garden towards the top of the campus.

A bamboo section is set aside for 'muras' and other bamboo products like baskets and 'namlo' (winnowing plates). An envelope section lies disused now as the cost of production was higher than the sale price. A bakery section is also housed here which supplies scrumptious loaves, buns and croissants. This was developed under the Modernisation Scheme of the Government of India.

The erstwhile Governor of Sikkim, Shri. Sudharshan Agarwal, ensured solar energy hot water to each and every ward for bathing purposes of the inmates. Finally, a temple, a mosque and a church are all available inside the jail premises.

6. **Sanitation:** The sanitary condition inside the jail premises is good. For the first time during my visits to the different jails in the North-East, I came across **tiled bathrooms** in each and every ward. Owing to a dedicated water supply from a spring, there is no dearth of water here.
7. **Food and Kitchen:** There is one main kitchen for all the inmates. Food for the female inmates is also cooked here and taken to the Female Ward. It is heartening to note that this Central Jail has adequate gas supply for cooking purposes. All the gas cylinders are kept in a separate room and the gas is piped into the kitchen for cooking the food. There are 4 (four) cooks here. Meat is served only twice a month but, like in Namchi Jail, the portions are large. The scale is as per the guidelines laid down in the 'Sikkim Prison Manual, 2010, effective from April 1, 2011 and 'The Sikkim Prisons Act, 2007.

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8. **Clothing and Bedding:** Clothing is supplied as per scale laid down in the 'Sikkim Prison Manual, 2010, effective from April 1, 2011 and 'The Sikkim Prisons Act, 2007.
 9. **Education:** Two convicts had passed from within the jail earlier but as of now, there was no arrangement for education here.
 10. **Prison Industries:** As detailed earlier, this prison has almost every conceivable avenue open for the talent of the inmates. Almost all prison industries like baking, carpentry, tailoring, hair-cutting, organic farming, orchid raising, mushroom growing, tea plantation, are present here. Many of the inmates are gainfully employed in these vocations.
 11. **Interviews:** This facility is granted every day to the inmates from 11 am to 2:30 pm and an Interview Room is also available. Food is allowed to be brought for the inmates by their relatives. An application is made to the Superintendent of the jail who allows interviews lasting for almost 30 minutes.
 12. **Correctional programme:** NGOs like Brahma Kumaris visit the jail often. However, there is no Counsellor here.
 13. **Recreational Activities:** All the wards have TV sets. Indoor games like chess, ludo and carom are available for both male and female inmates. Football and volleyball fields are also available at the top of the jail compound near the water spring. Besides these, those inmates who show musical talent are given a guitar or some other musical instrument.
 14. **Health and Hospital:** There is no hospital inside the jail complex. Inmates are referred to the Sir Thodup Namgyal Memorial Hospital (STNM), Gangtok. A 20-bedded hospital proposal is in limbo.
 15. **Remission:** This is practiced as per the 'Sikkim Prison Manual, 2010, effective from April 1, 2011 and 'The Sikkim Prisons Act, 2007. A Screening Committee selects cases and sends the list to the Government for consideration. Cases of lifers are not dealt with by this Committee.
 16. **Leave and Parole:** This is practiced as per the 'Sikkim Prison Manual, 2010, effective from April 1, 2011 and 'The Sikkim Prisons Act, 2007.
 17. **Pre-mature Release:** The problem of release from jail after completion of 20 years imprisonment, including remission period, appears to have cropped up after September, 2013. This has affected the 40 (forty) lifers who are currently lodged in this jail. Of the 40, 6 (six) have completed more than 14 years, while 16 have completed over 10 years behind bars (**Annexure A**).

The Supreme Court order reads as follows (~~Annexure C~~):

"There is a misconception that a prisoner serving life sentence has an indefeasible right to release on completion of either fourteen years or twenty years imprisonment. The prisoner has no such right. A convict undergoing life imprisonment is expected to remain in custody till the end of his life, subject to any remission granted by the appropriate Government under section 432 of the Cr.P.C. The grant of remission is statutory. However to prevent its arbitrary exercise, the legislature has built in some procedural and substantive checks in the statute. These need to be faithfully enforced.

Remission can be granted under section 432 of the Cr.P.C in the case of a definite term sentence. The power under this Section is available only for granting "additional" remission, i.e. for a period over and above the remission granted or awarded to a convict under the Jail Manual or other statutory rules. If the term of sentence is indefinite (as in life imprisonment), the power under Section 432 of the Cr.P.C. certainly be exercised but not on the basis that life imprisonment is an arbitrary or notional figure of twenty years of imprisonment.

Before actually exercising the power of remission under Section 432 of the Cr.P.C. the appropriate Government must obtain the opinion (with reasons) of the presiding Judge of the convicting or confirming Court. Remission can, therefore, be given only on a case-by-case basis and not in a wholesale manner."

This procedure of obtaining the comments of the convicting or confirming court for each case before submission to the Government has produced delays.

18. Status of Investigation and Trial pending against UTPs:

There are no UTPs who are languishing in jail for reasons of non-completion of investigation of cases at the police station level.

19. Appeal: In the Supreme Court, 3 appeals are pending. In the High Court, there are 21 appeals pending (**Annexure 'D'**).

20. Legal aids for inmates: The District Legal Aid Service (DLAS) regularly depute lawyers to this jail.

21. Board of Visitors: The Board of Visitors lapsed in March 2010. It has not been re-constituted, I believe. Notification No. 19/HOME/2007 dt. 13/03/2007 is at **Annexure 'E'**.

22. Departmental Inspections: The Home Secretary is ex-officio head of the Prisons Department. There is no separate Head of the Prison Department. In the absence of a separate head of department, all prison matters are referred to the Home Secretary. In this jail, there is no Superintendent; only an SP-level officer. Perhaps, a DIG-level

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officer could be posted to look after the day-to-day administration of the Prison Department.

23. **Interaction with inmates:** The inmates had no grievances.

24. **Summary and Recommendations:**

1. The 22 vacancies in this district jail may be addressed early.
2. A Counsellor may be attached here. Inmates need a sympathetic ear, one who will listen to them and lead them to a newer life.
3. The 20-bedded hospital proposal may be looked into.
4. The status of the 6 (six) lifers who have completed more than 14 years and the 16 (sixteen) who have completed over 10 years behind bars, may be re-examined.
5. The 3 appeals pending in the Supreme Court and the 21 appeals pending in the High Court may be need a re-look.
6. A new Board of Visitors may be constituted here.


50/10/2014
(Shri. A. Pradhan) IPS (Retd.)
Special Rapporteur, NE Zone
National Human Rights Commission

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Annexure A
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Annexure 'A'

STATEMENT OF LIFERS IN STATE CENTRAL PRISON RONGYEK as on 24.9.2014

Sl. No	Name of Lifer	Section	Date of admission	Sentence awarded	SC/ST/OBC	Nationality	Period of detention	Remarks /Status
1.	Umesh Thakur	302 IPC	21.06.1997	Life sentence	S.C.	Indian Non-local	17 years 3 months	Dismissed by Supreme Court
2.	Buddhi Lall Subba	302 IPC	28.10.2097	Life sentence	S.T.	Indian Local	16 yrs, 10 months, 26 days	Dismissed by Supreme Court
3.	Shyam Kumar Rai	302 /34 IPC	03:12:1999	Life sentence	O.B.C.	Do	14 yrs, 9 months, 21 days	Sentence upheld by Supreme Court
4.	Lall Bdr Subba	302/34 IPC	01:11:1999	Life sentence	S.T.	Do	14 yrs, 10 months 23 days	Appeal dismissed by High Court of Sikkim
5.	Tolman Subba	302 /34 IPC	01:11:1999	Life Sentence	S.T.	Do	14 yrs,10 months 23 days	Appeal dismissed by High Court of Sikkim
6.	Sonam Zangpo Bhutia	302 IPC	14:06:2000	Life sentence	S.T.	Do	14 yrs,3 months, 8 days	Appeal rejected by High Court of Sikkim
7.	Drona Bir Rai	302 IPC	12.12.2000	Life sentence	MBC	Do	13 yrs, 9 months,12 days	Appeal dismissed by High Court of Sikkim
8	Rajen Limboo	302 IPC	23:12:2000	Life sentence	S.T.	Do	13 yrs ,9 months	Appeal dismissed by High Court of Sikkim
9	Pawan Kumar Rai	302 IPC	28:2:2001	Life sentence	O.B.C	Do	13 yrs,6 months, 26 days	Dismissed by the Supreme Court.
10.	Arjun Rai	302 IPC	10:07:2001	Life sentence	O.B.C.	No	13 yrs,2months 14 days	Appeal dismissed by High Court of Sikkim
11	Nanda Kishore Khanal	302/34 IPC	05:01:2002	Life sentence	O.B.C.	No	12 yrs, 8 months, 19 days	No appeal
12	Bhim Lall Khanal	302/34 IPC	05:01:2002	Life sentence	O.B.C.	do	12 yrs, 8 months, 19 days	No appeal
13	Ner Tshering Lepcha	302/34 IPC	11:12:2002	Life sentence	S.T.	do	11 yrs, 9 months 13 days	Appeal dismissed by High Court of Sikkim

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14	Nimzong Lepcha	302/34 IPC	11:12:2002	Life sentence	S.T.	do	11 yrs, 9 months 13 days	Appeal dismissed by High Court of Sikkim
15	Prashant Sarkar	302 IPC	15:02:2003	Life sentence	-	Indian Non-Local	11 yrs, 7 months 9 days	Appeal dismissed by High Court of Sikkim
16	Yogesh Karki	302 IPC	08:10:2003	Life sentence	O.B.C	Indian Local	10 yrs, 11 months 16 days	Appeal rejected by High Court of Sikkim
17	Arun Subba	302 IPC	17:10:2003	Life sentence	S.T.	do	10 yrs, 11 months 7 days	Appeal dismissed by High Court of Sikkim
18	Bikash Chettri	302 IPC	11:11:2003	Life sentence	O.B.C.	do	10 yrs, 11 month 9 days	Appeal dismissed by High Court of Sikkim
19	Raju Chettri	302 IPC	15:11:2003	Life sentence	O.B.C.	Indian Non-local	10 yrs, 11 month 5 days	Appeal dismissed by the Supreme Court.
20	Puran Rai	302 IPC	15:11:2003	Life sentence	O.B.C.	do	10 yrs, 11 month 5 days	Appeal dismissed by the Supreme Court.
21	Krishna Prasad Shah	302 IPC	17.01.2004	Life sentence		do	10 yrs, 8 months 7 days	No appeal made in view of nature of crime.
22	Deepak Pradhan	302/201 IPC	09:07:2004	Life sentence	O.B.C	Indian Local	10 yrs, 2 months, 15 days	In Supreme Court.
23	Mamta Mahanto (F)	302/201 IPC	31:12:2004	Life sentence	-	do	9 yrs, 8 months, 24 days	Appeal in Supreme Court.
24	Ghanashyam Chettri	302 IPC	01:07:2005	Life Sentence	O.B.C	Indian Local	9 yrs, 2 months, 23 days	Appeal dismissed by High Court of Sikkim
25	Luxuman Mahaly	302 IPC	23:09:2005	Life sentence	-	do	9 yrs, 1 day	Appeal dismissed by High Court of Sikkim
26	Shekhar Roy	302 IPC	02.09.2006	Life Sentence	-	Indian Non local	8 yrs, 22 days	Appeal to be filed in High Court of Sikkim
27	Lok Bdr Dahal, 45 yrs	302 IPC	06:03:2007	Life sentence	O.B.C	Indian local	7 years, 6 months, 18 days	Dismissed by High Court
28	Jeewan Sharma, 55 yrs	302 IPC	13:05:2008	Life sentence	O.B.C	do	6 yrs, 4 month, 11 days	Appeal in High Court
29	Pem Tsh Lepcha	302 IPC	30.06.2008	Life sentence	S.T	do	6 yrs, 2 months, 24 days	Dismissed by Supreme Court
30	Som Bdr Subba, 29 yrs	302 IPC	11:12:2008	Life sentence	S.T.	do	5 yrs, 9 months, 13 days	In supreme Court

31	Narad Pariyar, 31 yrs	302 IPC	11:12:2008	Life sentence	O.B.C	Indian Non local	5 yrs, 9 months, 13 days	Dismissed in High Court. Appeal being sent to Supreme Court.
32	Nar Bdr Kharga, 32 yrs	302 IPC	20:03:2009	Life sentence	O.B.C	Indian Local	5 yrs, 6 months, 4 days	In High Court
33	Pankaj Thakur, 28 yrs	302 IPC	17:04:2009	Life sentence		Indian Non local	5 yrs, 5 month 7 days	In High Court
34	Kharga Bdr Pradhan, 50 yrs	302 IPC	13:08:2009	Life sentence	O.B.C	Indian Local	5 yrs, 1 months 11 days	In High Court
35	Bhim Bishwakarma, 32 yrs	302 IPC	23:09:2009	Life sentence	S.C.	No	5 yrs, 1 day	In High Court
36	Budhis Rai, 27 yrs	302 IPC	01:10:2010	Life sentence	M.B.C	No	3 yrs, 11 months, 23 days	In High Court
37	Chabi Kharka, 30 yrs	302 IPC	07:06:2011	Life sentence	O.B.C	No	3 yrs, 3 months 17 days	In High Court
38	Ram Kr Basnet, 36 yrs	302 IPC	16:06:2011	Life sentence	O.B.C	No	3 yrs, 3 months 8 days	Request for appeal in High Court sent
39	Suraj Rai, 34 yrs 30.7.96 to 19.4.97 20.4.97 to 9.2.98 11.8.00 to 12.10.2000 2.11.13 to till date	302 IPC	02:11:2013	Life sentence	M.B.C	No	2 year, 7 months 2 days.	Rearrested after escape from custody
40	Chuden Tamang, 30 yrs	302 IPC	21.11.2012	Life Sentence	S.T.	No	1 year, 10 months, 3 days	Request sent for legal aid to file appeal in High Court

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Annexure - B

Annexure 'B'

STATEMENT OF CONVICTS OF STATE CENTRAL PRISON, RONGYEK

Sl. No	Name of Prisoner	Section	Date of admission	Status/sentence awarded	SC/ST/OBC	Disabled	Period of detention	Remarks
1	Sunil Chettri, 31 yrs	448/376/511 IPC	17:11:09	5 years 10 days	OBC	No		28:11:14
2	Purna Bdr Subba,	379/34 IPC	7:1:12	3 years	S.T.	No		06:12:14
3	Hira Lal Rai, 22 yrs	326/452 IPC	1:11:11	3 years & 45 days	MBC	No		16:12:14
4	Prakash Saha, 39 yrs	326 IPC	30:8:12	3 years and 1 months		No		11:01:15
5	Laktuk Tamang, 39 yr	323/341/376/511 IPC	17:5:13	17 months	S.T.	No		16:10:14
6	Ghanashyam Khati, 27 yrs	381 IPC	17:5:13	1 yr 7 months	S.C	No		08:12:14
7	Ramesh Kr Gupta	203/408 IPC	25:6:12	2 yrs 11 months		No		05:04:15
8	Durga Pd Chettri, 33 yrs	302 IPC	7:3:06	10 (ten) years	OBC	No		08:11:15
9	Ashok Roy, 34 yrs	376/511/450 IPC	24:6:10	5 yrs 2 months		No		25:04:15
10	Nima Tamang, 28 yrs	363/345/323 IPC	3:4:12	3 yrs 2 months 15 days	S.T.	No		18:05:15
11	Nitish Rai, 30 yrs	380/75 IPC	29:6:12	3 yrs 6 months	MBC	No		28:08:15
12	Deo Raj Rasailuy, 26 yrs	376 IPC	22:11:12	5 years	S.C.	No		22:03:15
13	Kiran Chettri, 26 yrs	376/511 IPC	21:9:13	3 years 6 months	OBC	No		14:12:15
14	Yogendra Chettri	379 IPC r/w 14 F Act	23:10:13	2 years 4 months	OBC	No		23:02:15
15	Damber Kr Chettri, 36 yrs	304 II/201/34 IPC	09:05:11	5 years	OBC	No		09:05:16

16	Shanker Chettri, M/22 yrs	376/511/342 IPC	20:5:12	4 yrs 6 months	OBC	No		15:02:16
17	Yogesh Rai, M/34 yrs	376/511/323 IPC	7:9:12	3 yrs 8 months 15 days	KBC	No		21:04:16
18	Rahul Rai, M/22 yrs	457/380/75 IPC	20:11:11	3 yrs 10 months	MBC	No		24:04:16
19	Yang Subba, M/27 yrs	376/511/377 IPC	7:8:12	4 yrs 2 months	S.T.	No		02:10:16
20	Damber Bdr Gurung, M/51 yrs	376 IPC	8:10:11	5 yrs 5 days	MBC	No	High Court Appeal	13:10:16
21	Ram Kr Chettri, 28 yrs	376/511/506 IPC	17:11:12	3 yrs 7 months	OBC	No	High Court	17:05:16
22	Chandra Bdr Basnet, 32 yrs	304(II) IPC	25:1:10	7 yrs 2 months	OBC	No		26:11:16
23	Nakul Ghataney, 36 yrs	326 IPC	23:4:13	3 yrs 6 months	OBC	No		23:09:16
24	Bhagirath Chettri, 32 yrs	354/324 IPC	24:1:13	2 yrs	OBC	No	High Court Appeal	24:12:15
25	Passang Lepcha, 27 yrs	376/511/324 IPC	29:4:13	3 yrs 7 months 15 days	S.T.	No		15:11:16
26	Hasta Bdr Gurung, 41 yrs	376 IPC	27:2:12	4 yrs 2 months	MBC	No		27:04:16
27	Bimal Pradhan, 24 yrs	376/511 IPC	29:4:13	3 yrs 1 month	OBC	No		29:05:16
28	Phurba Tamang, 31 yrs	376(2)(g)/34/323 IPC	30:10:10	7 yrs 3 months	S.T.	No	High Court Appeal	15:12:17
29	Man Bdr Subba, 48 yrs	304 II IPC	16:12:07	10 yrs	S.T.	No		17:04:17
30	Suk Bdr Rai, 29 yrs	376/511 IPC	19:7:12	5 yrs	MBC	No		11:02:17
31	Kul Chandra Baral, 45 yrs	409 IPC	20:6:12	7 yrs 6 months	OBC	No		01:03:17
32	Mingma Rabden Sherpa, 33 yrs	9(d)/13/6/17(1) SADA	18:8:13	3 yrs 6 months	S.T.	No	High Court Appeal	18:02:17

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33	Umesh Bhattarai, 28 yrs	341/354/392/394/325 IPC r/w 14 F.Act	28:1:13	5 yrs 6 months	OBC	No	High Court Appeal	28:06:18
34	Bikash Baraily, 24	376(2)(g)/34/323 IPC	30:10:10	7 yrs 3 months 15 days	S.C.	No	High Court Appeal	15:01:18
35	Ten Tshering Lepcha, 24 yrs	376 IPC	13:1:11	7 yrs 1 month	S.T.	No	High Court Appeal	13:01:18
36	Surjaman Rai, 24 yrs	376/450 IPC	29:11:11	7 yrs 7 months	MBC	No		29:4:19
37	Nir Bdr Chettri, 28 yrs	366(A)/376(2)g IPC	2:4:12	7 yrs 4 months	OBC	No	High Court Appl.	09:05:19
38	Surya Baraily, 27 yrs	376 IPC	6:10:12	7 yrs 2 months	S.C.	No	High Court Appeal	06:12:19
39	Akbar Ali, 27 yrs	376 IPC	29:9:12	7 yrs 3 months		No	High Court Appeal	29:12:19
40	Karna Bir Rai, 31 yrs	376 IPC	5:10:12	7 yrs	MBC	No		05:10:19
41	Manna-Das Bahun, 70 yrs	376 IPC	5:9:13	7 yrs 1 month	OBC	No		05:10:20
42	Sanjay Tamang, 27 yrs	376 IPC	31:10:11	7 yrs 3 months	S.T.	No	High Court Appeal	31:01:19
43	Passang Tamang, 32 yrs	376 IPC	3:10:12	10 yrs 2 months	S.T.	No	High Court Appeal	03:12:22
44	Sonam Pintso Bhutia, 25 yrs	376/342 IPC	19:10:11	10 yrs 2 months 15 days	S.T.	No	High Court Appeal	04:01:22
45	Sona Sherpa F/37	302 IPC	12.6.12	5 yrs 2 months	ST	No		13.08.17
46	Kul Bdr Tamang M/69	Sec 8 of POCSO		3 yrs 3 months	ST	No		23.12.16
47	Devendra Karki 25/M	9/14 SADA	20.2.14	2 yrs 7 months	OBC	No		21.09.16
48	Arjun Subba 37/M	8 of POCSO / 354 B IPC	14.7.13	5 yrs 6 months	ST	NO		15.01.19
49	Ashish Chettri 25/M	7/18 POCSO, 2012	12.6.13	2 yrs 6 months	OBC	No		13.12.15

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50	Rakesh Gurung 38/M	8 of POCSCO	13.3.13	8 years	MBC	NO		11.03.21
51	Yogesh Chettri 29/M	9/14 SADA	11.9.13	3 yrs 8 months	OBC	NO		10.05.17
52	Tej Bdr Subedi 35/M	8 of POCSCO	29.6.13	3 yrs 4 months	OBC	NO		30.10.16
53	Kumar Sewa @ Rajeev 33/F	7/9/14 of SADA	11.6.14	1 year	SC	NO		11.06.15

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RONGYEK CENTRAL JAIL, SIKKIM

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SP/Sr. SP/DIGP	0	0	
Addl. SP	0	1	
Asst. Supdt. Jail	1	1	
Jailor	1	0	1
Sub Jailor	5	1	4
Asst. Sub Jailor	5	2	3
Head Warder	9	18	0
Warder (M)	45	31	14
Warder Driver	3	4	
CS	1	5	
Home Guards.	0	1	
MS	0	3	
TOTAL	70	67	22

5. **Land and Building:** The area is 28 acres but only 13 acres are enclosed by a 20 feet high wall owing to financial constraints.

There is a total of 11 Wards in the jail complex. This includes the male, female, isolation and UTP wards. Also, there are 8 units each for the jail staff and for the Warders.

There are 5 Watch Towers inside the jail complex. These are manned by the jail staff. The main gate is guarded by battalion constables belonging to the State Police Force.

The distribution of the Wards is as follows:

	Capacity	Actual	Remarks
Ward 1	21	17	UTPs
Ward 2	21	17	UTPs
Ward 3	21	17	UTPs
Ward 4	16	8	UTPs
Ward 5	10	6	Isolation

RONGYEK CENTRAL JAIL, SIKKIM

Ward 6	10	26	Convicts
Ward 7	5	7	Isolation
Ward 8	10	25	Convicts
Ward 9	21	30	Convicts
Ward 10	30	26	UTPs-Drug
Ward 11	28	5	Female Ward
Total	193	184	

A walk around the campus of this jail is truly revealing. There is a full-fledged carpentry section, complete with a carving unit, where ethnic Sikkimese furniture is made. Also, there is a tailoring section where uniform for the convicts are stitched. Two large green houses contain rare orchids as well as edible mushrooms. There is also a small tea garden towards the top of the campus.

A bamboo section is set aside for 'muras' and other bamboo products like baskets and 'namlo' (winnowing plates). An envelope section lies disused now as the cost of production was higher than the sale price. A bakery section is also housed here which supplies scrumptious loaves, buns and croissants. This was developed under the Modernisation Scheme of the Government of India.

The erstwhile Governor of Sikkim, Shri. Sudharshan Agarwal, ensured solar energy hot water to each and every ward for bathing purposes of the inmates. Finally, a temple, a mosque and a church are all available inside the jail premises.

- 6. **Sanitation:** The sanitary condition inside the jail premises is good. For the first time during my visits to the different jails in the North-East, I came across **tiled bathrooms** in each and every ward. Owing to a dedicated water supply from a spring, there is no dearth of water here.
- 7. **Food and Kitchen:** There is one main kitchen for all the inmates. Food for the female inmates is also cooked here and taken to the Female Ward. It is heartening to note that this Central Jail has adequate gas supply for cooking purposes. All the gas cylinders are kept in a separate room and the gas is piped into the kitchen for cooking the food. There are 4 (four) cooks here. Meat is served only twice a month but, like in Namchi Jail, the portions are large. The scale is as per the guidelines laid down in the 'Sikkim Prison Manual, 2010, effective from April 1, 2011 and 'The Sikkim Prisons Act, 2007.

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RONGYEK CENTRAL JAIL, SIKKIM

8. **Clothing and Bedding:** Clothing is supplied as per scale laid down in the 'Sikkim Prison Manual, 2010, effective from April 1, 2011 and 'The Sikkim Prisons Act, 2007.
9. **Education:** Two convicts had passed from within the jail earlier but as of now, there was no arrangement for education here.
10. **Prison Industries:** As detailed earlier, this prison has almost every conceivable avenue open for the talent of the inmates. Almost all prison industries like baking, carpentry, tailoring, hair-cutting, organic farming, orchid raising, mushroom growing, tea plantation, are present here. Many of the inmates are gainfully employed in these vocations.
11. **Interviews:** This facility is granted every day to the inmates from 11 am to 2:30 pm and an Interview Room is also available. Food is allowed to be brought for the inmates by their relatives. An application is made to the Superintendent of the jail who allows interviews lasting for almost 30 minutes.
12. **Correctional programme:** NGOs like Brahma Kumaris visit the jail often. However, there is no Counsellor here.
13. **Recreational Activities:** All the wards have TV sets. Indoor games like chess, ludo and carom are available for both male and female inmates. Football and volleyball fields are also available at the top of the jail compound near the water spring. Besides these, those inmates who show musical talent are given a guitar or some other musical instrument.
14. **Health and Hospital:** There is no hospital inside the jail complex. Inmates are referred to the Sir Thodup Namgyal Memorial Hospital (STNM), Gangtok. A 20-bedded hospital proposal is in limbo.
15. **Remission:** This is practiced as per the 'Sikkim Prison Manual, 2010, effective from April 1, 2011 and 'The Sikkim Prisons Act, 2007. A Screening Committee selects cases and sends the list to the Government for consideration. Cases of lifers are not dealt with by this Committee.
16. **Leave and Parole:** This is practiced as per the 'Sikkim Prison Manual, 2010, effective from April 1, 2011 and 'The Sikkim Prisons Act, 2007.
17. **Pre-mature Release:** The problem of release from jail after completion of 20 years imprisonment, including remission period, appears to have cropped up after September, 2013. This has affected the 40 (forty) lifers who are currently lodged in this jail. Of the 40, 6 (six) have completed more than 14 years, while 16 have completed over 10 years behind bars (**Annexure 'A'**).

The Supreme Court order reads as follows (~~Annexure 'C'~~):

RONGYEK CENTRAL JAIL, SIKKIM

"There is a misconception that a prisoner serving life sentence has an indefeasible right to release on completion of either fourteen years or twenty years imprisonment. The prisoner has no such right. A convict undergoing life imprisonment is expected to remain in custody till the end of his life, subject to any remission granted by the appropriate Government under section 432 of the Cr.P.C. The grant of remission is statutory. However to prevent its arbitrary exercise, the legislature has built in some procedural and substantive checks in the statute. These need to be faithfully enforced.

Remission can be granted under section 432 of the Cr.P.C in the case of a definite term sentence. The power under this Section is available only for granting "additional" remission, i.e. for a period over and above the remission granted or awarded to a convict under the Jail Manual or other statutory rules. If the term of sentence is indefinite (as in life imprisonment), the power under Section 432 of the Cr.P.C. certainly be exercised but not on the basis that life imprisonment is an arbitrary or notional figure of twenty years of imprisonment.

Before actually exercising the power of remission under Section 432 of the Cr.P.C. the appropriate Government must obtain the opinion (with reasons) of the presiding Judge of the convicting or confirming Court. Remission can, therefore, be given only on a case-by-case basis and not in a wholesale manner."

This procedure of obtaining the comments of the convicting or confirming court for each case before submission to the Government has produced delays.

18. Status of Investigation and Trial pending against UTPs:

There are no UTPs who are languishing in jail for reasons of non-completion of investigation of cases at the police station level.

19. Appeal: In the Supreme Court, 3 appeals are pending. In the High Court, there are 21 appeals pending (**Annexure 'B'**).

20. Legal aids for inmates: The District Legal Aid Service (DLAS) regularly depute lawyers to this jail.

21. Board of Visitors: The Board of Visitors lapsed in March 2010. It has not been re-constituted, I believe. Notification No. 19/HOME/2007 dt. 13/03/2007 is at **Annexure 'C'**.

22. Departmental Inspections: The Home Secretary is ex-officio head of the Prisons Department. There is no separate Head of the Prison Department. In the absence of a separate head of department, all prison matters are referred to the Home Secretary. In this jail, there is no Superintendent; only an SP-level officer. Perhaps, a DIG-level

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RONGYEK CENTRAL JAIL, SIKKIM

officer could be posted to look after the day-to-day administration of the Prison Department.

23. **Interaction with inmates:** The inmates had no grievances.

24. **Summary and Recommendations:**

1. The 22 vacancies in this district jail may be addressed early.
2. A Counsellor may be attached here. Inmates need a sympathetic ear, one who will listen to them and lead them to a newer life.
3. The 20-bedded hospital proposal may be looked into.
4. The status of the 6 (six) lifers who have completed more than 14 years and the 16 (sixteen) who have completed over 10 years behind bars, may be re-examined.
5. The 3 appeals pending in the Supreme Court and the 21 appeals pending in the High Court may be need a re-look.
6. A new Board of Visitors may be constituted here.



20/10/2014

(Shri. A. Pradhan) IPS (Retd.)

Special Rapporteur, NE Zone

National Human Rights Commission

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Annexure 'A'
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STATEMENT OF LIFERS IN STATE CENTRAL PRISON RONGYEK as on 24.9.2014

Sl. No	Name of Lifer	Section	Date of admission	Sentence awarded	SC/ST/OBC	Nationality	Period of detention	Remarks /Status
1.	Umesh Thakur	302 IPC	21.06.1997	Life sentence	S.C.	Indian Non local	17 years 3 months	Dismissed by Supreme Court
2.	Buddhi Lal Subba	302 IPC	28.10.2097	Life sentence	S.T.	Indian Local	16 yrs, 10 months, 26 days	Dismissed by Supreme Court
3.	Shyam Kumar Rai	302 /34 IPC	03:12:1999	Life sentence	O.B.C.	Do	14 yrs, 9 months, 21 days	Sentence upheld by Supreme Court
4.	Lall Bdr Subba	302/34 IPC	01:11:1999	Life sentence	S.T.	Do	14 yrs, 10 months 23 days	Appeal dismissed by High Court of Sikkim
5.	Tolman Subba	302 /34 IPC	01:11:1999	Life Sentence	S.T.	Do	14 yrs,10 months 23 days	Appeal dismissed by High Court of Sikkim
6.	Sonam Zangpo Bhutia	302 IPC	14:06:2000	Life sentence	S.T.	Do	14 yrs,3 months, 8 days	Appeal rejected by High Court of Sikkim
7.	Drona Bir Rai	302 IPC	12.12.2000	Life sentence	MBC	Do	13 yrs, 9 months,12 days	Appeal dismissed by High Court of Sikkim
8	Rajen Limboo	302 IPC	23:12:2000	Life sentence	S.T.	Do	13 yrs ,9 months	Appeal dismissed by High Court of Sikkim
9	Pawan Kumar Rai	302 IPC	28:2:2001	Life sentence	O.B.C	Do	13 yrs,6 months, 26 days	Dismissed by the Supreme Court.
10.	Arjun Rai	302 IPC	10:07:2001	Life sentence	O.B.C.	No	13 yrs,2months 14 days	Appeal dismissed by High Court of Sikkim
11	Nanda Kishore Khanal	302/34 IPC	05:01:2002	Life sentence	O.B.C.	No	12 yrs, 8 months, 19 days	No appeal
12	Bhim Lal Khanal	302/34 IPC	05:01:2002	Life sentence	O.B.C.	do	12 yrs, 8 months 19 days	No appeal
13	Ner Tshering Lepcha	302/34 IPC	11:12:2002	Life sentence	S.T.	do	11 yrs, 9 months 13 days	Appeal dismissed by High Court of Sikkim

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14	Nimzong Lepcha	302/34 IPC	11:12:2002	Life sentence	S.T.	do	11 yrs 9 months 13 days	Appeal dismissed by High Court of Sikkim
15	Prashant Sarkar	302 IPC	15:02:2003	Life sentence	-	Indian Non-Local	11 yrs,7 months 9 days	Appeal dismissed by High Court of Sikkim
16	Yogesh Karki	302 IPC	08:10:2003	Life sentence	O.B.C	Indian Local	10 yrs,11 months 16 days	Appeal rejected by High Court of Sikkim
17	Arun Subba	302 IPC	17:10:2003	Life sentence	S.T.	do	10 yrs,11 months 7 days	Appeal dismissed by High Court of Sikkim
18	Bikash Chettri	302 IPC	11:11:2003	Life sentence	O.B.C.	do	10 yrs,11 month 9 days	Appeal dismissed by High Court of Sikkim
19	Raju Chettri	302 IPC	15:11:2003	Life sentence	O.B.C.	Indian Non-local	10 yrs,11month 5 days	Appeal dismissed by the Supreme Court.
20	Puran Rai	302 IPC	15:11:2003	Life sentence	O.B.C.	do	10 yrs,11 month 5 days	Appeal dismissed by the Supreme Court.
21	Krishna Prasad Shah	302 IPC	17.01.2004	Life sentence		do	10 yrs, 8 months 7 days	No appeal made in view of nature of crime.
22	Deepak Pradhan	302/201 IPC	09:07:2004	Life sentence	O.B.C	Indian Local	10 yrs, 2 months, 15 days	<u>In Supreme Court.</u>
23	Mamta Mahanto (F)	302/201 IPC	31:12:2004	Life sentence	-	do	9 yrs,8 months, 24 days	<u>Appeal in Supreme Court.</u>
24	Ghanashyam Chettri	302 IPC	01:07:2005	Life Sentence	O.B.C	Indian Local	9 yrs, 2 months, 23 days	Appeal dismissed by High Court of Sikkim
25	Luxuman Mahaly	302 IPC	23:09:2005	Life sentence	-	do	9 yrs, 1 day	Appeal dismissed by High Court of Sikkim
26.	Shekhar Roy	302 IPC	02.09.2006	Life Sentence	-	Indian Non local	8 yrs, 22 days	Appeal to be filed in High Court of Sikkim
27	Lok Bdr Dahal, 45 yrs	302 IPC	06:03:2007	Life sentence	O.B.C	Indian local	7 years, 6 months, 18 days	Dismissed by High Court
28	Jeewan Sharma, 55 yrs	302 IPC	13:05:2008	Life sentence	O.B.C	do	6 yrs, 4 month, 11 days	<u>Appeal in High Court</u>
29	Pem Tsh Lepcha	302 IPC	30.06.2008	Life sentence	S.T	do	6 yrs,2 months, 24 days	Dismissed by Supreme Court
30	Som Bdr Subba, 29 yrs	302 IPC	11:12:2008	Life sentence	S.T.	do	5 yrs, 9 months, 13 days	<u>In supreme Court</u>

31	Narad Pariyar, 31 yrs	302 IPC	11:12:2008	Life sentence	O.B.C	Indian Non local	5 yrs, 9 months, 13 days	Dismissed in High Court. Appeal being sent to Supreme Court.
32	Nar Bdr Kharga, 32 yrs	302 IPC	20:03:2009	Life sentence	O.B.C.	Indian Local	5 yrs, 6 months, 4 days	In High Court
33	Pankaj Thakur, 28 yrs	302 IPC	17:04:2009	Life sentence		Indian Non local	5 yrs, 5 month 7 days	In High Court
34	Kharga Bdr Pradhan, 50 yrs	302 IPC	13:08:2009	Life sentence	O.B.C	Indian Local	5 yrs, 1 months 11 days	In High Court
35	Bhim Bishwakarma, 32 yrs	302 IPC	23:09:2009	Life sentence	S.C.	No	5 yrs, 1 day	In High Court
36	Budhis Rai, 27 yrs	302 IPC	01:10:2010	Life sentence	M.B.C	No	3 yrs, 11 months, 23 days	In High Court
37	Chabi Kharka, 30 yrs	302 IPC	07:06:2011	Life sentence	O.B.C	No	3 yrs, 3 months 17 days	In High Court
38	Ram Kr Basnet, 36 yrs	302 IPC	16:06:2011	Life sentence	O.B.C	No	3 yrs, 3 months 8 days	Request for appeal in High Court sent
39	Suraj Rai, 34 yrs 30.7.96 to 19.4.97 20.4.97 to 9.2.98 11.8.00 to 12.10.2000 2.11.13 to till date	302 IPC	02:11:2013	Life sentence	M.B.C	No	2 year, 7 months 2 days.	Rearrested after escape from custody
40	Chuden Tamang, 30 yrs	302 IPC	21.11.2012	Life Sentence	S.T.	No	1 year, 10 months, 3 days	Request sent for legal aid to file appeal in High Court

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Annexure 'B'
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STATEMENT OF CONVICTS OF STATE CENTRAL PRISON, RONGYEK

Sl. No	Name of Prisoner	Section	Date of admission	Status/sentence awarded	SC/ST/OBC	Disabled	Period of detention	Remarks
1	Sunil Chettri, 31 yrs	448/376/511 IPC	17:11:09	5 years 10 days	OBC	No	-	28:11:14
2	Purna Bdr Subba,	379/34 IPC	7:1:12	3 years	S.T.	No	-	06:12:14
3	Hira Lall Rai, 22 yrs	326/452 IPC	1:11:11	3 years & 45 days	MBC	No	-	16:12:14
4	Prakash Saha, 39 yrs	326 IPC	30:8:12	3 years and 1 months		No		11:01:15
5	Laktuk Tamang, 39 yr	323/341/376/511 IPC	17:5:13	17 months	S.T.	No		16:10:14
6	Ghanashyam Khati, 27 yrs	381 IPC	17:5:13	1 yr 7 months	S.C	No		08:12:14
7	Ramesh Kr Gupta	203/408 IPC	25:6:12	2 yrs 11 months		No		05:04:15
8	Durga Pd Chettri, 33 yrs	302 IPC	7:3:06	10 (ten) years	OBC	No		08:11:15
9	Ashok Roy, 34 yrs	376/511/450 IPC	24:6:10	5 yrs 2 months		No		25:04:15
10	Nima Tamang, 28 yrs	363/345/323 IPC	3:4:12	3 yrs 2 months 15 days.	S.T.	No		18:05:15
11	Nitesh Rai, 30 yrs	380/75 IPC	29:6:12	3 yrs 6 months	MBC	No		28:08:15
12	Deo Raj Rasailuy, 26 yrs	376 IPC	22:11:12	5 years	S.C.	No		22:03:15
13	Kiran Chettri, 26 yrs	376/511 IPC	21:9:13	3 years 6 months	OBC	No		14:12:15
14	Yogendra Chettri	379 IPC r/w 14 F Act	23:10:13	2 years 4 months	OBC	No:		23:02:15
15	Damber Kr Chettri, 36 yrs	304 II/201/34 IPC	09:05:11	5 years	OBC	No		09:05:16

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16	Shanker Chettri, M/22 yrs	376/511/342 IPC	20:5:12	4 yrs 6 months	OBC	No		15:02:16
17	Yogesh Rai, M/34 yrs	376/511/323 IPC	7:9:12	3 yrs 8 months 15 days	KBC	No		21:04:16
18	Rahul Rai, M/22 yrs	457/380/75 IPC	20:11:11	3 yrs 10 months	MBC	No		24:04:16
19	Yang Subba, M/27 yrs	376/511/377 IPC	7:8:12	4 yrs 2 months	S.T.	No		02:10:16
20	Damber Bdr Gurung, M/51 yrs	376 IPC	8:10:11	5 yrs 5 days	MBC	No	High Court Appeal	13:10:16
21	Ram Kr Chettri, 28 yrs	376/511/506 IPC	17:11:12	3 yrs 7 months	OBC	No	High Court	17:05:16
22	Chandra Bdr Basnet, 32 yrs	304(II) IPC	25:1:10	7 yrs 2 months	OBC	No		26:11:16
23	Nakul Ghataney, 36 yrs	326 IPC	23:4:13	3 yrs 6 months	OBC	No		23:09:16
24	Bhagirath Chettri, 32 yrs	354/324 IPC	24:1:13	2 yrs	OBC	No	High Court Appeal	24:12:15
25	Passang Lepcha, 27 yrs	376/511/324 IPC	29:4:13	3 yrs 7 months 15 days	S.T.	No		15:11:16
26	Hasta Bdr Gurung, 41 yrs	376 IPC	27:2:12	4 yrs 2 months	MBC	No		27:04:16
27	Bimal Pradhan, 24 yrs	376/511 IPC	29:4:13	3 yrs 1 month	OBC	No		29:05:16
28	Phurba Tamang, 31 yrs	376(2)(g)/34/323 IPC	30:10:10	7 yrs 3 months	S.T.	No	High Court Appeal	15:12:17
29	Man Bdr Subba, 48 yrs	304 II IPC	16:12:07	10 yrs	S.T.	No		17:04:17
30	Suk Bdr Rai, 29 yrs	376/511 IPC	19:7:12	5 yrs	MBC	No		11:02:17
31	Kul Chandra Baral, 45 yrs	409 IPC	20:6:12	7 yrs 6 months	OBC	No		01:03:17
32	Mingma Rabden Sherpa, 33 yrs	9(d)/13/6/17(1) SADA	18:8:13	3 yrs 6 months	S.T.	No	High Court Appeal	18:02:17

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33	Umesh Bhattarai, 28 yrs	341/354/392/394/325 IPC r/w 14 F.Act	28:1:13	5 yrs 6 months	OBC	No	High Court Appeal	28:06:18
34	Bikash Baraily, 24	376(2)(g)/34/323 IPC	30:10:10	7 yrs 3 months 15 days	S.C.	No	High Court Appeal	15:01:18
35	Ten Tshering Lepcha, 24 yrs	376 IPC	13:1:11	7 yrs 1 month	S.T.	No	High Court Appeal	13:01:18
36	Surjaman Rai, 24 yrs	376/450 IPC	29:11:11	7 yrs 7 months	MBC	No		29:4:19
37	Nir Bdr Chettri, 28 yrs	366(A)/376(2)g IPC	2:4:12	7 yrs 4 months	OBC	No	High Court Appl.	09:05:19
38	Surya Baraily, 27 yrs	376 IPC	6:10:12	7 yrs 2 months	S.C.	No	High Court Appeal	06:12:19
39	Akbar Ali, 27 yrs	376 IPC	29:9:12	7 yrs 3 months		No	High Court Appeal	29:12:19
40	Karna Bir Rai, 31 yrs	376 IPC	5:10:12	7 yrs	MBC	No		05:10:19
41	Manna Das Bahun, 70 yrs	376 IPC	5:9:13	7 yrs 1 month	OBC	No		05:10:20
42	Sanjay Tamang, 27 yrs	376 IPC	31:10:11	7 yrs 3 months	S.T.	No	High Court Appeal	31:01:19
43	Passang Tamang, 32 yrs	376 IPC	3:10:12	10 yrs 2 months	S.T.	No	High Court Appeal	03:12:22
44	Sonam Pintso Bhutia, 25 yrs	376/342 IPC	19:10:11	10 yrs 2 months 15 days	S.T.	No	High Court Appeal	04:01:22
45	Sona Sherpa F/37	302 IPC	12.6.12	5 yrs 2 months	ST	No		13.08.17
46	Kul Bdr Tamang M/69.	Sec 8 of POCSO		3 yrs 3 months	ST	No		23.12.16
47	Devendra Karki 25/M	9/14 SADA	20.2.14	2 yrs 7 months	OBC	No		21.09.16
48	Arjun Subba 37/M	8 of POCSO / 354 B IPC	14.7.13	5 yrs 6 months	ST	NO		15.01.19
49	Ashish Chettri 25/M	7/18 POCSO, 2012	12.6.13	2 yrs 6 months	OBC	No		13.12.15

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50	Rakesh Gurung 38/M	8 of POCSO	13.3.13	8 years	MBC	NO		11.03.21
51	Yogesh Chettri 29/M	9/14 SADA	11.9.13	3 yrs 8 months	OBC	NO		10.05.17
52	Tej Bdr Subedi 35/M	8 of POCSO	29.6.13	3 yrs 4 months	OBC	NO		30.10.16
53	Kumar Sewa @ Rajeev 33/F	7/9/14 of SADA	11.6.14	1 year	SC	NO		11.06.15

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