

SIKKIM



GOVERNMENT

GAZETTE

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Gangtok

Wednesday 31st December, 2025

No. 471

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. 98/Home/2025

Dated: 17/12/2025

NOTIFICATION

In compliance with the directions of the Hon'ble Supreme Court of India passed vide order dated 08.10.2025 in Miscellaneous Application No. 2034/2022 in MA 1849/2021 in SLP (Crl) No. 5191/2021, Satender Kumar Antil vs. Central Bureau of Investigation and another read with instructions received from Ministry of Home Affairs, Government of India vide letter No. V-17013/26/2023-PR dated December 2, 2025, the State Government hereby makes the following amendment in Notification No. 35/Home/2024 dated 22/04/2024, namely:-

I. In Notification No. 35/Home/2024 dated 22.04.2024, in serial no 2,-

(a) for existing table for composition of the District Level Empowered Committee, the following shall be substituted, namely:-

Sl. No.	Designation	Designation
1.	District Collector/District Magistrate	Chairman
2.	Secretary, District Legal Services Authority	Convener/Coordinating Incharge of the meetings of the Empowered Committee
3.	Superintendent of Police	Member
4.	Superintendent/Dy.Superintendent of the concerned Prison	Member
5.	Judge Incharge of the concerned Prison, as nominee of the District Judge	Member

(b) under the heading "STANDARD OPERATING PROCEDURE", for existing entry A, the following shall be substituted, namely:-

“A. FOR UNDER TRIAL PRISONERS:-

- (1) If the under trial prisoners is not released from jail within a period of 7 days of order of grant of bail, then the jail authority should inform the Secretary, District Level Services Authority.
- (2) Upon receiving information, the Secretary, District Level Services Authority shall immediately arrange for an interaction with the under trial prisoners. The Secretary, District Level Services Authority shall authorise a Jail Visiting Lawyer/Paralegal Volunteer to interact with the under trial prisoners and to verify if the under trial prisoners has funds in his Prisoner's Savings Account. If not, based on information obtained from the under trial prisoners in the format prescribed (to be given by NALSA) the form will be forwarded to the Secretary, District Level Services Authority within a period of 5 (five) days, pending integration in the Interoperable Criminal Justice System (ICJS).
- (3) The District Level Empowered Committee shall direct release of funds for surety on the recommendation of District Level Services Authority within a period of 5 (five) days from the date of receipt of the report, pending integration in the Interoperable Criminal Justice System (ICJS).
- (4) The District Level Empowered Committee shall meet on every 1st and 3rd Monday, (in the event if there is holiday on such days, then on the next working days) of each month to consider the cases recommended by District Level Services Authority.
- (5) For cases where the Empowered Committee recommends that the identified under trial prisoners be extended the benefit of financial support under Support to poor prisoners Scheme, then the requisite amount of upto ₹ 50,000/- (Rupees Fifty Thousand) only per case for one prisoner, can be directed to be drawn and made available to the Hon'ble Court by way of Fixed Deposit or any other prescribed method, which the District Committee feels appropriate within 5 (five) days of its decision pending integration in the Interoperable Criminal Justice System (ICJS). This decision would simultaneously be informed to District Level Services Authority and Jail Authorities by email, pending integration in the Interoperable Criminal Justice System (ICJS). In the event, the fund is not forthwith deposited within 5 (five) days in Court, and the under trial prisoners not released, the Jail authorities should on the 6th day, inform the District Level Services Authority. If the prisoner is acquitted/convicted, then appropriate orders may be passed by the trial Court so that the money comes back to the Government's account as this is only for the purposes of securing bail unless the accused is entitled to the benefit of bail under section 389(3) of Cr.P.C. [S.430(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023] in which event the amount can be utilised for bail by the Trial Court to enable the accused to approach the Appellate Court and also if the Appellate Court grants bail under section 389(1) of Cr.P.C.[S.430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023];
- (6) If the bail surety amount is higher than ₹ 50,000/- (Rupees Fifty Thousand) only the Empowered Committee may exercise its discretion to pay such higher amount not exceeding Rs.1 lakh. If the Empowered Committee declines to exercise discretion, it would inform the Secretary, District Level Services Authority forthwith of its decision by email (and not later than 2 days), pending integration in the Interoperable Criminal

Justice System (ICJS), to enable the Secretary, District Level Services Authority to instruct a Legal Aid Advocate to move the Court granting bail or any superior Court to have the surety amount reduced.

Once the Secretary, District Level Services Authority instructs a Legal Aid Advocate to seek reduction of surety amount, this application/Petition would be filed by the Legal Aid Advocate within 7(seven) days of the case being assigned to the Legal Aid Advocate.”

By Order and in the name of the Governor,

**R. Telang, IAS
Chief Secretary,
Government of Sikkim
File No111/2022/19/PART**

