

News

In good health, Sonam Wangchuk was permitted to draft a representation: Leh's Supreme Court administration



The Ladakh activist has been held in Jodhpur under the NSA, although two different affidavits have disputed any procedural errors or mistreatment of the activist.

Affidavits supporting the detention of Ladakh-based activist Sonam Wangchuk under the National Security Act, 1980 (NSA) have been submitted to the Supreme Court by the District Magistrate of Leh and the Superintendent of Central Jail in Jodhpur.

According to both officers, Wangchuk is doing well, has been given a laptop to prepare his defense against the detention, and has been permitted to meet with his wife and attorneys.

The affidavits were submitted in response to a habeas corpus petition that Gitanjali Angmo, Wangchuk's wife, filed contesting his NSA detention.

Jail Superintendent Pradeep Lakhawat stated in his affidavit that Wangchuk was taken to the jail at 9:15 p.m. on September 26.

In the General Ward, Wangchuk **"was detained in a Standard Barrack admeasuring 20 feet × 20 feet, where he continues to be detained till date and is the sole occupant of such prison barrack at present,"** according to the affidavit.

According to the affidavit, Wangchuk received a medical report from SNM Hospital in Ladakh stating that he was "medically found to be sound and physically fit" and "not suffering from any chronic conditions."

On September 27, he underwent another medical examination while incarcerated, and "his parameters were found to be normal."

Regarding the visiting issue in jail, the Superintendent refuted the claim that access was refused. He said that only on October 6, following the Supreme Court's notification of Angmo's appeal, did Angmo send the first letter requesting authorization to meet with the Wangchuk.

On September 28, Wangchuk had already written to request authorization for eleven guests, including his wife, attorney, and family members. According to the affidavit,

On October 7, the petitioner and another attorney, Sarvam Ritam Khare, AOR, paid the detainee a visit and were allowed to speak with him for an hour each.

She was again permitted to meet him for one hour on October 11, the Superintendent submitted.

The second affidavit, written by Leh District Magistrate Romil Singh Donk, who issued the detention order, maintained the validity of the decision. According to that affidavit, Wangchuk was "lawfully detained under a lawful authority after arriving at a subjective satisfaction on the circumstances that prevailed where Sh. Sonam Wangchuk had been indulging in activities prejudicial to the Security of the State, Maintenance of Public Order and Services essential to the community."

According to the District Magistrate, all legal and constitutional conditions were satisfied. According to him, on September 26, Wangchuk was categorically informed both of the factum of his detention under the NSA as well as the factum of his transfer to Central Jail in Jodhpur, and his wife was immediately informed telephonically about the same by the Station House Officer of Leh Police Station.

"Without any delay and within a period of five days, the grounds of detention together with the material relied upon were conveyed to the detainee, therefore completely complying with the demands of both Section 8 and Article 22 of the Constitution of India," the affidavit has argued.

The order was authorized by the State government under Section 3(4) and transmitted to the Central government on October 5.

The affidavit has alleged that Wangchuk was evaluated medically, frequently and was determined to be experiencing no medical issues or requiring any medication.

Wangchuk is being held in a Jodhpur prison after being captured from Ladakh on September 26. The arrest was made in response to the violence and demonstrations that erupted in Ladakh over the Union Territory's ambitions for statehood.

Angmo then appealed his imprisonment to the highest court. She informed the court that her husband had violated the National Security Act's Section 3(2) preventative detention policy. According to the petition, Wangchuk's incarceration was meant to silence a well-known environmentalist and social reformer for supporting democratic and ecological causes rather than having anything to do with public safety or order.

In exercising his constitutional right to free speech and assembly, Wangchuk solely used nonviolent Gandhian protest in Ladakh, the petition claims. Accordingly, the petition claimed that his imprisonment violated his right to free expression under Article 19.

Furthermore, it was argued that his right to liberty and equality under Articles 21 and 14 had been violated since the procedural procedures for preventative detention had not been followed.

It was additionally noted that neither Wangchuk nor the petitioner had received notice of the detention order or its grounds.

Additionally, Angmo objected to Wangchuk's transportation from Ladakh, where the demonstrations took place, to the Central Jail in Jodhpur, which is more than a thousand kilometers away.

She requested Wangchuk's release from custody and prompt appearance before the court, as well as authorization to speak with him over the phone and in person and instructions to make sure he had access to food, clothing, medicine, and other essentials while incarcerated.

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