

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) No. 1166 OF 2019

In the matter of :

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

Petitioners' Affidavit in Response to the Report of the Jammu and Kashmir Juvenile Justice Committee pursuant to the direction, dated 20.09.2019 passed by the Hon'ble Supreme Court.

The Petitioners above-named

Most Respectfully submit as under:

1. That this Hon'ble Court had directed the Juvenile Justice Committee (JJ Committee) of the High Court of Jammu and Kashmir, vide Order dated 20th September 2019, to 'undertake an exercise with regard to the facts stated in the writ petition and revert to us within a week from today'.
2. That the Writ Petition (Civil) no. 1166/2019 has been filed by two well-respected child rights experts, who sought to draw the attention of this Hon'ble Court towards reports specific to children in Jammu and Kashmir after August 5th 2019. The widespread reports in both print and digital media, and in international and mainstream national press, describe violations of rights of at least three different kinds: illegal (if temporary) detentions (and in some

cases) beatings by security forces, maiming and injuries, and deaths. The Writ Petition prayed that the reports were both frequent enough and serious enough to merit a 'judicial review' of the situation with respect to children.

3. That the Writ Petition had prayed that the situation be reviewed by the Juvenile Justice Committee of the High Court of Jammu and Kashmir.
4. That the 'Report on the exercise undertaken by the Jammu and Kashmir Juvenile Justice Committee' dated 26.09.2019 does not indicate any 'judicial review' or indeed any application of mind or independent examination/ verification of the allegations and averments in the Writ Petition. The JJ Committee's Report merely *forwards* the contents and conclusions of the Report submitted to it by the Director General of Police, without recording any findings of its own: "*In its aforesaid report, the Director General of Police has categorically refuted the assertions and allegations made in the media reports, and, consequently in the Writ Petition.*" [Page 3 of the Report]. It is respectfully submitted that on close reading it would appear that the Report of the Director General of Police does not 'categorically' refute the averments so much as it 'rhetorically' denies them, i.e. denies them repeatedly, with many a flourish, but with little substance. This is the reason that the matter would benefit immensely from independent application of mind.

5. That this Hon'ble Court had directed the Juvenile Justice Committee to 'undertake an exercise' in context of the averments and prayers in the Writ Petition. The Writ Petition, in turn, had expressed concerns over possible instances of illegal detention of children by security forces. In the event, the Report of the Juvenile Justice Committee that relies only on the response of the selfsame party (without having heard any other stakeholder), and without having applied its mind to it does not serve the purpose of the exercise.
6. That the Report of the JJ Committee annexes the Minutes of its first meeting held in order to plan the process of compliance with the directions of the Supreme Court to 'undertake an exercise' towards verification of the averments in the Writ Petition. The Minutes record that *"there are numerous assertions made in the petition, based on media reports – print and electronic – alleging arrests, detention, beating and maiming of juveniles etc. in the valley of Kashmir ever since 05.08.2019."* [Page 13 @14]
7. That further, the Minutes state that *"this Committee wishes to bring it on record that it or any of its Members individually has not received any complaint or representation or anything like that from any individual, lawyer, human rights' activist, group of persons, organization, civil society member or any other person complaining about the arrest of any Juvenile, though regular Habeas Corpus Petitions challenging arrests and detentions have continuously been*

filed before the High Court by advocates, and reportedly, bail applications for release of persons arrested by police involved in different offences have also been presented before and dealt with by the Courts subordinate to the High Court in the valley.” [Page 13 @ 14 -15]

8. That it is most respectfully submitted that the aforesaid exhaustive record of all possible stakeholders in the matter is especially relevant, since none was called upon to give their account before the JJ Committee. In contrast, the Committee ‘resolved to ascertain facts from the concerned state agencies as to the assertions and allegations made, in the Writ Petition in question, based on media reports’. [Page 1-2].
9. That it may arguably be said that no other stakeholder stepped forward to state a case before the JJ Committee. It is very humbly submitted that the Petitioners in the present Writ Petition had intended to do just that by reposing their trust in the JJ Committee of the High Court, as the body, which might independently verify the allegations with respect to excesses against children. They believe that the situation merits judicial intervention and supervision.
10. That equally important, there are numerous unconnected and independent reports from fact-finding teams of concerned citizens and activists, mainstream newspaper, both domestic and

international, video reports etc. which strongly allege instances of excesses against children. They have been coming out consistently and are available in the public domain. It is submitted that their summary dismissal as 'false', 'motivated lies' would be to our own detriment and to the detriment of our Constitutional morality. Diverse reports from across various media are annexed herein. These also include videos and Pictures and are marked as Annexure-P/1 Colly. (26-41)

11. That two excellent sources of independent verification are also identified in the aforesaid Minutes: Habeas Corpus Petitions filed on behalf of minors and bail applications on behalf of minors filed before the subordinate Courts. However, it may be noted that since the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013 (the Act) offers a separate mechanism for trial of children in conflict with law, it is the Juvenile Justice Board, under S. 13 that would grant or reject a minor's bail application. Thus, the Juvenile Justice Board may certainly be directed to furnish copies of bail applications, as also of the FIRs produced before them.

12. That Section 14 of the Act also directs that at the point of arrest, the special juvenile police unit must immediately inform the parents/guardian of the factum of the minor's arrest and also give notice to them to be present before the Board, before which the child would appear. Thus the Juvenile police unit must have records

of all such notices issued to Parents and corresponding appearances and Orders of the Board. The Committee may direct those to be placed on record.

13. That the same Section also contemplates the appointment of a probation officer for the arrested child, whose task is to prepare a background file on the child in order to assist the Board in its inquiry. These files must be placed on record before the Committee to show the sanctity of the proceedings and also so that the child has an opportunity to participate in the case against him.

14. That there are several other stakeholders in the JJ system: the Child Welfare Committee, the Juvenile Justice Board, the Childline and the Integrated Child Protection Officer. Each of them could have been called upon to provide a written report and supporting documents in order to have a more diverse perspective.

15. That the Committee had directed the Registrar to provide a list of Habeas Corpus Petitions, if any, moved by or on behalf of juveniles and alleging wrongful detention. The Committee's Report itself annexes an Order in one such petition, directing enquiry into the age of the detainee, who is allegedly 14 years of age. A corresponding news report details the case and alleges that the 14 year old was beaten in custody and has now been moved to a jail in Varanasi. There are also other examples available on the website of the High Court of Jammu and Kashmir or through news reports. In

one Habeas Corpus petition, which was earlier listed as W.P (Crl) No. 262/2019 and now listed as W.P (Crl) No. 306/2019, vide order dated 24.09.2019, the Court had directed the District Magistrate to look into the detenu's school card, which showed him to be a minor. On 1.10.2019, the Court's order records that the government revoked its Order of detention on 20.09.2019 and brought the minor back by road from Bareilly Jail, where he had been lodged. He was handed back to his family on the night of 29.09.2019. This is an express case of a child who had been illegally detained. However, it does not feature in the list of children detained among the DGP'S list of 144 children, although he was definitely in detention until 29.09.2019. The DGP'S Report was prepared on 25.09.2019. A copy of the Orders dated 24.09.2019 and 01.10.2019 are annexed herewith. Also the report from Scroll is annexed herewith.

Annexure-P/2 Colly (42-54)

16. That certainly there are other minors, illegally detained, like in the aforementioned case who may have fallen through the cracks and do not feature in the DGP's 144. The Indian Express reported on 01.10.2019 that family members of two other minors have approached the J&K High. Court through a writ of Habeas Corpus and challenging their detention under the Public Safety Act. A copy of the news report from Indian Express is annexed herewith.

Annexure-P/3 (55)

17. That the Habeas Corpus Judgments with respect to children themselves show that there have been illegal detentions of children, and that in some cases children have even been moved out to jails outside the state. A news report from the Times of India is annexed herewith. Annexure-P/4 (56)

18. That the Report of the JJ Committee outlines the procedure followed in 'undertaking the exercise'. In its preparatory meeting of 23.09.2019, it '*resolved to ascertain facts from the concerned state agencies as to the assertions and allegations made, in the Writ Petition in question, based on media reports. Thus the Director General of Police, J& K and the Divisional Commissioners of Jammu, Kashmir and Ladakh, were directed to **obtain separately reports/information on each and every assertion/allegation made in the petition and the media reports from their field agencies and to submit the same to the Committee through the Registrar General.***'
[Emphasis Supplied; Page 1-2]

19. That curiously, the Divisional Commissioner (and that too only of Srinagar) did not submit any separate report, but merely submitted a letter dated 25.09.2019 stating "*I, the undersigned hereby endorse the report submitted by ADGP, Coordination Police Head Quarter, J&K.*" [Page 40]

20. That no other security agency was either directed to submit a report, nor did they do so of their own volition as parties implicated.

21. That further, the Committee also directed that information be collected from *“all the Courts of the State subordinate to the High Court as well as from the Registry of this Court as to whether there has been any bail applications or Habeas Corpus Petition, as the case may be, filed on behalf of a juvenile or where it is claimed or complained that the arrested person or detainee was or is a juvenile. [...] Furthermore, the Registrar General shall ask all the Principal District and Sessions Judges of the State to obtain information from the Juvenile Justice Boards within their jurisdiction as to whether any Juvenile in conflict with law has been produced before or dealt with by them with effect from 05.08.2019 till date.”* [Page 15-16]

22. That there is a letter dated 24.09.2019 annexed to the Report that states that reports have been received from Principal District and Sessions Judges of various Districts. However, their contents are neither mentioned nor discussed at any point. It would have been pertinent to record whether any Habeas Corpus Petitions involving children were pending before the High Court. From listed Orders on the High Court website and from news reports we find that at least five to six petitions involving children were heard by the High Court, and at least three minors have now been released as a result. These detentions were not reflected in the DGP'S 144.

23. That it would have been equally crucial to learn about the number of FIRs registered and produced before the JJ Board under S. 13 of the Act, of notices issued to parents and case files prepared by Probation officers on children who had been arrested as mandated under Section 14 of the Act. As per the Report of the DGP, on which the Committee has relied, there must be at least 135 FIRs/ complaints before the Board, also 135 notices of arrest sent to parents/guardians for appearance before the Board. There must be 142 orders of bail granted by the Board/ officer in charge and two orders of remand by the Board. Additionally there must be 144 case files prepared by Probation officers for each child arrested.

24. That the Committee had directed that a report be obtained from the *'Mission Director (Integrated Child Protection Services), J&K, Srinagar Social Welfare Department in his capacity as being the implementing agency of integrated child development protection scheme whether any juvenile, within his knowledge, has been arrested, detained, beaten or maimed by the police or security forces with effect from 05.08.2019 till date or any such instance or juvenile in conflict with law has been brought to his notice?'* [Page 16]

25. That it is submitted that the JJ Committee under the aegis of the High Court is possibly best equipped to make an independent verification of the injuries and deaths from the hospitals and

morgues. In any case, the one page response of the Mission Director (JKICPS) does not address the primary question put to him: *whether any juvenile, within his knowledge, has been arrested, detained, beaten or maimed by the police or security forces with effect from 05.08.2019 till date.* The response merely states that 36 children were lodged in the juvenile observation home at Srinagar on various charges, out of which 21 have been bailed out.

The letter does not include copies of FIRs, bail or remand orders, or indeed any report under S.14. Also, curiously remand under Section 107 Cr.P.C has been allowed although explicitly barred under S. 18 of the ACT. Furthermore, it is not clear how the executive magistrate gave orders of remand with respect to juveniles, otherwise governed by the Act.

In most cases the FIRs seem to be old and unconnected to extraordinary circumstances in Kashmir. They pertain to unrelated offences under POCSO and even to cruelty to wife by relative of the husband.

26. That thus the only primary document that the JJ Committee's Report relies on is the Report of ADGP, on behalf of the DGP dated 25.09.2019. There are six preliminary points of a general nature about the DGP's Report:

1. There is no firm denial of the averments. The Report states that *“the instances as quoted and claimed by the Petitioners regarding arrest/detaining of children in different areas of Kashmir Zone cannot be **independently verified or confirmed** given the consideration of the facts reflected in the Petition”* [Emphasis supplied], yet the Report presumes to summarily dismiss the averments.
2. It may be noted that the DGP (as other senior officers) have given statements to the press acknowledging that they are practicing a ‘revolving-door’ policy whereby security forces detain some boys from a neighbourhood for a few days and then let them go, purportedly with a view both to counsel them against violent protest and also to make it known that the law enforcement agencies have access to every subject. News Reports carrying the interview are annexed herewith. Annexure-P/5 Colly (57-61)
3. Conceptually, the DGP’s Report conflates the ‘child in need of care and protection’ (CCP) with the ‘child in conflict with law’ (CCL). In terms of the Juvenile Justice Act the two categories are entirely separate and have different mechanisms for intervention and support. The Child in need of care and protection (CCP) is a child made vulnerable because of her immediate social, political or family situation. Such children may have become vulnerable due to their familial situations: broken families, poverty, homelessness, etc. or because of broader contexts of being in

situations of conflict. If the child is susceptible to display of violence, *even then* the Juvenile Justice Act envisages interventions through social and psychological counseling, via trained personnel and not through preventive detentions. In fact, preventive detention of the kind made under S. 107 Cr.P.C (1989 Samvat) is specifically *barred* in Section 18 of the Act [Section 22 of the Central Act]. Also, the 2012 amendment to the Public Safety Act explicitly bars the application of the PSA to children.

A child in need of care and protection must be produced before a child welfare committee, for being placed in 'safe custody' as per Section 31 of the Act. Such safe custody does not contemplate a police official/ or being lodged in police precincts even temporarily.

A bald assertion has been made in the DGP's Report at Page 25 to the effect that ' Child welfare committees' are effectively working. In fact, a good barometer of their effective working would be reduced encounter of security personnel with children in need of care and protection, for it should ideally be the task of CWCs and Childlines to help and counsel children. It would be important to know how the Childlines established in Srinagar, Budgam and Anantnag are being run. How many calls have they received/ responded to after 5th August 2019?

On the other hand, a child who has already committed an offence (either by already disturbing the peace, or having caused some public nuisance) is a child in conflict with law. There is a very definite mechanism in the Juvenile Justice Act with respect to children who find themselves in conflict with law. They are not to be made part of the adult criminal justice system, but are to be taken through the Juvenile Justice Board. Thus, their production before the Board, the order of remand, or grant of bail and all further proceedings are to happen through the Juvenile Justice Board.

Certain relevant Sections of the Act are reproduced for easy reference:

'Section 11. Apprehension of juvenile in conflict with law—(1)

As soon as a juvenile in conflict with law is apprehended by police, he shall be placed under the charge of the special juvenile police unit or the designated police officer, who shall produce the juvenile before the Board without any loss of time but within a period of twenty-four hours of his apprehension excluding the time necessary for the journey, from the place where the juvenile was apprehended, to the Board:

Provided that in no case, a juvenile in conflict with law shall be placed in a police lock-up or lodged in a jail.'

Section 13. Bail of juvenile.—(1) When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, Samvat 1989 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a Probation Officer or under the care of any fit institution or fit person but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

(2) When such person having been arrested is not released on bail under sub-section (1) by the officer incharge of the police station, such officer shall cause him to be kept only in an observation home in the prescribed manner until he can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board it shall, instead of committing him to prison, make an order sending him to an observation home or a place of safety for such period during the pendency of the inquiry regarding him as may be specified in the order.

Section 14. *Information to parent, guardian or probation officer.*— Where a juvenile is arrested, the officer incharge of the police station or the special juvenile police unit to which the juvenile is brought shall, as soon as may be after the arrest, inform—

- (a) the parent or guardian of the juvenile, if he can be found, of such arrest and direct him to be present at the Board before which the juvenile will appear ; and
- (b) the probation officer of such arrest to enable him to obtain information regarding the antecedents and family background of the juvenile and other material circumstances likely to be of assistance to the Board for making the inquiry.

Section 24. *Punishment for cruelty to juvenile or child.* — Whoever, having the actual charge of, or control over, a juvenile or the child, assaults, abandons, exposes or willfully neglects the juvenile or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such juvenile or the child unnecessary mental or physical suffering shall be punishable with imprisonment for a term which may extend to one year, or fine, or with both.

It is not immediately clear from looking at the report that the procedure prescribed with respect to children in conflict with law and those in need of care and protection has not been mixed up.

4. There are some general principles enshrined in Section 3 of the Central Juvenile Justice Act. Amongst them the Principle of 'Presumption of Innocence': Any child shall be presumed to be innocent of any *mala fide* or *criminal intent* up to the age of eighteen years and also 'Principle of non-stigmatizing semantics': Adversarial or accusatory words are not to be used in the processes pertaining to a child. It is important to be conscious of the general principles. In its general tone and tenor and in the statements made to the press, the state shows a certain lack of familiarity with the Juvenile Justice Act itself.
5. The DGP's Report suggests that the situation in Kashmir is volatile in terms of instant and spontaneous protests and therefore certain liberties with right to liberty and expression have to be taken, if even to keep the children from greater harm. It may well be an administrative principle, but wholly untenable constitutionally. Executive pragmatism would still have to be constitutionally tested on a case-to-case basis and cannot be allowed to become a policy, if even in the cause of national security. The fundamental rights have not been suspended and accrue to each naughty child in Kashmir: they cannot be

overlooked on executive whim. It is an established principle of law that Fundamental rights cannot be infringed in the absence of statutory law and through executive action alone. Kharak Singh v. State of UP 1964 SCR (1) 332 held thus: "Before entering on the details of these regulations it is necessary to point out that the defence of the State in support of their validity is two-fold: (1) that the impugned regulations do not constitute an infringement of any of the freedoms guaranteed by Part III of the Constitution which are invoked by the petitioner, and (2) that even if they were, they have been framed "in the interests of the general public and public order" and to enable the police to discharge its duties in a more efficient manner and were therefore "reasonable restrictions" on that freedom. Pausing here it is necessary to point out that the second point urged is without any legal basis for if the petitioner were able to establish that the impugned regulations constitute an infringement of any of the freedoms guaranteed to him by the Constitution then the only manner in which this violation of the fundamental right could be defended would be by justifying the impugned action by reference to a valid law, i. e., be it a statute, a statutory rule or a statutory regulation." [Emphasis Supplied]

Chandrachud, J. writing on behalf of four justices in K.S. Puttuswamy v. Union of India (2017) 10 SCC 1 underlined that in case of infringement of fundamental rights, it was appropriate to

not cede ground to executive supremacy but rather to practice judicial review of such executive action.

6. It is surprising and unfortunate that the DGP's report should presume to comment on the motives of the Petitioners. The unsubstantiated comments are defamatory, but more critically they seem to dismiss the culture of judicial review of executive action, and of upholding constitutional rights.

27. That with Respect to Paragraph 2, the report states that the story regarding an 11-year-old boy from Pampore having been detained is factually incorrect and also adds *'that the authenticity of the reportage is quite doubtful. It seems that this report has been generated with the intention to malign the police.'* The story as reported in the mainstream papers including Business Insider and Telegraph actually did not mention the 'police'; it only suggested that the boy was detained by 'security forces'. The authenticity could more thoroughly be checked by calling upon the reporters, rather than unilaterally dismissing it.

28. Paragraph 3 states that *"Washington Post does not indicate the source which has quoted this incident so as to **check the veracity of this information**"* [Emphasis supplied], thus indicating that the police has not been able to check veracity. Yet, it dismisses the allegation as false.

29.Paragraph 4 is a report from the Quint, which is being denied as uncorroborated. The news-report states that names are being changed to protect the victims. Thus, it may have been difficult for the authorities to corroborate without help from the reporter. Curiously, no further information was asked for and yet the report was unilaterally dismissed. The reporter continues to stand by the story.

30.Paragraph 5 states that two minors from Mahjoor Nagar were booked under FIR 80/2019 on 22.08.2019, although their own allegation (as reported) is that they were initially picked up in the intervening night of 19th-20th August. There is actually no contradiction between the two versions: it is quite possible that the FIRs were registered on the third day. It is exactly for this reason that the boys should be produced before the JJ Committee for an independent verification of facts.

31.Paragraph 7 which relates to the detention of two boys Farhan and Junaid both makes the claim that *'the report does not provide the specifics of the alleged incident'* and *'states that it is difficult, almost impossible, to enquire and seek report in an alleged incident like this'* and yet it dismisses it as false. Thus the statements are mutually contradictory. Unfortunately, the Report is replete with such.

32.Paragraph 8, which dismisses an incident of a boy on his way to hospital having been detained, does so only on the basis of moral

outrage, but no verified facts. The Report says '*not even a wee bit of credibility is inspired by it. The report suggests as if police is a predator on a prowl because it defies common sense that if a boy is on his way to hospital with tea and food carried by him, that he would be arrested and put behind bars. This is nothing but an attempt to demoralize the police.*'

33.Paragraph 10 again states that the police are '*handicapped in responding to it in an effective manner. Since, essential facts have not been given for the police to respond to it, hence it cannot be responded effectively*'. The incident is not denied.

34. Paragraph 11 also speculates about the implausibility of a CRPF Jawan having hit the girl with a catapult, while another was talking to her uncle. '*The more probable explanation for the injury is that the girl was hit by a stone thrown by some stone pelter, if at all such injury had occurred*'. In this particular paragraph, the field reports fall to the level of counter-allegations and counter-speculations. Once again this incident, very widely reported was easily and independently verifiable by the JJ Committee. Enclosed herewith is a picture of the injured child. Annexure-P/6 (62)

35. Paragraph 12 denies that injuries were caused to Asif Muhammad by pellet guns, since '*no such report had surfaced*'. Washington Post provides the date and name of the hospital where he was admitted. The matter is easily verifiable. It is submitted that the JJ Committee

has the resources to have an independent verification done of these cases involving injuries and deaths.

36. Paragraph 13 denies the death of Osaib Altaf, even in the face of video recordings of his funeral. Videos and photographs carried by The Wire are attached herewith. Annexure-P/7 Colly (63-67)

37. Paragraph 14 states that *'the provision of Section 11 of JJ ACT has been complied with in letter and spirit. The juvenile was apprehended in his own interest as it was apprehended that the said juvenile would fall in the company of violent mob and exposing himself to moral, physical and psychological danger.'* It is submitted that Section 11 of the Act applies to children who are in conflict with law and not to children who may fall into bad company and expose themselves to danger. Such children are those who are in need of care and protection and a separate mechanism for intervention exists for them. In any case, whether the child is in danger of falling in with bad company can only be decided by the Child Welfare Committee under Section 31 of the Act and not by the local police.

38. That as per law, at least 79 arrests out of the 144 shown in the DGP'S Report are illegal. Section 18 of the Act reads thus: *'18. Proceedings under Chapter VIII of the Code of Criminal Procedure not competent against juvenile.—Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, Samvat 1989,*

no proceeding shall be instituted and no order shall be passed against the juvenile under Chapter VIII of the said Code.”

39. That since Section 107 falls within Chapter VIII of the Code (Samvat 1989), arrests of children under the said section are manifestly illegal. Surprisingly, 70 children are shown arrested –illegally- under Section 107 of the Code and in violation of Section 18 of the Act. It is an even greater tragedy that the youngest illegally detained child was a mere 9 years old. [Page 26 @ 27]

40. That similarly, the 2012 amendment to the Public Safety Act introduced Clause (f) to Sub-section (3) of Section 8, thus explicitly barring the arrest of children under preventive detention. Yet, 9 children are shown as having been ‘preventively arrested’, which is again an illegality.

41. That on the list, 127 children were arrested and booked under formal FIRs and yet released on the same day. Out of those released, at least 10 were booked for non-bailable offences, yet there are no Bail applications/ orders on record. It is difficult to ascertain why FIRs were lodged against so many children, if as claimed, they had only been temporarily detained to keep them out of trouble, and as the records show they were to be let off on the same day.

42. It is submitted that the DGP's Report as *forwarded* by the JJ Committee shows a lack of understanding of both the substantive ideas and the procedures outlined in the Juvenile Justice Act. Further, the 'DGP'S 144' featuring children as young as 9 and 11, also shows a lack of sensitivity to the spirit of the Juvenile Justice Act, and to Constitutional rights.

It is therefore submitted that the issue requires further investigation by the JJ Committee, with the involvement of all stakeholders. The JJ Committee was tasked with verifying the averments in the Writ Petition. It could not have delegated the whole exercise to the DGP, without giving its own independent findings. Thus the mandate as given by this Hon'ble Court is not met and the JJ Committee has abdicated its jurisdiction.

The JJ Committee has the capability and resources to conduct an independent review by involving the alleged victims in the process and establishing a procedure where they may be heard without fear and in-camera, such that different perspectives are recorded.

Drawn By:

Filed by:

New Delhi

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) No. 1166 OF 2019

In the matter of:

VÉRUSUS

UNION OF INDIA & ORS

...RESPONDENTS

AFFIDAVIT IN SUPPORT OF THE RESPONSE TO THE JJ COMMITTEE REPORT

I,

do hereby

solemnly affirm and state as under:

1. That I am one of the Petitioners in the above Petition and as such I am competent to file this affidavit in support of the reply to the JJ Committee report.
2. I have gone through the JJ Committee Report and the reply thereto has been prepared under my instructions and the content of the said reply are based on information known to me and I state that the same are true and correct.
3. The annexures annexed to the reply are true copies of their respective originals.

DEPONENT

VERIFICATION

I, the deponent above named, do hereby verify that the facts stated in the above affidavit are true and correct.

Verified on this 14th day of October 2019 at New Delhi.

DEPONENT