

**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**  
**WRIT PETITION (CIVIL) NO. \_\_\_\_\_ OF 2019**  
(Petition under Article 32 of the Constitution of India read with Order  
XXXVIII of Supreme Court Rules, 2013)

**IN THE MATTER OF:**

1. **ENAKSHI GANGULY,**
  
  
  
  
  
  
  
  
  
  
2. **PROF. SHANTA SINHA,**

**...PETITIONERS**

**VERSUS**

1. **UNION OF INDIA,**  
Through the Office of the Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi – 110001
  
2. **STATE OF JAMMU AND KASHMIR,**  
Through its Chief Secretary,  
R. No. 307, 3<sup>rd</sup> Floor,  
Civil Secretariat, Srinagar – 190001.
  
3. **THE STATE ADMINISTRATIVE COUNCL (SAC),**  
Civil Secretariat,  
Badgam, Srinagar
  
4. **JUVENILE JUSTICE COMMITTEE**  
Attached to Jammu and Kashmir High Court  
Wooden Building, Old Assembly Complex  
Jammu and Kashmir High Court  
Srinagar-190001

**...RESPONDENTS**

**A WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA IN THE MATTER OF ILLEGAL DETENTION OF CHILDREN IN KASHMIR AND SEEKING RELEASE OF SUCH CHILDREN BY THE RESPONDENTS BY ISSUE OF A WRIT OF HABEAS CORPUS, OR MANDAMUS, OR ANY OTHER APPROPRIATE WRIT, DIRECTION OR ORDER OF A SIMILAR NATURE.**

TO,  
THE HON'BLE THE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUDGES OF THE  
SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE  
PETITIONERS ABOVE NAMED

**MOST RESPECTFULLY SHEWETH:**

1. The present Writ Petition has been filed by the Petitioners in public interest to bring to the notice of this Hon'ble Court incidents relating to illegal detention of children in Kashmir as reported in the media and seeking judicial intervention in the matter and praying that the Court may ask for a status report and direct the Juvenile Justice Committee of the Hon'ble High Court of Jammu and Kashmir to monitor incidents of detention.

3. The Respondent No.1 is the Union of India through the Office of the Secretary, Ministry of Home Affairs, being the concerned authority for maintenance of law and order in the territory of India.
4. That the Respondent No.2 is the State of Jammu and Kashmir through its Secretary being the concerned authority for maintenance of law and order in the territory of Jammu and Kashmir.
5. That the Respondent No.3 is the Administrative Council (SAC), concerned authority for maintenance of law and order in the Srinagar, Jammu and Kashmir.
6. That the Respondent No. 4 is the Juvenile Justice Committee of the High Court of Jammu and Kashmir.
7. The facts and circumstances leading to the filing of the present Writ Petition are as under: -

- A. With regard to the situation in Jammu and Kashmir, there have been certain reports specific to children, which describe violations of very different kinds, ranging in seriousness from potential loss of life and liberty of the child, to being emotionally and intellectually drawn into the conflict.
- B. It is the Petitioners' submission that the reports are serious enough to merit judicial review of the situation with respect to children and to enforce and monitor certain immediate corrective action.
- C. The areas of concern as gleaned from reportage in mainstream newspapers are thus: the first pertains to illegal (if temporary) detention (and in some cases beatings) of young boys by security forces. The second concerns serious injuries and deaths of children through deliberate or accidental . The following specific cases are collated below:
- a. as chased by the CRPF, while returning from a game of cricket. He somehow fell into the river and drowned while being chased. A copy of the report dated 8<sup>th</sup> August 2019; Indian Express reporting the drowning of a 16 years old boy is annexed hereto and marked as **Annexure-P/1.**

- b. On 9<sup>th</sup> August 2019 night raids were conducted in Soura, Srinagar. A mother reported that the police knocked at her door at 2 AM demanding that her school-going son be handed over to them. When she refused to let them take the child away, they took her husband as ransom, telling her to bring the child to the police station the next morning if she wanted her husband back. A copy of the report of The\_Washington Post dated August 9<sup>th</sup> 2019 about the night raids conducted in Soura is annexed hereto and marked as **Annexure-P/2**.
- c. \_\_\_\_\_ of age was admitted to the \_\_\_\_\_ pellet injuries to his leg, which bystanders said were unprovoked **Annexure – P/2**
- d. In one particular case of a 11-year-old boy from Pampore and has been widely reported, who was kept in detention without any formal records between 5<sup>th</sup> August and 11<sup>th</sup> August 2019. He has been quoted to say that there were boys even younger than him in custody from nearby villages. A copy of the newspaper article as reported in The Telegraph (14<sup>th</sup> August 2019) is annexed hereto and marked as **Annexure-P/3**.

A copy of the news report about how students were being forced to write to the Prime Minister as reported in Livewire is annexed hereto and marked as **Annexure-P/4**.

A copy of the Business Insider dated 15th August 2019 is annexed hereto and marked as **Annexure-P/5**.

- e. A team of civil society members visited Kashmir and released a report. The report of the civil society members was reported by Pheroze L Vincent dated August 15, 2019. A copy of the report of the Civil Society members was reported by Pheroze L Vincent dated August 15, 2019 is annexed hereto and marked as **Annexure-P/6**.
- f. Caravan magazine carried a piece on the ground situation in Kashmir in its report dated August 16, 2019. A copy of the report dated August 16, 2019 reported in Caravan Magazine is annexed hereto and marked as **Annexure-P/7**.
- g. One especially concerning narrative is the following:  
  
‘while looking for them, we found a small five-year-old girl, Muneefa Nazir, with her right eye bandaged. She was lying on the bed and sleeping, with Eid mehendi on her hands, as more than ten family members sat around her looking shattered. She had

been brought the previous day at 6.30 pm from Safakadal after a CRPF jawan hit her with a stone from his catapult. She was sitting on her uncle's bike. "We were going to distribute the qurbani meat," Farooq Ahmad Wani, the uncle said. "She sat in front, on the fuel tank. Two people sat behind me. As I tried to cross the road, one CRPF jawan asked me to take another way. As he was talking to me, another CRPF guy across the road hit us with the stone. Muneefa was injured and started bleeding a lot. When I tried to confront him and ask why he did it, he cocked his gun and said I will shoot you if you don't leave. All the others who gathered to support me also ran away after that." He added that everything was peaceful and their shift was also coming to an end, at 6 pm, when the incident happened.' **Annexure P/7**

G. The Washington Post carried a piece on August 19<sup>th</sup> 2019 reporting that though the clampdown was slightly loosened the leaders were still detained. A copy of the newsreport of The Washington Post dated August 19<sup>th</sup> 2019 is annexed hereto and marked as **Annexure-P/8.**

a. Two boys aged 14 and 16 years were picked up in a night raid from Mehjoor Nagar, Srinagar in the intervening

night of 19-20th August 2019. Their father Ali Mohammad Rah had not been allowed to see them as of 20th August 2019.

- b. Night raids were also conducted in the area of Nowshera during the night of 19-20th August and teenaged boys were illegally taken away.
- c. “Nights fill us with dread,” says Zainab\* (name changed), a resident of Baramulla in north Kashmir. Zainab is in her late forties, and her children have grown up, but as many as three children have been “picked up” by security forces from her area, during raids conducted at night. One of them, Qasim\*, is about 10-11 years old, and stayed barely a few blocks away from Zainab. “They (Qasim’s family) heard someone banging on their door a few days back. It was quite late. They (security personnel) told the family to call Qasim. They pleaded with the forces not to take the boy away but they roughed up the father and took Qasim under detention,” Zainab narrates. This is one of the several instances of minors being detained by security forces in the Valley after the government decided to scrap Jammu and Kashmir’s special status on 5 August. The number of children detained is said to be running into hundreds.



- d. Raids in south Kashmir are particularly severe. A large number of minors and youths have been picked up by security forces in places like Pampore, Awantipora, Khrew, Tral, and Pulwama, all of which are in the Pulwama district.
- e. A child was illegally taken away from Buchpora, Mehmoodabad at 1.40 am in the night of 19th-20th August 2019.
- f. On August 20, Mohammad Altaf, a government employee reported that his son, 17-year-old Sameer Ahmed, had been on his way to a hospital, bearing tea and food for a relative admitted there, when he was detained at the Soura bus stop. "My cousin's son was passing by and saw him," said Mohammad Altaf. "We have been waiting [outside the Soura Police station] all day. We went inside in the morning. They had beaten him with chains." Once again, there is no FIR, according to the family.
- g. In the Eidgah area of Srinagar, a 12-year-old had been picked up on the afternoon of August 17<sup>th</sup>. He had been sent out to buy bread, his mother said, when stone pelting broke out. "I was inside the baker's shop when there was a rush of people on the street," said the 12-year-old.

"They [security forces] came inside and took me out of the shop. The moment they caught me, they hit me with the butt of a gun and slapped me." His

mother, meanwhile, had heard a commotion on the streets and gone out to look for her son. A family which lives above the baker's shop told her he had been taken by the police. She then took a lift on a passing bike and followed the police vehicles. At Ali Masjid, the old mosque near the Eidgah grounds, they found a police vehicle with a punctured tyre. They had her son but said they could not let him go, she recounted, he had to be presented at the police station. The boy was taken to the Safa Kadal police station, where he was kept in a lock up. "They asked me to write my name and details on a paper and sign it," he said. "They also took my picture."

His family, meanwhile, waited all day near the police station. That day, reports had spread that an elderly man had died of suffocation from tear gas. It had led to more protests and tear gas shelling in downtown Srinagar, where the Eidgah is located. "We took refuge in a house near the station," the mother said. At 9.30 pm, they let him go.

The boy was asked to report at the station the next morning. When he presented himself, they told him not to join protests again, slapped him and then let him go, his mother said."

N [redacted] a resident of Srinagar's Umarhair neighbourhood states that on August 18<sup>th</sup> 2019, the Indian paramilitary forces and police conducted a midnight raid and broke into their home. Without any explanation, they picked his two teenage sons, [redacted] Both are high school students. [redacted] tried to stop the police from making arrests, but he was hit by batons. "They locked the women in one room and then beat me up," he said. According to local accounts, at least 10 teenage boys were detained in the neighbourhood on the same night. Three of them, including [redacted] were released a few days later. The signs of anxiety and depression are visible on the face of [redacted] He told *TRT World* that he was beaten up soon after the Indian paramilitary troops pushed him into the car. "They slapped and kicked me in the vehicle," he said. [redacted] said he and [redacted] who's still in detention, were kept in a small room with 35 other detainees.

- [redacted] and [redacted] were picked up on August 5<sup>th</sup> 2019 and held in a cell with four others, with new detainees arriving and leaving each day, [redacted] said. On the second day of their detention, he said, the two boys were asked to tell the police the whereabouts of another boy. When [redacted] said he didn't know the boy, an officer hit him with a wooden baton five times on his knuckles and palms, he recalled. [redacted], said she came to see her son every day and officers sometimes let her

• speak to him. “He would cry and ask me to take him home,” she said. “It was very difficult to see him like that.”

- was awakened by a voice claiming to be a local cleric, asking him to open the gate to his home. Half a dozen armed policemen jumped over the wall and said they were looking for , he said. They whisked the boy away. Two days later Danish had still not returned. A copy of the report carried by Scroll dated August 28<sup>th</sup>, 2019 is annexed hereto and marked as **Annexure – P/9.**

8. In the light of the above, the Petitioners make the following submissions:

- a) Admittedly, Jammu and Kashmir is passing through an ‘extraordinary situation’. It is most respectfully submitted that as a constitutional democracy, it is imperative, especially in these extraordinary circumstances that this Hon’ble Court ensures that no excesses take place against women and children, who are admittedly most vulnerable in such tense situations.
- b) In cases where teenage boys are picked up for fear of being ‘potential’ stone-pelters, it is imperative that the detention must be reported and monitored by a body such as the Juvenile Justice Committee of the High Court of Jammu and Kashmir,

which has as its chairperson a retired judge of the High Court.

Such a body already exists in the High Court of Jammu and Kashmir.

- c) In WP(c) 8889/2011, the Delhi High Court had taken Suo Motu notice on the basis of reports that suggested that several times when children were arrested by Delhi police, they were lodged at Tihar jail, out of 'sheer negligence', 'act of omissions' or sometimes 'deliberately'. The Hon'ble High Court held that "we are of the opinion that specific and detailed directions need to be issued to all the appropriate authorities for compliance so as to prevent the incarceration of children in conflict with law, in the jails or their subjection to the Adult Criminal Justice System." Accordingly it directed National Commission for Protection of Child Rights (NCPCR) to form teams to regularly visit jails and conduct age-based surveys of prisoners lodged therein to ensure that no minor is kept in incarceration in the jail. Such an action may also be mandated in the present case under the supervision of the existing Juvenile Justice Committee of the High Court.
- d) The second specific allegation in the current reportage on the situation in Kashmir relates to instances of maiming and injuries caused to children. One especially concerning narrative is the following: 'while looking for them, we found a small five-year-old girl, with her right eye bandaged. She

was lying on the bed and sleeping, with Eid mehendi on her hands, as more than ten family members sat around her looking shattered. She had been brought the previous day at 6.30 pm from Safakadal after a CRPF jawan hit her with a stone from his catapult. She was sitting on her uncle's bike. "We were going to distribute the qurbani meat," Farooq Ahmad Wani, the uncle said. "She sat in front, on the fuel tank. Two people sat behind me. As I tried to cross the road, one CRPF jawan asked me to take another way. As he was talking to me, another CRPF guy across the road hit us with the stone. Muneefa was injured and started bleeding a lot. When I tried to confront him and ask why he did it, he cocked his gun and said I will shoot you if you don't leave. All the others who gathered to support me also ran away after that." He added that everything was peaceful and their shift was also coming to an end, at 6 pm, when the incident happened.' [**The Caravan** (16<sup>th</sup> August 2019)]

ii) \_\_\_\_\_ of age was admitted to the Sher-i-Kashmir hospital with pellet injuries to his leg, which bystanders said were unprovoked. [**The Washington Post** (9<sup>th</sup> August 2019)]

iii) \_\_\_\_\_ was chased by the CRPF, while returning from a game of cricket. He somehow fell into the river and

drowned while being chased. [ Hindustan Times, 8<sup>th</sup> August 2019; Indian Express 8<sup>th</sup> August 2019]

E.It has been stated that things are improving and in fact schools have reopened from 19<sup>th</sup> August 2019. However, mainstream newspapers report that classrooms were empty, as most parents did not feel that the children could be safely sent out. 'On Monday, very few pupils arrived at any of the 190 schools that had opened in Srinagar. *"It is a risk. I cannot risk my child's life for some experiment,"* a local police officer said. Communication blocks mean there is no way of contacting school staff in case of an emergency, he said.' [ **The Guardian** (19<sup>th</sup> August 2019)] Also, **The Indian Express** (19<sup>th</sup> August 2019)]

F) It is respectfully submitted that the situation in Kashmir today is urgent and disturbing from the perspective of children's wellbeing. It would appear from the reports that the state is acting in violation of both specific laws with respect to children and also of constitutional principles and International Child rights commitments.

G) With the abrogation of Article 370 and the consequent passing of the *Jammu and Kashmir Reorganisation Act, 2019* the immediate safety and protection of Kashmiri children becomes the responsibility of the Union Government. It is in this context that the Petitioners pray that the Supreme Court act as *parens*

*patriae* to the children and direct the government to submit a status report on actual detentions, injuries and deaths of children between August 5<sup>th</sup> 2019 to the present day.

It is pertinent to note that these very serious allegations of excesses on children are not being made in a vacuum. The reports of illegal detention of children after August 5<sup>th</sup> 2019, although unverified at this stage, are not without precedence. The Report of the Office of the United Nations High Commissioner on Human Rights published on 14<sup>th</sup> June 2018 records the fact of arbitrary detention of children in Kashmir and also of maiming and injuring.

- I) Additionally, the United Nations Working Group on Arbitrary Detention (2008) has also taken note of the arbitrary detentions of Children in Kashmir. A copy of the arbitrary detentions of Children in Kashmir is annexed hereto and marked as **Annexure – P/** . Children in the Kashmir valley have been regularly detained under the Public Safety Act (PSA). Although the Act makes no reference to the ‘administrative detention’ of children, the security forces and police routinely detain children, especially boys between the ages of 16 and 18 years.



- J) Similarly the Juvenile Justice Acts preclude detentions of children in the adult prison system, or without any formal record of detention.
- K) The Central *Juvenile Justice (Care and Protection of Children) Act, 2015* in Section 2(12) and the *Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013* in Section 2(m) both define “child” as a person who has not completed the age of 18 years.
- L) The statutes also define ‘child in need of care and protection’ as any child who is a victim of , or affected by an armed conflict, or civil unrest or a natural calamity [ Sections 2(14)(xi) and Section 2(e)(x) respectively of the Central and Jammu and Kashmir Act]. It is incumbent upon the state to provide such children necessary support and care.
- M) The UN Convention on the Rights of the Child (CRC), which India has ratified in 1992 states in Article 39: “States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflict. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

- N) The state has a constitutional duty to protect the rights of the child as guaranteed under the Constitution of India.
- O) It is relevant to note that such extraordinary situations have a deep and everlasting impact on the psychological well-being of children and by ignoring the urgency of the situation we may 'lose' a generation of citizens to state excesses. Community Mental Health Journal 55(3), March had published the results of a survey assessing the mental health of a thousand children from 12 schools in Shopian district: one out of every three of these children had a clinically diagnosable mental disorder, most commonly in the form of mood, anxiety or behavioural disorders. The study was conducted before the current troubles and thus the situation is only likely to worsen. This view is supported by the statement issued by the Institute of Mental Health and Neuro Sciences (IMHANS), Srinagar .

In view of the prevailing ground situation in Kashmir, the Petitioners have invoked Article 32 to bring to the notice of this Hon'ble Court, by way of a public interest litigation the grave conditions concerning the safety of children in Kashmir and the Petitioners beg to file the above petition on the following amongst other grounds which are without prejudice to one another.

#### GROUND

- A. Because with regard to the situation in Jammu and Kashmir, there have been certain reports specific about children, which describe violations of very different kinds, ranging in seriousness from potential loss of life and liberty of the child, to being emotionally and intellectually drawn into the conflict.
- B. Because it is the Petitioners' submission that the reports are serious enough to merit judicial review of the situation with respect to children and to enforce and monitor certain immediate corrective action.
- C. Because it is respectfully submitted that the grave concerns brought about in this Petition are derived from diverse newspaper reports. Moreover, they are not formed in a vacuum. The Petitioners are both very experienced individuals and child-rights experts, who are familiar with patterns of violence upon children that emerge in extraordinary situations. The reportage with respect to violations of the rights of children is detailed and also supported by past documentation by UN bodies.
- H. Because admittedly, Jammu and Kashmir is passing through an 'extraordinary situation'. It is most respectfully submitted that as a constitutional democracy, it is imperative, especially in these extraordinary circumstances that this Hon'ble Court ensures that no excesses take place against women and children. Any response to the situation has to be legal and constitutionally reviewed. It cannot be knee-jerk and arbitrary.

- I. Because there are also obligations under the UN Convention on the Rights of the Child (CRC), which India has ratified in 1992, which recalls the 'Declaration on the Protection of Women and Children in Emergency and Armed Conflict', in its Preamble and recognizes that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration'. The CRC states in Article 39: "States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflict. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child."
- J. Because the Juvenile Justice Acts adopt the same considerations in their definition of 'Child in need of care and protection'. Thus any child, in any kind of emergency situation (affected by natural calamity, armed conflict or civil unrest) is a 'Child in Need of Care and Protection', under Section 2 (14)(XI) of the *Juvenile Justice (Care and Protection of Children) Act, 2015*, and Section 2(e) (X) of the *Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013*.
- K. Because the state has a constitutional duty to protect the rights of the child as guaranteed under the Constitution of India.
- L. Because this Hon'ble Court has held while interpreting Article 21 of the Constitution that the term liberty not only includes liberty but also the right of human beings to live with dignity.

- M. Because the state is under the constitutional mandate to create conditions in which the fundamental rights guaranteed to the individuals under part III could be enjoyed by all.
- N. Because Justice Bhagwati, as he then was, while speaking on basic child rights had said that “the child is a soul with a being, a nature and capacities of its own, who must be helped to find them, to grow into the maturity, into fullness on physical and vital energy and most breadth, depth and height of its emotional, intellectual and spiritual being”.
- O. Because children require special care and protection under all circumstances and it is the duty of the state to ensure that. Although there is much legislation by the government to curb many social evils against children, the governments are not taking any enough steps to ensure that children, the future citizens of our country are protected. These are the children that would lead our country to a healthy and prosperous nation. The final affirmation on child rights is possible only if there is international cooperation and implementation of the right to development, protection and participation. The right to participation of children includes their right to be heard.
- P. Because Article 39(f) of the Directive Principles of State Policy read with Article 21 of the Constitution of India provides that the state shall, in particular, direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.
- Q. Because the reported cases of violence on children in Kashmir calls for a need to make an inquiry into such cases in keeping with the Constitutional mandate that the state has a duty in ensuring that children get equal opportunities to develop in a healthy manner and in conditions of freedom and dignity. It is the duty of the state to ensure that the children are able to live and grow in an environment that is safe and secure, and one in which they are being able to express themselves and share their problems without fear of retaliation or vindictive action.
- R. Because childhood and adolescence are critical stages of development. Traumatic experiences in these phases of life have long-lasting impressions, which are carried into adulthood and persist lifelong. It is a well-known fact that psychological distress manifests itself in different forms – physically (headache, stomach pain) and behaviourally (withdrawal, aggression towards people or even their own selves). It is

therefore imperative to ensure that this period of transition and unrest does not lead to long term consequences for children in Jammu and Kashmir.

- S. **Because the same ideals and concerns form a part of the National Policy for children 2013, which formulates the following principles on the subject of “Protection of Children”:** Paragraph 4.7 A safe, secure and protective environment is a precondition for the realisation of all other rights of children. Children have the right to be protected wherever they are; Paragraph 4.8 The State shall create a caring, protective and safe environment for all children, to reduce their vulnerability in all situations and to keep them safe at all places, especially public spaces. Paragraph 4.11 The State commits to taking special protection measures to secure the rights and entitlements of children in need of special protection, characterised by their **specific social, economic and geo-political situations, including their need for rehabilitation and reintegration, in particular but not limited to, children affected by** migration, displacement, communal or sectarian violence and **civil unrest**.
- T. **Because J&K State Government was** in the process of setting up the child protection system in the state under the Jammu & Kashmir Juvenile Justice (care and protection of children) Act, 2013 through the implementation of the Integrated Child Protection Scheme (ICPS), and other measures, and setting up Child Friendly Spaces in the villages, these efforts need to be intensified in the current context so that children have a support system within their ecosystem
- U. The Petitioners have no other effective alternative remedy but to file the above petition invoking this Hon’ble Court’s jurisdiction under Article 32 of the Constitution of India.
- v. No similar Writ Petition has been filed either in this Hon’ble Court or any other Court.

### **PRAYERS:**

In the light of the facts and circumstances detailed in the present Writ Petition, as well as the legal grounds relied upon therein, it is most humbly prayed that this Hon’ble Court may be pleased to

issue a writ in the nature of Habeas Corpus, or Mandamus, or any other appropriate writ of similar nature and:

- A. Direct that the Respondent file a status report detailing the current whereabouts, and the medical (both psychological and physical) status be provided on the specific children described in this petition, who have been detained or were detained and who have been beaten up in custody.
- B. Direct that all persons below the age of eighteen years who are detained in any police station, detention centre, jails, or any other confinement, by whatever name called in Jammu and Kashmir be identified through an age census conducted under the aegis of the Juvenile Justice Committee of the High Court of Jammu and Kashmir.
- C. Direct that all children who are currently detained be produced before the Juvenile Justice Committee of the Hon'ble High Court and brought under their care and supervision, so that they may be provided with the necessary support.
- D. Direct that no detention of children be made without an Order in writing, stating legal provisions under which the detention order has been passed.
- E. Direct that the whereabouts of such children as detained under written, legal orders be made available to their parents/guardians.

- F. Direct that the High Court review, fortnightly, the individual care plans (which should include compensation, rehabilitation, education, health etc.) prepared by the JJ Committees for all such children, as mandated by the JJ Act and further review the action taken thereunder by the JJ Committee in pursuance of such individual care plans;
- G. Direct an enquiry to be conducted by a court appointed investigation team into the specific cases of children who have been maimed or illegally detained, or have died in the erstwhile state of Jammu and Kashmir.
- H. Direct payment of compensation to children who have been maimed or illegally detained and to families of children who have died.
- I. Pass such further and other orders as the Hon'ble Court may deem fit in the interests of justice and circumstances of the present case.

New Delhi  
Date:

Filed by:



SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (CIVIL) NO. \_\_\_\_\_ OF 2019

**IN THE MATTER OF:**

**VERSUS**

**UNION OF INDIA & ORS**

**...RESPONDENTS**

**AFFIDAVIT**

1. That I am the one of the Petitioners in the above mentioned Writ Petition and being fully conversant with the facts and circumstances of the case, am competent to sign this affidavit.
2. That the list of dates (at pages        to        ), Writ Petition (contents of paras        to        at pages        to        ), and Civil Miscellaneous applications, have been drafted under my instructions and the facts stated therein are true to my knowledge derived from the records of the case.
3. The Annexures annexed to the above Petition are true copies of its respective originals.
4. That the facts stated are true and correct and nothing material has been concealed therefrom.

DEPONENT

**VERIFICATION:**

I, the above named deponent do hereby verify that the content of para 1 to 4 are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom

DEPONENT

