

SPOTLIGHT

No juvenile justice for boys, girls in J&K

RASHME SEHGAL
NEW DELHI, NOV. 16

In a shocking travesty of justice, the state of J&K does not possess a single juvenile home for girls. The result is that in a flagrant violation of the Juvenile Justice Act, girls taken into custody by law enforcement agencies continue to be lodged in jails or police lockups.

Activists with the Asian Centre for Human Rights (ACHR), headed by Suhas Chakma, found that from

the 51 cases of juveniles they interviewed in J&K, nine dealt with girls who continued to be in jails whereas they should have been kept in a juvenile home for girls.

Boys fare no better. They are being arrested under the Public Safety Act (PSA) and are detained with adult criminals placing them under high risk of abuse. Mr Chakma strongly condemned the J&K government "who as a matter of routine has been illegally detaining

minors under PSA, thereby denying them the benefit of the Juvenile Justice Act (Care and Protection of Children), 2000".

Releasing the report "Juveniles of Jammu and Kashmir: Unequal before the law and denied Justice in Custody", Mr Chakma highlighted the disturbing case of Fayaz Ahmad Bhat, currently lodged at the RS Pura Juvenile Home in Jammu.

Fayaz, son of Ghulam Hassan Bhat and a resident of Goori-pora,

Palpora, Gandcrbal, was arrested sometime in 2007 when he was a minor. Two years later, the chief judicial magistrate directed that Fayaz, who was detained at Central Jail, Srinagar, be shifted to the juvenile home but the superintendent of the home refused to admit him on the grounds that he was an adult.

Finally, he was given permission to stay but continues to be denied bail. When ACHR researchers met Fayaz, who is an adult liv-

ing at the RS Pura Juvenile Home on July 3, 2010, he alleged that he was not produced even once before the trial court since the denial of bail.

While the existing J&K Juvenile Justice Act categorically states that even those are over 16 years of age cannot be regarded as juvenile, minors in pre-trial detention are assumed to be adults even when proof is available that when they were arrested, they were children.