

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
QUESTION NO 4534
ANSWERED ON 12.04.2017**

Arrest of minors under J and K Public Safety Act

4534

Shri Husain Dalwai

Will the Minister of HOME AFFAIRS be pleased to state :-

(a) whether arrest of minors under Jammu and Kashmir Public Safety Act (PSA) is a violation of the Act;

(b) whether Government has received any reports showing that minors have been arrested and detained by the J&K Police under PSA;

(c) if so, the number of minors arrested so far since last year and number of minors still being detained;

(d) what steps Government would take to prevent this unlawful practice; and

(e) if Government is not aware of such reports, whether Government would enquire from State Government that no minors have been arrested or are currently being detained under J&K Public Safety Act?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)

(a): As per section 8 sub-section 3 clause f of Public Safety Act (PSA) 1978, a person to be detained under PSA shall not include a citizen of India who has not attained the age of 18 years.

(b) to (e): State Government has reported that one accused was detained under PSA and lodged in a Jail on 21.09.2016. Later on, on the basis of birth certificate produced by the accused, he was shifted to Juvenile Home. The accused was subsequently, released on 15.12.2016 as per direction of High Court of Jammu and Kashmir. State Government has further reported that presently, no minor is detained under PSA.
