

Public Safety Act in J&K

Why in news?

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The J&K Assembly witnessed disruption in the assembly over a detention made under the state's Public Safety Act.

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What is the issue?

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- A boy was detained on September 2016, for protests over the Burhan Wani killing.

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- The government insists the age of the detainee, is 20-25 years.

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- The opposition protested showed school documents saying he is 14.

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- A medical panel set up by the government has put his age at 19 to 21.

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What is the Public Safety Act?

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- The Act was first promulgated in J&K in 1978 for administrative detention.

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- It was aimed at containing the timber smugglers.

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- Originally, it allowed the government to detain any person above the age of 16 without trial for a period of two years.

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- The amendments made in 2011 raised the minimum age of a person from 16 to 18 years.

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- It also reduced the maximum detention period from one year to three months

in case of public disorder, and from two years to six months in cases where the security of the State is involved.

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- However there is a provision for revision and the detention period can be extended to one year and two years respectively.

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- Police prepare a case file against the accused and submit it to the deputy commissioner, detailing why a person needs to be detained under the Act.

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- Then the detention order under the PSA is issued by the district magistrate/deputy commissioner.

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What are the criticisms?

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- **Discretionary power** - It is up to discretion of the deputy commissioner to accept or reject the recommendations. But in most cases, district magistrates pass detention orders without questioning the police.

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- **Revolving detention** - A person detained under the PSA can approach the high court to get relief.

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- But usually the government resorts to what is called “revolving door detention” i.e the moment the high court releases the person, the government uses the PSA against him again in another case.

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- e.g Hurriyat leader Masarat Alam has been booked under the PSA for 17 consecutive times.

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- **Political Intentions** - The government has frequently used the Act against political opponents.

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- Rights group Amnesty International has called the PSA a “lawless law”. It states that the state uses the law to keep people that the government can't convict through proper legal channels.

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- **Number of detainees** - During the protests over the killing of Hizbul Mujaihideen commander Burhan Muzaffar Wani more than 550 persons were

detained under the PSA.

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- It is the highest number in a year.

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- **Age** - The government was accused of using it against people irrespective of age, from minors to 80-year-olds.

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- While school certificates show many of the arrested children as minors, police maintain they are adults.

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- In at least two cases, the J&K High Court declared the arrested boys as minors and ordered their release.

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Source: The Indian Express

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