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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REF. 1/2020**

COURT ON ITS OWN MOTION Petitioner

Through: Mr. H.S. Phoolka, Senior Advocate (*Amicus Curiae*) with Ms. Shilpa Dewan, Advocate.

versus

STATE & ORS. Respondents

Through: Ms. Nandita Rao, ASC (Criminal), GNCTD for the State with S.I. Sanjeev, P.S.: Jaitpur.

Ms. Prabhsahay Kaur, Advocate for Bachpan Bachao Andolan/R-2.

Mr. R.H.A. Sikander, Standing Counsel for Delhi Commission for Protection of Child Rights (DCPCR)/R-3 with Mr. Anurag Kundu, Chairperson, DCPCR.

Mr. Kanwal Jeet Arora, Member Secretary, DSLSA.

Ms. Anu Grover Baliga, Secretary, DHCLSC with Mr. Harsh Prabhakar, Advocate for DHCLSC.

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+ **W.P.(CRL) 1560/2017 & CRL. M.A. 49787/2018 (Exemption)**

SADHAN HALDAR Petitioner

Through: Mr. H.S. Phoolka, Senior Advocate (*Amicus Curiae*) with Ms. Shilpa Dewan, Advocate.

versus

THE STATE NCT OF DELHI & ORS. Respondents

Through: Ms. Nandita Rao, ASC (Criminal), GNCTD for the State with S.I. Ramdev and S.I. Gunjan, AHTU/Crime Branch.

Ms. Prabhsahay Kaur, Advocate for Bachpan Bachao Andolan.

Mr. R.H.A. Sikander, Standing Counsel for Delhi Commission for Protection of Child Rights (DCPCR) with Mr. Jayant Bhatia, Advocate for R-4 with Mr. Anurag Kundu, Chairperson, DCPCR.

Mr. Anant Kumar Asthana, Advocate for DSLSA/R-5.

Mr. Kanwal Jeet Arora, Member Secretary, DSLSA.

Mr. Tushar Sannu, SC, EDMC/R-8.

Mr. Anil Grover, SC with Ms. Noopur Singhal, Advocate for NDMC.

Mr. J.K. Singh, SC, Railways with Mr. Amit Kumar, Advocate for Railways/R-10.

Mr. Tarun Johri and Mr. Vishwajeet Tyagi, Advocates for DMRC/R-11.

Mr. Ripudaman Bhardwaj, CGSC with Mr. Kushagra Kumar, Advocate for UOI.

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W.P.(CRL) 2563/2021

DELHI COMMISSION FOR PROTECTION OF CHILD RIGHTS (DCPCR)

..... Petitioner

Through: Mr. Tushar Sannu, SC, DCPCR with Ms. Vrinda Grover, Advocate with Mr. Anurag Kundu, Chairperson, DCPCR.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI & ORS.

..... Respondents

Through: Ms. Nandita Rao, ASC (Criminal),
GNCTD for the State with S.I.
Surendra Das, P.S.: Shastri Park.
Mr. Anant Kumar Asthana,
Advocate for DSLSA/R-3.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

21.01.2022

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In compliance of last order dated 16.12.2021, Ms. Nandita Rao, learned Additional Standing Counsel (Criminal) appearing for the State of Delhi, submits that a status report has been filed. However, the same is not on record. Let the same be brought on record.

In the meantime, the Delhi Government has placed on record a tabulated summary of the number of children in conflict with law/juveniles, who were detained in adult jails at Tihar, Rohini and Mandoli over the last five years and were subsequently transferred to juvenile homes. The total adds-up to an alarming number of about 800 such cases. The question therefore is, as to whether and if so what, further directions are required from this court to streamline the process of assessing the age of an arrestee, at the very first step when the person is brought to a police station. Submissions on this issue have been made by learned counsel appearing for the parties and various suggestions have come forth, including :

- (i) implementation of the NALSA 'Scheme for Para-Legal Volunteers (Revised)' which *inter-alia* provides for the presence of paralegal volunteers in police stations, to apprise arrestees of their legal rights;

- (ii) addition of certain entries in an Arrest Memo to incorporate the verified age of an arrestee; and
- (iii) measures to ensure due application and compliance by all Magistrates of the mandate of Section 9(1) and 9(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015, including Magistrates not empowered under the JJ Act, to ensure that in the intervening period, when an arrestee's claim of being 'juvenile' is being enquired into, such person is housed in a place of safety.

The above aspects have been debated at considerable length during today's hearing. However, the hearing remains inconclusive.

For further submissions in this behalf, list on 27.01.2021.

SIDDHARTH MRIDUL, J.

ANUP JAIRAM BHAMBHANI, J.

JANUARY 21, 2022/'AA'

[*Click here to check corrigendum, if any*](#)