

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CRL.) NO(s). 210 OF 2004

SOCIETY,HUMAN RIGHTS & CIVIL LIBERTIES Petitioner(s)

VERSUS

UNION OF INDIA & ANR. Respondent(s)

(With appln(s) for stay and office report)

Date: 18/10/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Dr. Kailash Chand,Adv. (not present)

For Respondent(s) Mr. R.P. Bhatt, Sr. Adv.
Ms. Aruna Gupta, Adv. for
Ms. Sushma Suri,Adv.

J&K Ms. Astha Sharma, Adv. for
Mr. Sunil Fernandes ,Adv

UPON hearing counsel the Court made the following
O R D E R

In this Writ Petition, filed in the nature of Public Interest Litigation, it has been prayed that rehabilitation policy dated January 31, 2004 relating to militants/terrorists framed by the Government of Jammu & Kashmir and approved by the Government of India may be quashed. By the said policy, it is provided that the militants/terrorists who surrender in accordance with the guidelines and keep good behaviour, duly certified by the authorities, should be granted immediate grant of Rs. 1.50 lakhs to be kept in the shape of an FDR in a bank in the name of surrenderee for a period of three years which can be drawn by him on completion of three years' period subject to good behaviour and Rs. 2000/- as monthly stipend for three years after surrender.

A counter-affidavit has been filed by the Union of India in opposition to the Writ Petition on January 4, 2005. On behalf of Government of Jammu & Kashmir, counter-affidavit has also been filed in the month of March, 2005. More than seven years have passed since these affidavits were filed by the Union of India and Government of Jammu & Kashmir. Their latest view on the subject is not known.

For proper consideration of the matter in the circumstances, it is essential to know from the two governments namely; Central Government and the Government of Jammu & Kashmir whether the above rehabilitation policy still holds the field or not and if some modification in the above policy has taken place, the details thereof. We direct the Ministry of Home, Government of India and the Home Department of the Government of Jammu & Kashmir to file their respective affidavits on the above aspect through a responsible officer within four weeks.

List the Writ Petition thereafter.

| (Pardeep Kumar)
| Court Master

| | (Renu Diwan)
| | Court Master

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