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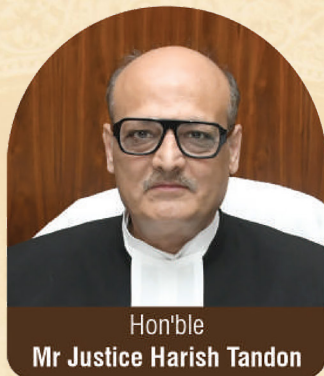
The Juvenile Justice Committee
High Court of Orissa



SISHU SURAKHYA

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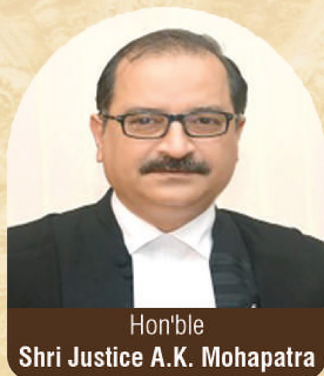


Hon'ble
Mr Justice Harish Tandon
(Chief Justice)

THE JUVENILE JUSTICE COMMITTEE



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(Chairperson)



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Justice Harish Tandon
Chief Justice



सत्यमेव जयते



High Court of Orissa
Chandini Chowk, Cuttack-753002

MESSAGE

"An ounce of prevention is worth a pound of cure."

— Benjamin Franklin

As I pen this message, I am reminded of an old and evocative tale of a saint who, after years of arduous penance was blessed with the divine presence and granted the privilege of having a wish fulfilled. The saint reflected for a while and, instead of asking for wealth, power, wisdom or even immortality, made a simple yet profound wish: "Can You return my childhood to me?" In that poignant wish lies a profound truth—that whatever the world may offer, nothing can surpass the joy, innocence, freedom and unbounded spirit of childhood; for childhood is not merely a fleeting chapter of life, but that precious realm of wonder and possibility which, once lost, can never truly be reclaimed.

In the Vedic tradition, a child is viewed not merely as social or familial property, but as an evolving soul and a sacred trust, entrusted to progress through the various stages of life while upholding the cosmic order. Accordingly, in the ancient Indian ethos, the upbringing, education, protection and well-being of a child are deeply embedded in the very fabric of society. These enduring ethos and values have remained imperishable and timeless in Indian society, finding their profound expression and reflection in the Constitution of India in the second half of the twentieth century.

The constitutional framework for the well-being of children embedded, inter-alia, in the Constitution and has, over time, been extended and expanded through several statutes. Juvenile jurisprudence extends beyond the rehabilitation and reform of young offenders to encompass institutional care, protection, treatment, development and reintegration, in an integrated manner, for Children in Need of Care and Protection (CNCP) as well as Children in Conflict with Law (CICL), wherever appropriate, within a child-friendly atmosphere.

The year 2026 marks a significant milestone in the journey of juvenile justice in India, as the Juvenile Justice (Care and Protection of Children) Act, 2015 completes ten years of its enactment. As India marks ten years of the JJ Act, 2015, it is pertinent to reflect that whenever a law is framed, the collective burden of human history and the cumulative experience of humanity are formulated into a legal doctrine in a codified manner. Law, as an instrument of social engineering, always seeks to maintain a balance between established doctrines and evolving social understandings, with the object of preserving the continuity of the ethos of society and promoting the well-being of its individuals.

The completion of ten years also reminds us that legislation, however progressive, can fulfil its purpose only through effective implementation and sustained institutional commitment. The decade ahead must, therefore, witness greater convergence among the judiciary, Government departments, statutory authorities, civil society organisations and other stakeholders.

With the passage of time, it is observed that the aforesaid constitutional object concerning the well-being of juveniles can be achieved more effectively by strengthening the implementation of the statutes as well as the aforesaid constitutional framework at the micro and grassroots levels.

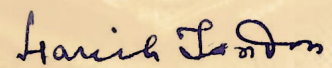
Evidence-based assessment, reliable data, institutional accountability and continuous monitoring must inform our interventions so that gaps in service delivery are identified and addressed and promising practices are replicated. Particular attention must also remain focused on inclusion and on ensuring that children with disabilities and other vulnerable children are not left outside the protective framework of the law.

As we enter the next decade, our endeavour must be to ensure that every child who comes within the protective or corrective framework of the juvenile justice system encounters not merely a legal process, but a system founded upon dignity, compassion, fairness and hope.

The Newsletter Sishu Surakhya has emerged as a meaningful tool in this endeavour, documenting initiatives, articles, good practices and experiences relating to child protection and juvenile justice within the State, while providing an opportunity to the learned stakeholders to share their insights and experiences and to disseminate inclusive practices, thereby facilitating a meaningful balance between established doctrines, evolving social understandings and the imperatives of the present time.

I take this opportunity to commend the Juvenile Justice Committee of the High Court of Orissa and all stakeholders associated with the child protection and juvenile justice system for their continued commitment and dedicated efforts.

May this issue of Sishu Surakhya carry forward the promise of care, protection, rehabilitation and justice for every child.



(Justice Harish Tandon)

Chief Justice's Residence, Cantonment
Road, Cuttack-753001



Hon'ble
Miss Justice Savitri Ratho
(Chairperson)

MESSAGE FROM THE CHAIRPERSON

More than hundred years ago Rabindranath Tagore – poet, author, playwright, musician, philosopher and social reformer had said – **“Every child comes with the message that God is not yet discouraged of man”**

After about a century, James Agee, 20th century American journalist and author has said the same thing – **“In every child who is born, under no matter what circumstances, and no matter what parents, the potentiality of the human race is born again.”**

What a child will become is shaped by the care and affection he receives at home, the lessons he is taught and the guidance he/she receives and the role models he follows, during childhood. Childhood is the formative threshold when values are imbibed, character is moulded and aspirations begin to emerge. The first lessons are not learnt from statutes or institutions, but from the family in which a child is born and the community in which the child resides. Thereafter the institutions and the State step in. The State through its constitutional and legal framework has to ensure that the child does not miss out any opportunity due to poverty.

‘Sishu Surakhya’, the newsletter of the Juvenile Justice Committee of the High Court of Orissa, is an endeavour to bring together and disseminate developments, initiatives and experiences relating to the protection, care, rehabilitation and justice of children. The present edition assumes special significance as this year, we stand at an important milestone – the completion of **ten years of the Juvenile Justice (Care and Protection of Children) Act, 2015**.

As evolution is the law of nature, the recognition and protection of children's rights must likewise continue to evolve with changing times and emerging realities, requiring utmost care and dedication. Within the ten years of implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015, there has been significant strengthening in several areas, including “the recognition of children in conflict with law as children in need of care and protection”, “determination of age”, “adoption and the involvement of civil society in the implementation of the rights of the juveniles” etc. At the same time, we have experienced several challenges and many areas require our renewed attention. The year 2026, therefore, provides an opportunity not merely to look back at the progress made in the last decade, but also to reflect critically on the gaps that continue to affect children and to chart a meaningful course for the decade ahead. We not only have to examine how the law has evolved but whether its underlying promise has translated



into reality. Whether children are protected from neglect, abuse and exploitation and whether those children who come in conflict with law are getting a genuine opportunity to reform and reintegrate into the society? Whether every child irrespective of circumstance or status is enabled to grow with dignity, security and hope?

To achieve this, an active understanding, coordination amongst the stakeholders under the umbrella of the juvenile justice framework is necessary.

It is in this spirit that the present edition of Sishu Surakhya seeks to contribute to this larger endeavour by providing a platform for sharing legal perspectives, experiences, developments, initiatives, good practices and relating to juvenile justice and child protection. It brings together contributions from members of the Judiciary, Government Departments, judicial officers, professionals and other stakeholders whose work and experience are integral to the functioning of the juvenile justice system.

I am confident that this edition of Sishu Surakhya will not only inform and sensitise its readers but also encourage greater collaboration among all stakeholders of the juvenile justice system.

Cuttack

Date: 04.09.2026

Justice Savitri Ratho





Hon'ble
Justice Aditya Kumar Mohapatra
(Editor-in-Chief)

CONSTITUTIONAL BEDROCK OF JUVENILE JUSTICE: FROM CONSTITUTIONAL VALUES TO EFFECTIVE IMPLEMENTATION

"There can be no keener revelation of a society's soul than the way in which it treats its children."

— **Nelson Mandela**

My heartiest greetings to one and all who are a part of the juvenile justice ecosystem. Like in previous years, we are once again holding the State-Level Consultations for the seamless implementation of the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 ("JJ Act 2015"). However, this year's Consultation is a special one, as we have completed a decade under the regime of the 2015 Act. In the true sense, we have reached the first milestone in our long journey towards achieving the Constitutional goals in respect of the children of our State and the Nation.

On reaching a milestone in a long journey, an occasion arises not only to celebrate, but also to pause and reflect upon our work and achievements over the years. A decade is a useful milestone not merely for celebration, but for reflection. It calls upon us to review what has been achieved, identify what remains unfinished, and determine the way forward with greater resolve. The first ten years of the 2015 Act should therefore be viewed not as the completion of a constitutional journey, but as an opportunity to examine how faithfully the statutory framework has translated constitutional commitments into the everyday lives of children. Welfare of children was among the aspirations of the makers of our Constitution. No society or nation can progress by ignoring the welfare of its Children, who are the future of the nation.

Juvenile justice in India is constitutionally anchored in the Fundamental Rights and Directive Principles that require the State to protect children, secure conditions for their development and recognise their distinct position, different from adults, within the criminal process. The Constitution does not contain a single provision titled "juvenile justice". Rather, its constitutional bedrock emerges from a combination of guarantees of dignity, liberty, equality and education, together with positive obligations concerning protection from exploitation and abandonment. The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act 2015) is the principal statutory framework through which many of these commitments are translated into institutional and procedural obligations.

Almost eight decades ago, our great Nation attained independence from British Rule. The makers of the Constitution chose to establish a polity governed by the Rule of Law and, after years of deliberation, the Constitution of India was adopted on 26th January, 1950. We recently celebrated 75 years of the Constitution. The Nation has travelled a considerable distance since then, but the work of nation-building, and of realising the constitutional promise for every child, remains a continuing process. As has been said repeatedly, the Constitution is a living document and an article of faith for its citizens. Its dreams and





aspirations are to be fulfilled by walking the path shown by the Constitution. In the context of children, that path requires us to look beyond the existence of legislation and ask whether the law is actually producing dignity, protection, development, rehabilitation and meaningful opportunities for every child.

The Constitutional Foundation of Juvenile Justice

While revisiting the constitutional framework vis-à-vis children, certain provisions of the Constitution assume particular importance. Their significance lies not merely in the protection they confer individually, but in the manner in which, read together, they establish a constitutional orientation towards child-centred justice. Article 21, guaranteeing the right to life and personal liberty, has been interpreted to include the right to live with dignity. In the context of juvenile justice, this constitutional understanding supports a child-sensitive approach to custody, signifying that detention must be a last resort, the conditions must be dignified, and the process must be reformatory rather than purely punitive. The statutory insistence on rehabilitation, restoration and reform therefore reflects more than a matter of policy, it is consistent with the constitutional requirement that State action affecting a child's liberty must respect dignity and human development. Likewise, Article 21A, which guarantees free and compulsory education to children between the ages of six and fourteen years, assumes particular significance in this context. Education is not simply an entitlement that survives a child's contact with the justice system, it is one of the principal means through which rehabilitation, development and reintegration can be achieved. The constitutional commitment to education therefore has practical relevance for children in conflict with law as well as children in need of care and protection.

The protection of personal liberty is further strengthened by Article 22, which contains procedural safeguards against arbitrary arrest and detention. In the case of children, these general constitutional safeguards operate alongside the child-specific protections contained in the Juvenile Justice (Care and Protection of Children) Act, 2015, including the requirement of production before the Juvenile Justice Board and procedures designed to ensure that the ordinary criminal process does not overwhelm the child-centered character of juvenile justice. Read in this manner, the constitutional protection of liberty and the statutory framework governing children in conflict with law are not separate or competing regimes. Rather, the latter gives concrete expression to the constitutional commitment to protect the dignity and developmental interests of the child. The constitutional framework also extends beyond children who come into contact with the justice system on account of alleged offences. Articles 23 and 24 reinforce its protective dimension by prohibiting trafficking and forced labour and by prohibiting the employment of children below fourteen years of age in hazardous occupations.

It is equally important to have a relook at Part IV of the Constitution containing the 'Directive Principles of State Policy'. These provisions do not operate merely as broad statements of aspiration, they provide important constitutional guidance for legislation and State action directed towards the welfare and development of children. They help explain why juvenile justice legislation must not be understood through a purely punitive lens. Article 39(e) of the Constitution of India directs the State to ensure that the health and strength of workers, men and women, and the tender age of children are not abused and, that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength. In the juvenile justice context, the provision reinforces the constitutional concern with the conditions that can expose children to exploitation and vulnerability. Article 39(f) of the Constitution of India requires the State to secure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood and youth are protected against exploitation and against moral and material abandonment. This provision has an especially direct relationship with juvenile justice, inasmuch as it places development, dignity and protection at the very epicenter of the State's responsibility towards children.

After the 86th Amendment, Article 45 of the Constitution of India directs the State to endeavour towards providing early childhood care and education for all children until they complete the age of six years. Read with Article 21A, it demonstrates that the Constitution views childhood development and education as matters requiring positive State action, a principle that necessarily informs the rehabilitation and reintegration of children who come into contact with the justice system. Similarly, Article 47 imposes a duty upon the State to raise the level of nutrition and the standard of living and to improve public health. Its connection with juvenile justice is more indirect, but equally as crucial. Rehabilitation and aftercare cannot be meaningful where children lack basic nutrition, health, living conditions and opportunities for development. Article 47, therefore, complements Articles 21, 21A and 39(f) by reinforcing the broader





constitutional conception of a child's welfare as a positive responsibility of the State.

The edifice of juvenile justice, care and protection laws has, thus, been built on this constitutional bedrock. At the completion of a decade under the JJ Act 2015, it is imperative that, while reviewing our achievements and deliberating nation-wide on the way forward, we do not lose sight of these constitutional provisions. They are not merely guiding lamps for legislation, they are standards against which the implementation of that legislation must ultimately be assessed. The constitutional framework becomes particularly visible when we examine the aims, objectives and mechanisms of the JJ Act 2015. The Act does not merely create institutions for dealing with children, it seeks to organise the State's response around principles that distinguish child justice from the ordinary punitive model of criminal law.

Thus, the constitutional foundation of juvenile justice is not confined to any single provision or to the treatment of children after they enter the justice system. It reflects a broader constitutional commitment to dignity, liberty, education, protection and development, which must inform both State action and the interpretation and implementation of juvenile justice legislation. The Juvenile Justice (Care and Protection of Children) Act, 2015, must therefore be understood within this larger constitutional framework, where the objective is not merely to regulate the consequences of a child's conduct, but to secure conditions in which the child can develop, be protected from harm, and, wherever necessary, be restored and reintegrated into society.

Section 3 of the JJ Act: From Constitutional Values to Operational Principles

Section 3 of the 2015 Act lays down the fundamental principles that must guide the implementation of the Act. These principles are significant because they convert broad constitutional values into standards that can inform decisions made by the Juvenile Justice Boards, Child Welfare Committees, police, institutions and other stakeholders. The important principles include the presumption of innocence, dignity and worth, participation, best interest, family responsibility, safety, institutionalisation as a last resort, fresh start, non-waiver of rights, and equality and non-discrimination. The presumption of innocence recognises that a child is presumed not to possess criminal intent until the age of eighteen. The principle of dignity and worth requires every child to be treated with dignity and respect and gives concrete expression, within the statutory framework, to the constitutional understanding of life and liberty as encompassing dignity. The principle of participation recognises the child as a rights-bearing individual rather than a passive object of welfare measures, by ensuring the child's right to be heard in matters affecting them. Similarly, the best interest principle requires decisions to promote the child's development and fulfilment of basic rights, requiring the decision-maker to look beyond the immediate incident and consider the child's long-term welfare and development.

The principle of family responsibility places the primary responsibility for care and protection upon the family, whenever possible. This reflects the statutory preference for family-based care and cautions against institutional solutions where they are unnecessary. The principle of safety requires children to be protected from harm, abuse, neglect and exploitation and is particularly important for children in need of care and protection, for whom the justice framework also functions as a protective framework. Institutionalisation is therefore to remain a last resort. A child should not be placed in institutional care unless necessary, recognising that institutional placement can itself affect a child's development and must therefore remain a measure of necessity rather than convenience. The principle of fresh start further recognises that past records of a child should generally not cause continuing legal prejudice. It embodies the rehabilitative character of juvenile justice and recognises that childhood offending should not permanently define a person's future. Equally important is the principle of non-waiver of rights, under which a child cannot be deprived of statutory or constitutional protection merely because of procedural failure or consent. Child rights, therefore, cannot depend solely upon the capacity of the child or others to invoke them correctly. Finally, the principle of equality and non-discrimination requires that protection be available irrespective of gender, caste, religion, disability, language, social status or other circumstances. The constitutional promise of equality must be reflected in the actual administration of juvenile justice.

It took us several decades after the Constitution was framed, with the hopes and aspirations of its citizens, to make the right to education of children between six and fourteen years a fundamental right under Article 21A. The constitutional development is significant for juvenile justice because education is one of the foundations upon which rehabilitation, social reintegration and the prevention of continued vulnerability must rest. In my opinion, the provisions, mode and mechanism enshrined in the Act of the year 2015





provide a significant pathway towards achieving the constitutional objectives embodied in the above-referred provisions of the Constitution of India. The important question, however, is not only whether the Act contains these principles, but whether they are consistently realised in practice. The constitutional character of the JJ Act is therefore ultimately tested through implementation, whether children are treated with dignity, whether their voices are heard, whether institutionalisation remains a last resort, whether education and rehabilitation are preserved, and whether the child is able to make a genuine fresh start.

The Nation's progress depends upon sustainable steps taken for a better and brighter future. That future is unthinkable without the development, growth and welfare of children. Care, protection, nourishment, upbringing, education, training, skill development and the provision of opportunities are all part of that welfare. Juvenile justice, therefore, cannot be confined to what happens after a child comes into conflict with law, it must also address the circumstances of vulnerability, deprivation and abandonment that shape a child's interaction with the justice system. The Act of 2015 facilitates and provides a roadmap for the welfare of children. We cannot afford to falter in such endeavour, nor can we show laxity in implementing the provisions of the Act and the Rules framed thereunder. The consequences of weak implementation are serious, because every failure in protection, rehabilitation, education or restoration can affect a child's development and future prospects. Our constitutional commitment, therefore requires not merely enactment, but faithful and effective implementation.

From Enactment to Effective Implementation

It would be most apposite to remind ourselves, and each one involved in the juvenile justice, care and protection ecosystem, that the constitutional provisions referred to above must remain at the center of all our deliberations and actions. The way forward is to measure our implementation against these constitutional commitments, rather than treating statutory compliance as an end in itself. During the ten years since the enactment of the 2015 Act, we have started to crawl. In the years ahead, in our pursuit of progress and development, we must stand up and start running. This calls for effective implementation of the provisions of the Act of 2015 and the Rules framed thereunder. It calls for functioning Juvenile Justice Boards and Child Welfare Committees, trained and sensitive personnel, meaningful participation of children, access to education and rehabilitation, appropriate family-based alternatives, and effective aftercare and reintegration. The Supreme Court of India has repeatedly emphasised the need for institutional mechanisms and effective implementation of juvenile justice protections. It is now for us to translate those directions and statutory principles into consistent practice.

Plainly, our motto should be not to rest till we ensure full and complete implementation of the provisions of the 2015 Act. But full implementation cannot mean merely the existence of institutions, mechanisms and procedures on paper. It must mean that every child who comes within the system experiences, in a real and meaningful manner, the constitutional promise of dignity, protection, development, participation, rehabilitation and a genuine fresh start. That is the standard by which the success of the Act must ultimately be judged.

Finally, I would call upon every parent, teacher, institution, member of society, volunteer, activist and NGO to contribute to the implementation of the Act in a dedicated, disciplined and structured manner. This is not the responsibility of any particular individual, society or body; it is a collective endeavour. At the same time, the primary responsibility for effective implementation rests with the State and its institutions. Working together, guided by the constitutional bedrock of juvenile justice, we can ensure that the next decade is not merely a continuation of the journey, but a decisive step towards securing a better and brighter future for our children and, thereby, for our Nation as a whole.

"The children of today will make the country of tomorrow. The way we bring them up will determine the future of our country."

— Pandit Jawaharlal Nehru

Jai Hind.
Vande Utkal Janani.

Warm Regards,
Justice Aditya Kumar Mohapatra



Child in Conflict with Law in India amidst Emerging AI-Driven Virtual Abuse: Recent Legal Developments, Challenges, and the Road Ahead



Justice V. Narasingh
(Judge, Orissa High Court)

"Virtual abuse leaves invisible scars; legal responses must pair criminal accountability with trauma-informed care and long-term psychological support."

[Rajesh Gambhir v. State (NCT of Delhi)¹]

1. Introduction:

The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act)² defines a child in conflict with the law as one alleged or found to have committed an offence below the age of eighteen. Traditionally, offences were conceived in physical terms- assault, theft, or sexual offences. However, the digital revolution has blurred these boundaries. AI-driven technologies now enable virtual abuse that is as psychologically devastating as physical harm. Children today are simultaneously victims of AI-enabled exploitation and potential offenders experimenting with AI tools without comprehending their legal consequences. This duality necessitates a re-examination of India's juvenile justice framework.

2. Recent Legal Developments (2025-2026):

2.1 Rajesh Gambhir v. State (NCT of Delhi)

In *Rajesh Gambhir*¹, while upholding conviction under Section 354A(iii)³ of the Indian Penal Code, 1860 (IPC) r/w Section 124 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and Section 67-B⁵ of the Information

- 1 *Rajesh Gambhir v. State (NCT of Delhi)*, 2025 SCC OnLine Del 5180.
- 2 The Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016.
- 3 354-A. Sexual harassment and punishment for sexual harassment.--(1) A man committing any of the following acts- ... (iii) showing pornography against the will of a woman; shall be guilty of the offence of sexual harassment.
- 4 12. Punishment for sexual harassment.-Whoever, commits sexual harassment upon a child shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.
- 5 67-B. Punishment for publishing or transmitting of material depicting children in sexually explicit act, etc., in electronic form.- Whoever,-

Technology Act, 2000 (IT Act), the High Court of Delhi observed in Para 47 that "creating a safe environment for children cannot be restricted to physical spaces alone. The modern world demands that equal protection be extended to digital spaces, where children are now spending considerable time, often for educational purposes. Tablets, mobile phones, and internet access have become essential tools for learning, especially in the aftermath of the COVID-19 pandemic."



The case is a textbook example of cyberbullying involving morphed obscene image and threatening messages targeting a minor girl, causing severe mental trauma. The accused morphed an image of the victim by using the body of another girl and sent the resulting obscene photograph to the victim.

The Court held: An individual's digital likeness is an extension of their bodily autonomy. Synthesizing a person's face or voice without consent to create deceptive media constitutes a severe violation of privacy and emotional integrity. The Court noted the severe psychological impact affecting mental health, dignity and self-esteem.

2.2 Digital Personal Data Protection Act, 2023 (DPDPA, 2023)

The DPDPA, 2023 under Section 9(1)6 read with Rule 107 of Draft Rules, 2025 introduced:

- (a) publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct; or
- (b) creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner; or
- (c) cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource; or
- (d) facilitates abusing children online; or
- (e) records in any electronic form own abuse or that of others pertaining to sexually explicit act with children,

shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees:

Provided that provisions of Section 67, Section 67-A and this section does not extend to any book, pamphlet, paper, writing, drawing, painting representation or figure in electronic form-

- (i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting representation or figure is in the interest of science, literature, art or learning or other objects of general concern; or
- (ii) which is kept or used for bona fide heritage or religious purposes.

6 9. Processing of personal data of children.-(1) The Data Fiduciary shall, before processing any personal data of a child or a person with disability who has a lawful guardian obtain verifiable consent of the parent of such child or the lawful guardian, as the case may be, in such manner as may be prescribed.

- (a) Mandatory verifiable parental consent for processing data of minors;
- (b) Prohibition of tracking, behavioral monitoring and targeted advertising to children under Section 9(3)8;
- (c) Enhanced accountability for Data Fiduciaries deploying AI algorithms that interact with minors.

2.3 The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026.

Ministry of Electronics and IT Draft Amendments, 2026 require:

- (a) Labelling/ watermarking of AI-generated content under Rule 3(l)(b)(v);
- (b) Expedited takedown within 24-48 hours for harmful content including deepfakes and Child Sexual Abuse Material (CSAM) under Rule 3(1)(b)(vii);
- (c) Platform liability for failure to prevent dissemination;
- (d) Mandatory metadata retention for synthetic content - crucial for evidence in JJ cases.





3. AI-Driven Virtual Abuse and Juvenile Justice

Children occupy a precarious position both as victims and potential offenders. As victims, they face hyper-realistic CSAM, deepfake impersonation, and

- 7 10. Verifiable consent for processing of personal data of child.--(1) A Data Fiduciary shall adopt appropriate technical and organisational measures to ensure that verifiable consent of the parent is obtained before the processing of any personal data of a child and shall observe due diligence, for checking that the individual identifying herself as the parent is an adult who is identifiable if required in connection with compliance with any law for the time being in force in India, by reference to-
- (a) reliable details of identity and age of the individual available with the Data Fiduciary; or
 - (b) details of identity and age, voluntarily provided -
- (i) by the individual; or
 - (ii) through a virtual token mapped to such details, which is issued by an authorised entity.
- (2) In this rule, the expression-
- (a) "adult" shall mean an individual who has completed the age of eighteen years;
 - (b) "authorised entity" shall mean -
- (i) an entity entrusted by law or by the Central Government or by the State Government with the issuance of details of the identity and age or a virtual token mapped to such details; or
 - (ii) a person appointed or permitted by the entity specified under clause (i), for such issuance, and also includes details of identity and age or token made available and verified by a Digital Locker Service Provider;
 - (c) "Digital Locker service provider" shall mean such intermediary, including a body corporate or an agency of the appropriate Government, as may be notified by the Central Government, in accordance with the rules made in this regard under the Information Technology Act, 2000 (21 of 2000);
- 8 9. Processing of personal data of children.- (3) A Data Fiduciary shall not undertake tracking or behavioural monitoring of children or targeted advertising directed at children.

grooming chatbots. As offenders, minors in curiosity may create synthetic explicit content, engage in cyberbullying amplified by algorithmic reach, or circulate manipulated media without comprehending gravity, bringing them within ambit of "child in conflict with law."

Evidentiary terrain complicates matters: AI blurs boundaries of authorship was content created by child or algorithm? - and obscures intent, since minors may lack cognitive maturity. Manipulation by external actors who exploit children through AI adds a layer of coercion vs agency.

4. Challenges Ahead

4.1 Legislative Gaps

JJ Act, POCSO and IT Act were not designed for AI-mediated harms. The most glaring gap: Section 67-B of the IT Act and Section 139 of the POCSO Act define CSAM with 'real child'. AI-generated morphed images where no real child exists (fully synthetic) may fall outside POCSO while causing the same trauma. UK's Online Safety Act, 2023 and US DEFIANCE Act, 2024, have criminalised fully synthetic CSAM - India must follow. Also, Section 1810 of the JJ Act gives no

- 9 13. Use of child for pornographic purposes.-Whoever, uses a child in any form of media (including programme or advertisement telecast by television channels or internet or any other electronic form or printed form, whether or not such programme or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, which includes-
- (a) representation of the sexual organs of a child;
 - (b) usage of a child engaged in real or simulated sexual acts (with or without penetration);
 - (c) the indecent or obscene representation of a child,

shall be guilty of the offence of using a child for pornographic purposes.

- 10 18. Orders regarding child found to be in conflict with law.- (I) Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence, 1[or a child above the age of



sixteen years has committed a heinous offence and the Board has, after preliminary assessment under Section 15, disposed of the matter] then, notwithstanding anything contrary contained in any other law for the time being in force, and based on the nature of offence, specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may, if it so thinks fit,-

- (a) allow the child to go home after advice or admonition by following appropriate inquiry and counselling to such child and to his parents or the guardian;
- (b) direct the child to participate in group counselling and similar activities;
- (c) order the child to perform community service under the supervision of an organisation or institution, or a specified person, persons or group of persons identified by the Board;
- (d) order the child or parents or the guardian of the child to pay fine:

Provided that, in case the child is working, it may be ensured that the provisions of any labour law for the time being in force are not violated;

- (e) direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or fit person, on such parent, guardian or fit person executing a bond, with or without surety, as

guidance whether AI-generated content by a 16 to 18 year old should be treated as heinous.

4.2 Institutional Preparedness and Corporate Responsibility

Law enforcement lacks training in AI forensics. Creation of a State-level AI Forensics Lab under CCTNS and a mandatory 3-month module at Biju Patnaik State Police Academy on deepfake detection and hash-matching under Section 67B of the IT Act could be in tune with the times. Tech companies must move from reactive takedowns to child-safety-by-design under Section 811 of the DPDPA.

the Board may require, for the good behaviour and child's well-being for any period not exceeding three years;

- (f) direct the child to be released on probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behaviour and child's well-being for any period not exceeding three years;
- (g) direct the child to be sent to a special home, for such period, not exceeding three years, as it thinks fit, for providing reformatory services including education, skill development, counselling, behaviour modification therapy, and psychiatric support during the period of stay in the special home:

Provided that if the conduct and behaviour of the child has been such that, it would not be in the child's interest, or in the interest of other children housed in a special home, the Board may send such child to the place of safety.

- (2) If an order is passed under clauses (a) to (g) of sub-section (1), the Board may, in addition pass orders to-
 - (i) attend school; or
 - (ii) attend a vocational training centre; or
 - (iii) attend a therapeutic centre; or
 - (iv) prohibit the child from visiting, frequenting or appearing at a specified place; or
 - (v) undergo a de-addiction programme.
- (3) Where the Board after preliminary assessment under Section 15 pass an order that there is a need for trial of the said child as an adult, then the Board may order transfer of the trial of the case to the Children's Court having jurisdiction to try such offences.

118. General obligations of Data Fiduciary.-(1) A Data Fiduciary shall, irrespective of any agreement to the contrary or failure of a Data Principal to carry out the duties provided under this Act, be responsible for complying with the provisions of this Act and the rules made thereunder in respect of any processing undertaken by it or on its behalf by a Data Processor.

- (2) A Data Fiduciary may engage, appoint, use or otherwise involve a Data Processor to process personal data on its behalf for any activity related to offering of goods or services to Data Principals only under a valid contract.

- (3) Where personal data processed by a Data Fiduciary is likely to be-
 - (a) used to make a decision that affects the Data Principal; or
 - (b) disclosed to another Data Fiduciary,

the Data Fiduciary processing such personal data shall ensure its completeness, accuracy and consistency.

- (4) A Data Fiduciary shall implement appropriate technical and organisational measures to ensure effective observance of the provisions of this Act and the rules made thereunder.
- (5) A Data Fiduciary shall protect personal data in its possession or under its control, including in respect of any processing undertaken by it or on its behalf by a Data Processor, by taking reasonable security safeguards to prevent personal data breach.

4.3 Balancing Rights

Juvenile justice must maintain equilibrium between the protection of children as victims and the rehabilitation of juveniles as offenders. Children who engage in harmful conduct through AI tools often do so without full comprehension and require rehabilitative interventions rather than purely punitive measures. The challenge lies in crafting a justice framework that simultaneously protects the vulnerable, acknowledges the immaturity of youthful offenders, and adapts to the evolving complexities of artificial intelligence, thereby upholding both compassion and accountability in equal measure.

5. The Road Ahead

5.1 Legislative Reform and Judicial Innovation

Reforms needed:

1. Explicit recognition of AI-mediated offences within JJ Act;
2. Integration of IT Rules with child-specific safeguards;
3. Cross-referencing with DPDPA.

Three Doctrines for Judiciary:

- (a) Digital Culpability: Liability assessment when an offence is facilitated by an algorithm at a child's prompt.
- (b) Virtual Consent: Child's consent vitiated by AI grooming/chatbot manipulation blurring free will.
- (c) Digital Rehabilitation: Remedies suited to digital contexts - e.g., digital literacy classes, counselling, community service - rather than detention for first-time AI experiment offenders.

5.2 Collaborative Governance, Awareness and Education

Government: legislative clarity, enforcement for AI-mediated harms;

- (6) In the event of a personal data breach, the Data Fiduciary shall give the Board and each affected Data Principal, intimation of such breach in such form and manner as may be prescribed.
- (7) A Data Fiduciary shall, unless retention is necessary for compliance with any law for the time being in force,-
 - (a) erase personal data, upon the Data Principal withdrawing her consent or as soon as it is reasonable to assume that the specified purpose is no longer being served, whichever is earlier; and
 - (b) cause its Data Processor to erase any personal data that was made available by the Data Fiduciary for processing to such Data Processor.
- Judiciary: progressive interpretation and new doctrines;
- Tech companies: ethical AI design, child-safety-by-design;
- Civil society: advocacy and monitoring;
- Educational institutions: comprehensive digital literacy for children, parents, and educators.

6. Conclusion

The intersection of juvenile justice and AI-driven virtual abuse represents frontier challenge demanding holistic rethinking. While recent statutory developments mark important progress, future calls for dynamic, adaptive, child-centric frameworks that anticipate technological change rather than merely react.

Protecting children in the digital age must combine proportionate punitive measures with robust rehabilitative pathways: stronger statutory definitions, mandatory child-centric obligations for platforms under DPDPA and IT Rules 2026, targeted capacity building for law enforcement and judiciary, and integrated data-protection safeguards.

Comprehensive digital literacy, trauma-informed adjudication, and child-safety-by-design must become three pillars of juvenile justice in AI era.



Hon'ble
Justice Murahari Sri Raman
(Judge)

MESSAGE

September 03, 2026

It is a matter of great privilege as a Member of Juvenile Justice Committee to be a part of State-Level Stakeholders Consultation in collaboration and participation of Departments of Women and Child Development, Health, Education, Social Justice/Welfare, Panchayat Raj and Rural Development, Police, State Commission for the Protection of Child Rights, State/District Legal Services Authority, expert bodies (Government, Private and Non-Government) and UNICEF.

The Consultation Theme: "Ten Years of Implementation of the Juvenile Justice Act" would definitely give a scope for introspection and set the roadmap for next ten years for achieving the objective for which said Act has been implemented. Evaluating the achievements and past experiences, successes and challenges, through the deliberation upon participation of the stakeholders on adoption, juvenile protection, family care, and legal aid would be a major step forward. This comprehensive review will give the juvenile justice system a clearer direction and make it much more robust.

I am confident that the deliberations to be held on 6th of September, 2026, will be enriching, productive and constructive, and will contribute to greater professional excellence, informed administration of juvenile justice and the advancement of jurisprudence.

I extend my sincere greetings to the organizers, participants, stakeholders and speakers and wish the Consultation to give better direction to achieve the objective for which the Act called "the Juvenile Justice (Care and Protection of Children) Act, 2015" has been introduced with effect from 15th January, 2016.

(M.S. RAMAN)

PRECAUTIONS WHILE RECORDING AND APPRECIATING A CHILD TESTIMONY



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"Witnesses are the eyes and ears of justice"

-Jeremy Bentham

Witnesses play a pivotal role in the criminal justice system. Their participation, starting from the stage of setting the law into motion till post-judgment stage i.e. victim compensation, makes the criminal trial salubrious. Witnesses may be wholly reliable, wholly unreliable and neither wholly reliable nor wholly unreliable. A child witness is no exception to it. The role of a witness is very crucial in determining the fate of a case. Needless to say that a child testimony is at par with that of an adult witness not only in the criminal trial but also in the civil trial.

The witnesses are not only eyes and ears of justice, they are indeed the mouths of justice meaning thereby that the judicial system particularly the trial courts are entirely dependent upon the testimony of witnesses. The judicial edifice is built upon the testimonial evidence of witnesses. The witnesses provide the first hand information to both the investigating agency and to Courts. They perceive, discover, and understand the truth/incident which happened before them. They speak before the Courts what they have seen and heard about the incident.

WHO IS A CHILD?

The concept of a child is no more incongruent as it was earlier. Now 'child' has got its statutory definition that every person below the age of 18 years is a child. In other words every person till he/she attains the age of 17 years 364 days is a child.

COMPETENCY OF A WITNESS

Law sets no precise age limit or eligibility to be a witness. Eligibility entirely depends on mental capacity and understanding. Competency of a witness has been contemplated under Section 118 of the Indian Evidence Act, 1872 equivalent to Section 124 of the newly enacted Bharatiya Sakshya Adhiniyam, 2023. It does not prescribe any particular age as a determinative factor to treat a witness to be a competent one. As per Section 118 of the Indian Evidence Act, 1872 all persons are competent to testify. If the Court considers that some witnesses are prevented from understanding the question put to them or they are prevented from giving rational answers to those questions either by tender years or extreme old age or disease, whether of body or mind or any other cause of the same kind, the testimony of those witnesses are not to be taken. Court has to certify such competency or incompetency. Mental maturity determines competency. Intellectual capacity of a child to understand questions and to give rational answers thereto is the sole test of testimonial competency. In other words statute disqualifies only those who are unable to grasp questions or reply rationally.

No change has been introduced in the Bharatiya Sakshya Adhiniyam, 2023 with respect to competency of a witness except the phrase "person of unsound mind" in place of 'lunatic' in the Explanation attached to that Section. So, competency is the rule and incompetency is the exception.

In view of enactments of new child-related laws like POCSO Act and exposure of children to more digital platforms and social media, more cases are seen to have been reported involving children. So, more inflow



of child witnesses is expected to the witness box particularly in POCSO Courts and Children's Courts. Therefore, a curated judicial approach is required for appreciation of child testimony due to the following reasons.

- i. Children are more susceptible to tutoring or coaching.
- ii. Children are more vulnerable than adult witnesses.
- iii. A child suffers from imagination.
- iv. The evidence of a child witness is very upon exaggerated.
- v. They are subject to inducement or threat due to different reasons including situational compulsion.

It is worthy of mentioning that prosecution witnesses and defence witnesses stand on the same footing.

VOIR DIRE TEST

A child witness is a competent witness both in civil cases and criminal cases. In a criminal trial a child witness aims at getting the violator of his/her right punished whereas in a civil trial he/she gets his/her rights established. The only difference is the standard of proof i.e. "beyond all reasonable doubt" in a criminal case and "preponderance of probabilities" in a civil case. A child can be a related witness, a chance witness, a post-occurrence witness or an interested witness. He may come to the witness box and depose testimony either as a victim or as a child in conflict with law (CICL) or as an independent witness. A court certification is essential before accepting his testimony into record. That test is called "Voir dire" test.

'Voir dire' is a Latin phrase. 'Voir' means 'true or truth' and 'dire' means to say. So 'voir dire' means to say the truth.

Chambers Dictionary defines "voir dire test" as an oath administered to a witness. Black's Law Dictionary provides the meaning of "voir dire" as to speak the truth.

Voir dire is a preliminary enquiry to determine the admissibility of certain evidence. Under this test, the Court puts certain preliminary questions to the child in order to know the competency of that witness. Some examples of the questions asked under this test can be regarding child's name, father's name or place of residence or such similar questions. Courts evaluate a child's testimony with high caution, requiring a preliminary test (voir dire) to check the intellectual capacity, truthfulness, and freedom from coaching or tutoring before accepting a child's testimony as reliable. When Court is fully satisfied after hearing the answers to these preliminary questions, it forms an opinion as to the intellect capability of the child to understand questions and to give rational answers thereto. Then only the statement of the child witness is recorded.

ABSENCE OF PRELIMINARY EXAMINATION

Another question crops up as to whether the evidence of a child witness becomes inadmissible in absence of preliminary examination. The answer goes negative. It is consistently held that an omission to conduct a preliminary inquiry is a procedural irregularity or omission but not an illegality to wipe out the admissibility of the testimony. The evidence of a child witness does not become inadmissible in absence of its preliminary examination because the holding of a preliminary enquiry is merely a rule of prudence and is not a legal obligation upon the Judge. That apart, if any doubt arises subsequent to the recording of the statement of the child witness without the preliminary examination, his competency can even be questioned at the appellate stage by going through his statement. But the precedent in criminal jurisprudence establishes conducting a voir dire test of a child witness before proceeding to record his/her evidence. In *Rameshwar versus State of Rajasthan*, Hon'ble Supreme Court held that:

"it is desirable that judges and magistrates should always record their opinion that the child understands the duty of speaking the truth and state why they think that, otherwise the credibility of the witness may be seriously affected, so much so, that in some cases it may be necessary to reject the evidence altogether".

COMPETENCY VERSUS CREDIBILITY

A question normally hits the mind as to why competency of a child witness is ascertained instead of his credibility at the inception of recording evidence during trial. The answer lies in the administration of oath.

Section 4 of the Oaths Act, 1969 provides that a person below 12 years of age is not required to be administered oath. Still he can be a witness in the proceeding. Credibility of the testimony of a child witness can be gathered basing upon the facts and circumstances of the case coupled with the corroborative evidence adduced during trial. Credibility has no meaning until and unless the witness is competent to testify. Therefore, competency is first ascertained instead of credibility to ascertain that a child is not tutored or coached.





UNCORROBORATED EVIDENCE OF A CHILD WITNESS

A common question arises as to whether Court can act on the uncorroborated evidence of a child witness. The answer goes positive. Court can act on the uncorroborated evidence of a child witness. Corroboration is the rule of prudence but not the rule of evidence. Law does not discard the uncorroborated evidence of a child witness. The edifice of the Indian criminal justice administration is based on certain fundamental maxims. One of those maxims is "Let hundred guilty be acquitted but one innocent should not be punished". Such maxim has been indoctrinated in the criminal jurisprudence so deep that we need corroboration to the evidence of a child witness. Cases are aplenty where convictions are held basing upon the evidence of child witnesses. A clear, consistent and natural statement inspiring court confidence can safely lead to conviction. Conviction can be based upon the sole testimony of a child witness if it is found clear, cogent, convincing and consistent.

COURT'S RESPONSIBILITIES

Courts have certain responsibilities to discharge in case of child testimony. The followings are some of them, illustrative but not exhaustive.

- i. Court should conduct a preliminary test i.e. voir dire to ascertain that the child witness is not tutored or coached and he is matured enough to depose evidence.
- ii. That a child witness is capable of forming and giving rational answers to the questions put to him.
- iii. That he does not suffer from imagination.
- iv. Recording of demeanor of a child witness is the best way to ascertain the infirmities like tutoring or coaching and strengthens the trial.
- v. Court should not start with a presumption of untrustworthiness of the evidence of a child witness while appreciating his testimony.
- vi. A child testimony must be evaluated more carefully and with greater circumspection.
- vii. The standard of appreciation of a child testimony in a criminal case does not require the same standard as in a civil case.
- viii. Children may not be acquainted with such words particularly in sexual offence cases which an adult perceives. Court should explore the possibility of helping the child to prove it in the way a child understands.
- ix. Cross-examination should be in a proper way limited to relevant questions only.
- x. Statutorily questions should be put a child witness through Court.
- xi. Court must ensure that putting complex questions to a child witness is avoided.
- xii. Simple questions with clarity would best serve the purpose of cross-examination.
- xiii. Court should ensure that a child witness remains relaxed in the witness box. A child witness is always vulnerable to tricky and strenuous cross-examination. Court must ask a child witness if he/she wants any break.
- xiv. Court must see that the child is voluntarily giving the answer without any pressure from any corner.
- xv. From practical perspective a child must be examined ahead of other witnesses named in the charge sheet soon after trial begins so as to minimize the chance of tutoring or coaching or fading memory.
- xvi. A child testimony becomes unacceptable if it suffers infirmities and contradictions.

Trial without witness is just like a flower without fragrance.

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Adult for Trial but Juvenile for Bail: A Misplaced Anomaly



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Introduction:

The Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the 'Act' for brevity) upended the earlier juvenile justice regime which was in vogue by introducing the avant garde concept of 'preliminary assessment' in respect of a child who is within the age bracket of 16-18 years and is arraigned in a heinous offence as defined u/s. 2(33) of the Act. It is basically an endeavour on the part of the Parliament to dovetail betwixt two competing concerns: rehabilitation and reformation of an adolescent vis-à-vis society's requirement of being shielded from the misadventures of such adolescents alleged to have committed heinous crimes. In other words, the Legislature in all its collective wisdom thought it apt to create a separate class of children aged between 16-18 years so as to balance the rehabilitative rights of the juvenile on one hand, and the broader interest of societal deterrence on the other.

It is onerous responsibility of the Juvenile Justice Board (hereinafter referred to as JJB) to assess three pronged aspect of a child i.e a child's mental and physical capacity to commit the alleged offence, ability to understand consequences thereof and the circumstances in which the offence was allegedly committed u/s. 15 of the Act. After a pragmatic assessment in this regard touching upon the relevant considerations, the JJB would reach to a conclusion as to whether the lis is required to be transferred to the Children's Court under Section 18(3) to try the child like that of an adult. It is needless to mention here that the Children Court is enjoined upon to decide u/s. 19 of the Act as to whether the child is required to be tried like an adult under Cr.P.C/BNSS. The Hon'ble Supreme Court of India in a recent judgment i.e Sagar Vrs State of Haryana:2026 LiveLaw (SC) 666 has observed that compliance of section 19 is not a mere procedural formality, rather it is mandatory in nature and non compliance of the said provision vitiates the trial.

Applicability of section 12 of the Act to CCLs who are tried like adults: A continuing judicial conundrum:

Section 12 of the Act makes a departure from the general principles of bail applicable to an offender and provides that when a child has allegedly commits an offence, bailable or non-bailable, ordinarily he is to be released on bail, with or without surety, or placed under the supervision of a probation officer or a fit person. In pith and substance, bail is the rule when a child commits an offence and gravity of the offence/seriousness of the accusation is not the determinative factor to deal with bail application. Rehabilitation rather than retribution is the dominant philosophy here. Bail application can only be binned where there are reasonable grounds for believing that release is likely to bring the child into association with a known criminal, expose him to moral, physical or psychological danger, or defeat the ends of justice. Section 12 does not differentiate between child below 16 years of age and a child within the age group of 16-18 years involved in heinous offence who is to be tried like an adult after preliminary assessment.

When combined interplay of sections 15, 18 and 19 of the Act paves the way for trial of a child aged between 16-18 years as an adult for a heinous offence, there is a strong urge to deal his subsequent bail application on the principles applicable to an adult accused while retaining reformation and rehabilitative prospects as important considerations. It is limpid from overarching precedential profusion of disparate constitutional courts that the parameters provided u/s. 12 of the Act are germane while dealing with bail application of a juvenile, irrespective of his age and nature of offence involved, not the relevant provisions of Cr.PC/BNSS. This approach is essentially drawn from the principle that neither trial as an adult does not



necessarily converts the child into an adult as on the date of occurrence nor does Section 19 expressly states that Section 12 ceases to apply following an order for adult trial.

However, this is where the Legislature needs to rethink as the combined statutory structure of section 15, 18 and 19 of the Act itself has given birth to the philosophy that all children below eighteen years cannot, for every purpose, be placed in one homogeneous category. This legislative recognition and distinction should have permeated down to the bail jurisprudence as well. Impassioned debate and brainstorming as to *de lege ferenda* i.e. an argument about what the law ought to be in such a situation is need of the hour.

Recently, I came across a case where a child aged about 17 years is accused of committing aggravated penetrative sexual offence against a child of 7 years and after preliminary assessment it was held that he would be tried like an adult. If one applies the parameters of section 12 of the act to such a child while dealing with bail application, then there is every possibility that he would be enlarged from institutionalized custody at first instance. But is it not tantamount to mocking the misery and physical/psychological trauma inflicted upon the hapless and helpless victim. In modern criminal jurisprudence, the victim has got equal participatory and remedial interests. In many serious/heinous offences, Law enjoins presence of the victim at the stage of hearing of bail application.

All of us know the fracas that ensued after the 17 year old minor in an inebriated condition mowed down two young software engineers killing both of them in Pune Porsche case. Can we look in the eye of the parents of the deceased and say that since the driver is only aged about 17 years, he is to be released on bail as per section 12 of the Act. To put it succinctly, If the law, after an individualised judicial assessment, treats a sixteen-to-eighteen-year-old as sufficiently mature to face the consequences of an adult criminal trial for a heinous offence, should the same legal system simultaneously presume, for purposes of bail, that the seriousness of the offence is largely subservient to the special considerations contained in Section 12 thereby creating a judicial paradox?

The eco system of Juvenile Justice Jurisprudence thrives on rehabilitation, reformation and integration of recalcitrant minority in the mainstream society, but it should not turn a Nelson Eye to cold blooded and calculated manner in which heinous crimes are being committed by adolescent juveniles within the age group of 16-18. There are examples galore where children within the age bracket of 16-18 years are being regularly recruited to carry out heinous offences precisely on the assumption that they can not be subject to custodial/institutional servitude even if they are caught. The argument for applicability of principles enunciated in Cr.P.C./BNSS regarding bail does not necessarily suggests that every child within the age group of 16-18 accused of a heinous offence should be denied bail. Rather, the question of applicability kicks in subject to compliance of above referred statutory safeguards and finding reached by the competent Children's Court that it is condign to try the juvenile like that of an adult. The nature of crime should not be relegated to backburner in dealing with such category of juveniles as exemplified in the Nirbhaya case where the most brutal acts were attributed to a seventeen year old child. It would be a blunder of monumental proportion to equate an allegation of an impulsive assault by a juvenile within the age group of 16-18 with that of an allegation of deliberate, calculated and premeditated murder or aggravated sexual assault displaying elaborate planning, more so after those considerations were subject to extensive scrutiny u/s. 15 and 19 of the Act. We can not maintain an ostrich like approach and say that a child below 18 years is not capable of plotting, scheming and executing heinous offences in most brutal manner and that such offences are mere manifestation of childhood immaturity. It would be kosher to say that when judicial determination has already been made to try a child like an adult, his bail application must also be considered as if he is an adult. This is not to suggest that a child within the age group of 16-18 years accused of heinous offence can not be released on bail. Benignant discretion of bail can be bestowed upon him after balancing all relevant considerations, rather than owing to the fact that Section 12 of the Act places him within a substantially preferential statutory framework.

Time to address the paradox

It is about time clarity is introduced by the Legislature rather than perpetuating the paradox leading to disastrous consequences. Section 12 of the Act needs to be amended by inserting a proviso to the effect that where a child between 16-18 years, alleged to have committed a heinous offence, has been ordered by the Children's Court under Section 19 to be tried as an adult, any application for bail thereafter shall be considered in accordance with the provisions governing bail applicable to an adult accused. It is needless to mention that due regard must be made to the age of the child, prospects of rehabilitation/reformation, social investigation report, psychological assessment and the requirement that the child shall not be detained in jail like an adult contrary to the safeguards of the Act. Naysayers may bin such an approach saying that it would be against the preamble of the Act, but on the contrary it recognizes rehabilitative and restorative foundation of juvenile justice while addressing accountability for grave criminal conduct.



Children in Conflict with Law and the Digital Age: Cybercrime, Surveillance, and Data Protection



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Introduction

Children's lives are increasingly mediated by digital technologies. The digital age has transformed how children interact with the world, creating new opportunities for learning and socialization while simultaneously exposing minors to novel forms of offending and victimization. Smartphones, social media, gaming platforms, and messaging apps are central to how young people form friendships, express identity, and access information. At the same time, these platforms have become arenas for new forms of wrongdoing—ranging from hacking and online fraud to cyberbullying, doxxing, and the distribution of illicit images. Law enforcement agencies report rising numbers of incidents involving minors as perpetrators, victims, or both. This shift raises complex questions: How should juvenile justice systems respond when the alleged offence is digital? What surveillance and investigative powers are appropriate when the suspect is a child? How do data protection laws apply to the collection, retention, and use of minors' digital information? And how can policy balance public safety with the special protections that children deserve?

1. Juvenile Cyber Offending: Patterns, Motivations, and Developmental Context

1.1 Typologies of Offending

Juvenile involvement in cyber offences spans a broad spectrum. Common categories include:

- Low level hacking and "script kiddie" activity: Using readily available tools to deface websites, disrupt services, or gain unauthorized access. These acts often reflect curiosity, status seeking, or experimentation rather than sophisticated criminal intent.
- Online fraud and scams: Participation in phishing, account takeovers, or resale of stolen credentials. Some minors are recruited into fraud rings; others engage opportunistically.
- Cyberbullying and harassment: Persistent online abuse, doxxing, or coordinated harassment campaigns. These acts can cause severe harm to victims and may overlap with offline bullying.
- Sexual offences and image based abuse: Creation, possession, or distribution of sexual images involving minors—sometimes consensual at the time of creation but later shared non consensually.
- Digital piracy and intellectual property infringement: Sharing copyrighted material or using peer to peer networks.
- Use of online platforms for radicalization or illicit markets: Less common but increasingly noted, where minors access extremist content or illicit goods.

These categories are not mutually exclusive; many incidents involve hybrid behaviors (e.g., a teenager who hacks into a school system and then shares humiliating images).

1.2 Motivations and Social Context

Understanding why minors engage in cyber offending requires attention to developmental, social, and structural factors:



- Curiosity and skill development: Adolescence is a period of exploration. Technical experimentation can be a pathway to legitimate skills but may cross legal boundaries.
- Peer dynamics and status: Online reputation and peer recognition can incentivize risky or harmful acts.
- Economic incentives and exploitation: Some minors are economically motivated or coerced by older actors into committing offences.
- Anonymity and perceived impunity: Digital environments can create a sense of distance from consequences, lowering inhibitions.
- Overlap with offline vulnerabilities: Family dysfunction, school exclusion, and social marginalization correlate with higher risk of offending.

A developmental lens is crucial: adolescents' cognitive and psychosocial capacities—impulse control, risk assessment, and appreciation of long term consequences—are still maturing. This has implications for culpability, appropriate sanctions, and rehabilitative responses. Quantifying juvenile cyber offending is difficult. Official statistics often undercount incidents due to underreporting, inconsistent classification, and jurisdictional differences. Many cases are handled informally by schools or parents rather than through criminal justice channels. Moreover, the same digital act may be categorized differently across legal systems (e.g., as a disciplinary matter, a civil tort, or a criminal offence). Despite these measurement challenges, multiple jurisdictions report an uptick in incidents involving minors, particularly in cyberbullying, image based abuse, and low level hacking.

2. Surveillance, Investigation, and the Digital Footprint of Minors

2.1 Surveillance Actors and Techniques

A range of actors monitor minors' online behaviour:

- Law enforcement: Uses digital forensics, network subpoenas, device searches, and cooperation with platforms to investigate cyber offences.
- Schools and educational authorities: Deploy content filters, monitoring software, and social media surveillance to detect threats to safety or discipline violations.
- Private platforms and service providers: Collect and analyze user data for safety, moderation, and commercial purposes; they may share data with authorities under legal process.
- Parents and guardians: Use parental control apps, location trackers, and device monitoring to supervise children.

Techniques include metadata analysis, content scraping, geolocation tracking, device seizure and forensic imaging, and the use of automated tools (e.g., AI classifiers) to flag suspicious content. Cross border data flows and cloud storage complicate jurisdictional authority and evidence preservation.

2.2 Legal Powers and Procedural Safeguards

Investigative powers vary by jurisdiction but commonly include warrants for device searches, subpoenas to platforms, and emergency preservation orders. When minors are involved, additional safeguards are often required—such as the presence of a guardian during questioning, specialized juvenile court procedures, and diversion options. However, the digital context strains traditional safeguards:

- Device searches: Courts have grappled with whether and how to apply search and seizure protections to personal devices. For minors, parental consent may be used to justify searches, raising questions about voluntariness and the minor's own privacy interests.
- Platform cooperation: Platforms may provide data in response to legal process or voluntary disclosures. The speed and scope of such disclosures can outpace judicial oversight.
- Automated detection: Reliance on algorithmic flagging can produce false positives, disproportionately affecting marginalized youth who may be over surveilled.

2.3 Ethical Concerns: Proportionality, Stigmatization, and Chilling Effects

Surveillance of minors raises acute ethical concerns:

- Proportionality: The intrusiveness of surveillance must be proportionate to the risk posed. Blanket monitoring of students or mass collection of minors' data for safety purposes risks overreach.





- Stigmatization and labeling: Criminal investigations and public exposure can stigmatize young people, with long term consequences for education and employment.
- Chilling of expression: Pervasive monitoring may suppress legitimate speech, experimentation, and identity exploration—activities central to adolescent development.
- Disparate impact: Surveillance tools may disproportionately target certain groups (e.g., racial minorities, LGBTQ+ youth), exacerbating existing inequalities.

These concerns demand careful calibration of surveillance practices and robust oversight mechanisms.

3. Data Protection, Privacy, and the Rights of the Child

3.1 International and Domestic Legal Frameworks

Children's data protection is governed by a patchwork of international instruments and domestic laws:

- International standards: The UN Convention on the Rights of the Child (CRC) establishes children's rights to privacy, protection from exploitation, and access to rehabilitation. General Comment No. 25 (on children's rights in the digital environment) emphasizes children's right to privacy and data protection online.
- Regional and national laws: The EU's General Data Protection Regulation (GDPR) includes specific protections for children, requiring parental consent for information society services offered to children under a certain age and mandating data protection impact assessments. Other jurisdictions have enacted child specific privacy laws (e.g., the U.S. Children's Online Privacy Protection Act—COPPA—though limited in scope), while many countries rely on general data protection statutes with varying degrees of child sensitivity.

These frameworks recognize that children require special protection but differ in thresholds for consent, the role of parental authority, and enforcement mechanisms.

3.2 Data Minimization, Purpose Limitation, and Retention

Core data protection principles—data minimization, purpose limitation, and limited retention—are particularly salient when dealing with minors' digital records. Investigative needs often push for broad data collection and long retention periods, but such practices can conflict with children's rights:

Balancing investigative utility with privacy requires clear legal standards and oversight, which in turn demand strict adherence to data minimization—authorities and platforms should collect only what is necessary for a legitimate purpose, such as schools monitoring safety without harvesting extraneous personal information—while purpose limitation ensures that data gathered for protective reasons is not repurposed for disciplinary or criminal prosecution absent appropriate safeguards; moreover, retention and deletion policies must recognize that prolonged storage of minors' data heightens risks of future harm, favoring timely deletion or anonymization once the original purpose has been fulfilled.

3.3 Consent, Capacity, and Parental Authority

Consent is a fraught concept in the context of minors. Many data protection regimes rely on parental consent for children below a certain age, but this raises dilemmas:

- Autonomy and evolving capacities: Adolescents develop increasing capacity to make decisions about their data. Legal frameworks should recognize evolving capacities and allow for graduated autonomy.
- Parental surveillance vs. child privacy: Parental monitoring may be justified for safety but can infringe on a child's privacy and autonomy. The law must balance parental rights with the child's best interests.
- Coercive consent: In institutional contexts (e.g., schools), consent may be effectively coerced, undermining its validity.

A nuanced approach recognizes that consent is not always the appropriate legal basis for processing minors' data; instead, necessity, legitimate interest, and best interest assessments may be more suitable in certain contexts.





4. Prosecuting Minors for Cyber Offences: Legal and Ethical Challenges

Determining and responding to cyber offences by minors requires a nuanced, developmentally informed approach that integrates assessments of intent, knowledge, technical sophistication, and the influence of peers or coercion into mens rea analyses—recognizing, for example, that a teenager who shares an intimate image may not have foreseen its wider dissemination, and that technically skilled youth can still lack the maturity to appreciate long term consequences; procedural protections must therefore guarantee access to counsel, protect against coerced waivers, and employ age appropriate, trauma informed interview techniques while prioritizing diversionary options—specialized juvenile courts, restorative justice, and educational sanctions—that emphasize rehabilitation over punitive measures and address underlying drivers of offending; concurrently, digital investigations demand rigorous safeguards for device searches (including child sensitive warrant standards), strict chain of custody and cross border evidence protocols, and careful vetting of algorithmic tools used to flag content to prevent bias and false positives that could lead to wrongful convictions; finally, policy should mitigate lifelong collateral harms through accessible sealing and expungement mechanisms, non criminal alternatives, and reintegration supports—counseling, digital literacy training, supervised mentorship, and pathways into legitimate technical careers—so that accountability is balanced with the best interests, future prospects, and rights of young people.

5. Platform Responsibility, Moderation, and Cooperation with Authorities

Online platforms play a central role in preventing and responding to cyber offences involving minors by deploying proactive detection (automated tools to identify harmful content), clear reporting channels and fast track processes for urgent threats, and age appropriate safety by design measures (privacy defaults and verification), but these interventions can be overbroad and intrusive; consequently platforms must balance cooperation with law enforcement—through transparent reporting, strict oversight of disclosure practices, and narrowly tailored, minimized data requests that respect cross border due process and child protection norms—with robust private moderation safeguards, including fair appeal mechanisms for contested removals and coordinated referrals to child welfare services rather than default criminal reporting.

6. Policy Recommendations: A Rights Based, Developmentally Informed Framework

Drawing on the foregoing analysis, the following principles and policy recommendations aim to reconcile public safety with children's rights.

6.1 Principle 1: Prioritize Prevention and Education

- Digital literacy and ethics curricula: Integrate age appropriate education on online safety, consent, and legal boundaries into school programs.
- Skill pathways: Channel technical curiosity into constructive outlets (coding clubs, mentorships) to reduce the allure of illicit activity.
- Parental and community engagement: Support parents with resources that respect adolescents' autonomy while promoting safety.

6.2 Principle 2: Limit Surveillance, Ensure Proportionality

- Narrow, evidence based monitoring: Schools and authorities should adopt targeted monitoring only when there is a reasonable suspicion of harm.
- Independent oversight: Establish oversight bodies to review surveillance programs and algorithmic tools used on minors.
- Transparency: Inform students and parents about monitoring practices, data uses, and retention policies.

6.3 Principle 3: Protect Data and Ensure Purpose Limitation

- Child sensitive data protection: Enshrine data minimization, purpose limitation, and short retention periods for minors' data.
- Default privacy settings: Platforms should default to the highest privacy protections for underage accounts.
- Right to erasure and record sealing: Provide accessible mechanisms for minors to delete or seal data and juvenile records.

6.4 Principle 4: Tailor Justice Responses to Developmental Needs

Juvenile justice responses to digital offences should emphasize diversion and restorative justice by favoring non criminal measures for low level and first time cases, while specialized juvenile cyber units equipped with





expertise in digital forensics and child development can ensure that interventions are both technically sound and developmentally appropriate; at the same time, rehabilitative sanctions must balance accountability with education, counseling, and opportunities for skill development, thereby fostering reintegration and constructive use of youths' digital capacities.

6.5 Principle 5: Strengthen Procedural Safeguards

Ensure robust procedural and cross border safeguards: minors must have guaranteed access to legal counsel and guardianship protections so parental consent never substitutes for informed juvenile consent; intrusive device searches should require judicial authorization with child sensitive procedures and warrant standards that reflect the privacy of digital content; automated tools used to flag minors' content must be subject to mandatory audits, transparency, and remedies for errors or bias; and international cooperation—including MLATs and other cross border data requests—should incorporate child rights assessments and harmonized standards that balance legitimate law enforcement needs with children's privacy, due process, and rehabilitation.

7. Case Studies and Illustrative Scenarios

To ground the recommendations, consider three illustrative scenarios:

7.1 The Teen Hacker

A 15 year old uses publicly available exploits to breach a school server, altering grades and leaking staff emails. A rights based response would: suspend network access, require restitution and supervised technical training, and refer the youth to a diversion program that channels skills into ethical hacking education rather than immediate criminal prosecution. Device forensics should be conducted under a warrant, with data retention limited to the investigation.

7.2 Image Based Abuse Among Peers

Two 16 year olds consensually exchange intimate images; one later shares them widely. The appropriate response emphasizes victim support, restorative processes, and education on consent and digital permanence. Criminal charges should be a last resort, reserved for malicious distribution or coercion. Platforms should remove content promptly and provide takedown and appeal mechanisms.

7.3 Schoolwide Monitoring Program

A school implements AI driven monitoring of students' devices to detect threats. Oversight should require a privacy impact assessment, narrow scope, parental and student notice, and independent audits to prevent overreach and bias. Data should be retained only for immediate safety needs and not used for disciplinary escalation without due process.

8. Research Gaps and Future Directions

Further research and policy development should prioritize longitudinal empirical studies to distinguish transient adolescent experimentation from persistent cyber offending, rigorous evaluations of diversionary and educational interventions that redirect youth toward constructive pathways, systematic investigation of algorithmic bias and the chilling effects of automated surveillance on different demographic groups, and clear cross jurisdictional protocols for preserving and handling digital evidence while safeguarding minors' rights; addressing these gaps will enable evidence based policies that protect children's rights while effectively countering cyber threats.

Conclusion

The digital age presents both risks and opportunities for children. As minors increasingly appear in cyber offence statistics, policymakers, educators, platforms, and justice systems must respond in ways that are effective, proportionate, and respectful of children's rights. A rights based, developmentally informed approach emphasizes prevention, education, and rehabilitation; limits intrusive surveillance; protects minors' data; and ensures procedural safeguards in investigations and prosecutions. By aligning legal frameworks with the realities of adolescent development and the technical contours of the digital environment, societies can protect public safety without sacrificing the dignity, privacy, and future prospects of young people.



Preliminary Assessment under Section 15 of the Juvenile Justice Act, 2015



Santosh Kumar Dash Ray

OSD (Vigilance),
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Anyone dealing with cases of juveniles is well acquainted with "Preliminary Assessment" appearing in Section - 15 of the Juvenile Justice Act, 2015. The term "Preliminary Assessment" signifies a mandatory process conducted by the Juvenile Justice Board (JJB) for children aged between 16 to 18 years accused of committing a heinous offence, to decide if they should be tried as a minor or transferred to a Children's Court for trial as an adult. The assessment under Section 15 is not a mere procedural step by any means but a safeguard.

"Preliminary Assessment" balances accountability with child rights. In *Barun Chandra Thakur v. Master Bholu & Anr.* (2022), the Hon'ble Supreme Court examined the process of preliminary assessment under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Recognizing the complexity of the task and emphasizing that such an assessment is a delicate judicial function with significant implications, the Court directed the National Commission for Protection of Child Rights (NCPCR), along with State Commissions (SCPCRs), to develop clear guidelines for Juvenile Justice Boards (JJBs). The NCPCR, in consultation with experts and SCPCRs, formulated guidelines to ensure that preliminary assessments are conducted in line with the Act's guiding principles. These guidelines avoid prescribing rigid tools, acknowledging that assessments must be individualized and may vary from child to child. Mechanisms such as the Social Investigation Report (SIR) and Social Background Report (SBR) provide valuable insights, but psychological expertise is often necessary to capture the child's mental and emotional capacity. The guiding principles – as mentioned hereunder – lay out essential components and basic procedures to reduce ambiguity and ensure consistency in practice.

Guiding Principles

These guiding principles reaffirm the fundamental principles of the JJ Act, 2015, including:-

- Presumption of innocence until 18 years of age.
- Equal dignity and worth of all children.
- Right to participation and to be heard.
- Best interest of the child as the primary consideration.
- Family responsibility for care and protection.
- Safety and protection from harm or abuse.
- Mobilization of positive measures from family and community.
- Use of non-stigmatizing language.
- Non-waiver of rights and equality of treatment.
- Right to privacy and confidentiality.
- Institutionalization only as a last resort.
- Repatriation and restoration to family and community.
- Fresh start by erasing past records.
- Promotion of diversion over formal judicial proceedings.

- Adherence to natural justice, including fair hearing and impartiality.

Some of the suggestions for strengthening the Preliminary Assessment can be considered, which are as follows :-

Suggestions for Strengthening Preliminary Assessment

1. Expertise Integration

- It should be ensured that JJBs are supported by psychologists, psychiatrists, and social workers.
- Institutionalized training programs for JJB members on child psychology and developmental criminology are to be periodically organized.

2. Flexible but Standardized Framework

- SIRs and SBRs are to be used as baseline tools but there should be flexibility too to adapt to individual circumstances.
- A national repository of case studies and best practices for reference can be developed.

3. Institutional Coordination

- Collaboration between NCPCR, SCPCRs, child protection units, and NGOs are to be strengthened so that each arm coordinate and function as one unit.
- Regular monitoring be done and workshops to build capacity among JJB members be organized.

4. Child-Centric Safeguards

- Privacy, dignity, and non-stigmatization be upheld throughout the process.
- Diversion and rehabilitation pathways be prioritized over punitive transfers to adult courts.

Role of the Juvenile Justice Board (JJB) and Expert Involvement

The Juvenile Justice Board (JJB) carries the exclusive responsibility of conducting preliminary assessments as prescribed under section 15(1) of the Juvenile Justice Act, 2015. If the Board does not include at least one member with professional qualifications in child psychology or psychiatry, seeking assistance from external experts can be contemplated. Such experts may include psychologists, psycho-social workers, or professionals experienced in working with children facing difficult circumstances, professionals associated with the District Mental Health Programme or from specialists working in mental health institutions either within or outside the district. The list of such experts and institutions can be obtained from the concerned District Magistrate. In every such case, the Board may give specific reasons for engaging outside expertise in order to ensure transparency and accountability.

As for qualifications, psychologists and other experts called upon to assist the JJB must meet the same eligibility criteria required for Board membership under the Juvenile Justice Act, 2015. Specifically, they must be practicing professionals holding a degree in child psychology or psychiatry. Importantly, no expert may be engaged in the assessment process if they have a record of human rights or child rights violations, have been convicted of offences involving moral turpitude, have engaged in child abuse, child labour, or any other immoral or rights-violating acts.

During the preliminary assessment, the child must be provided with a legal aid counsel through the District Legal Aid Service Authority. This counsel has the responsibility to remain present with the child throughout the assessment process. If the child has a private advocate, they may also accompany the child. Whether appointed through legal aid or privately engaged, the counsel's role is to assist and support the child in accordance with the provisions of the Juvenile Justice Act, 2015 and its Rules, ensuring that the child's rights are protected and that the proceedings remain fair and child-sensitive.

Completion of Preliminary Assessment

Under Section 14(3) of the Juvenile Justice Act, 2015, the Juvenile Justice Board (JJB) must complete the preliminary assessment in cases involving heinous offences within three months from the child's first production before the Board. In line with Rule 10A(4) of the JJ Model Rules, 2016, the Board is required to provide reasons for its decision and furnish a copy of the order to the child immediately.



It is important to note that reports prepared by psychologists, psycho-social workers, or other experts cannot be treated as the final preliminary assessment report. The JJB alone is responsible for issuing the final assessment. If the Board concludes that the child should be tried as an adult, it must order the transfer of the case to the Children's Court, while also providing a copy of the order to the child. The Children's Court, upon receiving the preliminary assessment, will independently decide whether the child should be tried as an adult or as a juvenile, as per Rule 13(4) of the JJ Model Rules, 2015.

During the assessment, the Board and experts must consider multiple sources of information, including:

- Social Investigation Report (SIR): Prepared within 15 days by a probation officer, child welfare officer, or social worker.
- Social Background Report (SBR): Compiled within two weeks by the Child Welfare Police Officer or SJPU, detailing family background and circumstances.
- Individual Care Plan (ICP): Developed by probation officers, child welfare officers, or voluntary organizations, outlining rehabilitative measures.
- Witness Reports: Statements and documents produced by the Child Welfare Police Officer within one month of the child's first production.
- Community Inputs: Insights from parents, guardians, teachers, peers, or neighbors to understand the child's environment.

The final report submitted by the JJB to the Children's Court must include:

- The Board's decision on transfer of trial.
- Socio-demographic details of the child.
- Whether the child also qualifies as one in need of care and protection.
- Details of procedures followed, including psychological tests administered.
- Reasons for including or excluding observations from SIR, SBR, or witness reports.

The report must not contain incriminating statements, verbal or written accounts from the child or others, or detailed observations made during assessment. This safeguard ensures fairness and prevents misuse of sensitive information.

In *X v. State of Bihar & Anr.* (2026 INSC 728), the Hon'ble Supreme Court laid down key directives in relation to preliminary assessment under the Juvenile Justice Act, 2015. It has been held that a preliminary assessment on whether a child in conflict with law should be tried as an adult is not final and can be independently re-examined by the Children's Court under the Juvenile Justice (Care and Protection of Children) Act, 2015; that, the findings of the Juvenile Justice Board are only preliminary in nature and do not prevent the Children's Court from conducting its own assessment. The Hon'ble Court also clarified that parties are free to challenge or re-agitate the issue before the Children's Court. Referring to Sections 15 and 19 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the bench said that while the Juvenile Justice Board is empowered to conduct a preliminary assessment on whether a child should be tried as an adult, the Children's Court also has an independent statutory role and once a matter is referred to the Children's Court, it is not bound by the Board's preliminary assessment and can itself examine whether the child should be tried as an adult.

Conclusion

In conclusion, the jurisprudence on preliminary assessment under Section 15 of the Juvenile Justice Act, 2015 establishes that this process is a critical safeguard but not a final determination. The Juvenile Justice Board (JJB) is tasked with conducting the initial inquiry into a child's mental and physical capacity, cognitive understanding, and social circumstances, aided by expert reports such as the Social Investigation Report (SIR), Social Background Report (SBR), and psychological evaluations. However, as clarified by the Supreme Court in *X v. State of Bihar* (2026 INSC 728), the JJB's findings are preliminary in nature and do not bind the Children's Court. Once a case is transferred, the Children's Court has an independent statutory role under Sections 15 and 19 to re-examine whether the child should be tried as an adult, with parties free to challenge or re-agitate the issue. This however is not to undermine the importance of initial assessment of the JJB. The initial and first-in-point-of-time assessment by the JJB lays the foundation of a trial or inquiry (as the case may be). Hence, the JJBs discharge a strong responsibility which is cast on their shoulders during preliminary assessment – to balance the 'child-centric' approach vis-à-vis the intent of the Juvenile Justice Act, 2015 alongwith the model Rules, 2016.



A CRITICAL ANALYSIS OF THE JUDGMENT OF HON'BLE SUPREME COURT IN SAMPURNA BEHURA V. UNION OF INDIA: ENHANCING THE FRAMEWORK FOR JUVENILE JUSTICE AND CHILD RIGHTS IMPLEMENTATION.



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Malkangiri

"Children are the living messages We send to a time we will not see"

-Neil Postman

Introduction:

During the Vedic era, parents and teachers were viewed as responsible for child's mental and moral growth. Society by that time mandated that children, elders and women be protected by the able-bodied members of the family. So also the legal status, protection and welfare of children were governed by Dharma-religious –moral duties.

During the later Vedic period and thereafter, gradually children of all sects could not able to derive the same rights for their overall development and growth.

As time passes, the children rights became critical day by day. Child marriage, child labour, labour exploitation were very known to the society by that time.

During the pre-independence era also the same exploitation of children was continuing. The formal conceptualization of child rights in India evolved significantly post independence with the framing of the Constitution of India, drawing from global frameworks like the U.N. convention on the rights of the child, though traditional welfare and social reform movements active championed child protection much earlier. So our Constitution served as the guiding force for shaping a fair, humane and rehabilitation- focused Juvenile justice system.

Juvenile Justice in India is a vast subject which deals with the care and protection of the children under different aspects of law in many fields. So many legislations have come forward as per the mandates of Indian Constitution for the very protection of the children in India from time to time. Juvenile Justice (Care and Protection of children) Act is one of the master-piece meant to protect the rights of the children. The Juvenile Justice Act was not comprehensive and also it was lacking in all aspect to meet the challenges prior to its amendment. The comprehensive legislation of Juvenile Justice (Care and Protection of children) Act, 2015 and its implementation only realized after the landmark judgment of Hon'ble Supreme Court in the matter of Sampurna Behura V. Union of India .

The Hon'ble Apex Court in this judgment addresses the critical issues surrounding the implementation of Juvenile Justice Laws and the protection of children's right in India. The core issues revolve around the establishment and functioning of Juvenile Justice Boards, Child Welfare Committees, inadequate infrastructure in Child Care Institutions and the overall neglect of children's fundamental and human rights by the State.



Summary of the Judgment:

At the very beginning of the judgment, the Hon'ble Court has expressed their displeasure regarding non-implementation of Juvenile Justice (Care and Protection of children) Act, 2015. The exact observation of Hon'ble Court's as follows:

"What can a citizen do if the State pays no attention to his or her fundamental or human or statutory right, nor takes serious interest in fulfilling its Constitutional or statutory obligations? What if that citizen is a voiceless child or someone whose voice cannot be heard over the din of governance?"

The Hon'ble Supreme Court in this judgment acknowledging the persistent negligence of State Governments in implementing the J.J. Act, underscored the role of the Judiciary in enforcing child rights and ensuring that statutory obligations are met. So also issued comprehensive directives aimed at rectifying systemic failures in all respect.

The Hon'ble Court highlighted the Constitutional obligation of the State under Article-21 (Right to Life and Personal Liberty) and the directive principles of State policies, which mandate the protection and welfare of children. It is the specific observation of Hon'ble Court in this judgment that without functional JJBs, CWCs and adequately maintained Child Care Institutions, the protection and rehabilitation of children in conflict with the law remain ineffective.

The Hon'ble Courts have emphasized the comfortable living of children in Child Care Institutions. From the data as tabled, it came to the notice of Hon'ble Courts that many Child Care Institutions are housed in run-down buildings and are hardly conducive to comfortable living even to a minimum degree. In strong words, the Hon'ble Apex Court warned the Government by saying that State Governments must appreciate that they are not doing any charity by putting up children in Child Care Institutions—they are merely performing their statutory and Constitutional obligations. Further, the Hon'ble Court reiterated that children live in these institutions, not because they want to but because they have no other option, since most of them are children in need of care and protection. The obligation of the society is to provide solace and comfort to these children and adherence to the minimum standards of care. The Hon'ble Court has also pleased to Quote that;

"If Nelson Mandela is to be believed, - our children are our greatest treasure. They are our future. Those who abuse them tear at the fabric of our society and weaken our Nation".

The above observation of Hon'ble Courts not only encourages to be pro-active but also it thrills to perform better. Every reading of this judgment coordinates mind and heart of the stakeholders for achieving the Constitutional objectives to protect the child rights.

Author's Experience as a prime stakeholder:

The Author politely highlighting his personal experience when he was entrusted with visiting of CCIs in Malkangiri which is a tribal dominated District in Odisha for three months only. These three months of CCIs visit gave a lifetime pleasure to the author as the guidelines of Hon'ble Courts was complied in fullest for the very care and protection of the children there. During the visit of CCIs in the District of Malkangiri, the Author found gross violation Child Rights. No minimum standard of care was provided to the children there. Their living standard was no more than just physical survival.

There was no decent environment, education, medical care and shelter as well as food for the children. The girl minor children were living with worst condition in all aspects. The Author also noticed that there was no individual care plan for the CCL who were in the observation homes, they were deprived to continue their formal education, there were numbers of missing CCL in the said observation homes/special homes, but no steps taken for their restoration. There were also CCL being addicted with drugs at observation homes. The matter was reported before the Juvenile Justice Committee, Hon'ble High Court of Orissa, Cuttack and only after intervention of Hon'ble Juvenile Justice Committee, the situation changed to some extent.

Critical analysis and Impact of the judgment:

This judgment of Hon'ble Supreme Court empowers the Judiciary to play a pro-active role to fulfill the Constitutional goals towards Juvenile Justice System. It mandates State Governments as well as Central Government to address bureaucratic inefficiencies and infrastructural inadequacies in implementing law relating to the Juvenile Justice. It also encourages the establishment of functional JJBs and CWCs, thereby





streamlining the Juvenile Justice delivery system. So also this judgment emphasizes the need for periodical training and sensitization of the prime stakeholders, enhancing the quality of services to be rendered to the children.

There is no doubt of enforcement challenges while implementing the provisions under Juvenile Justice Care and Protection Act, 2015. However, directives under this judgment ensures constant supervision through the respective High Courts and State Legal Services Authorities. The ruling of Hon'ble Court successfully shifted the Juvenile Justice discourse from mere statutory existence to actionable administrative accountability.

The Hon'ble Courts in his judgment has also referred the decisions of Hon'ble Courts in the matter of Sheela Barse V. Secretary, Children Aid Society and Nausil Khatun V. State of Assam wherein the duty of the State was emphasized for mandating the establishment of Juvenile Justice Systems.

The Hon'ble Supreme Court in Chameli Singh V. State of U.P. has categorically observed that right to shelter is a fundamental right under Article-21 of Indian Constitution and it implies right to food, water, decent environment, education and medical care. In Francis Coralie V. Union Territory of Delhi the Hon'ble Apex Court has also reiterated that the right to live not restricted to mere animal existence.

In overall the above observation and directives of Hon'ble Apex Court serves as catalyst for systematic reforms, aiming to create a more responsive and child friendly Juvenile Justice System in India to preserve and upheld the best interest of the child in all aspect.

Conclusion:

This judgment marks a pivotal moment in the enforcement of Juvenile Justice and Child Rights in India. The concept of minimum standard of care and best interest of the child as observed by the Hon'ble Courts is prioritizing children's welfare.

The establishment of child friendly Courts, children Courts and vulnerable witness deposition center which we witness today is the outcome of this judgment. So this judgment is championed while protecting the rights of the children and shaping a fair, humane and rehabilitation-focus Juvenile Justice System. An open school, bearing all the disciplines both formal and informal is the need of the hour to rehabilitate the children in need of care and protection for their overall development in their respective fields, then only we can expect better children and best future. Even though a decade of implementation of Juvenile Justice Act has passed, in reality we are still infant in various aspect of its true implementation and till today the implementation of the Juvenile Justice Care and Protection Act, 2015 is far away from the reach. It is the collective responsibility of all the stakeholders of this great institution (Judiciary) to march forward to upheld the dignity of the juveniles being guided by the Constitution.



BEYOND THE AGE OF REASON

DECONSTRUCTING THE PRELIMINARY ASSESSMENT ARCHITECTURE UNDER SECTION 15 OF THE JUVENILE JUSTICE ACT, 2015



Sri Sudeep Kumar Das

Addl. Civil Judge
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At sixteen, an individual in India cannot cast a ballot, execute an enforceable contract, or hold a driving license, yet under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015, an inquiry completed within a strict statutory timeframe can legally strip that same adolescent of protective juvenile shields and transfer them to face trial as an adult. Enacted as an impassioned legislative response to heinous crimes committed by older adolescents, preliminary transfer proceedings stand at an agonizing crossroads between restorative rehabilitation and retributive punishment.

Understanding this legal mechanism is critical: mechanical inquiries by Juvenile Justice Boards (JJBs), blurred distinctions between cognitive intelligence and emotional maturity, and the improper withholding of case records threaten both the constitutional rights of the child and the foundational guarantees of a fair trial. Preliminary assessment under Section 15 is a distinct jurisdictional inquiry rather than a trial on guilt. It requires an integrated evaluation of developmental psychology, strict adherence to statutory offence classifications, mandatory professional guidance, and absolute compliance with natural justice to prevent the unlawful adultification of adolescent offenders.

1. THE ADULTIFICATION DILEMMA AND STATUTORY FRAMEWORK

The Juvenile Justice (Care and Protection of Children) Act, 2000 treated all individuals below eighteen years of age uniformly as juveniles under the exclusive jurisdiction of the Juvenile Justice Board. However, following intense public discourse surrounding heinous crimes, Parliament enacted the JJ Act, 2015, introducing a carve-out for children aged between sixteen and eighteen years alleged to have committed "heinous offences".

Under the statutory scheme, offences committed by children are divided into three strictly demarcated statutory categories:

Section 2(45)

Petty Offences
Punishable with
imprisonment up to 3
years under the IPC/BNS or
special laws. Disposed of
summarily under Section
14(5)(d).

Section 2(54)

Serious Offences
Minimum punishment
between 3 and 7 years, or
where maximum exceeds 7
years but no minimum/less
than 7 years is prescribed.
Handled under summons
procedure.

Section 2(33)

Heinous Offences
Offences where the
minimum punishment is 7
years or more. Exclusively
triggers Section 15
preliminary transfer inquiry
if the child is ≥ 16 years.



To trigger a Section 15 inquiry, two jurisdictional prerequisites must strictly co-exist: the child must have completed sixteen years of age on the date of commission of the alleged crime, and the alleged crime must qualify as "heinous". Biological age determination must rigorously follow Section 94(2) of the Act—giving sequential primacy to matriculation or school certificates, then municipal birth records, and only in their absence, medical ossification tests completed within fifteen days.

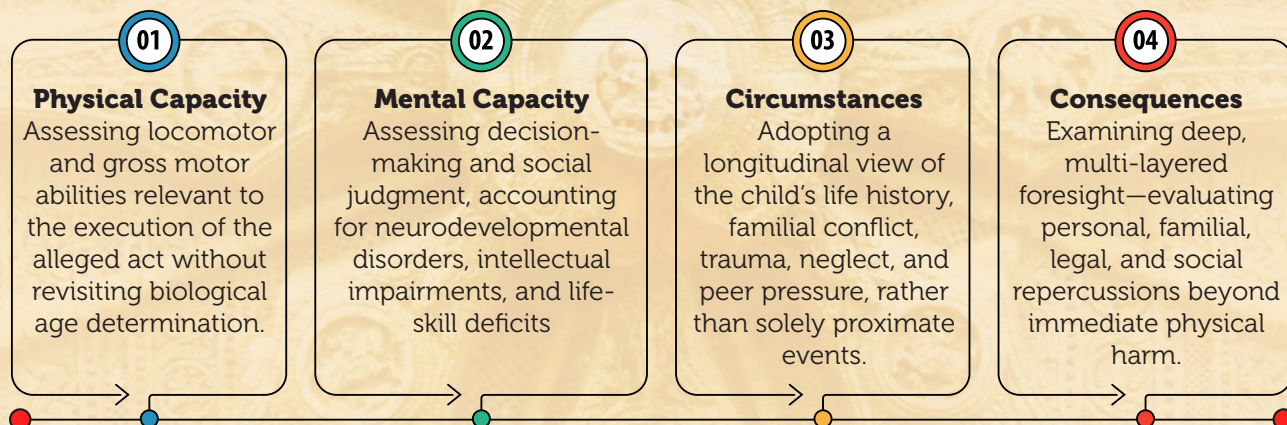
2. DEMYSTIFYING OFFENCE CLASSIFICATIONS: JUDICIAL INTERPRETATIONS

The precise scope of what constitutes a "heinous offence" has undergone rigorous scrutiny by the Hon'ble Supreme Court. In *Shilpa Mittal v. State (NCT of Delhi)* (2020 2SCC 787), the Court addressed the statutory gap concerning the "fourth category" of offences—offences prescribing a maximum term exceeding seven years (such as Section 304 Part I IPC or abetment provisions) without a minimum sentence of seven years. The Hon'ble Supreme Court ruled that because treating children as adults is an exception to the protective scheme of the Act, exceptions must be construed strictly. Declining to remove the word "minimum" from Section 2(33), the Court held that such offences cannot be classified as heinous and must be treated as serious offences.

In *X v. State of Bihar* (2026 INSC 728), the Hon'ble Supreme Court clarified that an offence punishable under Section 302 IPC (or Section 103(1) of *Bharatiya Nyaya Sanhita*, 2023) prescribing "death or imprisonment for life" constitutes a heinous offence. The Court observed that sentencing courts have no discretion to award a sentence lower than life imprisonment for murder; hence, life imprisonment serves as the statutory minimum, placing murder squarely within Section 2(33). The Court affirmed that protective sentencing shields such as Section 21's ban on death penalties or life imprisonment without the possibility of release operate at the final stage of sentencing and cannot alter the baseline classification of the offence for trial forum determination.

3. THE FOUR DETERMINANTS AND THE PSYCHOLOGICAL INTERFACE

Section 15(1) establishes an inquiry centered on four mandatory determinants rather than factual guilt:



In *Barun Chandra Thakur v. Master Bholu* (2023 12SCC 401), the Hon'ble Supreme Court underscored that intellectual cognition is not synonymous with psychosocial maturity. An adolescent with an average intelligence quotient (IQ) possesses the cognitive knowledge that an act is dangerous, but developmental neuroscience demonstrates that executive functioning, impulse control, and the prefrontal cortex continue developing well into the mid-twenties. When emotional arousal or peer influence is high, intellectual foresight takes a back seat.

Recognizing this complexity, *Barun Chandra Thakur* settled the interpretation of the proviso to Section 15(1): the word "may" operates in mandatory form, obliging the JJB to take assistance from clinical psychologists or child psychiatrists unless the Board itself includes a member who is a practicing professional with a specialized degree in child psychology or child psychiatry. Furthermore, standardized protocols such as the NIMHANS/NCPCL Preliminary Assessment Guidelines emphasize using detailed psychosocial pro formas over age-inappropriate psychometric instruments.

4. EVIDENTIARY SYNTHESIS, NATURAL JUSTICE, AND APPELLATE REVIEW

A preliminary assessment cannot be treated as an administrative formality or a mere rubber-stamping of expert findings. The JJB is statutorily required to synthesize multiple inputs:



- Social Background Report (SBR): Prepared by the Child Welfare Police Officer (CWPO) or probation officer under Section 13(1)(ii) and Rule 8(5).
- Social Investigation Report (SIR): A comprehensive 48-column psychosocial profile submitted by the Probation Officer within 15 days of first production under Section 8(3)(e) and Form 6.
- Witness Statements & Investigative Records: Submitted by the CWPO under Rule 10(5).
- Independent Expert Evaluations: Comprehensive clinical reports from qualified child mental health specialists.

As held in *Pradeep Kumar v. State (NCT of Delhi)* (2019) and reaffirmed in *X v. State of Bihar* (2026), the expert report is an advisory input among several considerations. The Board cannot abdicate its judicial function; it must independently evaluate all materials and record clear reasons under Rule 10A(4) if it decides that adult trial is required.

Procedural Requirement	Statutory Source	Operational Safeguard & Judicial Mandate
Inquiry Timeline	Section 14(3)	Must be completed within 3 months of first production to avoid prolonged procedural limbo.
Confidentiality Scope	Section 99 vs. Rule 10(5)	Protects child against public disclosure; defense counsel has full right to inspect and rebut records.
Appellate Powers	Section 101(2)	Sessions Court has expansive appellate jurisdiction; may engage independent external experts based on case facts.
Children's Court Re-Assessment	Section 19(1)	May overturn Board findings and re-conduct the inquiry de novo, proceeding as a JJB if trial as adult is unwarranted.

5. CONSTITUTIONAL REASSURANCE AND INSTITUTIONAL COMPASSION

The juvenile justice mechanism rejects the notion that public retribution should dictate procedural safeguards. While societal concerns regarding heinous crimes by older adolescents remain prevalent, subjecting immature adolescents to regular adult cereal environments often hardens criminal propensities rather than eliminating them.

The preliminary assessment framework was never designed as an automatic pipeline into adult prisons. Instead, it serves as a rigorous, child-centric jurisdictional gatekeeper. By maintaining strict offence categorizations, adopting longitudinal psychosocial evaluations, mandating qualified mental health expertise, and enforcing fair procedural disclosure, the juvenile justice system maintains its constitutional fidelity: separating developmental vulnerability from blameworthiness and holding older adolescents accountable while preserving their capacity for reform.

CHILD RIGHTS IN THE DIGITAL ERA : PROTECTING CHILDREN FROM CYBERCRIME



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Introduction:

Children today are growing up in a world where the digital environment is an integral part of daily life. Smartphones, computers, online classes, social media, digital games and video-sharing platforms offer new opportunities for learning, creativity and livelihood. The internet can empower children and give them access to knowledge that was once difficult to obtain. At the same time, the increasing use of technology brings new risks. Children may become victims of cyber bullying, online grooming, identity theft, hacking, financial fraud, sexual exploitation, exposure to inappropriate content and other cybercrime. The digital world that opens doors to learning can also expose children to serious threats. Protecting child rights in the digital era is therefore a shared responsibility of parents, schools, governments, technology companies, law enforcement agency and civil society.

Child rights in the digital environment:

Children's fundamental rights such as right to dignity, safety, privacy, education, freedom of expression and protection from exploitation guaranteed under the Constitution apply equally online. These rights do not vanish when a child enters the digital world.

- i. Right to education and information: Children should have fair access to digital devices, the internet and educational contents.
- ii. Right to privacy: Personal data, photographs, messages and online activities should be protected from unnecessary collection, misuse and surveillance.
- iii. Right to safety and protection: Children must be protected from cyber bullying, online sexual exploitation, harmful content, grooming, fraud and other forms of abuse.
- iv. Right to freedom of expression: Children may share opinions, create content and communicate online, subject to reasonable protections and restrictions for themselves and others.
- v. Right to be heard: Children's views should be considered when governments, schools and companies design digital policies and services affecting them.
- vi. Right to non-discrimination: Children should not be excluded from digital opportunities because of gender, poverty, location and social background.

However, these rights require protection in appropriate manner because children often lack the maturity and experience to recognize digital dangers. They may trust strangers, over-share personal data, click malicious links, or engage in risky online activities without grasping the consequences.

Forms of cybercrime against children:

- i. Cyber bullying: It includes threatening, humiliating, insulting or harassing a child via social media, messaging apps, gaming platforms or other digital services. Unlike playground bullying, online abuse can follow a child home and spread quickly to a larger mass.
- ii. Online grooming and sexual exploitation: Offenders often impersonate trustworthy adults to build rapport with children, then manipulate, coerce or sexually exploit them.



- iii. Exposure to harmful content: Children can encounter violent, sexually exploitative, hateful or otherwise inappropriate material that may harm their emotional and psychological development.
- iv. Identity theft and privacy violations: Sharing photographs, school details, phone numbers, passwords or location data can enable misuse of a child's identity and place them at risk.
- v. Online gaming-related risks: Children may be targets of fake contests, phishing links, deceptive advertisements or manipulative in-app purchase that create financial or privacy harms.

The scale of the problem in India:

National Crime Records Bureau (NCRB) data shows a steady increase in cybercrime incidents involving minors in recent years. For example, NCRB's cybercrime-related statistics of year 2024 indicates 187702 cases of crimes against children. Similarly as per the NCRB data, 101928 cases of cybercrimes have been reported.

These statistics underline a clear trend as digital participation raises, so do risks and reported crimes.

Strategies to protect children from cybercrime:

- i. Digital literacy from an early age: Schools should provide age-appropriate online-safety skills, password protection and privacy settings. Children should be learnt to recognize phishing, resisting grooming attempts, reporting cyber bullying and responsible social media use. Families should establish household rules about device use and screen time. Family can do Role-playing of difficult conversations so that children can practice saying "NO" blocking and reporting.
- ii. Open communication between children and adults: Parents and teachers should foster trusting environments where children feel safe discussing online experiences. Children must know they can approach a trusted adult if something online scares or confuses them.
- iii. Strong privacy and security practices: Children should be encouraged to use unique passwords and keep them confidential, avoid sharing unnecessary personal details publicly, review privacy settings regularly and think before sharing photos, videos and personal information online.
- iv. Parental guidance without excessive surveillance: Parents should balance safety and privacy. Rules should be age-appropriate and negotiated where possible. Monitoring tools may help younger children, but education builds lasting impact.
- v. Prompt reporting and evidence preservation: If a child is victimized, relevant evidence (screenshots, messages, usernames, URLs) should be preserved and incidents should be raised to appropriate authorities.
- vi. Child-friendly technology design: Technology companies should embed age-appropriate setting, clear reporting tools and parental controls.
- vii. Strong law enforcement and institutional coordination: Police, cybercrime units, schools, child-protection agencies and NGOs should coordinate responses. Investigations must protect the child's dignity and emotional well-being while seeking accountability.
- viii. Psychological and social support: Online victimization can cause shame, anxiety and isolation. Affected children should have access to counseling and supportive services.

Conclusion:

The digital era is neither wholly a blessing nor solely a threat. It is a powerful environment that shapes a child's education, personality and opportunity. Protecting child rights online requires more than restricting internet access. It requires education, awareness, responsible parenting, child-focused technology, effective law enforcement and an environment where children feel safe to seek help.

Every child has the right to be safe, respected and heard, both offline and online. A child who knows how to use technology safely is better protected. A society that listens to, educates and supports children is called a secure and progressive society. Protecting children in cyberspace is therefore a collective responsibility that involves legal, social and moral obligations.

In the era of rapid changing digital threats, the Indian judiciary has emerged as a guardian of children's online safety. Judicial activism in this domain has catalysed better accountability and rehabilitation of victims. The decision of Hon'ble Apex Court in Just Right for Children Alliance vs. S. Harish reported in 2024 LiveLaw (SC) 728 is one of the glaring instances which reinforce India's commitment to combating child abuse by clarifying the legal interpretation of the POCSO Act and I.T.Act.



PROTECTION OF CHILDREN FROM CYBER ABUSE IN INDIA: A CRITICAL ANALYSIS OF THE EXISTING LEGAL FRAMEWORK AND EMERGING CHALLENGES.



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"Safety isn't a privilege it's a necessity for every child Their safety is our responsibility".

-Abdul Ghafar, International Awareness Centre.

1. ABSTRACT

The rapid expansion of smart phones, social-media platforms, online gaming, digital education and other internet-based services has significantly increased children's exposure to the digital environment. While technology provides children with opportunities for education, communication and entertainment, it also creates new avenues for exploitation, harassment and abuse. Cyber bullying, online grooming, sexual exploitation, circulation of child sexual exploitation and abuse material, sextortion, identity-related offences and online trafficking pose serious challenges to child protection.

This paper critically examines whether the existing Indian legal framework is adequate to address emerging forms of cyber abuse against children. It analyses legislative provisions, judicial decisions, intermediary responsibilities, investigation and evidentiary challenges, privacy concerns and institutional mechanisms.

Keywords: Child Protection, Cyber Abuse, POCSO, Cybercrime, Child Sexual Exploitation and Abuse Material, Digital Safety, Online Grooming, Privacy, Intermediaries.

2. INTRODUCTION

The internet has become an integral part of children's everyday lives. Children increasingly use digital platforms for education, social interaction, entertainment and communication. This digital environment, however, can also expose children to various forms of exploitation and abuse. Cyber abuse is particularly challenging because the offender may remain anonymous, operate across jurisdictions, use multiple digital identities and rapidly distribute harmful material. Once abusive content is uploaded, its removal may not prevent further circulation. The problem becomes more complicated with technologies such as encrypted communication, artificial intelligence, deep fakes and synthetic media.

India's response is therefore not limited to one statute. It involves criminal law, child-protection legislation, information-technology regulation, intermediary obligations, data protection and procedural mechanisms.

3. The Major Forms of Cyber Abuse Against Children:-

The Cyber abuse may broadly include harmful or exploitative conduct directed against children through digital technologies.

- A. Cyber bullying:- The Repeated online harassment, humiliation, threats or intimidation.
- B. Online Grooming:- An offender builds trust or an emotional relationship with a child for the purpose of exploitation.
- C. Sextortion:- A person threatens to disclose intimate material unless the victim complies with demands.



- D. CSEAM:- Material depicting or facilitating the sexual exploitation or abuse of children.
- E. Online Trafficking:- Digital platforms may be used for recruitment, communication or exploitation associated with trafficking.
- F. Identity and Impersonation Offences
- G. AI-Generated and Synthetic Abuse:- This is an increasingly important research area. The current IT Rules specifically address certain forms of synthetically generated information, including content involving child sexual exploitation and abuse material.

4. CONSTITUTIONAL AND INTERNATIONAL FRAMEWORK:

4.1 Constitutional Protection :

The Constitutional Protection Such as, Article 14 — Equality, Article 15(3) — Special provisions for children, Article 19 — Freedom and reasonable restrictions, Article 21 — Life, dignity and privacy, Directive Principles relating to children can be utilized for the cyber abuse against children.

4.2 International Framework:-

The UN Convention on the Rights of the Child provides for the cyber abuse against children. Optional Protocol concerning sale of children, child prostitution and child pornography. The International cooperation against cybercrime gives priority on Best interests of the child principle.

5. INDIAN LEGAL FRAMEWORK:

The Indian legal framework provides for the following legislation such as following:

5.1 POCSO Act, 2012

This Act Examined definition of child, Sexual offences, Aggravated offences, Use of electronic/digital material, Reporting obligations, Child-friendly procedures, Special Courts, Protection of identity and Evidence and trial.

5.2 Information Technology Act, 2000

The provisions of this Act includes sexually explicit material, child sexual material, intermediary liability, electronic records and cyber offences.

5.3 IT Rules, 2021

The Rules provide a regulatory framework for intermediaries and include grievance mechanisms and due-diligence obligations. Government material also records obligations relating to removal/disablement of certain harmful content.

5.4 Juvenile Justice Act, 2015

This Act Discussed about, children in need of care and protection, rehabilitation, institutional mechanisms and child welfare structures.

5.5 Bharatiya Nyaya Sanhita, 2023

Examine offences that may apply where online conduct constitutes a general criminal offence.

5.6 Bharatiya Nagarika Surkshya Sanhita, 2023

This enactment Act Examined the investigation, procedure, electronic evidence, jurisdiction and prosecution.

5.7 Digital Personal Data Protection Act, 2023

Discuss children's personal data, consent and online privacy.

6. JUDICIAL APPROACH:

- 6.1 K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1, a nine-judge Constitution Bench of the Supreme Court unanimously recognised the Right to Privacy as a fundamental right under the Constitution. The Court held that privacy is an intrinsic part of the right to life and personal liberty under Article 21 and is also connected with the freedoms guaranteed under Part III. Privacy includes bodily, informational and decisional autonomy and is closely linked with dignity. However, privacy is not absolute. Any State interference must satisfy the requirements of legality, legitimate State aim and proportionality. The judgment overruled earlier decisions to the extent that they denied constitutional protection of privacy.





- 6.2 In Re: Prajwala, Letter Dated 18.2.2015 – Videos of Sexual Violence and Recommendations represents an important development in India's judicial response to technology-facilitated sexual violence. The proceedings originated from a letter concerning the online circulation of videos depicting rape, gang rape and child sexual abuse. The Supreme Court adopted a technology-oriented and preventive approach by engaging government authorities, internet intermediaries and an expert committee to explore mechanisms for preventing the dissemination of such material. The proceedings also contributed to the development of cybercrime reporting and institutional mechanisms. The case demonstrates that effective protection of children in the digital environment requires cooperation between criminal justice agencies, government authorities and technology platforms.

In this case the Hon'ble Supreme Court addressed the online circulation of videos depicting sexual violence and child sexual abuse and emphasised technological prevention, intermediary cooperation, reporting mechanisms and protection of victims from continuing digital harm.

6.3 Just Rights for Children Alliance v. S. Harish & Ors.

This case is particularly important as because the Supreme Court's 2024 judgment addressed the legal treatment of child sexual exploitation material and clarified the terminology that courts should use. The Court emphasised the seriousness of possessing, viewing and distributing such material and discussed systemic measures for prevention and victim support.

6.4 Relevant High Court decisions

The High Court cases dealing with the WhatsApp/social media evidence, cyberbullying, online sexual exploitation, electronic evidence, POCSO and digital communication.

7. CHALLENGES IN INVESTIGATION AND PROSECUTION

The Major challenges are faced in the investigation and prosecution of the cases relating to cyber abuse as follows:

1. Anonymity: offenders may use fake identities, VPNs, encrypted services and multiple accounts and the same leads to difficulties in the procedure of investigation and prosecution.
2. Cross-border nature: The offender, victim, platform and server may all be located in different jurisdictions and the same leads to difficulties in the procedure of investigation and prosecution.
3. Electronic evidence: The Evidence may be deleted, encrypted, altered, stored outside India and difficult to authenticate and the same leads to difficulties in the procedure of investigation and prosecution.
4. Rapid dissemination: A single image/video can be replicated thousands of times and the same leads to difficulties in the procedure of investigation and prosecution
5. Under-reporting: Children may fear parents, teachers, social stigma, retaliation and exposure of their identity and the same leads to difficulties in the procedure of investigation and prosecution.
6. Technological development: AI and synthetic media create new challenges for detection and attribution and the same leads to difficulties in the procedure of investigation and prosecution.

8. SOME NEW TRENDS IN CHILD PROTECTION (SHISHU SURAKSHA) FROM CYBER ABUSE:

The following are some new trends in child protection from cyber abuses.

1. Digital Child Safety:

Digital child safety means protecting children from harm, abuse, exploitation, and unsafe activities while they use the internet, mobile phones, social media, online games, and digital platforms.

Digital child safety is the protection of children from online risks and harm. It includes protecting privacy, preventing cyber bullying and online grooming, avoiding harmful content, using strong passwords, safe social media and gaming practices, and reporting suspicious or abusive behaviour. Parents, schools, technology platforms and authorities all have an important role in keeping children safe online

2. Online Education Safety :

Online education safety means protecting children and students from risks while using the internet for online classes, educational apps, websites, and digital learning platforms.

Online education safety is the protection of students from online risks during digital learning. It includes





protecting personal information, using trusted platforms, maintaining password security, preventing cyber bullying, avoiding strangers and harmful content, controlling screen time, and reporting unsafe activities.

3. Child-Friendly Justice :

Child-friendly justice means a justice system that treats children with care, respect, dignity and sensitivity. Its purpose is to make the legal process safe, understandable and less frightening for children.

Child-friendly justice is a justice system that protects the rights, dignity and welfare of children. It ensures that children are treated with respect and without discrimination. Children should be heard, their identity should be protected, and legal procedures should be explained in simple language. They should be protected from fear, intimidation and further trauma and should receive appropriate legal, family and psychological support.

4. Mental Health Provisions For Children:-

Mental health provisions for children are measures that protect a child's emotional, psychological and social well-being and provide help when a child faces stress, trauma, abuse or other difficulties.

Mental health provisions for children aim to protect their emotional and psychological well-being. They include protection from abuse, neglect and bullying; emotional support and counselling; a safe home and school environment; family support; privacy; and access to qualified mental-health professionals. In legal proceedings, children should be treated in a child-friendly manner to reduce fear and trauma.

5. Prevention Of Child Abuse:-

Prevention of child abuse means taking steps to protect children from physical, sexual and emotional abuse, neglect, exploitation and violence.

The main aim is to prevent abuse before it happens, identify risks early, and provide immediate protection when a child is at risk.

Prevention of child abuse means protecting children from physical, sexual and emotional abuse, neglect and exploitation. Prevention requires awareness among parents and caregivers, safe schools, teaching children about personal safety, digital safety, early identification of warning signs and prompt reporting of suspected abuse. Children who experience abuse should receive medical, psychological, emotional and legal support. A strong and child-friendly protection system is essential for the safety and development of every child.

6. Protection Of Children From Trafficking :

Child trafficking means recruiting, transporting, transferring, harbouring or receiving a child for the purpose of exploitation.

Children may be trafficked for forced labour, sexual exploitation, begging, domestic work, illegal activities or other forms of exploitation.

Protection of children from trafficking requires prevention, early identification, rescue and rehabilitation. Families and children should be educated about trafficking risks and suspicious offers. Schools, communities and authorities should identify children at risk and report suspected trafficking quickly. Law-enforcement agencies should take action against traffickers. Rescued children should receive safe shelter, medical care, counselling, education and rehabilitation in a child-friendly environment.

9. Protection Of Children With Disabilities :

A child with disability is a child who has a long-term physical, mental, intellectual, or sensory impairment which may create barriers to equal participation in society.

Protection of children with disabilities means ensuring their safety, dignity, equality, accessibility, education, healthcare, inclusion and protection from abuse, exploitation and discrimination, while keeping their best interests at the centre.

8. Family-Based Care Of Children:

Family-based care means providing care and protection to a child within a family environment, rather than keeping the child in an institutional setting. The basic idea is: "Every child needs a family, love, care and protection."

Family-based care is a child-care approach that prioritises a safe, stable and nurturing family environment through restoration, kinship care, foster care, sponsorship and adoption, with the child's best interests as the primary consideration.





9. Child Participation :

Child participation means giving children a genuine opportunity to express their views, opinions, needs and feelings in matters affecting them, and giving their views due consideration according to their age and maturity.

Technology in child protection involves using digital tools to prevent and detect abuse, exploitation and trafficking, facilitate reporting and case management, provide support services, and promote children's safety both online and offline.

10. School Safety For Children:

School safety means providing children with a safe, secure, healthy and child-friendly environment where they can learn, grow and participate without fear.

School safety means creating a secure, inclusive and child-friendly environment that protects children from violence, abuse, bullying, discrimination and accidents while promoting their health, dignity, education and overall development.

11. Community Awareness On Child Protection:

Community awareness on child protection means educating and involving parents, families, teachers, local leaders and community members so that they can understand children's rights, identify risks and take action to protect children.

Community awareness on child protection is the process of educating and involving the community to understand child rights, prevent abuse and exploitation, identify children at risk, report violations and create a safe and supportive environment for every child.

12. Role Of Intermediaries And Technology Platforms:

The Role of intermediaries and technology platforms including the Study the responsibility of social-media companies, messaging platforms, search engines,

13. Child Privacy And Digital Rights:

It includes the difference between the Protection and privacy. A child needs protection from online exploitation, but excessive monitoring can also affect privacy, autonomy, freedom of expression and dignity.

14. Emerging Technologies And Cyber Abuse:

Emerging technologies and cyber abuse including the discussion of the topics such as Artificial Intelligence, AI-generated sexual imagery, deepfakes, synthetic identities, Encrypted communication, Anonymous platforms, Online gaming, Live streaming, Algorithmic recommendation and Generative AI.

09. SUGGESTIONS AND REFORMS REGULATING THE PROTECTION OF CHILDREN FROM CYBER ABUSE:

The followings are the some of the recommendations regulating the protection of children from cyber abuse:

1. Dedicated Cyber Child Protection Units: Specialised police units should investigate online offences against children.
2. Child-Friendly Reporting: Create simple reporting mechanisms that children can use without fear.
3. Faster Platform Response: Platforms should establish specialised child-safety teams.
4. Stronger AI Regulation: The law should clearly address AI-generated sexual exploitation of children.
5. Digital Literacy: Schools should teach privacy, safe communication, grooming awareness, cyber bullying, reporting mechanisms and responsible digital behaviour.
6. Parent and Teacher Training: Adults should understand modern online risks.
7. Better Digital Evidence Infrastructure: Police and courts need specialised technological expertise.
8. International Cooperation: Cyber abuse requires rapid cooperation between countries, platforms and law-enforcement agencies.
9. Psychological Support: Children who experience cyber abuse require counselling and rehabilitation, not merely criminal proceedings.
10. Regular Legislative Review: Cyber technology changes much faster than legislation. Child-protection laws should therefore be periodically reviewed.



10. CONCLUSION:

The digital environment has transformed the nature of childhood and simultaneously created new forms of vulnerability. Cyber abuse against children is not merely a technological problem; it is a legal, social, psychological and human-rights issue. India possesses a substantial legal framework through POCSO, the Information Technology Act, intermediary regulations, juvenile justice legislation and the newer criminal-law framework. However, the effectiveness of these laws depends upon implementation, investigation, technological capability, platform accountability and awareness. The emergence of AI-generated material, encrypted communication and rapidly evolving online platforms demonstrates that traditional legal approaches cannot remain static. The important fact is that effective child protection requires a preventive, technology-sensitive, rights-based and child-friendly legal framework. The objective should not merely be to punish offenders after abuse occurs. It should also be to prevent abuse, identify risks early, remove harmful material rapidly, protect the child's identity and dignity, support victims and ensure effective prosecution.

Child protection is a collective responsibility to protect every child from abuse, neglect, exploitation, violence and discrimination and to ensure their rights, safety, dignity and development. Child protection cannot be achieved by one person or one institution alone. It requires cooperation among family, school, community, government and child-protection authorities. The ultimate goal is to ensure that every child grows up in a safe, loving, inclusive and supportive environment, with full respect for their rights and dignity.

In conclusion, child protection is a shared responsibility. Every child must be protected from harm, given opportunities for education and development, heard in matters affecting them, and provided with appropriate care, rehabilitation and support. The best interests, safety, dignity and rights of the child must always remain the central focus.

"Prevention requires shared responsibility among teachers, parents and children"

-Megan Kelley Hall, Teen Herioc Journey.

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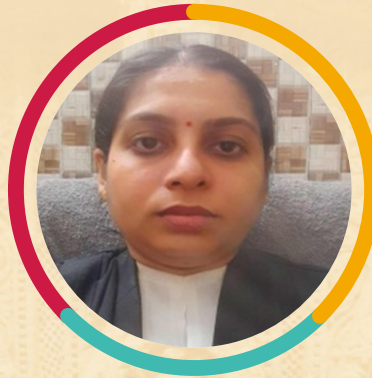
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The determining factors of juvenile delinquency in india - A bird's eye view



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Juvenile Delinquency has occupied a central place in criminological, sociological and legal scholarship due to its implications for public safety, child welfare and social development since long. In India, concerns surrounding juvenile crime have intensified in recent decades, driven by rapid economic transformation, urban expansion and persistent socio-economic inequality. While legislative frameworks such as the Juvenile Justice (Care and Protection of Children) Act, 2015 emphasized rehabilitation and child centric justice, the persistence of juvenile offending underscores the need to examine the broader structural conditions that shape youth behaviour. In India, juvenile delinquency is progressively acknowledged as a socio-structural phenomenon rather than a mere outcome of individual deviance. Juvenile delinquency is corollary of inter-related socio-economic, cultural and legal determinants operating within a rapidly transforming society.

Official crime statistics compiled by the NCRB consistently indicate that juveniles constitute a small but socially significant proportion of total offenders, with higher concentrations in the 16-18 age group. More importantly, these statistics reveal strong co-relations between juvenile offending and indicators such as low educational attainment, unstable family environments and urban residence. Such patterns suggest that juvenile delinquency in India cannot adequately understood through legal or psychological explanations alone but must be situated within broader socio-economic and cultural context.

The scholarly literature increasingly conceptualizes juvenile delinquency as the outcome of cumulative disadvantage. Poverty restricts access to education and social mobility; school dropout weakens institutional attachment; family dysfunction undermines supervision and emotional support; and urbanization and migration disrupt traditional social controls. Beyond this structural and social factors, gaps in legal frameworks and policy implementation further contribute to this phenomenon. These factors do not operate independently but interact in complex ways, creating environments in which delinquent behaviour becomes more likely.

Juvenile delinquency refers to acts committed by individuals below the legally defined age of criminal responsibility that violate penal laws or social norms. In India, the legal framework distinguishes juveniles from adults based on age, recognizing children's developmental vulnerability and capacity for reform. However, the socio-legal definition of delinquency often intersects with broader notions of deviance, marginalization and social exclusion.

Indian studies on juvenile delinquency emphasized that children in conflict with law frequently come from socially and economically disadvantaged backgrounds. Unlike adult criminality, which may be shaped by organized networks or entrenched criminal identities, juvenile delinquency often reflects situational pressures, environmental exposure and limited access to protective institutions. This distinction reinforces the importance of examining structural determinants rather than focusing exclusively on individual pathology.



Socio-economic and Cultural determinants of Juvenile Delinquency:

A) Poverty and Structural Inequality:

Poverty remains one of the most consistently identified risk factors for juvenile delinquency in India. Economic deprivation limits access to basic necessities, quality education, health care and recreational opportunities thereby shaping childrens' daily experiences and life chances. Studies across Indian States have documented a disproportionate representation of Juveniles from low income households among those apprehended for offences. NCRB data indicate that most juvenile offenders are from families with annual income below Rs.25,000/-. Economic hardship propels them into offences like theft, child labor and even organized crime for survival. Poverty influences juvenile behaviour through multiple pathways. Material deprivation may compel children to engage in informal or illegal economic activities, including theft or street-based work to support themselves or their families.

B) Poverty, Social Exclusion and Stigma:

Beyond material deprivation, poverty is closely linked to social exclusion. Children from impoverished backgrounds often experience stigma, discrimination and reduced participation in mainstream social institutions. Such exclusion can foster resentment, alienation and diminished sense of belonging, factors repeatedly associated with delinquent behaviour in criminological research. In the Indian context, poverty frequently intersects with caste, tribal status and regional under development, further entrenching disadvantage. This intersecting inequalities shape exposure to crime prone environments and limit access to remedial services, reinforcing cycles of marginalization.

C) Educational Disengagement:

Education functions as one of the most significant protective factors against juvenile delinquency. A substantial body of Indian Literature highlights the strong association between school dropout and juvenile offending. Adolescents who disengage from formal education often experience unstructured time, weakened institutional attachment and increased exposure to delinquent peer groups. The absence of school based monitoring and mentorship further heightens vulnerability to risky behaviors. However, India continues to face challenges related to school retention, particularly at the secondary level. Economic pressures, child labor, domestic responsibilities, poor school qualities and lack of relevance curricula contribute to dropout rates, especially among children from disadvantaged background. Lack of education leads to idle time and frustration, increasing youth exposure to negative influences. As a result, school drop outs are over represented among juvenile offenders, a problem made worse by weak school infrastructure in rural areas. Thus, school dropouts frequently mediates the relationship between socio-economic deprivation and delinquency, serving as a critical mechanism through which structural disadvantage translates into behavioral outcomes.

D) Family Structure, Supervision and Emotional Support:

The family plays a foundational role in childrens' moral development, emotional regulation and socialization. Consistent parental supervision, emotional warmth and clear behavioral expectation act as strong protective factors against delinquency. Conversely, family dysfunction undermines these processes, increasing susceptibility to anti-social behaviour.

E) Family Dysfunction and Delinquency:

Indian studies consistently identify broken families, single-parent households, domestic violence, parental substance abuse and neglect as significant correlates of juvenile delinquency. Children raised in such environments often lack stable role models and consistent discipline, impairing their capacity to internalize social norms. Unstable family environment marked by neglect, violence, separation or absentee and alcoholic parents reduce emotional support and supervision, making children more vulnerable to delinquent behaviour. Dysfunctional family dynamics disrupt emotional regulation and normative development, increasing delinquency risk.

F) Parental Labour Migration:

Parental absence due to labour migration deserves particular attention in Indian context. While migration may improve household income, it can simultaneously weaken parental supervision and emotional bonds. Children left behind may experience loneliness, behavioral problems and increased reliance on peer groups for support, conditions that may facilitate delinquency.

G) Urbanization and Social Disorganization:

India's rapid urbanization has transformed social structures and community life. While cities offer economic opportunities, they also generate stark inequalities, overcrowded living conditions and strained public





services. Urban migration leads to overcrowded slums with poor living conditions, weakening community control and increasing the risk of juvenile delinquency.

H) Social Inequality and Marginalization:

Children from scheduled caste, scheduled Tribes and Minority Communities often face discrimination, exclusion and limited opportunities. This marginalization leads to frustration and alienation, increasing the risk of delinquent behaviour among vulnerable groups.

I) Peer Pressure and Substance Abuse:

Adolescents are highly susceptible to peer influence, which often draws them into group based delinquent activities such as vandalism, substance abuse and gang involvement. For children alienated from family or school, delinquent peer groups provide a sense of belonging and identity, increasing their likelihood of engaging in criminal behaviour. Substance abuse among juveniles is both a cause and an outcome of delinquency, as drug and alcohol addiction often leads them to commit crimes to sustain their addiction.

J) Media Exposure and Digital Influence:

Exposure to violent movies, online games and unregulated internet content normalizes aggression among juveniles. Additionally, the rise of digital access has led to emerging forms of juvenile delinquency in India, including cyber crimes such as hacking, online fraud and cyber bullying.

Legal Determinants of Juvenile Delinquency:

A) Age of Criminal Responsibility:

A core legal determinant of criminal liability is how age is defined and applied in law. Age-based exemptions often divert judicial interpretations leading to uncertainty around principles of 'doli incapax'. Under the Juvenile Justice (Care and Protection of Children) Act, 2015, a 'Juvenile' is any person below the age of 18 years at the time of committing an offence. This legal age limit determines whether a person falls into the child justice system (with reformatory focus) or is subject to adult criminal law with punitive sanctions.

A careful judicial enquiry is required, taking into account factors such as the child's mental capacity, ability to distinguish right from wrong, awareness of consequences and overall level of maturity. This individualized evaluation acknowledges that children mature at different rates and that age alone does not necessarily reflect cognitive or moral development. It is the responsibility of the Court to decide whether at the time of the alleged offence, the child had enough maturity to understand that their actions were wrongful.

B) Trial and Transfer Provisions:

The Juvenile Justice Act, 2015 has been criticized for including Sections 15 and 18(3). One of the most debatable legal changes has been the 2015 Act's provision allowing juveniles aged 16 to 18 who allegedly commit heinous offences to be tried as adults after a preliminary assessment by a Juvenile Justice Board (JJB), of their 'mental and physical capacity to understand the offence and its consequences'. This marks a departure from earlier law, where juveniles were not tried as adults regardless of crime severity.

C) Legal Procedures and Implementation Gaps:

Legal procedures themselves, including age verification, detention rules and bail practices also condition delinquency patterns. There were disputes over a juvenile's true age, which can lead to prolonged detention in adult lock-ups if not promptly resolved. So also, inadequate implementations of statutory protections (e.g. wrongful police interrogation practices violating child rights) has been highlighted by Courts. Procedural inefficiencies can inadvertently contribute to juvenile involvement in crime through delayed rehabilitation and extended detentions and disillusionment with legal processes.

D) Reformatory versus Punitive Law Balance:

The structure of sanctions under juvenile law (focused on rehabilitation, not punishment) can influence juvenile offending trajectories. Under the earlier Juvenile Justice Act, offenders could not be sentenced to longer than three years in a Juvenile home regardless of offence severity. This statutory limit shaped both public debate and youth expectations about legal consequences. The legal system's emphasis on care, protection and reintegration (rather than retribution) creates a legal environment where delinquency is responded to with age-appropriate corrective measures rather than severe punishment. However, critics argue that this may not sufficiently deter more serious youthful offending without complementary social interventions.

E) Legal Safeguards and Child Rights Protections:

Some legal safeguards on privacy and identity protection act as protective determinants to lessen





escalation into delinquent contexts. Provisions like Sec. 74 of the J.J Act prohibit public disclosure of a juvenile's identity in legal proceedings, protecting youths from stigma and social marginalization. Further, child friendly institutions like mandatory creation of Child Welfare Committees (CWCs) and special juvenile police units aim to mitigate negative legal impacts, focusing on rehabilitative legal intervention over punitive enforcement. These safeguards legally insulate juveniles from the full harshness of adult criminal procedure, which can otherwise deepen criminal behaviour through stigma and institutionalization.

F) Lack of Effective Rehabilitation Mechanisms:

Observation homes and reform centers frequently suffer from inadequate infrastructure, a shortage of trained staff and limited counseling or reintegration programs. Rather than reforming juveniles, these institutions some times expose them to hardened offenders, reinforcing delinquent behaviour instead of preventing it.

Judicial Approach:

The Indian Judiciary has played a crucial role in shaping the approach toward juveniles in conflict with the law. Appreciating various determinants that influence criminal behaviour, the Indian Courts have critically enquired with strong interpretative skills the scope of liability and exemption for juveniles in conflict with law.

With respect to the claim of juvenility, it has been held in the case of *Jitendra Singh @ Babboo Singh V. State of U.P.* 2013 (11) SCC 193, that a delayed claim of juvenility does not bar an accused from seeking protection under the Juvenile Justice Act; however, the accused must prove juvenility and the Court must conduct a proper enquiry before rejecting such a claim.

Dr. Subramanian Swamy V. Raju Thr. Member Juvenile Justice Board, 2014 (8) SCC 390, brought up the issue of whether or not the provisions of the J.J Act, 2000 should be 'read down' for juveniles deemed mature enough to comprehend the repercussions of their actions. The Hon'ble Apex Court denied the argument, concluding that the statutory provisions are unambiguous and ought to be applied uniformly to all individuals below the age of 18 years. This ruling reaffirmed the principle that maturity evaluations cannot be utilized to circumvent the advantages of the J.J. Act, 2000.

In *Parag Bhati (Juvenile) V. State of U.P.* (2016), the Hon'ble Court ruled that documents submitted under Rule-12 (3)(a) of J.J. Rules, 2007 ought to be regarded as conclusive proof of the date of birth of the accused. The Court may, however, order further enquiry, including the medical examination, if there is a contradiction. In addition to allowing for judicial discretion in case of any dispute, this ruling emphasizes the significance of documentary evidence.

In *Bachpan Bacho Andolan V. Union of India*, 2011 5 SCC 1 the Hon'ble Apex Court directed stricter implementation of juvenile justice laws and emphasized that children in conflict with law must be treated in line with the rehabilitative principles enshrined in the U.N. Convention on the Rights of the Child (UNCRC).

In *Salil Bali V. Union of India*, AIR 2013 SC 3743, the Hon'ble Apex Court underscored that the juvenile justice system should be primarily rehabilitative and reformative. The Hon'ble Court stressed that juvenile must not be treated or punished as adults for the sake of expediency and reaffirmed the necessity of adopting child friendly procedures.

In *Mukesh V. State of NCT of Delhi* (2017) 6 SCC 1, which dealt with the juvenile involved in the 2012 Delhi gang rape case, the Hon'ble Supreme Court upheld the provision allowing a 16-18 year old juvenile to be tried as an adult for a heinous offence. The Judgment generated significant debate on striking a balance between justice for victims and the rehabilitative objectives of the juvenile justice systems.

Conclusion and Recommendation:

Juvenile delinquency in India is a multifaceted phenomenon deeply rooted in complex socio-economic, cultural and legal contexts. Factors such as poverty, social disengagement, family instability, urbanization, migration and peer influence interact to create environments that heighten the risk of delinquent behaviour among children. Evidence from national crime records, social surveys and scholarly literature underscores that juvenile offending is rarely the result of a single cause; rather, it emerges from cumulative disadvantage and structural deprivation, particularly affecting marginalized communities.

Addressing juvenile delinquency in India, therefore requires an integrated, rights-based and preventive approach that strengthens family support, educational engagement, community cohesion and child friendly justice mechanisms. Holistic interventions that tackle structural inequalities, promote social inclusion and provide effective rehabilitation are essential to reduce offending, foster social reintegration and ensure that children in conflict with law are guided towards positive development rather than punitive outcomes.



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- Educational Retention and Support: Strengthening school retention through financial assistance, counseling and vocational pathways can disrupt delinquency trajectories.
 - Strengthening Informal Social Control: Investment in safe recreational spaces, mentorship programs and community centers in urban settlements can mitigate negative factors influencing juvenile behaviors.
 - Integrated Data and Early Intervention: Linking crime data with education and welfare indicators can facilitate early identification of at-risk youth.
 - Family-Centered Interventions: Parenting programs, family counseling and support for migrant households can enhance supervision and emotional support.
 - Reinforce Principles of Rehabilitation: There is a need for focusing on reinforcing rehabilitative measures rather than punitive actions.
 - Ensure Speedy and Child-Friendly Justice: Enforcing strict timelines for enquiry and disposal of cases involving juveniles can minimize repeated appearances and ensure confidentiality at all stages to reduce psychological harm and facilitate early reintegration.
 - Reviewing of Trial Procedures: India needs to be equipped with flexible trial procedures for juveniles, while guided by the 'best interests of the child' principle rather than the nature of offence alone.
 - Promote Restorative Justice Mechanisms: Institutionalize victim-offender mediation, community service and reconciliation programs within the juvenile justice framework to reduce stigmatization and facilitate social reintegration.

With the above recommendations, future research should prioritize longitudinal and mixed methods approaches to unpack casual mechanisms and evaluate interventions. By situating juvenile delinquency within its broader social context, policymakers and practitioners may design more effective and equitable responses that uphold the rehabilitative ethos of juvenile justice in India.



FROM IDENTIFICATION TO PROTECTION : AGE DETERMINATION, JUVENILITY AND JUSTICE : THE ROLE OF COURT, DLSA, JJB & POLICE



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"The first act of juvenile justice is to correctly recognise the child before the law."

I. INTRODUCTION:

The determination of age of a person alleged to have committed an offence constitutes the jurisdictional gateway to the juvenile justice system. It is not a mere procedural formality. Upon such determination depends whether the person is to be dealt with under the ordinary criminal justice system or under the specialised, child-centric and rehabilitative framework of the Juvenile Justice (Care and Protection of Children) Act, 2015 ("the JJ Act").

Section 2(13) of the JJ Act defines a "child in conflict with law" as a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence.

The determination of age consequently affects the forum, procedure, custody, inquiry, entitlement to legal aid, classification of the alleged offence and, in appropriate cases involving a child aged sixteen years or above, the applicability of the preliminary assessment contemplated under Section 15.

The Hon'ble Supreme Court has continued to emphasise that age determination must be undertaken in accordance with the statutory framework and upon proper appreciation of the material placed before the competent authority. In *State of Uttar Pradesh v. Anurudh & Anr.*, 2026 INSC 47, decided on 9 January 2026, the Supreme Court examined Section 94 of the JJ Act and reiterated important principles concerning the determination of age and the respective significance of documentary and medical evidence.

II. AGE DETERMINATION: THE THRESHOLD QUESTION:

Before the justice system determines what should be done with a person accused of an offence, it must first determine whether that person was a child on the date of the alleged occurrence.

The correct sequence is:

Determination of age → determination of status as child in conflict with law → classification of offence → application of the appropriate statutory procedure → inquiry/adjudication.

An erroneous determination of age may expose a child to the adult criminal process and thereby defeat the protective and rehabilitative object of the JJ Act.

At the same time, the beneficial character of the legislation does not authorise the acceptance of an unsupported plea of juvenility. The approach must therefore be child-sensitive, evidence-based and judicially disciplined.



III. STATUTORY SCHEME UNDER SECTION 94:

Section 94 of the JJ Act provides the statutory mechanism for presumption and determination of age.

Where it is obvious to the Committee or Board, on the basis of the appearance of the person brought before it, that the person is a child, the Committee or Board may record the observation regarding age and proceed with the inquiry without waiting for further confirmation.

Where there are reasonable grounds for doubt regarding whether the person is a child, the statutory process of age determination is to be undertaken.

The provision establishes the following hierarchy:

1. date of birth certificate from the school or matriculation/equivalent certificate from the concerned examination Board;
2. in the absence thereof, birth certificate issued by a corporation, municipal authority or panchayat; and
3. only in the absence of the aforesaid documents, ossification test or another latest medical age-determination test ordered by the competent authority.

The Supreme Court has reiterated that the statutory framework must be respected and that age determination cannot be reduced to a mechanical medical exercise.

IV. THE RELEVANT DATE IS THE DATE OF COMMISSION OF THE OFFENCE:

The statutory question is whether the person had completed eighteen years on the date of commission of the alleged offence.

The subsequent attainment of majority does not retrospectively deprive the person of the protection to which he or she was entitled as a child on the date of occurrence.

This assumes particular importance in long-pending cases. A person may have become an adult by the time the issue reaches the Court, but the relevant inquiry remains the person's age on the date of the alleged offence.

V. ROLE OF THE POLICE:

The police constitute the first institutional interface between the child and the criminal justice system. Their conduct at the initial stage can therefore determine whether a child enters the protective juvenile justice framework or is inadvertently subjected to adult criminal procedure.

1. Immediate identification of age

The Investigating Officer should ascertain the age of the person at the earliest opportunity and collect reliable documentary material, including:

- birth certificate;
- school admission and school records;
- matriculation or equivalent certificate;
- examination records;
- records maintained by local authorities; and
- other legally relevant material.

The age casually mentioned in the FIR or police papers should not, by itself, be treated as conclusive.

2. Physical appearance is not conclusive

Physical appearance may furnish an initial indication but cannot substitute the statutory process of determination.

3. Prevention of adult custodial treatment

Where there is material suggesting that the person may be below eighteen years, the police must ensure that the person is dealt with under the JJ Act and is not subjected to adult custodial conditions merely because age verification has not yet been completed.





4. Proper classification of the alleged offence

The Investigating Officer must also correctly identify the statutory offence and the punishment prescribed for it. This assumes particular importance because the classification of an offence as petty, serious or heinous may determine whether Section 15 of the JJ Act is attracted.

5. Production of all relevant material

The police must place relevant age-related material before the competent authority and should not suppress or selectively produce documents merely because they may favour the claim of juvenility.

VI. CLASSIFICATION OF OFFENCES UNDER THE JJ ACT:

The JJ Act divides offences broadly into petty, serious and heinous offences.

The classification is not merely descriptive. It has direct procedural consequences.

A. Petty Offence — Section 2(45)

A petty offence is an offence for which the maximum punishment under the applicable law is imprisonment up to three years.

B. Serious Offence — Section 2(54)

The statutory definition of serious offence covers offences for which the punishment prescribed is imprisonment between three and seven years, and also offences where the maximum punishment exceeds seven years but there is no prescribed minimum punishment or the prescribed minimum is below seven years.

C. Heinous Offence — Section 2(33)

A heinous offence is an offence for which the minimum punishment is imprisonment for seven years or more.

The distinction is crucial:

Every heinous offence is grave in nature, but every serious offence is not a heinous offence within the statutory meaning of the JJ Act.

Classification must therefore be based upon the statutory punishment prescribed for the offence, and not merely upon the emotional or social gravity of the allegation.

VII. SERIOUS OFFENCE IS NOT THE SAME AS HEINOUS OFFENCE:

This distinction deserves particular emphasis.

An offence may carry a very high maximum punishment and yet fall within the category of a serious offence if the minimum punishment prescribed is below seven years or no minimum punishment is prescribed.

Conversely, where the statute prescribes a minimum punishment of seven years or more, the offence falls within the statutory category of a heinous offence.

Therefore, the authority must examine the precise penal provision and its punishment clause.

A mere description such as "grave offence", "serious crime" or "heinous act" cannot substitute the statutory classification.

VIII. WHY CLASSIFICATION BECOMES CRUCIAL FOR CHILDREN AGED 16–18:

The distinction becomes especially significant where the child has completed sixteen years of age.

Section 15 contemplates a preliminary assessment where a child who has completed or is above sixteen years is alleged to have committed a heinous offence.

Therefore, the following sequence is mandatory:

First — determine age.

Second — classify the offence.

Third — determine whether the child is sixteen years or above.

Fourth — if the offence is heinous, undertake the preliminary assessment under Section 15.

A serious offence does not, merely because it is grave, trigger the Section 15 mechanism.





IX. PRELIMINARY ASSESSMENT UNDER SECTION 15:

Where a child who has completed or is above sixteen years is alleged to have committed a heinous offence, the Board is required to conduct a preliminary assessment concerning:

1. the child's mental capacity to commit the alleged offence;
2. the child's physical capacity to commit the alleged offence;
3. the child's ability to understand the consequences of the alleged offence; and
4. the circumstances in which the alleged offence was committed.

The Board may take assistance from experienced psychologists, psycho-social workers or other experts.

The preliminary assessment is not a trial and cannot be converted into a determination of guilt.

The Supreme Court has repeatedly emphasised the distinction between the preliminary assessment and a regular criminal trial. In *Barun Chandra Thakur v. Master Bholu*, the Court examined the statutory requirements of Section 15 and stressed the specialised nature of the assessment.

Thus, the Board must not undertake a mini-trial or prejudge the guilt of the child.

X. THE PRELIMINARY ASSESSMENT MUST FOLLOW CORRECT CLASSIFICATION:

The preliminary assessment under Section 15 is not an automatic consequence of the seriousness of the allegation.

The Board must first determine whether the alleged offence legally falls within Section 2(33).

This is important because an incorrect classification may have two opposite consequences:

- treating a serious offence as heinous may unnecessarily subject the child to the Section 15 mechanism; and
- treating a heinous offence as merely serious may result in failure to comply with a mandatory statutory safeguard.

Consequently, classification of the offence is a jurisdictional step preceding the Section 15 assessment.

XI. ROLE OF THE JUVENILE JUSTICE BOARD:

The JJB has the primary statutory responsibility for dealing with children in conflict with law.

The Board must:

- determine the age in accordance with Section 94;
- classify the offence according to the statutory definitions;
- ascertain whether Section 15 is attracted;
- conduct the preliminary assessment where legally required;
- obtain expert assistance where necessary;
- provide the child an effective opportunity of representation; and
- record a reasoned order.

The Board must not allow the gravity of the allegation to overshadow the statutory safeguards applicable to the child.

XII. ROLE OF THE CHILDREN'S COURT:

Where the JJB, after the preliminary assessment, considers that there is a need for trial of the child as an adult, Section 18(3) becomes relevant.

However, the JJB's decision does not automatically conclude the matter.

Section 19 requires the Children's Court to independently consider the circumstances and determine whether there is a need for trial of the child as an adult.

The statutory structure therefore provides successive safeguards:





Section 15 – preliminary assessment by JJB

- Section 18(3) – decision concerning transfer to Children's Court
- Section 19 – independent consideration by Children's Court

This reinforces the principle that the exceptional treatment of a child as an adult must be approached with caution and must comply strictly with the statutory requirements.

XIII. ROLE OF THE CRIMINAL COURT WHEN JUVENILITY IS CLAIMED:

A claim of juvenility may arise before a criminal court even after the criminal proceedings have commenced.

Section 9 of the JJ Act provides a mechanism for dealing with such a claim.

The Supreme Court has repeatedly held that a claim of juvenility can be raised even at a later stage of proceedings and that delay, by itself, cannot defeat a genuine claim.

The Court has also distinguished between:

- an inquiry by the criminal court, where a prima facie conclusion may be reached; and
- a formal determination by the JJB under Section 94, where the statutory evidence is scrutinised for the purpose of recording the age.

"Section 7A – Procedure to be followed when claim of juvenility is raised before any court.

- (1) Whenever a claim of juvenility is raised before any court or a court is of the opinion that an accused person was a juvenile on the date of commission of the offence, the court shall make an inquiry, take such evidence as may be necessary (but not an affidavit) so as to determine the age of such person, and shall record a finding whether the person is a juvenile or a child or not, stating his age as nearly as may be: Provided that a claim of juvenility may be raised before any court and it shall be recognised at any stage, even after final disposal of the case, and such claim shall be determined in terms of the provisions contained in this Act and the rules made thereunder, even if the juvenile has ceased to be so on or before the date of commencement of this Act.
- (2) If the court finds a person to be a juvenile on the date of commission of the offence under sub-section (1), it shall forward the juvenile to the Board for passing appropriate order, and the sentence if any, passed by a court shall be deemed to have no effect."

Rule 12. Procedure to be followed in determination of Age. –(1) In every case concerning a child or a juvenile in conflict with law, the court or the Board or as the case may be the Committee referred to in rule 19 of these rules shall determine the age of such juvenile or child or a juvenile in conflict with law within a period of thirty days from the date of making of the application for that purpose.

- (2) The Court or the Board or as the case may be the Committee shall decide the juvenility or otherwise of the juvenile or the child or as the case may be the juvenile in conflict with law, prima facie on the basis of physical appearance or documents, if available, and send him to the observation home or in jail.
- (3) In every case concerning a child or juvenile in conflict with law, the age determination inquiry shall be conducted by the court or the Board or, as the case may be, the Committee by seeking evidence by obtaining –
 - (a) (i) the matriculation or equivalent certificates, if available; and in the absence whereof; (ii) the date of birth certificate from the school (other than a play school) first attended; and in the absence whereof; (iii) the birth certificate given by a corporation or a municipal authority or a panchayat;
 - (b) and only in the absence of either (i), (ii) or (iii) of clause (a) above, the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the juvenile or child. In case exact assessment of the age cannot be done, the Court or the Board or, as the case may be, the Committee, for the reasons to be recorded by them, may, if considered necessary, give benefit to the child or juvenile by considering his/her age on lower side within the margin of one year. and, while passing orders in such case shall, after taking into consideration such evidence as may be available, or the medical opinion, as the case may be, record a finding in respect of his age and either of the evidence specified in any of the clauses (a)(i), (ii), (iii) or in the absence whereof, clause (b) shall be the conclusive proof of the age as regards such child or the juvenile in conflict with law.





- (4) If the age of a juvenile or child or the juvenile in conflict with law is found to be below 18 years on the date of offence, on the basis of any of the conclusive proof specified in sub-rule (3), the court or the Board or as the case may be the Committee shall in writing pass an order stating the age and declaring the status of juvenility or otherwise, for the purpose of the Act and these rules and a copy of the order shall be given to such juvenile or the person concerned.
- (5) Save and except where, further inquiry or otherwise is required, inter alia, in terms of section 7A, section 64 of the Act and these rules, no further inquiry shall be conducted by the court or the Board after examining and obtaining the certificate or any other documentary proof referred to in sub rule (3) of this rule.
- (6) The provisions contained in this rule shall also apply to those disposed off cases, where the status of juvenility has not been determined in accordance with the provisions contained in sub rule(3) and the Act, requiring dispensation of the sentence under the Act for passing appropriate order in the interest of the juvenile in conflict with law."

In case of *Abzar Hossain vs. State of West Bengal* the court while considering the scope of section 7A of JJ Act held, "The expression, 'any court' in Section 7A is too wide and comprehensive; it includes this Court. Supreme Court Rules surely do not limit the operation of Section 7A to the courts other than this Court where the plea of juvenility is raised for the first time after disposal of the case."

Further, clarifying the position with regards the plea of juvenility and the position of law the court has held as under:

- (i) A claim of juvenility may be raised at any stage even after final disposal of the case. It may be raised for the first time before this Court as well after final disposal of the case. The delay in raising the claim of juvenility cannot be a ground for rejection of such claim. The claim of juvenility can be raised in appeal even if not pressed before the trial court and can be raised for the first time before this Court though not pressed before the trial court and in appeal court.
- (ii) For making a claim with regard to juvenility after conviction, the claimant must produce some material which may prima facie satisfy the court that an inquiry into the claim of juvenility is necessary. Initial burden has to be discharged by the person who claims juvenility.
- (iii) As to what materials would prima facie satisfy the court and/or are sufficient for discharging the initial burden cannot be catalogued nor can it be laid down as to what weight should be given to a specific piece of evidence which may be sufficient to raise presumption of juvenility but the documents referred to in Rule 12(3)(a)(i) to (iii) shall definitely be sufficient for prima facie satisfaction of the court about the age of the delinquent necessitating further enquiry under Rule 12. The statement recorded under Section 313 of the Code is too tentative and may not by itself be sufficient ordinarily to justify or reject the claim of juvenility. The credibility and/or acceptability of the documents like the school leaving certificate or the voters' list, etc. obtained after conviction would depend on the facts and circumstances of each case and no hard and fast rule can be prescribed that they must be prima facie accepted or rejected.

In *Akbar Sheikh and Pawan* these documents were not found prima facie credible while in *Jitendra Singh* the documents viz., school leaving certificate, mark sheet and the medical report were treated sufficient for directing an inquiry and verification of the appellant's age. If such documents prima facie inspire confidence of the court, the court may act upon such documents for the purposes of Section 7A and order an enquiry for determination of the age of the delinquent.

- (iv) An affidavit of the claimant or any of the parents or a sibling or a relative in support of the claim of juvenility raised for the first time in appeal or revision or before this Court during the pendency of the matter or after disposal of the case shall not be sufficient justifying an enquiry to determine the age of such person unless the circumstances of the case are so glaring that satisfy the judicial conscience of the court to order an enquiry into determination of age of the delinquent.
- (v) The court where the plea of juvenility is raised for the first time should always be guided by the objectives of the 2000 Act and be alive to the position that the beneficent and salutary provisions contained in 2000 Act are not defeated by hyper-technical approach and the persons who are entitled to get benefits of 2000 Act get such benefits. The courts should not be unnecessarily influenced by any general impression that in schools the parents/guardians understate the age of their wards by one or two years for future benefits or that age determination by medical examination is not very precise. The matter should be considered prima facie on the touchstone of preponderance of probability.



- (vi) Claim of juvenility lacking in credibility or frivolous claim of juvenility or patently absurd or inherently improbable claim of juvenility must be rejected by the court at threshold whenever raised."

Also in the case of Anil Agarwal and Another v. State of West Bengal [(2011) 2 SCALE 429], the Supreme Court had held that, "that Section 7A of the Act, as it now reads, gives right to any accused to raise the question of juvenility at any point of time and if such an issue is raised, the Court is under an obligation to make an inquiry and deal with that claim."

In Ashwani Kumar Saxena vs. State of MP, the court while criticising the approach of roving enquiry undertaken by the High Court and Trial Court has made the following observations with regard to scope of section 7A:

"Section 7A, obliges the court only to make an inquiry, not an investigation or a trial, an inquiry not under the Code of Criminal Procedure, but under the J.J. Act. Criminal Courts, JJ Board, Committees etc., we have noticed, proceed as if they are conducting a trial, inquiry, enquiry or investigation as per the Code. Statute requires the Court or the Board only to make an 'inquiry' and in what manner that inquiry has to be conducted is provided in JJ Rules. Few of the expressions used in Section 7A and Rule 12 are of considerable importance and a reference to them is necessary to understand the true scope and content of those provisions. Section 7A has used the expression "court shall make an inquiry", "take such evidence as may be necessary" and "but not an affidavit". The Court or the Board can accept as evidence something more than an affidavit i.e. the Court or the Board can accept documents, certificates etc. as evidence need not be oral evidence. Rule 12 which has to be read along with Section 7A has also used certain expressions which are also to be borne in mind. Rule 12(2) uses the expression "prima facie" and "on the basis of physical appearance" or "documents, if available". Rule 12(3) uses the expression "by seeking evidence by obtaining". These expressions in our view re-emphasize the fact that what is contemplated in Section 7A and Rule 12 is only an inquiry. Further, the age determination inquiry has to be completed and age be determined within thirty days from the date of making the application; which is also an indication of the manner in which the inquiry has to be conducted and completed. The word 'inquiry' has not been defined under the J.J. Act, but Section 2(y) of the J.J. Act says that all words and expressions used and not defined in the J.J. Act but defined in the Code of Criminal Procedure, 1973 (2 of 1974), shall have the meanings respectively assigned to them in that Code."

The Court further elaborating on the scope of terms inquiry and investigation as provided under Criminal Procedure Code held that the same are not applicable to the claim of juvenility under section 7A of the JJ Act. It was further observed that, "Many of the cases, we have come across, it is seen that the Criminal Courts are still having the hangover of the procedure of trial or inquiry under the Code as if they are trying an offence under the Penal laws forgetting the fact that the specific procedure has been laid down in section 7A read with Rule 12."

Further observation of the Court in this regard was as follows:

"Age determination inquiry" contemplated under section 7A of the Act r/w Rule 12 of the 2007 Rules enables the court to seek evidence and in that process, the court can obtain the matriculation or equivalent certificates, if available. Only in the absence of any matriculation or equivalent certificates, the court need obtain the date of birth certificate from the school first attended other than a play school. Only in the absence of matriculation or equivalent certificate or the date of birth certificate from the school first attended, the court need obtain the birth certificate given by a corporation or a municipal authority or a panchayat (not an affidavit but certificates or documents). The question of obtaining medical opinion from a duly constituted Medical Board arises only if the above mentioned documents are unavailable. In case exact assessment of the age cannot be done, then the court, for reasons to be recorded, may, if considered necessary, give the benefit to the child or juvenile by considering his or her age on lower side within the margin of one year.

Once the court, following the above mentioned procedures, passes an order; that order shall be the conclusive proof of the age as regards such child or juvenile in conflict with law. It has been made clear in subsection (5) or Rule 12 that no further inquiry shall be conducted by the court or the Board after examining and obtaining the certificate or any other documentary proof after referring to sub-rule (3) of the Rule 12. Further, Section 49 of the J.J. Act also draws a presumption of the age of the Juvenility on its determination.

Age determination inquiry contemplated under the JJ Act and Rules has nothing to do with an enquiry



under other legislations, like entry in service, retirement, promotion etc. There may be situations where the entry made in the matriculation or equivalent certificates, date of birth certificate from the school first attended and even the birth certificate given by a Corporation or a Municipal Authority or a Panchayat may not be correct. But Court, J.J. Board or a Committee functioning under the J.J. Act is not expected to conduct such a roving enquiry and to go behind those certificates to examine the correctness of those documents, kept during the normal course of business. Only in cases where those documents or certificates are found to be fabricated or manipulated, the Court, the J.J. Board or the Committee need to go for medical report for age determination.”

XIV. DOCUMENTARY EVIDENCE AND MEDICAL EXAMINATION:

The statutory preference is for documentary evidence.

Where the documents specified in Section 94 are available, they must be considered according to the statutory scheme.

Medical age determination becomes relevant where the prescribed documentary evidence is absent.

An ossification test provides an estimate and is subject to an inherent margin of error. It should therefore not ordinarily be treated as an infallible declaration of exact age.

The Supreme Court has previously held that an ossification test cannot be the sole criterion for determining age and that medical evidence is a guiding factor particularly where the documentary evidence contemplated by Section 94 is unavailable.

The 2026 decision in Anurudh, while concerning determination of the age of a POCSO victim, also carefully analysed Section 94 and reiterated that the statutory documents must be utilised in the prescribed framework.

XV. CONFLICTING AGE DOCUMENTS:

Where different documents disclose different dates of birth, the competent authority must undertake a reasoned evaluation.

Relevant considerations include:

- the statutory status of the document;
- the issuing authority;
- the date of preparation;
- whether the entry was contemporaneous;
- the source of the information;
- any allegation of interpolation or manipulation;
- corroboration by independent records; and
- consistency with the child's educational and family history.

Neither the existence of a document nor the fact that it favours one party should result in its automatic acceptance.

The determination must be based upon authenticity, reliability and statutory priority.

XVI. ROLE OF LEGAL AID:

The role of legal aid is pivotal in age determination and classification of the offence.

A child may not possess the maturity or resources to understand the significance of being treated as a juvenile or an adult. The child may also be unable to procure the documents necessary to establish age.

Article 39A of the Constitution, read with Article 21, underscores the importance of meaningful access to justice.

Legal-aid counsel should therefore adopt a proactive role.

1. Identification of juvenility

Counsel should ascertain:

- date of birth;
- date of alleged offence;



- educational history; and
- availability of statutory age documents.

2. Procurement of documents

Counsel should assist the child and family in obtaining birth certificates, school records, matriculation certificates and other relevant documents.

3. Protection against adult treatment

Where there is material suggesting minority, counsel should immediately bring the issue to the notice of the JJB or Court.

4. Correct classification of the offence

Legal-aid counsel should examine the exact penal provision and punishment prescribed and ensure that a serious offence is not mechanically characterised as a heinous offence.

5. Protection during Section 15 proceedings

Where Section 15 is invoked, counsel must ensure that the assessment remains within its statutory parameters and is not converted into a trial.

6. Assistance where documents conflict

Counsel should place the complete documentary record before the competent authority and assist the Board in arriving at a legally sustainable determination.

XVII. LEGAL AID AS A CONSTITUTIONAL SAFEGUARD:

Legal aid is not merely a concession extended to an indigent accused.

In juvenile justice, it is an instrument of substantive equality and effective access to justice.

A child may not know:

- that age is legally determinative;
- that the relevant date is the date of the offence;
- that juvenility may be claimed at a later stage;
- what documents establish age;
- that classification of the offence has procedural consequences; or
- that a preliminary assessment is not a determination of guilt.

The legal-aid lawyer must therefore act as a facilitator, protector and legal guide.

The District Legal Services Authority can strengthen this role by ensuring a trained panel of advocates familiar with juvenile justice jurisprudence and by facilitating coordination with the police, JJB, Child Welfare Police Officers, probationary authorities, schools and local bodies.

XVIII. SPECIAL ROLE OF THE SECRETARY, DLSA DURING JAIL VISITS:

The responsibility of the Secretary, District Legal Services Authority (DLSA) assumes special significance during jail visits.

The following categories should specifically be screened:

1. Potential Juveniles

Persons whose age, records, physical appearance or case history indicates that they may have been below eighteen years on the date of commission of the offence.

2. Persons Claiming Juvenility

Any prisoner who states that he or she was below eighteen years at the time of commission of the offence, irrespective of the stage of the criminal proceeding.

3. Persons Who Were Juveniles at the Time of the Offence

Particular attention should be given to persons who are presently adults but whose records indicate that they were below eighteen years when the alleged offence was committed.



4. Persons in Whose Favour an Order of Juvenility Has Already Been Passed

Cases where the JJB or competent Court has already declared the person to be a juvenile but the person continues to remain confined in an adult jail must be treated as matters requiring immediate attention.

5. Cases Where Age Determination Is Pending

Persons who have raised a claim of juvenility but whose age has not yet been conclusively determined.

6. Cases Where the Claim of Juvenility Was Not Properly Considered

Cases where juvenility was claimed but the statutory process of age determination appears not to have been followed should also be identified and referred for appropriate legal action.

XIX. SUGGESTED DLSA PROCEDURE DURING JAIL INSPECTION:

The Secretary, DLSA should ideally maintain a Juvenility Identification Register/Checklist, recording:

- name of prisoner;
- case number;
- date of alleged offence;
- date of birth, if available;
- age on date of offence;
- nature of offence;
- whether offence is petty/serious/heinous;
- whether juvenility was ever claimed;
- whether age determination was conducted;
- result of age determination;
- whether any order of juvenility was passed;
- present place of custody;
- whether confined in adult jail;
- status of legal representation;
- action required; and
- action taken.

This will convert jail inspection from a general supervisory exercise into a structured access-to-justice mechanism.

XX. IMMEDIATE ACTION WHERE JUVENILITY APPEARS PRIMA FACIE ESTABLISHED:

Where the Secretary, DLSA identifies a person who appears to have been below eighteen years on the date of the offence, appropriate legal assistance should be arranged without delay.

The case should be examined with reference to:

1. date of birth;
2. date of offence;
3. age on the date of offence;
4. relevant statutory provision;
5. stage of criminal proceeding;
6. whether the person was ever produced before the JJB;
7. whether an age determination order exists;
8. whether the person is presently lodged in an adult jail; and
9. whether appropriate relief needs to be sought before the competent forum.

XXI. PERSONS ALREADY DECLARED JUVENILES BUT CONFINED IN ADULT JAIL:

This category deserves the highest priority.

If a competent authority has already recorded juvenility but the person continues to remain in an adult correctional institution, the DLSA should immediately ascertain:

- the reason for continued adult custody;
- whether the order has been communicated to the jail;
- whether consequential orders have been passed;



- whether the person has been transferred to an appropriate institution;
- whether the sentence/proceeding requires reconsideration under the JJ Act; and
- whether legal representation is required to secure appropriate relief.

Such cases indicate a potential disconnect between judicial determination and custodial implementation and should not remain unattended.

XXII. IMPORTANT SUPREME COURT JURISPRUDENCE:

1. Jarnail Singh v. State of Haryana

The Hon'ble Supreme Court recognised the importance of the statutory mechanism for age determination and held that the principles governing age determination of a child in conflict with law could also guide determination of the age of a child victim.

2. Abuzar Hossain @ Gulam Hossain v. State of West Bengal, AIR 2013 SC 1020

The Supreme Court recognised that a claim of juvenility can be raised at different stages of criminal proceedings and that delay alone cannot defeat the claim.

3. Ashwani Kumar Saxena v. State of Madhya Pradesh, AIR 2013 SC 553

The Court emphasised the statutory nature of age determination and the need to consider the prescribed evidence rather than proceed on conjecture.

4. Rishipal Singh Solanki v. State of Uttar Pradesh, Criminal Appeal No.1240 of 2021

The Supreme Court explained the distinction between an inquiry regarding juvenility before a criminal court and determination of age by the JJB under Section 94. It also reiterated that an ossification test cannot be treated as the sole criterion for age determination.

5. Barun Chandra Thakur v. Master Bholu, Criminal Appeal No.950 of 2022

The Court examined the nature of preliminary assessment under Section 15 and made it clear that such assessment is not a trial and must remain confined to the statutory parameters.

6. Rajni v. State of Uttar Pradesh, 2025 INSC 737

The judgment is important for the application of the statutory framework to a child aged sixteen years or above alleged to have committed a heinous offence and for the requirement of the preliminary assessment under Section 15.

7. State of Uttar Pradesh v. Anurudh & Anr., 2026 INSC 47

The recent 2026 judgment is significant for its detailed examination of age determination under Section 94 and the need for a careful, legally structured approach. The Court also discussed the distinction between the statutory framework governing a child in conflict with law and the determination of age in the context of POCSO proceedings.

XXIII. INSTITUTIONAL RESPONSIBILITY:

The effective administration of juvenile justice requires a coordinated approach:

Police — Identify and Collect

The police must identify possible juvenility, collect age documents and correctly identify the statutory offence.

Legal Aid — Advise, Facilitate and Protect

Legal-aid counsel must ensure that the child understands and can effectively invoke statutory safeguards.

JJB — Determine and Assess

The Board must determine age under Section 94, classify the offence and conduct Section 15 assessment wherever legally required.

Children's Court — Independently Scrutinise

The Children's Court must independently comply with Section 19 and cannot treat the JJB's recommendation as conclusive.

Medical Experts — Scientifically Assist

Medical experts must provide objective age estimation where the statutory conditions for medical examination are satisfied.

DLSA — Ensure Meaningful Access to Justice

The District Legal Services Authority should ensure timely and competent legal assistance to the child.

XXIV. CONCLUSION:

The determination of age is the first safeguard of juvenile justice.

The police have the initial responsibility to identify and preserve age-related evidence. The Juvenile Justice Board must determine age strictly in accordance with Section 94. Thereafter, the alleged offence must be correctly classified as petty, serious or heinous. Where a child aged sixteen years or above is alleged to have committed a heinous offence, the preliminary assessment under Section 15 must be undertaken in accordance with law. If the matter proceeds further, the Children's Court must independently discharge its statutory obligation under Section 19.

The distinction between a serious offence and a heinous offence is not merely semantic. It may determine whether the exceptional statutory mechanism of Section 15 is triggered. The gravity of the allegation cannot substitute the statutory test for classification.

Legal aid occupies a pivotal place throughout this process. It ensures that poverty, ignorance, lack of documents or procedural disadvantage does not prevent a child from invoking the protection of the JJ Act.

The Hon'ble Supreme Court's judgment including the recent 2026 decision in *State of Uttar Pradesh v. Anurudh & Anr.*, reinforces the need for a careful and evidence-based approach to age determination.

The governing philosophy may therefore be stated in the following terms:

"Before the law decides how a person accused of an offence is to be dealt with, it must first determine, with due care and in accordance with law, whether that person was a child when the law was allegedly broken."

And where the person is found to be a child, the law must go one step further: it must ensure that the child is correctly classified, properly represented, fairly assessed and afforded every statutory safeguard before any exceptional procedure is invoked.

The true measure of a child-friendly justice system is therefore not merely the manner in which it responds to juvenile offending, but the care with which it identifies the child, protects the child's dignity, ensures effective legal aid, correctly classifies the offence and pursues rehabilitation and reintegration within the rule of law.

A CRITICAL ANALYSIS OF THE CAUSES OF JUVENILE CRIME & IT'S PREVENTIVE MEASURES IN INDIA WITH SPECIAL REFERENCE TO ODISHA AND THE JUVENILE JUSTICE ACT, 2015



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Abstract:

Juvenile delinquency is not generally the result of an inborn criminal tendency. In most cases, it develops from adverse social, family and economic circumstances. Poverty, illiteracy, neglect, substance abuse, harmful peer influence, broken families, domestic violence, child abuse, access to weapons and the excessive or improper use of media are among the principal factors associated with juvenile crime. In India, and particularly in Odisha, poverty, illiteracy and the influence of media and social-media platforms appear to play an important role in exposing children to criminal behaviour. This article examines the principal causes of juvenile crime and considers whether the Juvenile Justice (Care and Protection of Children) Act, 2015 provides an effective legal and rehabilitative response.

Key Words: Juveniles, older juveniles, Causes of Juvenile Crime, children, Sexual offences, heinous offence, National Crime Report Bureau (NCRB), Pari materia, UNCRC, JJ ACT, 2015

Introduction:

Children are born with innocence and possess considerable potential for physical, intellectual, moral and emotional development. Proper care, affection and guidance can help them become responsible members of society. Conversely, neglect, deprivation, abuse, adverse surroundings and association with delinquent peers may push them towards unlawful conduct. The personality of a child is therefore shaped substantially by the family and social environment in which the child grows.

Children form a significant part of India's population and are regarded as a national asset. Nevertheless, many continue to live in conditions of poverty, insecurity and inadequate care. The 2012 Delhi gang-rape incident generated intense public debate concerning juvenile justice because one of the accused was below eighteen years of age. The incident led to demands for a stronger response to serious offences committed by older adolescents and contributed to the enactment of the Juvenile Justice Act, 2015.

Juvenile crime has several interconnected causes. These include rapid urbanisation, family instability, lack of discipline, broken homes, criminal behaviour within the family, media influence, adolescent insecurity, gang culture, hunger, poverty, malnutrition, unemployment, illiteracy, inadequate recreation, drug abuse, peer pressure, easy access to firearms, consumerism, excessive parental freedom and unregulated access to the internet and pornographic material. No single factor can explain juvenile delinquency; it usually arises from the interaction of biological, socio-environmental, psychological and personal circumstances. These causes of juvenile crime are more or less similar in India as well as in the state of Odisha as per NCRB data of the last decade.



A. Principal Causes:

1. Biological and Physical Factors

Certain physical difficulties may indirectly contribute to delinquent behaviour. Vision, hearing, speech, respiratory and other health-related problems may cause discomfort, irritability, social embarrassment, educational difficulties or feelings of inferiority. A child who is unable to participate effectively in school or social activities may become frustrated, withdrawn or hostile. Speech or hearing impairments, for example, may expose a child to ridicule and weaken confidence. Frequent physical irritation or untreated ailments may similarly affect behaviour. These factors should not be treated as direct causes of crime, but as conditions that can increase vulnerability when combined with neglect, exclusion or inadequate support.

2. Family and Social Environment

The family is the primary institution responsible for a child's emotional and moral development. A stable and caring family generally promotes confidence, discipline and the ability to cope with difficulties. In contrast, a dysfunctional family may create insecurity and resentment. Broken homes, separation or death of a parent, alcoholism, persistent quarrels, harsh punishment, lack of affection and poor communication may adversely affect a child's personality.

Children who do not receive adequate attention may seek acceptance outside the home and become vulnerable to delinquent groups. Birth order and unequal parental attention may also create feelings of neglect in some children. Conflict between parents and children can produce hostility and dissatisfaction, which may later appear as defiance or antisocial conduct. Excessive punishment is particularly counterproductive because it may deepen frustration instead of correcting behaviour.

Migration and rapid mobility may also create difficulties. Children who move to unfamiliar places may lose established social support and become exposed to new risks. Cultural conflicts between local residents and migrants may aggravate social tension and contribute to deviant behaviour when integration is weak.

3. Poverty and Socio-economic Deprivation

Poverty is one of the most significant conditions associated with juvenile crime. Lack of food, education, and healthcare, secure housing and employment opportunities can create frustration and compel children to engage in theft, begging, trafficking or other unlawful activities. Children from economically deprived families may also discontinue education and enter the labour market prematurely, where they can be exploited by criminal networks.

At the same time, juvenile crime is not confined to poor families. Consumerism and the desire to imitate affluent lifestyles may encourage children from comparatively comfortable backgrounds to commit offences to obtain money or status. The unequal treatment of rich and poor offenders may further create a perception that money can shield individuals from the consequences of crime. Accordingly, prevention must address both deprivation and the social pressure created by material competition.

4. Psychological and Personal Factors

Emotional instability, depression, impulsiveness, unresolved anger, mental-health difficulties and inability to regulate emotions may increase the likelihood of antisocial conduct. Adolescence is a period of rapid physical and psychological change. A young person may be especially sensitive to rejection, humiliation and peer approval. Where counselling and family support are absent, suppressed anger may be expressed through aggression, violence or other offences.

Other contributing influences include the desire for adventure, revenge, early exposure to sexual behaviour, weak moral guidance, poor literacy, mental conflict and the availability of excessive pocket money. These factors do not automatically produce criminality; their effect depends on the child's personality and surrounding circumstances

5. Peer Groups, Drugs and Media

Bad company and gang culture are important influences on juvenile behaviour. Adolescents often seek recognition from peers and may imitate criminal conduct to gain acceptance. Drug and alcohol abuse can impair judgment, increase impulsiveness and connect children with criminal networks. Easy access to firearms also increases the seriousness of offences that might otherwise have remained minor disputes.





Movies, online content and social-media platforms may influence children positively or negatively. Repeated exposure to violence, pornography, glamorised crime and consumerist lifestyles may distort a child's understanding of acceptable conduct. Cheap internet access has expanded both educational opportunities and exposure to harmful material. Effective supervision, digital literacy and responsible regulation are therefore necessary, while avoiding an assumption that media alone causes delinquency.

B. Preventive Measures

Juvenile crime requires a coordinated response rather than punishment alone. Parents should maintain regular communication with children, monitor their company and online activity, provide affection and discipline, and participate in school meetings. Teachers should identify behavioural or educational difficulties early, provide guidance and refer children for counselling where required. Schools should promote life skills, sports, recreation, vocational training and awareness concerning drugs, violence and online risks.

The community also has an important role. Local organisations, neighbours and civil society groups can identify vulnerable children, support families in crisis and create safe recreational spaces. Prevention should be based on protection and guidance rather than public humiliation or excessive punishment. Government measures must address poverty, malnutrition, unemployment, illiteracy, substance abuse, family violence and the trafficking of children.

C. Juvenile Justice Act, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 was enacted to strengthen the juvenile justice framework and replace the 2000 legislation. It contains both protective and accountability-oriented provisions. The JJB can conduct preliminary assessment of older juveniles in the age group of 16 to 18 years of age alleged to have committed heinous offences, to know whether they have physical & mental capacity to perpetuate the crime and can transfer them to Children's Court to be tried as an adult.

The Act also emphasises rehabilitation and social reintegration. Children in conflict with law may receive education, healthcare, nutrition, de-addiction services, psychological counselling, vocational training, skill development and life-skills education. Non-institutional measures include sponsorship, foster care and group foster care, enabling children to live in a family environment where appropriate. These measures recognise that the long-term objective of juvenile justice is to reform the child and facilitate a constructive return to society.

D. Conclusion and Suggestions

Juvenile crime is a product of multiple and overlapping conditions. Poverty, illiteracy, family conflict, educational exclusion, peer pressure, substance abuse, psychological problems, harmful media exposure and inadequate supervision may combine to produce delinquent behaviour. The child should therefore be viewed not only as an offender but also as a person requiring protection, care, development, treatment, rehabilitation and social reintegration.



The Nurturing Architecture of the Juvenile Justice (Care and Protection of Children) Act, 2015



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Our collective awareness of the juvenile justice apparatus, is usually limited to its most stark and noticeable flashpoints: a Child alleged to be in Conflict-with-Law (herein after: CICL) apprehended, produced before the Board, assessed on bail, subjected to formal inquiry or sent to an observation or special home for a certain period. But the Juvenile Justice (Care and Protection of Children) Act, 2015 (herein after: JJ CPC Act) is infact designed to attempt something quieter: building, around each child, a continuum of care through family, security, education, health care and capacity-building for an independent future. When read closely, the Act is less a code of procedure than a frame-work of giving second chances.

The scale is not small by any measure. According to the NCRB Crime in India Report (released on May 6, 2026), in the year 2024, India recorded 1,87,702 total cases of crimes against children, 34,878 cases registered against juveniles in conflict with the law including 42,633 juveniles apprehended out of which 77.7% belonged to the 16 to 18 years age bracket. On the other hand, UNICEF notes that India has the world's largest adolescent population of 253 million, aged ten to nineteen and that some 206 million Indian children face at least one form of deprivation. Keeping such persistent realities in mind, rehabilitative justice and endeavors for social integration have been the Act's response to that scale.

The Child Behind the Case :

The act repeatedly reminds us that we must not only ask 'what did the child do', but also 'what circumstances brought the child here', and 'what can we do to ensure that this moment does not define the child's future?' The sixteen general principles enshrined under section 3 of the JJ CPC Act, look beyond guilt or innocence of a CICL. Most significantly, the best-interest principle asks stakeholders to help the child develop its full potential. Section 39 requires rehabilitation to proceed preferably through family-based care and once it has been considered and found inadequate, institutional placement is prescribed as a measure of last resort. The provisions enshrined under Chapter IV collectively serve as the beginning of a plan, and Section 46 naturally extends that plan to a child leaving care at eighteen by establishing Places of Safety.

In continuum, section 53 mindfully requires registered institution like Observation homes, Special homes and Children's homes, to provide, nutritious food, shelter, education, skill development, mental-health interventions, de-addiction programs, legal aid, case management and an individual care plan. It also maps out obligations of administering therapeutic content, not merely custodial ones, subject to inspection at least every three months under Section 54.

Psyche of a child

Children appearing before the Board or Committee often carry histories of neglect, aggression, homelessness, cognitive vulnerability or abuse, which the record rarely reflects. The Act embeds mental health and psychology directly into its core philosophy, shifting the focus from retributive punishment to developmental well-being and psychological restoration. Its multidisciplinary intent is explicit: Section 15



lets the Board draw on “psychologists or psycho-social workers” for a heinous-offence assessment that “is not a trial”; Section 18(1)(g) contemplates psychiatric support in special homes; Section 37(1)(g) empowers the Committee to direct psychiatric and psychological support; and Section 53(1)(vi) makes mental-health intervention mandatory in every institution. A short but acclaimed reading list may help non-clinician stakeholders:

- Bessel van der Kolk, *The Body Keeps the Score* - on how trauma is stored in the body and expressed in behavior.
- Bruce Perry & Maia Szalavitz, *The Boy Who Was Raised as a Dog* - accessible clinical case histories of early adversity.
- Judah Oudshoorn, *Trauma-Informed Juvenile Justice: A New Framework Toward a Kinder Future* - takes the trauma concepts of Van der Kolk and Perry and applies them directly to youth offending
- Judith Herman, *Trauma and Recovery* - the stages by which recovery actually proceeds.

Children in need for care and protection :

A substantial part of the Act (specifically Chapters V and VI) concerns children who have committed no offence at all: orphaned, abandoned, surrendered, mentally ill, homeless or otherwise in need of care and protection. Here the authorities’ task is not to adjudicate an allegation but to determine what a child needs: restoration to family, foster care, sponsorship, or, under Section 37, a declaration that the child is legally free for adoption. Protection in this context, is not limited to prevention of further harm but the restoration of family dynamics, identity and all-round development; which brings us to the unique provisions for adoption.

Moving towards a Family

Chapter VIII of the Act creates a religion and gender-neutral statutory route to adoption for orphaned, abandoned and surrendered children. Section 56(3) is explicit that “nothing in this Act shall apply to the adoption of children made under the Hindu Adoption and Maintenance Act, 1956”. The two regimes are parallel, not overriding. The JJ CPC Act creates an additional, optional pathway open to prospective parents of every religion and gender. Section 58 sets the procedure as follows: application to a Specialized Adoption Agency, home study, referral, pre-adoption foster care and since the 2021 amendment (effective September 2022), the adoption order is passed by the District Magistrate rather than the Civil Court that performed this role earlier, a change made to shorten the overall process to ensure timely child placement. In *Shabnam Hashmi v. Union of India* (2014), the Hon’ble Supreme Court of India explicitly stated that personal laws (which may only recognize guardianship, like the Islamic concept of Kafala) cannot negate or obstruct a citizen’s right to adopt via the secular pipeline of the JJ CPC Act (then prevalent: Act of 2000). That holding remains the constitutional foundation of Chapter VIII today. In FY 2025–26, as the Ministry of Women and Child Development and Central Adoption Resource Authority (CARA): 5,022 children were successfully adopted nationally (the highest annual figure in over a decade).

Those Who Hold Power Over Children:

Chapter IX’s penal provisions are not a separate, punitive register but the safe-guard on which the protective and rehabilitative architecture depends. Section 75 punishes cruelty by a person with “actual charge of, or control over, a child” with up to three years’ imprisonment, rising to five years where the offender manages a child-care institution, and to three-to-ten years where the cruelty causes disability or mental illness, while presuming abandonment by biological parents in circumstances beyond their control to be non-wilful. Section 79 punishes exploitation of a child employee; Section 82 punishes corporal punishment in institutions, with enhanced liability where management obstructs inquiry. Children grow in an ecosystem and the JJ CPC Act bestows certain legal responsibilities on people with authority/guardianship over them, failing which may subject them to punishment.

The Measure of Success:

Success in juvenile justice is not the speed of disposal, nor merely the safe running of an institution. It lies in a child restored to a family capable of caring for him or her; an interrupted education completed; trauma or substance dependence treated; a life-skill acquired; a permanent family found through adoption and, eventually, a child who has no further occasion to come within the Act at all.



Heinous Offences and Juvenile Culpability under the Juvenile Justice Act, 2015



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Introduction

The Juvenile Justice (Care and Protection of Children) Act, 2015 marked a significant departure from the welfare-oriented framework of the Juvenile Justice Act, 2000. While retaining the definition of a child as any person below 18 years, the 2015 Act introduced a new classification of offences—petty, serious, and heinous—based on the severity of punishment. This shift reflects a broader move from a rehabilitative model to a criminal-control approach, particularly in response to public outrage following the 2012 Delhi gang rape case.

Statutory Classification of Offences

The Act categorizes offences into three distinct types:

- Petty offences (Section 2(45)): Punishable with imprisonment up to three years.
- Serious offences (Section 2(54)): Punishable with imprisonment between three and seven years.
- Heinous offences (Section 2(33)): Punishable with a minimum of seven years or more.

This tripartite classification was absent in the Juvenile Justice Act, 2000, which did not differentiate between offences based on severity.

The Concept of Heinous Offences

The introduction of “heinous offences” was a legislative response to crimes that shock the collective conscience of society. Although the Indian Penal Code does not define “heinous,” the term is loosely understood to cover crimes of extreme brutality, often described as the “rarest of the rare.” The 2015 Act empowers Juvenile Justice Boards to conduct preliminary assessments of juveniles aged 16–18 accused of heinous offences, determining whether they should be tried as adults.

Ambiguities in Defining Serious Offences

The definition of “serious offences” remains problematic. By limiting the category to offences punishable between three and seven years, the Act excludes crimes carrying sentences of more than seven years but without a minimum threshold. For example, IPC Section 115 prescribes up to seven years for abetment of offences punishable with death or life imprisonment, yet it does not fit neatly into the statutory categories. Scholars such as Professor Ved Kumari argue for a broader interpretation to prevent overlaps and ensure juveniles benefit from child-centric procedures.

Expanded Scope of Heinous Offences

The ambit of heinous offences extends beyond rape and murder to include theft, cheating, abduction, grievous hurt, dacoity, arson, counterfeiting, and burglary. It also encompasses offences under special

statutes such as the Arms Act, NDPS Act, Unlawful Activities (Prevention) Act, SC/ST Atrocities Act, and Maharashtra Control of Organized Crime Act. This expansion risks subjecting juveniles to adult trials for non-violent economic or social offences, thereby diluting the rehabilitative ethos of juvenile justice.

Comparative Framework: JJ Act 2000 vs JJ Act 2015

Aspect	Juvenile Justice Act, 2000	Juvenile Justice Act, 2015
Definition of Child	Any person below 18 years of age.	Same definition retained: below 18 years.
Classification of Offences	No classification; offences treated uniformly.	Tripartite classification: petty (≤ 3 years), serious (3–7 years), heinous (≥ 7 years minimum).
Treatment of Juveniles (16–18 years)	All juveniles treated under welfare model, irrespective of offence.	Juveniles aged 16–18 accused of heinous offences may face preliminary assessment and possible transfer to adult courts.
Philosophical Orientation	Welfare model emphasizing rehabilitation and reintegration.	Criminal-control model balancing child rights with societal protection.
Scope of Heinous Offences	Not defined; no distinction between grave and minor offences.	Broadly defined to include rape, murder, theft, cheating, abduction, grievous hurt, dacoity, arson, counterfeiting, burglary, and offences under special statutes (Arms Act, NDPS Act, UAPA, SC/ST Atrocities Act, MCOCA, etc.).
Judicial Discretion	Juvenile Justice Boards handled all cases with child-centric procedures.	JJBs empowered to conduct preliminary assessments of maturity, mental capacity, and circumstances before deciding transfer to adult courts.
Public Influence	Limited; welfare model shaped by child rights discourse.	Strongly influenced by public outrage post-2012 Delhi gang rape, leading to stricter accountability measures.

Shift in Juvenile Justice Philosophy

The Juvenile Justice Act, 2000 emphasized welfare, rehabilitation, and reintegration. In contrast, the 2015 Act reflects a criminal-control model, balancing child rights with societal protection. By allowing adult trials for juveniles aged 16–18 in heinous offences, the Act raises concerns about stigmatization, recidivism, and the erosion of reformatory justice principles enshrined in international conventions such as the UNCRC.

Socio-Criminological Context

Juvenile delinquency in India is often linked to poverty, dysfunctional families, peer influence, and media exposure. Factors such as unemployment, widening social disparities, and shifting moral standards contribute to rising delinquency rates. Media portrayals of crime, coupled with inadequate parental supervision, further exacerbate risks. Research suggests that transferring juveniles to adult courts may reinforce criminal identities rather than rehabilitate them, undermining long-term social reintegration.

Conclusion

The Juvenile Justice Act, 2015 represents a paradigm shift in India's approach to juvenile culpability. While it responds to societal outrage over heinous crimes, its broad classification and definitional ambiguities risk undermining the rehabilitative ethos of juvenile justice. The challenge lies in balancing public conscience with child rights, ensuring that reformatory justice is not eclipsed by retributive impulses.

EVERY CHILD HAS A STORY: UNDERSTANDING THE SOCIAL CONTEXT BEHIND JUVENILE OFFENDING



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A fifteen-year-old boy with poor health stands before the Board. The charge sheet describes an act of theft committed by him. What it does not describe is the two-room tenement he shares with five siblings, the father who left for a city that swallowed him whole, the mother who leaves before dawn to clean other people's homes, and the school that struck his name off its rolls seventeen months ago because the fees were unpaid. None of this appears in the FIR, but of it appears in the child.

The term "child in conflict with law" simply denotes a child committed the wrong, but it never suggests what the wrong with the child was. Behind every allegation, every police report and every proceeding, there is a child with a family, a school, friendships, fears, experiences and aspirations. To understand juvenile offending, therefore, it is not enough to ask, "What did the child do?" We must also ask, "What happened to the child?"

The understated reality that everyone involved in the juvenile justice system eventually discovers is that the offence is seldom the complete narrative rather it is not even the most significant aspect of the narrative. Looking at the juvenile offending solely as a wrongdoer is like reading the final page of a book and claiming to know the entire story.

The Limits of the Legal Lens

The law defines crimes, outlines procedures, and requires that evidence be established before the conclusion is derived. This precision is an asset in courtrooms. However, it can also act as a blindfold if it is the only tool used to assess a CICL. A law can tell us what happened, but it cannot, on its own, explain why it happened and can only know about the same by going deeper into the matter.

Research in criminology and development has consistently shown that adolescent behavior cannot be understood without considering their surrounding atmosphere. Poverty, family disturbance, exposure to domestic violence and abuse, school dropout, peer pressure, and a lack of parental supervision are not just excuses made by defense lawyers; in fact, they are the deep-rooted causes or factors in the histories of children whom we meet at the justice system as a CICL. When a child grows up seeing survival can be easily achieved through small illegal acts or omissions, at that point they fail to understand the thin line difference between right and wrong.

The idea of juvenile justice system is based on the understanding that childhood is a period of growth. In the said period, children develop their identities, learn to manage emotions, starts to understand consequences and give response to influences around them. Their ability to make decisions is not the same as that of adults. This does not mean that a child who commits a crime should be exonerated. Instead of that, accountability must be considered in relation to the child's stage of development. Each child comes from a specific social context, and that context is important. The goal of juvenile justice is not only to evaluate wrong done but also to promote wrongdoer's reform, rehabilitation and reintegration into the main stream.



The family is the first place where a child develops trust, discipline, empathy and responsibility and it also offers consistency and love. It can act as a strong protective factor. However, when a child is raised in a family where occurrence of violence, neglect, parental conflict, abuse, extreme poverty or abandonment is frequent, then their view towards relationship and acceptable behavior can be significantly affected. A child exposed to violence may behave in that manner. A child with limited experiences of care may struggle to understand boundaries or trust authority.

The online world has added another layer to this story. Today's children are exposed to innumerable information, often without the maturity to fully understand it. Social media platforms, digital challenges, aggressive content, online harassment, and harmful internet groups can influence their actions and perceptions. At the same time, children may become victims of online exploitation, manipulation, and abuse which cannot be denied at all.

The boundary between the virtual world and the real world is becoming less distinct, which means it is very much required to take into account a child's online activities when understanding their actions.

The Juvenile Justice (Care and Protection of Children) Act, 2015, also incorporates sociology in its structure. The need for a social investigation report, the requirement for individual care plans, and the presence of a Juvenile Justice Board that includes a social worker alongside a judicial officer are not just routine steps or formality. They are brought together on a common platform i.e. the Board, because the legislators understood that children should not be treated on par with the adults. A genuine approach to CICL must start with understanding, not just judgment.

Rehabilitation not Retribution.

The guiding principle of juvenile justice system is based on the principle that, "children are still growing and developing and are not considered as grown up adults. A fourteen-year-old who steals a loaf of bread to support his younger siblings is not necessarily a born criminal. Rather, they are trying to survive in the circumstances, which they are generally not supposed to face in the tender age. The right response is not to mirror the strictness of the adult criminal justice system; instead, they should be redirected through counseling, education, vocational training, family reintegration if so is possible and institutional support when needed.

This often turns more challenging than it seems. It requires patience from a system that is designed for speed and compassion from a procedure that relies only on proof or evidence. It means that judicial officers, police, probation officers and child welfare workers must look beyond the backdrop i.e. the action of the CICL and further inquire about the missing part from this child's life. They must take into consideration about the necessary support, if provided can change the direction of child appeared before them.

A Shared Responsibility

However, it would be unfair to place all this responsibility solely on the justice system. Educational institutions that do not encourage the students to continue their education, neighborhoods that ignore clear cases of neglect, homes struggling under financial pressure, and a culture that often sees poverty as a personal failure rather than a temporary phase of life-these are all parts of the same story. The Juvenile Justice Board might require counseling and education, but it cannot alone fix a broken home or bring together a divided community. This responsibility belongs to all of us.

Conclusion

Every child who appears before a Board has a story that goes beyond the offence charged against their name. Recognizing this is not about being lenient; it is about achieving justice in its truest form, one that explores the unseen factors that resulted to the wrong action. To build a system that truly helps children instead of just managing them; we need to avoid seeing the offence as representing the whole child. The crime is just one sentence. The child is the whole book, and it is still being written a beautiful creation. Ultimately, the true essence of a juvenile justice system is not how severely it judges a child's mistake, but how well it ensures that mistake does not define the child's future. When we look beyond the accusation and focus on the wellbeing of the child, we do not weaken the justice system rather, we strengthen it. Every child has a story. A kind and benevolent society has a duty to listen to the untold story of the child, understand it, and, when possible, help the child write a more positive and chapter in his life by leaving behind what he has done as a child.



A CRITICAL ANALYSIS OF THE PERSISTENT IMPLEMENTATION GAPS & PRACTICAL SUGGESTIONS FOR BETTER IMPLEMENTATION OF THE JUVENILE JUSTICE ACT, 2015, WITH SPECIAL REFERENCE TO RESTRICT RISE OF JUVENILE CRIME IN ODISHA.



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Abstract:

The Juvenile Justice (Care and Protection of Children) Act, 2015 represents a paradigmatic shift in India's approach to juvenile justice, emphasizing reformatory over retributive justice while introducing contentious provisions for trying 16–18-year-olds as adults in heinous offences. Despite its progressive intent aligned with the UN Convention on the Rights of the Child (UNCRC), 1989, a decade of implementation reveals persistent systemic gaps that undermine the Act's transformative potential, particularly in states like Odisha. The article concludes that while the JJ Act, 2015 provides a robust legal framework, its transformative promise remains unrealized without sustained political will, adequate financing, institutional capacity building, and a cultural shift from punitive to rehabilitative approaches—particularly critical in Odisha, where implementation gaps are among the most severe nationally.

Keywords: Juvenile Justice Act 2015, Implementation Gaps, Children in Conflict with Law, Odisha, Juvenile Justice Board, Child Welfare Committee, Rehabilitation, UNCRC, Child Care Institutions, Preliminary Inquiry

Introduction:

This article critically examines the implementation deficits of the JJ Act, 2015 through an Odisha-specific lens, drawing on empirical data from the India Justice Report 2025, Comptroller and Auditor General (CAG) audits, National Law University Odisha studies, and state-level social audit reports. The analysis identifies five categories of persistent gaps: (i) infrastructural inadequacies including severe shortfalls in Observation Homes, Special Homes, and Child Care Institutions (CCIs), with only 63% of CCIs in Odisha registered under the Act; (ii) human resource crises marked by 24% of Juvenile Justice Boards (JJBs) operating without full constitution, 30% lacking legal services clinics, and critical vacancies in counsellors (50%), Child Welfare Officers (63%), and paramedical staff (62%); (iii) procedural delays and pendency, with Odisha recording the highest case pendency at 83% as of October 2023, averaging 154 pending cases per JJB annually; (iv) inter-agency coordination failures between JJBs, Child Welfare Committees (CWCs), Probation Officers, District Legal Services Authorities, and police, compounded by weak data-sharing mechanisms and absence of a child-centric national data grid; and (v) rehabilitation deficits including inadequate aftercare programs, skill development initiatives, and community-based alternatives to institutionalization.

The article further critiques structural ambiguities in the Act's trial mechanisms, particularly the preliminary inquiry process under Section 15 for determining whether a 16–18-year-old should be tried as an adult,



which suffers from inconsistent application, lack of psychological expertise, and risks of self-incrimination. The analysis also highlights Odisha-specific challenges including delayed fund utilization from the Centre, poor transparency culture (with 24% of RTI requests receiving no reply), and insufficient monitoring institutions at state and national levels.

Building on this diagnostic framework, the article proposes practical, multi-tiered recommendations for better implementation: (i) immediate infrastructural interventions including expedited establishment of JJBs and CCIs in every district with child-friendly environments and attached legal aid clinics; (ii) human resource strengthening through fast-track recruitment, standardized training programs on child-sensitive procedures for police, JJB members, and probation officers, and performance monitoring systems; (iii) procedural reforms including digital case management systems, standardized operating procedures for Sections 15, 19, and 20, and mandatory quarterly reporting to Hon'ble High Court Juvenile Justice Committees for accountability; (iv) rehabilitation enhancement through evidence-based programs with measurable outcomes (education completion, employment, recidivism tracking), expanded aftercare, and community-based restorative justice alternatives; and (v) systemic measures including legislative amendments to clarify ambiguous provisions, establishment of a National Data Grid for real-time monitoring across police, WCD, and SLSA, and full alignment with UNCRC principles.

The researcher/author proposes a set of suggestions for better implementation of Juvenile Justice Act, 2015 by addressing the gaps in its implementation to restrict the rise of juvenile crime in Odisha and India.

Suggestion.No-1 Proper implementation of JJ(CPC) Act,2015 & fixation of responsibility :

In order to achieve a harmonious equilibrium between the broader welfare of society and the CCL, it is imperative for the government to effectively implement the provisions of the JJ(CPC) Act, 2015 and its rules in a manner that is both compliant with the law and in accordance with its intended purpose. Therefore, a new section: 3 -A be inserted in JJ (CPC) Act,2015 as –The District Magistrate at district level and Principal Secretary to Government, Women & Child Development Department at state level shall be liable for non-implementation / improper implementation of the provision of the Act in letter & spirit”

Suggestion.No-2 Regular monitoring of causes of Juvenile crime by a high level committee at district & state level to minimize it:

The government should promptly take action to tackle the root causes of juvenile delinquency, including factors such as food insecurity, undernourishment, parental unemployment, addiction to drugs, social influence from peers, unrestricted access to firearms, broken households, excessive materialism, and excessive parental autonomy. Therefore, a new section: 46 -A be inserted in JJ (CPC) Act,2015 as –A committee consists of 6 members i.e Collector & District magistrate, Superintendent of police, District Child Protection Officer, one member of JJB, One member of CWC, and District Inspector of Schools shall be constituted by state government in each district to monitor the causes of Juvenile Crime in the district and take action as per law to curb the Committee shall once in a month”.

Suggestion.No-3 Constitution of several mobile medical board at each Medical College & Hospital in State of Odisha to assist JJB in preliminary assessment:

The preliminary assessment conducted by the JJB may lack accuracy, competence, and expertise in evaluating a child's mental capacity to commit an offense, which is a highly intricate process. This is particularly true in underdeveloped districts across India, including every district in Odisha, where there is a significant shortage of proficient and experienced medical practitioners. It is imperative for all Government Medical College & Hospital in Odisha to establish many mobile medical board to conducting the preliminary assessment. Therefore, a new section: 15 -A be inserted in JJ (CPC) Act, 2015 as “State government shall constitute numerous mobile medical boards in each medical college & hospital to assist all the JJB's in conducting preliminary assessment into heinous offence”

Suggestion.No-4 Creation of 30 new full time post of Principal Magistrate in all the 34 JJB's of Odisha:

The role of Principal Magistrate of the JJB was previously occupied by the Chief Judicial Magistrate and is currently held by the Registrar of Civil Courts in several districts. This has resulted in pending matters due to their substantial judicial duties in the regular courts. Thus, it is recommended to have one judicial officer





dedicated solely to each Juvenile Justice Board (JJB). Therefore, a new section: 4 -A be inserted in JJ (CPC) Act, 2015 as "The State government shall create full time post of Principal Magistrate in all the JJB's"

Suggestion.No-5 Creation of 30 new full time post of Stenographer, Clerk, Peon & Data entry operator in all the 34 JJB's of Odisha:

The absence of dedicated support personnel specifically for JJB is a matter of concern. The JJB should be allocated with essential human resources, including a stenographer, data entry operator, clerk, and peon, in order to enhance administrative assistance. Therefore, a new section: 4 –B be inserted in JJ (CPC) Act, 2015 as "The State government shall create full time post of a Stenographer, Clerk, Peon & Data entry operator in all the JJB's"

Suggestion.No-6 Active role of Social worker members in JJB:

The active involvement of social worker members in tasks such as drafting orders, examining witnesses, writing depositions, and preparing legal documents is crucial for the efficient operation of the JJB. It is advisable to enhance the capacity of JJB Members in order to expand their knowledge and skills in legal writing.

Suggestion.No-7 Prolong petty offences proceeding should be terminated by JJB:

To expedite the resolution of pending cases and ensure early disposal, it is recommended to utilize the authority granted under section 14(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015 to terminate cases involving minor offenses.

Suggestion.No-8 Establishment of Observation Home in each district of Odisha:

Due to the lack of an Observation Home in each district, children are transported to different districts, posing a challenge for the Probation Officer from the child's home district to regularly see the child at the Observation Home. The Social Investigation Report is experiencing a delay, which is also causing a delay in the disposal process. It is advisable to establish an Observation Home in each district

Suggestion.No-9 Separate own building for JJB should be constructed:

Infrastructure and a separate office that are only for juvenile justice boards are required. The state government ought to make sure that no JJ Board operates on court property. It is also imperative that the physical infrastructure of JJBs, CWCs, SJPU's, and child care institutions be fortified expeditiously.

Suggestion.No-10 Adequate funds should be provided to Juvenile Justice System:

It is imperative to guarantee the prompt distribution of financial grants to all institutions comprising the Juvenile Justice System. CWC and SJPU's shall have contingency funds available for the purpose of covering any costs incurred in connection with inspection, inquiry, or subsequent monitoring.

Suggestion.No-11 Active coordination and communication between all pivotal stake holders under JJ System:

It is necessary to establish institutional mechanisms to facilitate communication, collaboration, and the exchange of information between legal service institutions, the JJS, and the child protection structure. District-level supervision by the district judge of a multidisciplinary team tasked with guiding and monitoring the implementation of the juvenile justice program is required.

Conclusion:

In the above perspective, proposing changes to the Juvenile Justice Act, 2015, and Juvenile Justice Administration is expected to generate various arguments and discussions. However, the researcher/author strongly believe that by amendment in JJ(CPC) Act, 2015 and its rules coupled with sincere efforts & funds allocation by respective government at Odisha and India, the juvenile crime can be restricted to a great extent without affecting the rights of juveniles under UNCRC, 1989, JJ (CPC) Act, 2015 and constitution of India.



Sishu Surakhya: A Constitutional Mandate vis-a-vis Operational Realities



Ms. Diptimayee, Principal Magistrate

Juvenile Justice Board, Sundargarh

Sishu Surakhya i.e. "Child Protection," connotes a complex socio-legal, ethical, and administrative action aimed at ensuring that every child remains safe from violence, exploitation, abuse, neglect, and systemic vulnerability. Child protection is deeply interlinked with geographical disparities, socio-economic marginalisation, demographic challenges, and historical inequities. Child safety aims towards creation of an environment where a child's physical, psychological, cognitive, and social rights are proactively safeguarded, enabling their transition into self-reliant, dignity-driven citizens. The concept of child security is rooted in the recognition of a child's vulnerability to multiple factors including child labour, early marriage, trafficking, institutional neglect, and physical or sexual violence. The framework of Sishu Surakhya in India is embedded in constitutional rights and international legal covenants. These collectively mandate that the state must build protective scaffolds around its youngest citizens.

The Constitution of India: Foundational Safeguards:

The Indian Constitution provides strong protections for child rights through several key provisions:

- Article 14 & 15: Guarantee equality before the law and non-discrimination, while explicitly empowering the state to make special provisions for women and children under Article 15(3).
- Article 21: Guarantees the fundamental right to life and personal liberty, which the judiciary has interpreted to encompass the right to live with human dignity, free from exploitation.
- Article 21A: Establishes the right to free and compulsory education for all children aged six to fourteen years as a fundamental right, recognizing that access to education serves as a major structural barrier against exploitation.
- Article 23: Strictly prohibits human trafficking and forced labour, providing the primary constitutional basis for operations against child trafficking and bonded child labour.
- Article 24: Mandates that no child below the age of fourteen years shall be employed to work in any factory, mine, or engaged in any other hazardous employment.
- Directive Principles of State Policy (Articles 39(e) and 39(f)): Direct the state to ensure that the tender age of children is not abused and that children are given opportunities and facilities to develop in a healthy manner, within conditions of freedom and dignity, protected against exploitation and moral abandonment.

International Foundations: The UNCRC

India's domestic child protection policies are aligned with international standards, primarily the United Nations Convention on the Rights of the Child (UNCRC), ratified by India in 1992. The UNCRC operates on four core principles that form the foundation of child welfare planning:

1. The Principle of Non-Discrimination: Every child enjoys these rights regardless of race, caste, gender, religion, or socioeconomic origin.



2. The Best Interests of the Child: This must be a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, or administrative authorities.
3. The Right to Life, Survival, and Development: Ensuring physical survival alongside holistic emotional, cognitive, and social progression.
4. The Right to Participation: Allowing children to express their views freely in all matters affecting them, with due weight given to those views in accordance with their age and maturity.

To implement constitutional ideals into reality parliament has enacted several comprehensive legislations. These laws form the operational backbone of Sishu Surakhya.

1. The Juvenile Justice (Care and Protection of Children) Act, 2015

The Juvenile Justice (JJ) Act stands as the definitive legal framework governing children who find themselves within the state's legal or welfare systems. The Act divides its focus between two distinct categories of children:

- Children in Need of Care and Protection (CNCP): This category includes orphans, abandoned or surrendered children, victims of child labour or trafficking, children affected by natural disasters or civil unrest, and those living with abusive or incapacitated guardians.
- Children in Conflict with Law (CICL): This category refers to minors alleged or found to have committed an offence.

The JJ Act prioritises the rehabilitation and social reintegration of children over punitive measures. It details family-based non-institutional care options, such as adoption, foster care, sponsorship, and aftercare services. The Act mandates the creation of specialized district units to process cases involving minors through a child-friendly lens, ensuring that detention is used only as a last resort for rehabilitation.

2. The Protection of Children from Sexual Offences (POCSO) Act, 2012

Enacted to address the specific vulnerability of children to sexual abuse and exploitation, the POCSO Act provides a comprehensive legal framework to tackle these crimes.

3. The Child Labour (Prohibition and Regulation) Amendment Act, 2016

This statute establishes prohibition of the employment of children below 14 years of age in collaboration with the Right to Education Act. It also provides strict penalties and fines for employers violating these provisions to create a deterrent effect.

4. The Prohibition of Child Marriage Act, 2006

Child marriage is one of the major violation of child rights, impacting health, education, and personal safety. This Act makes child marriage a punishable offence for adults who contract or facilitate such marriages. This act also provides for the appointment of Child Marriage Prohibition Officers (CMPOs) at the grassroots level to identify, prevent, child marriages.

The implementation of child protection laws and welfare schemes relies on an institutional framework that covers from the urban to villages. Certain statutory authorities also are formed whose primary aim is to protect the right of child. Some of them are as follows:

Odisha State Commission for Protection of Child Rights (OSPCPR):

Being an independent autonomous body it monitors the implementation of child-centric laws, reviews systemic structural facilities and bottlenecks, investigates specific complaints of child abuse or exploitation, and recommends reformative action.

Odisha State Child Protection Society (OSCPs):

This is a statutory body constituted for execution of Integrated Child Protection Scheme (ICPS) across the state. It organizes state-wide capacity-building programs, creates comprehensive databases, and coordinates the flow of funds along with distribution of the same.

Collective role of DCPO , CWC (Child Welfare Committee) and district administration ;-

- a. Inter departmental co-ordination between DCPU, CWC, SAA, Police, Health dept, DLSA and other stake holders





- b. Early identification of children like orphans, abandoned, surrendered one requiring family based care and immediate production before competent authority. Main area of operation is Mission Vatsalya done by DCPO which is being done through following process:
 - i. Data collection and regular updating regarding children in requirement of care and protection
 - ii. Case tracking by monitoring individual cases for rehabilitation, restoration, sponsorship and foster care
 - iii. Maintenance of records in MIS portal and submission of periodical reports
 - iv. Verification of beneficiary details along with tracking physical and financial progress at district level
 - v. Sharing and reconciling data with JJB, CWC, CCIs, Police etc
- c. Ensuring on time legal documentation such as birth certificates, medical reports, social investigation report etc and monitoring each case which is pending declaration as legally free for adoption.
- d. Strengthen CWC and functioning of SAA by periodical review of infrastructure, staff strength, case management system , addressing administrative issues regarding adoption timelines and ensuring proper preservation of documents including confidentiality
- e. Timely medical examination and health assessment of children and assigning specialist medical health case in case of requirement
- f. Ensuring prompt verification in abandoned children , strengthening mechanism to prevent child trafficking , illegal adoption
- g. Conducting awareness programme at regular intervals on legal adoption , to disseminate information by Anganwadi centres, schools, hospitals, panchayats and urban local bodies
- h. Regular Monitoring and review of identification, children requiring rehabilitation, adoption cases, pending documentation, institutional stay duration.
- i. Promote family based care including adoption at the best interest of child
- j. Accountability and Convergence by assigning clear responsibilities.
- k. Three main pathways such as preventive, statutory and rehabilitative under Mission Vatsalya are being followed. The preventive pathway covers preventing child from becoming CNCP or CICL by addressing root cause like poverty, migration, school dropouts and lack of awareness. The statutory pathway includes legal action and institutional response which includes various wings such as CWC, JJB, Police, SJPU and CCI. Similarly the Rehabilitative pathway plays an important role towards reintegration of child into family a society through education, health, counselling, skill training, foster care, sponsorship and after care support.
- l. Further the community level social work like Chilline-1908 and Sakhi-One stop centre for providing 24x7 assistance to child in distress, Bal Panchayats and child friendly Gram Panchayats, Awareness campaigns, and promotion of family based care, dedicated home visit by social worker, counselling, documentation and follow up.
- m. So also several grassroots child protection safeguards such as VLCPC (village level Child Protection Committees), School safety mechanisms such as POCSO committees, complaint boxes , training to teachers to identify and report abuse, tracking of Child Portal in digital database which includes data of missing Children in CCIs and adoption cases.

The primary function of CWC is to deal with abandoned, lost, orphaned, abused, neglected, exploited, trafficked children. It also conduct inquiry into the matters affecting safety, protection of well being of child, assess the family background, immediate needs and chalks plan for long term welfare. It also direct Child Welfare Officer, Probation Officer, DCPU or any registered NGO to conduct social investigation and submit it's report.

It also ensures preparation, implementation of individual care plan for each child by addressing the education, health, psychological support , nutrition , identity of documents , family relation, skill development, review care arrangement, provide institutional as well as non institutional care, deals with adoption related issues in collaboration with DCPU and other stake holders keeping in view the CARA guidelines. It makes periodical inspection (at least two per month) and monitors child care institutions towards checking the quality of care, protection, living conditions and service provided therein. It also co-ordinates with police unit/special



juvenile police unit/DCPU/Labour department/ health department/child help services for rescue of children for their protection in their best interest. Goal of CWC is "TO ENSURE EVERY CHILD GROWS UP IN A SAFE, SECURE AND FAMILY BASED ENVIRONMENT."

Role of Judiciary in Sishu Surakhya

Juvenile Justice Board, POCSO Court and Children Court are key adjudicatory forums responsible for dealing with children in conflict with law. It consists of tasks such as conduct inquiry and determine age and rehabilitation needs, supervise social investigation report and pass necessary orders regarding rehabilitation and reintegration of child offender. Apart from that the child protection framework operates through following institutions Child Welfare Committees, District Child Protection Unit, Special Juvenile Police Unit and Child Care Institutions. Child Welfare Committees are by far most critical institution for managing children who need protection. As stipulated in Section 27 of Act CWCs are quasi judicial institutions responsible for making decisions on issues relating to neglected, abandoned, orphaned, abused, trafficked and vulnerable children. District Child Protection Units act as coordinating bodies that ensure implementation of child protection schemes within district. Functions carried out by DCPU include: (i) Supervision of child protection services, (ii) Coordination with CWCs and JJBs, (iii) Rehabilitation of children, (iv) Awareness campaign, and (v) Data management for child protection. DCPU has been designed as administrative engine of child protection system. Child Care Institutions are covered under Juvenile Justice Act such as: (i) Children's Homes, (ii) Observation Homes, (iii) Special Homes, (iv) Place of Safety, (v) Open Shelters.

Child protection is a shared statutory obligation. By binding the administrative, the enforcement machinery, and the intervention of the Judiciary, the entire system aims to build a resilient, accountable, and highly responsive child safety ecosystem. Implementation of child protection requires adoption of a strategy that would reinforce its impact and enhance child protection measures. A coordinated multidisciplinary approach can help ensure that psychological difficulties are identified early and that every child receives appropriate opportunities for recovery and positive development because when we understand the child behind the behaviour, we create an opportunity not only for justice, but also for healing, rehabilitation, and a better future. Thus, leadership, convergence, governance & institutional support along with statutory adjudication & specialised judicial authorities including P.M, J.J.B., coupled with rehabilitation, care, & psychological support should be the testament to our commitment to the rights and welfare of every child.

SISHU SURAKHYA



Sri Pradosh Kumar Dash, LL.M.

Civil Judge (Jr. Division)-cum-J.M.F.C.-cum-
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Sishu Suraksha (Child protection) is the set of policies, laws and services designed to keep children safe from violence, abuse, exploitation, and neglect. It ensures every child to grow up in a safe environment that protects their rights, health and well-being.

Sishu Suraksha (Child Protection) within the framework of Juvenile Justice operates under a dual track strategy mandated by the Juvenile Justice (Care and Protection of Children) Act 2015. It distinguishes between two categories of children:

- Children In Need Of Care And Protection (CNCP)
- Children In Conflict With Law (CCL)

State of Odisha enforces its child protection mechanism through the Odisha State Child Protection Society (OSCPs) and dedicated local bodies.

- Juvenile Justice Boards (JJB): Present in every district to handle legal cases involving Children in Conflict with Law (CCL), focusing entirely on rehabilitation and reformation over punishment.
- Child Welfare Committees (CWC): The final statutory authority in every district is to decide on the care, long-term protection, and rehabilitation of CNCP.
- Special Juvenile Police Units (SJPU): Specialised police units configured in every district to manage child-related cases with highest sensitivity.

Key Goals

- Stop abuse and neglect.
- Help children who face danger or harm.
- Support family care and stable homes.
- Build strong community and legal safety net.

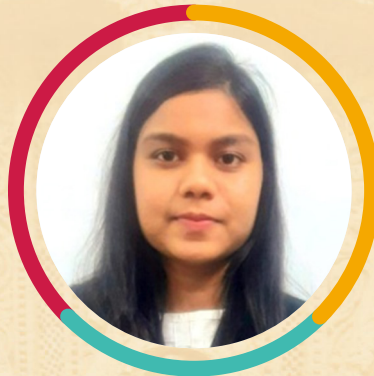
The primary objective is to shift from a punitive model to a rights- based, rehabilitative and trauma informed approach. The modern juvenile justice framework for Sishu Suraksha follows four core pillars:

- Best Interests of the Child: Make every decision based on what helps the child grow safely.
- Rights-Based Framework: Treat safety, health, and education as basic human rights.
- Preventive Action: Stop harm before it starts by supporting families and communities.
- Restorative Justice: Focus on healing and reform for juveniles rather than punishment.

Key Steps for Shishu Suraksha

- Identify Vulnerable Children: Find children who live on the street, work, or face abuse.
- Immediate Rescue: Provide safe shelter, food, and medical care right away.
- Legal Support: Use the juvenile justice system to protect rights and guide due process.
- Counseling and Healing: Offer mental health care to trauma survivors and young offenders.
- Family Reintegration: Return children safely to their families when it is safe.
- Community Education: Teach locals how to spot and report child abuse.

CHILDREN –IN- CONFLICT WITH LAW, OR CHILDREN IN LOVE?



Lopamudra Acharya

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ABSTRACT

This article examines a quiet contradiction at the heart of Indian juvenile law. The Protection of Children from Sexual Offences Act (POCSO) draws an absolute line at eighteen years, refusing to recognise consent below that age. The Juvenile Justice Act, by contrast, asks nuanced questions about a child's maturity, capacity and circumstances before deciding how to treat an accused child. When a consensual relationship between two adolescents is reported as a crime, these two philosophies collide. The same teenager can be "capable of understanding consequences" for one law while being "incapable of consent" for the other. Drawing on *Shilpa Mittal v. State (NCT of Delhi) & Anr.*, (2020), *Barun Chandra Thakur v. Master Bholu & Anr.*, (2022), and the Supreme Court's recent observations in *State of Uttar Pradesh v. Anurudh* (2026), the article traces how this tension plays out in practice and why Parliament may need to consider a carefully limited "Romeo-Juliet clause."

Keywords: Age of consent, close-in-age exception, Romeo-Juliet clause, JJ (CPC) Act, 2015, POCSO Act, 2012.

THE PROBLEM IN ONE SCENARIO

Imagine a seventeen-year-old boy and a sixteen-year-old girl who are in a relationship. They go to the same school, have known each other for some time and, as far as they are concerned, are in a consensual relationship. Their families, however, do not approve. The girl leaves home with the boy, and her parents approach the police. An FIR is registered under the Protection of Children from Sexual Offences Act, 2012 (POCSO). The boy, who until that point was simply a teenager in a relationship, now finds himself before the juvenile justice system as a "child in conflict with law".

There is nothing unusual about this situation. What is unusual is the way in which the law is required to understand it. POCSO is a law designed to protect children from sexual offences. The Juvenile Justice (Care and Protection of Children) Act, 2015, on the other hand, is designed to deal with children who are alleged to have committed offences in a manner that recognises their age, vulnerability and capacity for rehabilitation. When the two statutes meet in cases involving adolescent relationships, the result can be complicated.

HOW THE JJ ACT SEES THE CHILD

The starting point should be the JJ (CPC) Act, 2015 itself. Section 2(12) defines a "child" as a person who has not completed eighteen years of age. Section 2(13) defines a "child in conflict with law" as a child who is alleged or found to have committed an offence and who had not completed eighteen years on the date of commission of the offence. The language is important. The Act does not stop treating someone as a child merely because an offence is alleged against that person.

That philosophy runs through Section 3. The provision requires the authorities dealing with children to be guided by principles such as the presumption of innocence under Section 3(i), dignity and worth under Section 3(ii), participation under Section 3(iii), best interests under Section 3(iv), non-stigmatising semantics under Section 3(viii), fresh start under Section 3(xiv), and diversion under Section 3(xv). Section 3(xv), in



particular, says that measures for dealing with children in conflict with law without resorting to judicial proceedings should be promoted unless doing so would not be in the best interests of the child or society.

The philosophy is therefore quite different from the ordinary criminal law model. The question is not simply what punishment should follow an offence. The law is also concerned with who the child is, what circumstances surrounded the conduct, and what response is most likely to help the child move forward. The JJ Act nevertheless recognises that older children accused of particularly serious offences may require a different process. Section 2(33) defines a "heinous offence" as an offence for which the minimum punishment is imprisonment for seven years or more. Section 2(45) defines a petty offence, while Section 2(54) defines a serious offence.

NOT EVERY POCSO CHARGE IS "HEINOUS"

This classification is particularly important in POCSO cases. It is sometimes loosely said that a POCSO offence is automatically a heinous offence under the JJ Act. That is not correct. The classification depends upon the punishment prescribed for the particular offence. The Hon'ble Supreme Court made this clear in *Shilpa Mittal v. State (NCT of Delhi) & Anr.*, (2020) 2 SCC 787. The Court held that an offence carrying a maximum punishment of more than seven years, but having no minimum punishment of seven years, cannot be treated as a heinous offence merely for that reason. The statutory minimum is what matters.

This distinction is important because the punishment prescribed by POCSO varies considerably. Section 4(1), for example, prescribes a minimum punishment of ten years for penetrative sexual assault. Such an offence falls within the definition of a heinous offence in Section 2(33) of the JJ Act. Section 8, however, prescribes three to five years for sexual assault and therefore does not satisfy the seven-year minimum required by Section 2(33).

The classification matters because of the child's age. Section 14(5)(f)(ii) provides that where a child above sixteen is alleged to have committed a heinous offence, the inquiry is to be dealt with in the manner prescribed under Section 15. Section 15 then requires the Juvenile Justice Board to make a preliminary assessment of the child's mental and physical capacity to commit the alleged offence, the child's ability to understand the consequences of the offence, and the circumstances in which the offence was allegedly committed. The Board may take assistance from experienced psychologists, psycho-social workers or other experts.

The Hon'ble Supreme Court's decision in *Barun Chandra Thakur v. Master Bholu & Anr*, 2022 SCC OnLine SC 870, is important in understanding this provision. The Court emphasised that the preliminary assessment under Section 15 is not a trial. It is an assessment of the statutory factors that determine whether the case should remain within the juvenile justice framework or move towards an adult trial. The Court also stressed the importance of expert assistance in conducting the assessment.

There is something significant about this approach. The JJ Act recognises that a seventeen-year-old cannot simply be treated as a smaller version of an adult. The law asks questions about capacity, understanding and circumstances. It accepts that adolescence matters.

WHERE POCSO DRAWS A DIFFERENT LINE

POCSO begins from a different point. Section 2(d) defines a child as any person below eighteen years of age. The Act therefore uses age as the central dividing line. It does not generally ask whether a particular child was mature enough to give legally valid consent to sexual activity. The protective purpose of the statute is understandable. A child should not have to establish his or her maturity before receiving protection from an adult who sexually exploits them.

The difficulty arises when the person on the other side of the alleged sexual act is also a child.

Take the example of the seventeen-year-old boy and sixteen-year-old girl again. Assume that the prosecution alleges penetrative sexual assault under Section 3 read with Section 4 of POCSO. The minimum punishment under Section 4(1) is ten years. For the purposes of the JJ Act, the alleged offence is therefore heinous. Because the boy is above sixteen, Section 15 may become applicable.

The result is rather uncomfortable. The boy remains a child for the purposes of the JJ Act, but the alleged sexual conduct is governed by a statute that does not recognise the factual consent of the girl as a general defence simply because she voluntarily participated in the relationship.

It would, however, be inaccurate to say that POCSO simply "switches off" the JJ Act. Section 34 of POCSO expressly contemplates situations in which the accused is a child. The JJ Act continues to govern the manner in which that child is dealt with. The more precise point is that the application of certain POCSO provisions can bring an adolescent relationship within the heinous-offence framework of the JJ Act and





thereby activate the Section 15 process.

Even then, an adult trial is not automatic. Section 18(3) of the JJ (CPC) Act, 2015 permits the Board, after making the preliminary assessment under Section 15, to transfer the trial to the Children's Court where it considers that there is a need for the child to be tried as an adult. Section 19 then sets out the powers and responsibilities of the Children's Court. The statutory scheme therefore creates a series of safeguards between an allegation against a sixteen- or seventeen-year-old and the possibility of an adult trial.

THE REAL TENSION

The real difficulty lies somewhere else. The JJ Act asks whether an adolescent has sufficient mental and physical capacity to commit an offence and understand its consequences. POCSO, for reasons connected with child protection, does not ask whether that adolescent possessed the maturity to consent to sexual activity. The same adolescent can therefore be considered capable of understanding consequences for one purpose while being treated as legally incapable of consenting for another.

That does not necessarily make the two statutes inconsistent. There is a strong policy argument for an absolute age threshold in child sexual abuse law. If the law depended entirely on an assessment of maturity, adults accused of abusing children could argue that the child appeared mature or willingly participated. A bright-line rule protects children from precisely that kind of argument.

But a bright-line rule also means that the law may treat very different situations in the same way. A seventeen-year-old involved with a sixteen-year-old classmate is factually very different from a seventeen-year-old being sexually exploited by a thirty-five-year-old. The difference may be obvious to a person looking at the circumstances, but the statutory framework does not presently provide a general close-in-age exception under POCSO.

WHAT THE HON'BLE SUPREME COURT SAID IN THE STATE OF UTTAR PRADESH V. ANURUDH & ANR., 2026 INSC 47

The Hon'ble Supreme Court has now expressly acknowledged this difficulty. In *The State of Uttar Pradesh v. Anurudh & Anr.*, 2026 INSC 47, decided on 9 January 2026, the immediate issue before the Hon'ble Court concerned the determination of the age of a POCSO victim and the limits of a High Court's jurisdiction while exercising bail powers. The Supreme Court set aside the general directions issued by the High Court concerning mandatory medical determination of age.

But the judgment did something more. In paragraph 19, the Court acknowledged concerns about the misuse and misapplication of POCSO, including cases in which the statute is used by families opposing relationships between young people. To quote the Hon'ble Supreme Court from Para 19 of the judgement:

"The POCSO Act is one of the most solemn articulations of justice aimed at protecting the children of today and the leaders of tomorrow. Yet, when an instrument of such noble and one may even say basic good intent is misused, misapplied and used as a tool for exacting revenge, the notion of justice itself teeters on the edge of inversion. Courts have in many cases sounded alarm regarding this situation. Misuse of the POCSO Act highlights a grim societal chasm - on the one end children are silenced by fear and their families are constrained by poverty or stigma, meaning thereby that justice remains distant and uncertain, and on the other hand, those equipped with privilege, literacy, social and monetary capital are able to manipulate the law to their advantage. The impugned judgment is one amongst many where Courts have spoken out. Not only are instances rife where the age of the victim is misrepresented to make the incident fall under the stringent provisions of this law but also there are numerous instances where this law is used by families in opposition to relationships between young people."

The Supreme Court referred to Hon'ble Allahabad High Court's decision in *Satish@ Chand v State of UP* 2024:AHC:108011 wherein the Hon'ble High Court had raised concerns about consensual adolescent relationships. The Hon'ble High Court had stated:

"This court has every now and then expressed concern regarding the application of the Protection of Children from Sexual Offences (POCSO) Act on adolescents. While the Act's primary objective is to protect children under the age of majority (18) from sexual exploitation, there are cases where it has been misused, particularly in consensual romantic relationships between teenage persons."

Further, the Hon'ble court laid down the following factors that are to be taken into considerations in such cases:

- A. Assess the Context: Each case should be evaluated on its individual facts and circumstances. The nature of the relationship and the intentions of both parties should be carefully examined.
- B. Consider Victim's Statement: The statement of the alleged victim should be given due consideration.



If the relationship is consensual and based on mutual affection, this should be factored into decisions regarding bail and prosecution.

- C. Avoid Perversity of Justice: Ignoring the consensual nature of a relationship can lead to unjust outcomes, such as wrongful imprisonment. The judicial system should aim to balance the protection of minors with the recognition of their autonomy in certain contexts. Here the age comes out to be an important factor.
- D. Judicial Discretion: Courts should use their discretion wisely, ensuring that the application of POCSO does not inadvertently harm the very individuals it is meant to protect."

The Hon'ble Supreme Court ultimately directed that the judgment in Anurudh be circulated to the Secretary, Law, Government of India, to consider possible steps, including the introduction of a "Romeo-Juliet clause" exempting genuine adolescent relationships from the operation of the law.

The significance of Anurudh judgement should not be overstated. The Supreme Court did not create a Romeo-Juliet exception to POCSO. It did not hold that consent between two adolescents is presently a defence. It recognised a problem and left the question of legislative reform to the appropriate authorities.

WHAT A CLOSE-IN-AGE EXCEPTION WOULD NEED TO LOOK LIKE

A close-in-age exception, if Parliament were to consider one, would therefore have to be carefully designed. It could distinguish relationships between adolescents who are close in age from cases involving significant age or power differences. It could also exclude situations involving force, coercion, exploitation, trafficking or abuse of authority. The purpose would not be to say that adolescents do not need protection. It would be to recognise that not every relationship involving a person below eighteen is necessarily a case of sexual exploitation.

There is also a reason to be cautious. Adolescents can be pressured or manipulated by other adolescents as well as adults. A close-in-age rule cannot simply assume that every relationship between teenagers is harmless. The circumstances of the relationship would still matter.

This is perhaps where the JJ Act offers an interesting starting point. Its language is already built around individual circumstances. Section 3 speaks of dignity, participation, best interests, non-stigmatisation, fresh start and diversion. Section 15 requires a contextual assessment of an older child's capacity and the circumstances of the alleged offence. The problem is that these principles operate after an offence has entered the juvenile justice system; they do not themselves create an exception to the substantive offences under POCSO.

CONCLUSION

The question, therefore, is not whether POCSO should protect children. It should. Nor is the answer that every adolescent relationship should be treated as legitimate simply because both participants are young. The harder question is whether the law can protect children from sexual exploitation while also recognising the difference between exploitation and a genuinely close-in-age adolescent relationship.

That is a difficult distinction, but it is not one that the law can avoid forever. When a seventeen-year-old boy appears before a Juvenile Justice Board because of a relationship with a sixteen-year-old girl, the law should not forget why the JJ Act exists in the first place. The child before the Board is still a child. The allegation may be serious, but the response must remain sensitive to the child's age, circumstances and future.

The debate around adolescent relationships under POCSO is therefore ultimately a debate about how Indian law understands childhood. Protection remains essential. But protection should not require the law to stop seeing the individual child behind the allegation. The challenge before Parliament is to find a way of preserving the strong protection offered by POCSO while creating enough room for the law to distinguish between sexual exploitation and genuine adolescent relationships.

REFERENCES

1. The Juvenile Justice (Care and Protection of Children) Act, 2015, Sections 2(12), 2(13), 2(33), 2(45), 2(54), 3, 14, 15, 18 and 19.
2. The Protection of Children from Sexual Offences Act, 2012, Sections 2(d), 3, 4, 5, 6, 7, 8 and 34.
3. Shilpa Mittal v. State (NCT of Delhi) & Anr., (2020) 2 SCC 787.
4. Barun Chandra Thakur v. Master Bholu & Anr., 2022 SCC OnLine SC 870.
5. The State of Uttar Pradesh v. Anurudh & Anr., 2026 INSC 47, decided 9 January 2026.
6. Satish@ Chand v State of UP 2024:AHC:108011

INDEPENDENT ASSESSMENT BY THE CHILDREN'S COURT U/s 19(1) of J.J. (C.P.C.) Act, 2015: A MANDATORY REQUIREMENT FOR THE VALIDITY OF THE TRIAL



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INTRODUCTION:

Juvenile justice occupies a special position within the Indian legal framework protecting the rights and dignity of the children and balancing accountability with their age, maturity and vulnerability ensuring the scope of reformation and rehabilitation. A pivotal role within this framework is carried out by the Children's Court. Under The Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter JJ (CPC) Act), the Juvenile Justice Board (hereinafter JJB) after preliminary assessment in cases involving heinous offences, subject to statutory requirements, transfers the matter to the Children's Court for further consideration. The Children's Court adopts a balanced approach that considers the nature of the offence, child's age, circumstances, capacity, developmental needs as well as prospects of rehabilitation.

ROLE OF CHILDREN'S COURT:

Section 19 of JJ (CPC) Act lays down the powers and role of Children's Court. They are:

- After receiving the preliminary assessment from the JJB, the Children's Court may decide that:
 - (i) there is a need for trial of the child as an adult as per the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) and pass appropriate orders after trial subject to the provisions of this section and section 21, considering the special needs of the child, the tenets of fair trial and maintaining a child friendly atmosphere;
 - (ii) there is no need for trial of the child as an adult and may conduct an inquiry as a Board and pass appropriate orders in accordance with the provisions of section 18.
- The Children's Court shall ensure that the final order passed with respect to a Child in Conflict With Law (hereinafter CCL) shall include an individual care plan for the rehabilitation of child and it shall include follow up by the probation Officer or the District Child protection Unit or a social worker.
- The Children's Court shall send a CCL to place of safety till he attains the age of twenty-one years and thereafter, the person shall be transferred to a jail.
- The Children's Court shall ensure a periodic follow up report every year to be submitted by the probation Officer or the District Child protection Unit or a social worker to evaluate the progress of the child in the place of safety and to ensure that there is no ill-treatment to the child in any form.

SECTION 19(1): THE INTERPRETATION OF "MAY" IS "SHALL"

Recently, there arose a confusion whether application of Section 19(1) of JJ (CPC) Act which states that after receiving the preliminary assessment from the JJB, the Children's Court may decide that firstly, there is a need for trial of the child as an adult as per the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) and pass appropriate orders after trial subject to the provisions of this section and section 21,



considering the special needs of the child, the tenets of fair trial and maintaining a child friendly atmosphere and secondly, there is no need for trial of the child as an adult and may conduct an inquiry as a Board and pass appropriate orders in accordance with the provisions of section 18, i.e. an independent assessment by the Children's Court u/s 19(1) is mandatory or not because of the use of word "may".

Intention of legislature:

In Crawford on the Construction of Statutes at p. 516, it has been stated that the question as to whether a statute is mandatory or directory depends upon the intent of the legislature and not upon the language in which the intent is clothed. The meaning and the intention of the legislature must govern, and these are to be ascertained, not only from the phraseology of the provision, but also by the considering its nature, its design, and the consequences which would follow from construing it the one way or the other. On a reading of JJ (CPC) model rules 2016, the intention of the legislature becomes clear i.e. the rules stipulate that the Children's Court shall record its reasons while arriving at a conclusion whether the child is to be treated as an adult or as a child.

Judicial Interpretation:

The Hon'ble Supreme Court of India in its judgment in the case of Sagar v. State of Haryana has held that "The procedure to be followed by the Board and the Children's Court, while trying a 'child in conflict with law' as a child or as an adult pursuant to a determination under Section 19(1) of the Act, is fundamentally distinct. The Children's Court can proceed to try a 'child in conflict with law' as an adult only upon making a determination to that effect in terms of Section 19(1) of the Act. In such a case, the procedure to be adopted is that of a Sessions trial, and not that of a summons case. Conversely, where the determination is that the 'child in conflict with law' is to be tried as a child and not as an adult, the procedure applicable is that of a summons case, to be followed by the Board or by the Children's Court exercising the jurisdiction of the Board. Thus, the determination under Section 19(1) assumes crucial significance. Non-compliance of the same, may result in, firstly, Children's Court not exercising the jurisdiction vested upon to try the matter as a Children's Court or to conduct an inquiry as a 'Board'; secondly, it would lead such 'child in conflict with law' being tried as an adult and being subjected in sessions trial though there is no need of being tried as an adult, thirdly, the inquiry to be conducted by such Court, in appropriate cases as a Board would not take place."

The Hon'ble Supreme Court of India in its judgment in the case of Ajeet Gurjar v. State of Madhya Pradesh has held that Clause (ii) of sub-section 1 of Section 19 is very crucial which indicates that though the word 'may' have been used in the opening part of sub-section 1 of Section 19, the same will have to be read as 'shall'. Clause (ii) provides that after examining whether there is a need for a trial of the child as an adult, if the children's Court comes to the conclusion that there is no need for the trial of the child as an adult, instead of sending back the matter to the Board, the Court itself is empowered to conduct an inquiry and pass appropriate orders in accordance with provisions of Section 18 of the JJ Act. The trial of a child as an adult and his trial as a juvenile by the Juvenile Justice Board has different consequences.

Thus, from the above two judgments pronounced by the Hon'ble Supreme Court of India and a conjoint reading of the Section 19(1) of JJ (CPC) Act and Rule 13(6) of JJ (CPC) Model Rules, 2016, it is clear that an independent assessment by the Children's Court of the child is mandatory in nature.

CONSEQUENCES OF NON-COMPLIANCE:

The failure of the Children's Court to undertake an independent assessment under Section 19(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 has significant legal consequences. Although the Juvenile Justice Board conducts a preliminary assessment under Section 15, such assessment does not substitute the independent judicial determination required from the Children's Court under Section 19(1). The Children's Court is required to independently examine the material before it and determine whether the child is to be tried as an adult or dealt with as a child.

The requirement under Section 19(1) therefore acts as an important statutory safeguard for a child in conflict with law. The Children's Court cannot mechanically accept the recommendation of the Juvenile Justice Board and proceed with an adult trial. It must apply its own judicial mind to the circumstances of the case and record a reasoned order before proceeding further.

The consequences of failure to comply with this mandatory requirement include:

- Failure to exercise statutory jurisdiction: The Children's Court fails to discharge the specific duty imposed upon it by Section 19(1).



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- Invalid commencement of adult trial: In the absence of a proper determination under Section 19(1), the Children's Court cannot lawfully proceed with the child's trial as an adult.
 - Violation of statutory safeguards: The independent determination by the Children's Court is intended to protect the child from being subjected to an adult criminal process without the Court itself being satisfied that such a course is warranted.
 - Proceedings may be vitiated: Non-compliance with Section 19(1) goes to the root of the proceedings and may render the subsequent adult trial legally unsustainable.
 - Conviction and sentence may be set aside: Where the trial has proceeded without the mandatory Section 19(1) determination, the resulting conviction and sentence may be liable to be quashed or set aside.

CONCLUSION:

The mandatory nature of this requirement ensures that the decision to try a child as an adult is not mechanical or based solely upon the recommendation of the Board. Any failure to undertake this independent determination undermines the legislative safeguards incorporated into the juvenile justice framework and affects the legality of the subsequent proceedings. As affirmed by the Supreme Court in *Sagar v. State of Haryana*, the Children's Court cannot proceed with an adult trial without first complying with Section 19(1). Therefore, independent assessment under Section 19(1) is not a mere procedural formality but a substantive jurisdictional safeguard, and its non-compliance may vitiate the subsequent trial, conviction and sentence.



JUVENILE JUSTICE JURISPRUDENCE IN INDIA

(REFORMATION, REHABILITATION, RESTORATION AND REINTEGRATION)



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A legal system's response to children who break the law reflects its commitment to justice, child welfare and human rights. Children are still developing emotionally, mentally, and socially, unlike adults. Modern legal systems, aware of these differences, deal with juvenile offenders through a separate system that emphasises guidance, protection and development rather than punishment alone.

The juvenile justice system in India has developed over the years to considerable extent. The foundation of today's jurisprudence of juvenile justice is based upon the idea that juveniles are capable of reform and should be afforded an opportunity to redeem their mistakes. The system's emphasis is therefore not restricted to guilt determination but also seeks to address the social, economic and personal circumstances that lead to delinquent behaviour. The system aims to help children become responsible members of society by providing educational support, counselling, rehabilitation and community integration.

Evolution of Juvenile Justice in India

The growth of juvenile justice law in India has been shaped by constitutional values, legislative reforms, international obligations, and judicial intervention. During the colonial era, young offenders were generally processed through the regular criminal justice system. However, some early laws, including the Apprentices Act of 1850 and the Reformatory Schools Act of 1897, introduced the concept that children should receive training and corrective care instead of being confined with adult offenders.

After Independence, the Constitution of India provided a strong foundation for the protection of children by guaranteeing rights related to equality, dignity, education, and protection from exploitation. These constitutional commitments encouraged the adoption of welfare-based measures for children.

The Juvenile Justice Act, 1986 was a landmark legislation which provided a common framework to address the care, treatment and development of juveniles. Later, with the adoption of the United Nations Convention on the Rights of the Child (UNCRC) by India, further reforms followed. This resulted in the Juvenile Justice (Care and Protection of Children) Act, 2000, which adopted a rights-based approach. Thereafter, the Juvenile Justice (Care and Protection of Children) Act, 2015 was enacted and it is the main legislation pertaining to juveniles in conflict with the law and children in need of care and protection.

Four Fundamental Principles of Juvenile Justice

Reformation

Reformation is founded on the idea that a child's behaviour can be rectified through positive intervention. The reasons for juvenile misbehaviour are often situations such as poverty, neglect, family issues, lack of proper education, or bad peer influence. Thus, the focus is on the offence committed as well as on the contributing factors that led to the behaviour.

Counselling, educational initiatives, mentorship programs, psychological assistance and life-skills training are significant tools to foster positive behavioural change. The hope is to instill discipline, responsibility and respect for social norms in kids.

Rehabilitation

Rehabilitation is not only about correcting misbehaviour but also about the overall growth and development of the child. Many juvenile offenders come from vulnerable backgrounds and need help in many aspects of their lives.



Rehabilitation measures may include formal education and development of vocational skills, health care services, counselling and family support programs. The justice system's provision of access to these resources is intended to develop children's capabilities and equip them to live independently and productively. Each child has different challenges and thus rehabilitation programs need to be individualised.

Restoration

The principle of restoration reflects the philosophy of restorative justice. It acknowledges the damage to victims, families, communities and the child that results from unlawful behaviour.

Restorative practices promote accountability, dialogue, understanding and reconciliation, not simply punishment. Children are encouraged to understand the consequences of their actions and to actively participate in repairing harm when possible. This approach helps all concerned parties heal, and it prevents young offenders from being labelled and stigmatised unnecessarily.

Reintegration

Reintegration is the final goal of the juvenile justice process. Children in institutional care or children who have been subjected to legal proceedings often find it difficult to rebuild their lives and are socially excluded and prejudiced against.

These barriers are addressed by a range of measures, including family reunification, education support, vocational training, aftercare programs and community support services. A successful reintegration enables the child to reconnect with society, benefit from positive opportunities, and to reduce the chances of further offending.

Role of judiciary in inclusion of the above-mentioned principles of reformation, rehabilitation, restoration and reintegration

Judiciary has played an essential part in fortifying the objectives of juvenile justice and keeping the welfare of children as the paramount consideration of the legal system.

In *Sheela Barse v. Union of India* the Hon'ble Supreme Court emphasised protection of children from abuse and mistreatment while in custody and the importance of humane treatment and rehabilitation.

In *Pratap Singh v. State of Jharkhand*, the Hon'ble Court has acknowledged the need for a specialised legal structure to fulfill the developmental needs of children.

Similarly, in *Salil Bali v. Union of India*, the Hon'ble Apex Court upheld the validity of a separate juvenile justice mechanism and reiterated the reformative philosophy underlying the juvenile legislation.

The Hon'ble Court in the case of *Sampurna Behura v. Union of India* has laid emphasis on the need for effective implementation of child protection institutions and rehabilitation mechanisms.

Similarly, in *Hari Ram v. State of Rajasthan*, the interpretation of juvenile justice laws was welfare-centred in the interest of the child.

In *Shilpa Mittal v. State (NCT of Delhi)*, the Hon'ble Court has adopted an approach in accordance with restorative and child-friendly principles and fairness in administration of justice.

The road ahead

India has developed a progressive legal framework for juvenile justice, but there are still several practical difficulties in its effective implementation. These include poor infrastructure, lack of financial and human resources, delays in legal proceedings and absence of trained professionals to deal with juvenile cases.

Another major issue is the social stigma that is attributed to children who have fallen foul of the law. These negative perceptions often limit their educational, social and employment opportunities. But the concern over serious offences committed by juveniles still provokes debate on how to balance public safety with child rights.

These concerns need to be addressed by better institutional mechanisms, improved rehabilitation facilities, regular training programs, community engagement and greater public awareness. The effective implementation of the existing laws is still vital to the achievement of the goals of juvenile justice.

Conclusion

The juvenile justice in India has shifted from a punishment-oriented approach to a system of child welfare, human rights and social development. This framework is based on the principles of reformation, rehabilitation, restoration and reintegration. The juvenile justice system is founded on constitutional guarantees, international standards, legislative measures and judicial decisions designed to provide children with opportunities for growth and positive transformation. Adopting a humane and rehabilitative approach remains the most effective way of protecting children's rights and promoting social justice and public welfare despite the challenges in implementation.



PRELIMINARY ASSESSMENT UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT,2015



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There is a legal dichotomy that the minor belonging to the age group of sixteen to eighteen years, alleged to have committed a heinous offence and satisfying the four parameters is to be tried as an adult in the children's Court. Hence, the foundational questions are:

- i. How to determine whether a child is above or below sixteen years of age?
- ii. What kind of offences would come under the ambit of heinous offences?
- iii. What are the four parameters that need to be satisfied to be tried as an adult?
- iv. Who shall conduct the preliminary assessment?

Firstly, how to determine whether a child is above or below sixteen years of age? The answer lies under section 94 of the Act. The Juvenile Justice Board would determine the age by the Birth certificate or matric certificate, if it is not available, in that case the birth certificate issued by the Municipal Authority or Panchayat would be considered and if both of the above are not available, in such case the court can order a medical age determination test such as an ossification test.

Secondly, what kind of offences would come under the ambit of heinous offences? With regard to the above, Clause 33 of Section 2 which defines heinous offences as offences with minimum punishment under IPC or any other law with imprisonment for 7 years or more. For instance, Section 304 of IPC, it carries a maximum punishment of 10 years or life. However, there is no mandatory minimum. Therefore, it can be a serious offence, but it does not fall under the ambit of heinous offences.

Thirdly, what are the four Parameters that need to be satisfied to be tried as an adult? To elucidate the above query there are four parameters which are explicitly specified under sub-section(1) of section 15, which says that the Juvenile Justice Board conducting a preliminary assessment is required to evaluate the child across those four dimension which are ;

- Mental capacity to commit an offence
- Physical capacity to commit an offence
- Ability to understand the consequence of offence and
- Circumstances in which he allegedly committed the offence.

The final question is, who conducts the preliminary assessment? In elucidating the above issue, initially it is conducted by the J.J. Board u/15. The nature of assessment should not become a mini trial. The period of assessment as per sub-section (3) of section 14 is within 3 months from the first date of production before the J.J.B. The children's Court reviews and checks the assessment u/s-19.

Hence, a preliminary assessment under the Juvenile Justice (Care And Protection of children) Act, 2015 is not a shortcut to criminalise youth, rather it is a gate keeper of justice.

EXPLORING ROLE OF LEGAL AID SERVICE INSTITUTIONS IN ENSURING ADMINISTRATION OF JUVENILE JUSTICE



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Abstract:

A Nation's happiness depends on how secure and protected its citizens feel being a part of it, and children are the bearers of future for the whole world. Every story begins with cradle and ends with grave, however what inculcates in the mind of a child becomes the face of the future he/she carries. Hence, protecting the environment that allows a young mind to grow is not only necessary but is fundamental. This article therefore focuses on how the child sensitive environment can be secured to the young population of the country by activating ground level protection in making available the instruments of law. The article thus has five parts- beginning with introduction, then studying laws available relating to children with special focus on Juvenile Justice and Legal Aid services available. The article then explores the role that para-legal volunteers can play, then delves into the existing problems and their possible solutions and finally concludes.

Key Words: Juvenile, Children, Child in need of care and Protection, Child in Conflict with Law, Para-Legal Volunteers.

A. Introduction.

It is said that any society or any community is as much developed as much secure its future is. A society, community, Nation; see and have their future in the next generation which essentially are the kids of today. The children also have dignity and respect, and at par with any adult hence their interests are nonetheless significant and therefore attract any sort of protection available under the aegis of Law. Juvenile Justice (Care and Protection) Act, 2015 is the significant legislation that provides measures for protection and rehabilitation of children on both sides of the boundaries of law specifically called as CICL or child in conflict with law and CNCP or Child in need of care and Protection. Additionally the law also covers adoption of children owing to CARA Guidelines.

The concern of today, like many other instances is not the enactment, rather the implementation of the law. Though, the provisions ensure protection and provides for the establishment of various departments and authorities to monitor the nuances, non-reporting of certain incidents still pose a problem. In this regard, the para-legal volunteers could play a significant role in reaching out to the children and bringing law to their premise, so justice administration could be properly done. Thus the article studies the problems that exist at the root level and how the same can be eliminated.

B. Children and the Law

Children merely because of them being humans are covered under every human rights law under nationally as well as internationally. Internationally the principles of United Nations Convention on the Rights of the Child (UNCRC) are in existence to protect and preserve the rights of children and through ratification the countries have adopted the same into their domestic laws, i.e. India has ratified UNCRC on 11th December 1992.



The Constitution of India under Articles 21 A, 24, 39 (e) and 39 (f) , 45 as well as 15 (3) covers various aspects of rights with regard to children ranging from education, working environment, care and protection and special provisions as affirmative actions. The statutes go from the Child and adolescent Labour Prohibition Act , 1986 to Juvenile Justice (care and protection of Children) Act, 2015. Significantly, the Juvenile Justice (Care and Protection of Children) Act, 2015 and the recent Amendment of 2021 takes care of ; the punishment to children involved in crimes- petty, serious and heinous and the rehabilitation of children in need of care and protection through a combined co-ordination set up between the authorities and committees under the Act.

Since the Legal Services Authorities Act of 1987 under section 12(c) entry lists children as the target group along with women, so they are entitled to legal services under this act, when filing or defending a case. Hence, the children are also entitled to any facilities and instruments that are formed under the said Act and its corresponding supportive schemes.

Central Adoption Resource Authority

Law Notes by The Law.Institute, India's Commitment to Child Rights: Ratification and Implementation of the CRC , available at: <https://thelaw.institute/law-and-vulnerable-groups/india-child-rights-crc-ratification-implementation/> last accessed: Aug.19,2026

In this regard National Legal Services Authority or NALSA had introduced Child-Friendly Legal Services Scheme of 2024 updating, revising and consolidating the two previous schemes namely NALSA (Child-Friendly Legal Services to Children and their Protection) Scheme, 2015 and Legal Services for Differently Abled Children Scheme, 2021 in a comprehensive manner. The scheme has the objectives to make sure that age-appropriate ,child-friendly and child sensitive legal services are provided to the children in various matters and in an appropriate environment within the judicial system. The scheme calls for the formation of Specialised Legal Services Unit for Children in every District to be headed by the Secretary, DLSA.

The legal services to children are dealt with under the scheme in two categories; A. Legal Services to Children in Conflict with law which includes legal services at- the police station, Juvenile Justice Board, Child Care institutions I.e place of safety, observation homes and special homes), Children's Courts, Prisons. B. Legal Service to Children in Need of Care and Protection which includes legal services to CNCPS- at the Child Welfare Committee, in family based care, in Child Care Institutions (children's home, fit facility, etc), who are victims of Crime, rescued children, C. Legal services to 'children who are otherwise in contact with the law' which includes legal services -for children upon request to DLSA, to a child witness, children for adoption, child victims of crime, children involved in custody and guardianship cases, children of prisoners, child seeking annulment of marriage or other reliefs under the Prohibition of Child Marriage Act, 2006.

The scheme also lists out the duties of the Legal Service Providers deputed to the LSUC which includes the duties of Para Legal Volunteers with regard to Children.

C. Para- Legal Volunteers as organ of NALSA

As per the scheme of Para- Legal Volunteers, after they are selected and trained, they are entrusted with the duties of; educating people belonging to weaker sections of the society, creating awareness among them regarding various forums where their disputes/ issues could be resolved including the benefits of settlement of disputes through alternative dispute resolution methods in pre-litigation stage as well as through Permanent Lok Adalats if the dispute relates to any Public Utility Service. Their duty also includes; assisting the arrested persons in the concerned locality, ensuring proper care and attention to the victims of crime, visiting various places after getting authorization which includes jails, lock-ups, psychiatric hospitals, children's homes / observation homes, etc and likewise ascertaining if any legal assistance is necessary. They are also to report violations of rights of children and any instance of atrocities against the children like child labour, child trafficking, etc. to the nearest legal services institution or to the child welfare committee.

Apart from that they are also to ensure that report is submitted regarding their day to day work and diary is maintained for the same. They are also entrusted with the responsibility of exhibiting the published materials of awareness.

Hence, it is the duty of the para-legal volunteers to visit child care institutions and report about the living conditions if at all such report is necessary.





NALSA, NALSA(Child-Friendly Legal Services for Children) Scheme 2024, available at: <https://cdnbbsr.s3waas.gov.in/s32e45f93088c7db59767efef516b306aa/uploads/2025/04/202504081834821576.pdf> (last accessed: 19 Aug 2026)

Id.

Supra, note 3

D. Existing Problems and Solutions:

The problems that exist as of today can be enumerated under the following heads;

i. Under-reporting of child related offences :

Children being vulnerable to offenses taking place around them, and not much aware of the instruments legally available for them to take shelter under and help of, when close kins are involved tend to hide the matters. Here only active Para-legal volunteers could solve the ground level issue.

ii. Scope of the statute:

while the statute categorises and provides for the rights and duties with regard to children-in-conflict with law and children in need of care and protection, some come under the gray area i.e child otherwise in contact with law. Though the scheme discussed above exists and deals with how legal services can be provided to such children, it is yet to be realised. Hence a better implementation could solve the issue.

MINISTRY OF LAW AND JUSTICE, PRESS INFORMATION BUREAU, NALSA Prepares An Extensive "Module For Training Of Para-Legal Volunteers" Covering All Aspects Necessary For Training To Them, (26 Jul,2024) available at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2037348®=48&lang=2>, last accessed: 19.Aug.2026.

iii. Pre-Preliminary assessment judging :

The psychological assessment is not a mere formality to be followed rather it defines the methodical dealing with each child-in conflict with law. Only way to overcome this is by building awareness amongst the officials who are linked to the whole process of 'how the child should be tried.'

iv. Multiple charges:

Due to less human resources, a single individual has to hold different charges, hence it is not humanly feasible to carry out all the checks and balances that law imposes, hence the department wise authorization based on classification of activities, is need of the hour .

v. Data analysis and modulated planning:

The data collected should not remain mere data, rather should be considered to carry forward effective plannings to materialize what could be done further.

E. Conclusion

Therefore; an evaluating look back on what exists and joining hands to compartmentalize the duties of supervision, checks and balances, and ensuring the implementation of what already exists before jumping into an entirely new scheme could help in bridging the gap that exists. Better child-friendly environment leads to better hands to entrust our future, if not the present generation has to take accountability for every scar a child gets. Hence, we as a society are entrusted with this responsibility and every stakeholder involved needs to abide by their duties, then only every objective could be achieved.

District Level Consultation on Juvenile Justice, Phulbani, Juvenile Justice (Care and Protection of Children) Act, 2015: a decade of implementation and the way forward, (13 Aug .2026)



JUVENILE JUSTICE

SISHU SURAKHYA

FROM CHILD IN CONFLICT WITH LAW TO CHILD IN COMMUNITY



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Addl SP, IUCAW, Rourkela

A Policy–Practice Perspective for India, with an Odisha Lens

Executive Perspective

Juvenile justice is not a softer version of criminal justice. It is a distinct justice architecture based on the developmental reality that a child is still capable of change. The Juvenile Justice (Care and Protection of Children) Act, 2015 places care, protection, development, treatment, social reintegration, rehabilitation, best interests and a child-friendly approach at the centre of the legal framework.

The central policy question is therefore not only, “What offence has been committed?” It is also, “What circumstances produced the behaviour, what protective factors can be strengthened, and what intervention can prevent recurrence?” A national juvenile justice system must protect the community and victims while ensuring that a child is not permanently defined by a period of adolescent wrongdoing.

The National Picture

Indicator	2023	2024
Cases registered against juveniles	31,365	34,878
Juveniles apprehended	40,036	42,633
Juveniles aged 16–18 among apprehended	~79%	77.7%

NCRB 2024 figures reported in the reference material show 34,878 cases registered against juveniles, compared with 31,365 in 2023, and 42,633 juveniles apprehended in 2024. The 16–18 age group accounted for 77.7% of those apprehended. These are registered-case and police-action statistics; they should be interpreted alongside reporting, registration, policing and population factors.

UNICEF has described India as having the world’s largest adolescent population, making child protection, prevention and rehabilitation a national development priority.

A Principle for Public Policy

The success of juvenile justice should not be measured only by disposal of cases. It should be measured by whether children return safely to education, family, skills and responsible citizenship—and whether repeat offending is reduced.

1. Understanding the Child Behind the Case

A Child in Conflict with Law (CICL) may have committed an offence, but the offence does not explain the whole child. Field-level assessment frequently requires attention to family structure, school attendance, peer influence, substance exposure, economic stress, online behaviour, trauma, disability, homelessness and the availability of positive adult supervision.



A Practical Odisha Narrative — A Composite Story

Consider a fictional composite case from an urbanising district of Odisha. A 16-year-old boy leaves school after repeated academic failure. His father works away from home and his mother has irregular employment. The boy begins spending long hours with older peers and online contacts. A group persuades him to participate in a theft, initially presenting it as an easy way to obtain money and social status.

After apprehension, the visible fact is the offence. A deeper assessment reveals school dropout, weak supervision, peer pressure, financial stress and an absence of structured recreation. If the system responds only to the offence, the underlying drivers remain untouched. If the system combines lawful accountability with counselling, family intervention, education, skills and supervised reintegration, the probability of positive change is greater.

A Practical Odisha Narrative — A Real Rehabilitation Story

A documented experience from Nabarangpur district, Odisha, demonstrates how a child in conflict with law can move from offending behavior towards productive and independent adulthood when the juvenile justice system focuses on rehabilitation rather than punishment alone. The child had been involved in a heinous offence. Instead of allowing the child to be permanently defined by the offence, the concerned agencies focused on understanding the child's circumstances and providing sustained support. Counselling was undertaken with the active support of the District Child Protection Unit (DCPU), Nabarangpur, along with the intervention of the District Legal Services Authority (DLSA) and continued guidance from the Legal Probation Officer. The rehabilitation process did not stop with counselling. The child was provided an opportunity to acquire a practical livelihood skill through training in the sewing trade at Centurion University, Bhubaneswar. This vocational intervention created a pathway towards economic independence and social reintegration.

The outcome was significant. After completing the training, the child secured employment as a sewing operator supervisor in Bedecks Life Style Private Limited, earning approximately ₹18,000 per month.

The Nabarangpur experience therefore offers a valuable Odisha model: Rehabilitation in such cases is not merely a welfare measure—it is also a long-term public-safety strategy.

Why Do Children Commit Crime?

- Family vulnerability: neglect, conflict, parental absence, inconsistent discipline and economic stress.
- Educational vulnerability: dropout, repeated failure, poor attendance, bullying and exclusion.
- Peer influence: association with older offenders, group pressure, status-seeking and imitation.
- Substance and behavioural factors: early exposure to substances, impulsivity, anger and poor emotional regulation.
- Digital influence: harmful online groups, fraud networks, social-media pressure and exposure to criminal content.
- Community conditions: unsafe spaces, unemployment, homelessness and weak informal social control.

Theoretical Lens: From Sociology to Prevention

Broken Windows Theory suggests that visible disorder can signal weak social control. For child protection, its practical lesson should be preventive rather than punitive: address school absenteeism, substance hotspots, unsafe public spaces, bullying and repeated minor disorder early.

Differential Association and Social Learning perspectives emphasise that behaviour can be learned through close relationships and reinforcement. Positive peer groups, mentors, sports, clubs and skill-based activities can therefore become protective alternatives.

Strain Theory highlights the pressure created when aspirations for money, status or acceptance exceed legitimate opportunities. Education, vocational training, apprenticeships and employment-linked skills can reduce this gap.

Labeling Theory cautions that repeatedly branding a child as a "criminal" can reinforce a deviant identity. Child-friendly language, confidentiality and respectful treatment are therefore not merely ethical choices; they are preventive tools.





2. The Law: What the Juvenile Justice Framework Requires

The Missing Link: Social Background and Social Investigation

A recurring operational concern is that the offence narrative may be detailed while the child's social narrative is thin. The Social Background Report and Social Investigation Report should not be treated as routine paperwork. They are tools for understanding the child's antecedents, family circumstances, education, vulnerabilities, strengths and rehabilitation needs. The reference material specifically identifies data and social-investigation gaps as a serious implementation concern.

Odisha: JJBs, Access and Capacity

The Odisha Department of Women and Child Development records the constitution of Juvenile Justice Boards in the districts. Accordingly, the concern should not be framed simply as "JJBs are absent in Odisha". The more policy-relevant issue is whether every child has timely, practical access to a fully functional, adequately staffed and child-friendly Board, together with legal aid, social investigation and rehabilitation services.

The India Justice Report material in the supplied reference reported very high pendency in Odisha JJBs and highlighted gaps in complete benches and attached legal-services support. The implication is clear: capacity, staffing, infrastructure, case management and inter-agency coordination require continuous monitoring.

District Child Protection Coordination

The DCPU is an essential district coordination mechanism. Odisha's official framework assigns it functions including supporting infrastructure for JJBs, CWCs, Special Juvenile Police Units and homes, and identifying families at risk and children requiring care and protection.

3. From Law to Implementation: A National Action Framework

A. Police and Investigation

- Recognise the child as a child at first contact and verify age through lawful procedures.
- Ensure child-sensitive apprehension, production and safeguards; avoid stigmatizing language and unnecessary exposure.
- Involve the Child Welfare Police Officer/SJPU and ensure statutory communication with parents/guardians and relevant functionaries.
- Ensure that the Social Background Report is prepared where required and that the Social Investigation Report is pursued without avoidable delay.
- Record family, school, peer, substance-use, digital and vulnerability factors relevant to rehabilitation.
- Protect the child's identity and prevent unauthorised disclosure of names, photographs or identifying details.

B. JJB and Case Management

- Every district should have access to a fully functional Board with an appropriately constituted bench and trained support personnel.
- Use child-friendly case management, regular review of pendency and digital tracking of statutory reports and rehabilitation directions.
- Where legally appropriate, prioritise family-based and community-based measures over unnecessary institutionalisation.
- Ensure legal aid, counselling and other professional support are actually accessible rather than merely recorded.

C. DCPU–Police–JJB–CWC Convergence

A monthly district CICL and Child Protection Review can convert fragmented responsibility into coordinated prevention. The review should examine: pending social-investigation reports; school re-entry; substance-use and mental-health referrals; repeat offending; family reintegration; vocational training; aftercare; victim protection; and infrastructure or vacancy issues.



D. Rehabilitation as Public Safety

Rehabilitation is not the opposite of public safety. A child released without education, family support, skills or counselling may remain vulnerable to reoffending. Conversely, a child who acquires stable relationships, education and employable skills has a stronger pathway away from crime. The supplied reference therefore correctly places rehabilitation, reintegration and aftercare alongside accountability and victim protection.

E. A District-Level Prevention Chain

EARLY WARNING → ASSESSMENT → FAMILY SUPPORT → SCHOOL / SKILL LINKAGE → COUNSELLING → POSITIVE PEER & COMMUNITY SUPPORT → JJB PROCESS → REHABILITATION → AFTERCARE → OUTCOME REVIEW

4. What Should Be Added to the Present System?

- A standard district CICL dashboard covering age, offence category, education, family status, social-investigation status, intervention and repeat-offending indicators, with appropriate privacy safeguards.
- A district-level protocol for rapid preparation and monitoring of Social Background and Social Investigation Reports.
- Regular joint training for Police/SJPU, JJB members, probation personnel, prosecutors, legal-aid lawyers, psychologists, social workers and DCPU staff.
- School–Police–DCPU referral pathways for early identification of dropout, substance exposure, violence, bullying and children at risk.
- A structured post-release follow-up mechanism for education, skills, family counselling and mentoring.
- Outcome measurement: not only case disposal, but rehabilitation, reintegration and reduction in repeat offending.

Conclusion: Children Are the Future of the Country

A nation protects its future when it protects the developmental potential of its children. Juvenile justice must therefore combine accountability with dignity, investigation with empathy, victim protection with child protection, and lawful consequences with a realistic opportunity for reform.

The ultimate measure of success is not how effectively the system labels a child after an offence. It is how effectively the system prevents that child from becoming a lifelong offender. Saving a child from the pathway of repeated crime protects the child, the family, future victims and society itself.

"The objective is not to make the child fear the future; it is to make the child capable of building one."

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SISHU SURAKHYA: A COMPREHENSIVE APPROACH TO CHILD PROTECTION / JUVENILE JUSTICE

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Introduction

Children are the most vulnerable section of society, yet they hold the promise of shaping the nation's future. Their safety, health, education, and overall well-being form the foundation of a progressive and humane society. In Odisha, the concept of "Sishu Surakhya" (Child Protection) has emerged as a crucial aspect of governance and social development, ensuring that children are safeguarded against exploitation, abuse, malnutrition, and neglect. While Odisha has made significant strides in child welfare through government initiatives, legal frameworks, and community participation, challenges such as child labor, trafficking, sexual abuse, and lack of access to education persist. Article 15 of constitution of India empowers the state to make special provisions for children. Article 39 of Directive Principles of State Policy of Indian Constitution mentions about tender age of children should not be abused. India has also acceded to the UN Convention on the Rights of the Child in 1992 - securing the best interests of the child.

A holistic, multi-dimensional approach is required to ensure that every child in the state grows up in a safe, nurturing, and empowered environment.

Challenges in Child Protection in Odisha

Despite consistent efforts, Odisha faces significant hurdles in providing comprehensive child protection. Out of the many pressing issues, poverty remains one of the leading causes of child labour and trafficking in the state, forcing children into hazardous work environments, abuse (which includes sexual abuse), robbing them of their childhood and fundamental rights. To add to this malnutrition continues to affect thousands, particularly in tribal and rural areas, whereas lack of proper healthcare and nutritional support hampers children's physical and cognitive development. The instances of Kashipur and Nagada have been a matter of national shame. Further, the infant mortality rate (IMR) in Odisha, which stood at 75 per 1,000 live births in 2005, has improved to 36.3 per 1,000 live births in 2021, yet remains a challenge. Similarly, under-five mortality is still at 41.4 per 1,000 live births (2021), indicating gaps in healthcare services. The data collected by the NCRB shows that there has been increase in cases of sexual offences against children. This is corroborated by the "Study on Child Abuse" : India 2007 conducted by the Ministry of Women and Child Development.

Education is another critical issue, with a high dropout rate among children, especially among girls, due to socio-economic barriers and cultural constraints. Additionally, cases of child marriage are still prevalent, with reports suggesting that over 11,000 children in Odisha are vulnerable to early marriage, primarily due to financial hardship and the societal perception that girls are burdens to their families. In such circumstances, intervention through legal and policy measures is indispensable to ensure child protection.

The Role of Law Enforcement in Child Protection

Legal measures are indispensable in ensuring child protection, and Odisha Police play a vital role in enforcing child welfare laws. Several laws guide their efforts, including the Juvenile Justice Act, 2015, which governs the rehabilitation of children in need of care and protection (CNCP), and also applies to Children in conflict with law (CCL) and the Protection of Children from Sexual Offences (POCSO) Act, 2012, which imposes stringent punishments for crimes against children while mandating child-friendly investigations. Additionally, the Child Labour (Prohibition and Regulation) Act, 1986 bans child labour in hazardous industries, while the Prohibition of Child Marriage Act, 2006 prevents child marriages and provides legal recourse for victims.

Odisha Police has established Special Juvenile Police Units (SJPU) dedicated to handling cases involving minors. Child-friendly investigation and trial procedures under the POCSO Act ensure that child victims are protected from trauma during the legal process. The police also collaborates with NGOs and child welfare committees to conduct rescue operations for trafficked or abused children, ensuring their rehabilitation. Certain districts have also resorted to child-friendly police stations to make it more convenient for children





victims to report matter without any fear. In Odisha, already 34 no of CFPSs have been established and many more to come as per the guidelines of NCPCR.

However, despite these advancements, challenges such as underreporting of crimes, lack of awareness, and resource limitations persist, requiring better law enforcement coordination, community engagement, and policy enhancements. **The Role of NGOs and Community Participation.**

Non-governmental organizations (NGOs) have played a pivotal role in advocating for child protection in Odisha. Groups such as Asha Odisha, People's Rural Education Movement (PREM), and ActionAid India focus on rescuing and rehabilitating vulnerable children, promoting education, and advocating for children's rights. National Law University Odisha (NLUO) has introduced Community-Level Child Protection Committees (CLCPCs) in several districts, ensuring grassroots monitoring and rapid intervention in child abuse cases.

Active participation from local communities is equally vital—parents, teachers, ASHA workers, and local leaders form an integral part of the child protection ecosystem. Raising awareness about child rights and ensuring collective action against exploitation can significantly enhance child safety and welfare.

Government Initiatives for Child Welfare

Recognizing the challenges, the Odisha government has launched several initiatives aimed at securing the rights and well-being of children. Biju Shishu Surakshya Yojana (BSSY) focuses on protecting orphaned children, including those affected by HIV/AIDS, by providing financial assistance and shelter facilities. Integrated Child Protection Scheme (ICPS) works towards rescuing and rehabilitating children in distress, providing them with necessary care and support. To tackle malnutrition, the Mid-Day Meal Scheme ensures nutritious food to school-going children, promoting their health while encouraging school attendance.

Education-focused programs such as Mo School Abhiyan aim to improve school infrastructure and the overall learning environment, ensuring that children have access to quality education. The Child Helpline (1098) provides emergency assistance for children in distress, ensuring immediate intervention in cases of abuse, trafficking, and violence. Further, Specialized Adoption Agencies (SAA) facilitate the safe adoption of orphaned children, ensuring that they are placed in nurturing homes. These policies have collectively enhanced child welfare in Odisha, yet stronger implementation is required to bridge existing gaps.

The Way Forward

Despite notable progress, Odisha must strengthen child protection mechanisms further. The following steps can enhance "Sishu Surakhya":

- Stronger enforcement of child protection laws, ensuring that traffickers, abusive employers, and offenders face stringent legal consequences.
- Improved education accessibility, particularly in remote areas, through scholarship programs and enhanced school infrastructure.
- Targeted health interventions, focusing on pediatric healthcare and combating malnutrition through fortified food programs.
- Community-driven child protection mechanisms, such as village-level monitoring committees and better collaboration between police and civil organizations.
- Increased awareness campaigns, aimed at educating families on children's rights and child protection laws.

Conclusion

Child protection is not merely an administrative responsibility—it is an ethical and societal duty that demands collective action from all sectors. Odisha has taken commendable steps toward ensuring children's safety, education, and well-being. However, challenges such as trafficking, child labor, malnutrition, and abuse require persistent enforcement, better community engagement, and stronger law implementation. The synergy between government policies, law enforcement, NGOs, and community members can make Sishu Surakhya a reality, ensuring that every child in Odisha grows up with dignity, security, and unlimited opportunities. Strengthening policies and fostering a child-friendly legal environment will pave the way for a safer and more secure future for children in the state.



ଶିଶୁ ସୁରକ୍ଷା — ଆମ ସମସ୍ତଙ୍କ ଦାୟିତ୍ବ



ନିର୍ମଳା ଗୋଛାୟତ (ଓ.ପୁ.ସେ)

ଉପ-ଆରକ୍ଷୀ ଅଧିକ୍ଷକ ,ବାଲେଶ୍ବର

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ନିଷ୍ଠାପ ହସରେ ଭରିଦିଏ ସିଏ ସାରା ସଂସାରର ସ୍ନେହ।
ଜୀବନର ଏହି ଅମୂଲ୍ୟ ଦାନ, ଆଗାମୀ କାଲିର ଭବିଷ୍ୟତ,
ତାଙ୍କରି ସୁରକ୍ଷା ଓ ବିକାଶେ ଲୁଚିଛି ଆମ ସମାଜ ହିତ।
ଶ୍ରମର ବୋଝ ନ ପଡ଼ୁ ସେ କାନ୍ଧେ, ହାତେ ନ ଧରନ୍ତୁ କାମ,
ଶିକ୍ଷାର ଆଲୋକେ ଉଜ୍ଜ୍ୱଳ ହେଉ ତାଙ୍କରି ଶୈଶବ ନାମ।
ଭୟ, ହିଂସା ଆଉ ଶୋଷଣ କବଳୁ ସର୍ବେ ରଖିବା ଦୂର,
ସ୍ନେହ-ମମତାରେ ଗଢ଼ି ତୋଳିବା ଏକ ନିରାପଦ ପରିବାର।
ଭଲ ଓ ଖରାପ ସ୍ୱର୍ଗ ବିଷୟେ ବୁଝାଇବା ଯୌର୍ଯ୍ୟ ଧରି,
ବ୍ୟବହାରେ ଟିକେ ପରିବର୍ତ୍ତନେ ସବୁ ନେବା ଆଦରି।
ଡିଜିଟାଲ୍ ଯୁଗର ନୂଆ ବିପଦୁ, ସାଇବର ଶୋଷଣ ଜାଲୁ,
ରକ୍ଷା କରିବା କଅଁଳ ପ୍ରାଣକୁ ନିରାପଦା ଭଲ ଭାଲୁ।
ବିଦ୍ୟାଳୟ ହେଉ ନିର୍ଭୟ ଅଗଣା, ପୁରଣ ହେଉ ସପନ,
ଖେଳକୁଦ ସାଥେ ଜ୍ଞାନର ଆଲୋକେ ଖୋଲୁ ତାଙ୍କ ନବ ମନ।
ବାଲ୍ୟ ବିବାହ, ମାନବ ଚାଲାଣ ରୋକିବାକୁ ଦେବା କାନ୍ଦ,
ଭାଙ୍ଗିବା ସର୍ବେ ଅନ୍ୟାୟ ନୀତି, ଛିଣ୍ଡାଇ ଅନ୍ଧାର ବାନ୍ଧ।
ପୋଲିସ୍, ସମାଜ, ସରକାର ମିଶି ବଢ଼ାଇବା ସ୍ନେହର ହାତ,
ପାଡ଼ିତ ଶିଶୁର ଜୀବନୁ ଦୂରେଇ ଯାଉ ସବୁ ଦୁଃଖ-ରାତ।
ମୁକ୍ତ ଆକାଶେ ଉଡ଼ିବାକୁ ପାଆନ୍ତୁ ସମାନ ଅଧିକାର,
ହସି-ଖେଳି ସିଏ ଗଢ଼ି ତୋଳିବେ ଏକ ସୁସ୍ଥ ନୂଆ ସଂସାର।
ଆସ ହାତ ଧରି ଶପଥ ନେବା, ଦେବା ଶିଶୁଙ୍କୁ ସୁରକ୍ଷା-ସମ୍ମାନ,
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ଶିଶୁ ସୁରକ୍ଷା (କୁନି ହସଟିଏ)



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ତା' ହସରେ ଫୁଟିଉଠେ ପ୍ରଭାତର ଅରୁଣ,
ତା' ସୁରକ୍ଷା ପାଇଁ ଆଜି ଆମେ ହେବା ସଜାଗ, ସମ୍ପୂର୍ଣ୍ଣ।

ଆଜିର ଏ ନ୍ୟୁଜଲେଟର ପ୍ରକାଶନ ପଥେ,
ବାର୍ତ୍ତା ନେଇ ଆସିଅଛି ସୁରକ୍ଷାର ରଥେ।
ସଚେତନତା ଜାଗୁ ଆଜି ପ୍ରତିଟି ପରିବାରେ,
ଶିଶୁର ଅଧିକାର ଗୁଞ୍ଜୁ ସବୁରି ଦୁଆରେ।

ସୁରକ୍ଷିତ ଶୈଶବ ଆମ ସଙ୍କଳ୍ପର ଧାରା,
ଶୋଷଣ, ଭୟ, ନିର୍ଯ୍ୟାତନାରୁ ମୁକ୍ତ ହେଉ ଧାରା।
ଶିକ୍ଷା, ସ୍ବାସ୍ଥ୍ୟ, ସ୍ନେହ-ଆଦରରୁ ବଞ୍ଚିତ ନ ହେଉ କେହି,
ଏହି ସତ୍ୟ ବୁଣିଦେବା ଆମେ କଳାମକୁ ନେଇ।

ପୃଷ୍ଠା ପୃଷ୍ଠା ଲେଖିଦେବ ଜାଗରଣର ଗାଥା,
ଶିଶୁ ସୁରକ୍ଷା ପାଇଁ ନୁଆଁଇବା ନାହିଁ ମଥା।
ହାତରେ ହାତ ମିଶାଇ ଚାଲିବା ସାଥ୍ ହୋଇ,
ଫୁଟିବାକୁ ଦେବା କୋମଳ କଢ଼ିକୁ, ଗଛର ଡାଳେ ରହି।

ଆସ ଆଜି ଅଙ୍ଗୀକାର କରିବା ସବୁରି ସାଥେ,
ନ୍ୟୁଜଲେଟରର ଏହି ନୂଆ ଆରମ୍ଭ ପଥେ।
ଶିଶୁଙ୍କର କଲରବେ ହସିଉଠୁ ସଂସାର,
ସୁରକ୍ଷିତ ରହୁ ସଦା ଶିଶୁ-ଜଗତ ଆମର।

ଶିଶୁ ସୁରକ୍ଷା : ଶିଶୁ ଅଧିକାର, କିଶୋର ନ୍ୟାୟ ଓ ଏକ ସୁରକ୍ଷିତ ସମାଜ ଗଠନର ସଂକଳ୍ପ



ରମାକାନ୍ତ ମହାଲିକ

SDPO, Angul

“ଆଜିର ଶିଶୁ ହେଉଛି ଆସନ୍ତାକାଲିର ଭାରତ”—ଏହା କେବଳ ଏକ ଲୋକପ୍ରିୟ ଉକ୍ତି ନୁହେଁ; ଏହା ଏକ ରାଷ୍ଟ୍ରର ଭବିଷ୍ୟତ ପ୍ରତି ତାହାର ଦାୟିତ୍ବ ଆଜ୍ଞା। ଏକ ଦେଶର ଉନ୍ନତିକୁ କେବଳ ତାହାର ଅର୍ଥନୀତି, ଭିତ୍ତିଭୂମି କିମ୍ବା ପ୍ରଯୁକ୍ତିଗତ ପ୍ରଗତିରେ ମାପିହେବ ନାହିଁ; ସେହି ଦେଶ ତାହାର ଶିଶୁମାନଙ୍କୁ କେତେ ସୁରକ୍ଷିତ, ସମ୍ମାନଜନକ ଓ ଆଶାଭରା ଶୈଶବ ଦେଇପାରୁଛି, ତାହା ମଧ୍ୟ ତାହାର ସଭ୍ୟତାର ଏକ ମାପକ।

ଶିଶୁ ହେଉଛି ଜୀବନର ସେହି ପର୍ଯ୍ୟାୟ, ଯେଉଁଠାରେ ମଣିଷର ବ୍ୟକ୍ତିତ୍ବ, ମୂଲ୍ୟବୋଧ, ସ୍ବପ୍ନ ଓ ସମ୍ଭାବନାର ଭିତ୍ତି ଗଢ଼ିଉଠେ। ତେଣୁ ଶିଶୁଙ୍କୁ ସୁରକ୍ଷା ଦେବା ଅର୍ଥ କେବଳ ତାଙ୍କୁ ଏକ ବିପଦରୁ ବଞ୍ଚାଇବା ନୁହେଁ; ଏହା ତାଙ୍କୁ ନିଭୟରେ ବଞ୍ଚିବା, ଶିଖିବା, ଖେଳିବା, ପ୍ରଶ୍ନ କରିବା, ସ୍ବପ୍ନ ଦେଖିବା ଓ ନିଜ ସମ୍ଭାବନାକୁ ବିକଶିତ କରିବାର ଅଧିକାର ଦେବା।

କିନ୍ତୁ ଆମ ସମାଜର ବାସ୍ତବ ଚିତ୍ର ସବୁବେଳେ ଏତେ ଆଶାଜନକ ନୁହେଁ। ଆଜି ମଧ୍ୟ ଅନେକ ଶିଶୁ ଶାରୀରିକ ଓ ମାନସିକ ନିର୍ଯ୍ୟାତନା, ଯୌନ ଶୋଷଣ, ଶିଶୁ ଶ୍ରମ, ବାଲ୍ୟବିବାହ, ମାନବ ଚାଲାଣ, ଅବହେଳା, ଭିକ୍ଷାବୃତ୍ତି, ପାରିବାରିକ ହିଂସା ଓ ଡିଜିଟାଲ ଶୋଷଣର ଶିକାର ହେଉଛନ୍ତି। ଅନ୍ୟପକ୍ଷରେ, କେତେକ ଶିଶୁ ଅପରାଧରେ ଜଡ଼ିତ ହୋଇ ଆଜନ ସହିତ ସଂଘର୍ଷରେ ଥିବା ଶିଶୁ ଭାବେ କିଶୋର ନ୍ୟାୟ ବ୍ୟବସ୍ଥାର ଅଧୀନକୁ ଆସୁଛନ୍ତି।

ଏହି ଦୁଇଟି ପରିସ୍ଥିତି ଆମକୁ ଏକ ମୌଳିକ ସତ୍ୟ ସ୍ମରଣ କରାଏ—ପ୍ରତ୍ୟେକ ଶିଶୁ ପ୍ରଥମେ ଜଣେ ଶିଶୁ; ତା’ପରେ ସେ ଅନ୍ୟ କୌଣସି ପରିଚୟର ଅଧିକାରୀ।

ଶିଶୁ ସୁରକ୍ଷା : ଏହାର ପ୍ରକୃତ ଅର୍ଥ

ଶିଶୁ ସୁରକ୍ଷାର ଅର୍ଥ ହେଉଛି ଶିଶୁଙ୍କୁ ସମସ୍ତ ପ୍ରକାରର ହିଂସା, ନିର୍ଯ୍ୟାତନା, ଶୋଷଣ, ଅବହେଳା, ଦୁର୍ବ୍ୟବହାର, ଯୌନ ଅପରାଧ, ମାନବ ଚାଲାଣ ଓ ଅନ୍ୟାନ୍ୟ ସୁରକ୍ଷିତ ରଖିବା ସହିତ ତାଙ୍କର ସର୍ବାଙ୍ଗୀଣ ବିକାଶ ପାଇଁ ଉପଯୁକ୍ତ ପରିବେଶ ସୃଷ୍ଟି କରିବା।

ଏହାର ଅର୍ଥ—

- ହିଂସା ଓ ନିର୍ଯ୍ୟାତନାରୁ ସୁରକ୍ଷା;
- ଯୌନ ଅପରାଧ ଓ ଶୋଷଣରୁ ସୁରକ୍ଷା;
- ଅବହେଳା, ପରିତ୍ୟାଗ ଓ ଶୋଷଣରୁ ସୁରକ୍ଷା;
- ଶିଶୁ ଶ୍ରମ ଓ ବାଲ୍ୟବିବାହରୁ ମୁକ୍ତି;
- ମାନବ ଚାଲାଣ ଓ ଭିକ୍ଷାବୃତ୍ତିରୁ ସୁରକ୍ଷା;
- ଡିଜିଟାଲ ଓ ସାଇବର ଶୋଷଣରୁ ସୁରକ୍ଷା;
- ଆଜନ ସହିତ ସଂଘର୍ଷରେ ଥିବା ଶିଶୁଙ୍କ ପାଇଁ ଶିଶୁ-ବନ୍ଧୁ ନ୍ୟାୟ;
- ଅନାଥ, ପରିତ୍ୟକ୍ତ ଓ ଅସହାୟ ଶିଶୁଙ୍କ ଯତ୍ନ;
- ଆବଶ୍ୟକ ଶିଶୁଙ୍କ ପୁନର୍ବାସନ ଓ ପରିବାରରେ ପୁନଃସ୍ଥାପନ।

ଅର୍ଥାତ୍, ଶିଶୁ ସୁରକ୍ଷାର ଲକ୍ଷ୍ୟ କେବଳ “survival” ନୁହେଁ; ଏହା “survival, development, protection and participation”—ବଞ୍ଚିବା, ବିକଶିତ ହେବା, ସୁରକ୍ଷିତ ରହିବା ଓ ନିଜ ଜୀବନ ସମ୍ପର୍କିତ ବିଷୟରେ ନିଜ ମତ ପ୍ରକାଶ କରିବାର ସୁଯୋଗ।



ଶିଶୁ : ଦୟାର ପାତ୍ର ନୁହେଁ, ଅଧିକାରର ଧାରକ

ପ୍ରତ୍ୟେକ ଶିଶୁ ଜନ୍ମରୁ ମୌଳିକ ଅଧିକାରର ଅଧିକାରୀ। ସେ କୌଣସି ପରିବାର, ସମାଜ କିମ୍ବା ରାଷ୍ଟ୍ରର ସମ୍ପତ୍ତି ନୁହେଁ; ସେ ଜଣେ ସ୍ୱତନ୍ତ୍ର ଅଧିକାରଧାରୀ ମଣିଷ।

ଶିଶୁଙ୍କ ଅଧିକାରକୁ ମୁଖ୍ୟତଃ ଚାରିଟି ବ୍ୟାପକ ଶ୍ରେଣୀରେ ବୁଝିହେବ—

- ବଞ୍ଚିବାର ଅଧିକାର—ଜୀବନ, ସ୍ୱାସ୍ଥ୍ୟ, ପୋଷଣ ଓ ସୁରକ୍ଷିତ ଜୀବନ।
- ବିକାଶର ଅଧିକାର—ଶିକ୍ଷା, ଖେଳ, ସୃଜନଶୀଳତା, ସାମାଜିକ ଓ ବୌଦ୍ଧିକ ବିକାଶ।
- ସୁରକ୍ଷାର ଅଧିକାର—ହିଂସା, ଶୋଷଣ, ନିର୍ଯାତନା, ଯୌନ ଅପରାଧ ଓ ଅନ୍ୟାୟରୁ ସୁରକ୍ଷା।
- ଅଂଶଗ୍ରହଣର ଅଧିକାର—ବୟସ ଓ ପରିପକ୍ୱତା ଅନୁଯାୟୀ ଶିଶୁର ମତାମତକୁ ସମ୍ମାନ ଦେବା।

ଏହି ଦୃଷ୍ଟିକୋଣରୁ ଶିଶୁ ସୁରକ୍ଷା ହେଉଛି ଦୟା କିମ୍ବା ଦାନର ବିଷୟ ନୁହେଁ; ଏହା ଅଧିକାର ଓ ନ୍ୟାୟର ବିଷୟ।

ସମ୍ବିଧାନ : ଶିଶୁ ସୁରକ୍ଷାର ମୌଳିକ ଭିତ୍ତି

ଭାରତୀୟ ସମ୍ବିଧାନ ଶିଶୁଙ୍କ ସୁରକ୍ଷା ପାଇଁ ଏକ ଦୃଢ଼ ଆଇନଗତ ଭିତ୍ତି ପ୍ରଦାନ କରିଛି। ଅନୁଚ୍ଛେଦ ୧୪ ସମାନତାର ଅଧିକାର ଦେଇଥାଏ। ଅନୁଚ୍ଛେଦ ୧୫(୩) ରାଜ୍ୟକୁ ଶିଶୁ ଓ ମହିଳାଙ୍କ ପାଇଁ ବିଶେଷ ବ୍ୟବସ୍ଥା କରିବାର ସାମ୍ବିଧାନିକ ଆଧାର ପ୍ରଦାନ କରେ।

ଅନୁଚ୍ଛେଦ ୨୧ ଶିଶୁଙ୍କ ସମ୍ମାନଜନକ ଜୀବନର ଅଧିକାରକୁ ବ୍ୟାପକ ସୁରକ୍ଷା ଦିଏ। ଅନୁଚ୍ଛେଦ ୨୧-A ଅନୁଯାୟୀ ୬ରୁ ୧୪ ବର୍ଷ ବୟସର ଶିଶୁଙ୍କ ପାଇଁ ନିଶ୍ଚିତ ଓ ବାଧ୍ୟତାମୂଳକ ଶିକ୍ଷାର ସାମ୍ବିଧାନିକ ବ୍ୟବସ୍ଥା ରହିଛି।

ଅନୁଚ୍ଛେଦ ୨୩ ମାନବ ଚାଲାଣ ଓ ବଳପୂର୍ବକ ଶ୍ରମକୁ ନିଷିଦ୍ଧ କରେ। ଅନୁଚ୍ଛେଦ ୨୪ ଶିଶୁ ଶ୍ରମ ବିରୋଧରେ ମୌଳିକ ସୁରକ୍ଷା ପ୍ରଦାନ କରେ। ଅନୁଚ୍ଛେଦ ୩୯(e) ଓ ୩୯(f) ଶିଶୁଙ୍କ ସ୍ୱାସ୍ଥ୍ୟ, ଶକ୍ତି, ମର୍ଯ୍ୟାଦା ଓ ସୁସ୍ଥ ବିକାଶ ପାଇଁ ରାଜ୍ୟର ନୀତିଗତ ଦାୟିତ୍ୱକୁ ସ୍ପଷ୍ଟ କରେ।

ଏହି ସାମ୍ବିଧାନିକ ମୂଲ୍ୟବୋଧ ଉପରେ ଭାରତର ଶିଶୁ ସୁରକ୍ଷା ବ୍ୟବସ୍ଥା ଗଢ଼ିଉଠିଛି।

Juvenile Justice Act : ଦଶରୁ ପୁନର୍ବାସନକୁ

Juvenile Justice (Care and Protection of Children) Act, 2015 ଭାରତର ଶିଶୁ ସୁରକ୍ଷା ଓ କିଶୋର ନ୍ୟାୟ ବ୍ୟବସ୍ଥାର ଏକ ପ୍ରମୁଖ ଆଇନଗତ ସ୍ତମ୍ଭ। ଏହା ମୁଖ୍ୟତଃ ଦୁଇଟି ବର୍ଗର ଶିଶୁଙ୍କୁ ଆବର୍ତ୍ତ କରେ—

- Child in Conflict with Law (CCL)—ଆଇନ ସହିତ ସଂଘର୍ଷରେ ଥିବା ଶିଶୁ;
- Child in Need of Care and Protection (CNCP)—ଯତ୍ନ ଓ ସୁରକ୍ଷା ଆବଶ୍ୟକ କରୁଥିବା ଶିଶୁ।

ଏହି ଆଇନର ମୂଳ ଦର୍ଶନ ଦକ୍ଷାତ୍ମକ ନୁହେଁ; ବରଂ care, protection, development, rehabilitation and social reintegration ଉପରେ ଆଧାରିତ।

ଏକ ଶିଶୁ ଭୁଲ କରିପାରେ। କିନ୍ତୁ—

“ଗୋଟିଏ ଭୁଲ ତାଙ୍କ ଜୀବନର ସମଗ୍ର ପରିଚୟ ହୋଇଯିବା ଉଚିତ ନୁହେଁ।”

ଅନେକ ସମୟରେ ଶିଶୁର ଅପରାଧ ପଛରେ ଥାଏ ପାରିବାରିକ ହିଂସା, ଦାରିଦ୍ର୍ୟ, ଅବହେଳା, ଅପରାଧୀ ପରିବେଶ, ଖରାପ ସାଙ୍ଗତ୍ୟ, ଶିକ୍ଷାରୁ ବିଚ୍ଛିନ୍ନତା କିମ୍ବା ଅନ୍ୟ ସାମାଜିକ କାରଣ। ତେଣୁ ଅପରାଧକୁ କେବଳ ଦେଖିଲେ ହେବ ନାହିଁ; ଅପରାଧ ପଛରେ ଥିବା ଶିଶୁକୁ ମଧ୍ୟ ବୁଝିବାକୁ ହେବ।

JJB ଓ CWC : ଶିଶୁ-କେନ୍ଦ୍ରିକ ନ୍ୟାୟର ଦୁଇ ମୁଖ୍ୟ ସ୍ତମ୍ଭ

ଆଇନ ସହିତ ସଂଘର୍ଷରେ ଥିବା ଶିଶୁଙ୍କ ମାମଲା ପାଇଁ Juvenile Justice Board ଏବଂ ଯତ୍ନ ଓ ସୁରକ୍ଷା ଆବଶ୍ୟକ କରୁଥିବା ଶିଶୁଙ୍କ ପାଇଁ Child Welfare Committee ଗୁରୁତ୍ୱପୂର୍ଣ୍ଣ ଆଇନଗତ ସଂସ୍ଥା। JJB ର ଦୃଷ୍ଟିକୋଣରେ ଶିଶୁର ମର୍ଯ୍ୟାଦା, ଗୋପନୀୟତା, ମାନସିକ ଓ ସାମାଜିକ ପରିସ୍ଥିତି, ଶିକ୍ଷା, ପୁନର୍ବାସନ ଓ ସାମାଜିକ ପୁନଃସ୍ଥାପନ ଗୁରୁତ୍ୱପୂର୍ଣ୍ଣ। ସେହିପରି, ଅନାଥ, ପରିତ୍ୟକ୍ତ, ଘରୁ ପଳାଇଥିବା, ନିର୍ଯାତିତ, ଶିଶୁ ଶ୍ରମରେ ନିଯୋଜିତ, ମାନବ ଚାଲାଣର ଶିକାର କିମ୍ବା ଅସୁରକ୍ଷିତ ପରିବାରିକ ପରିସ୍ଥିତିରେ ଥିବା ଶିଶୁଙ୍କ ପାଇଁ CWC ର ଭୂମିକା ଅତ୍ୟନ୍ତ ମହତ୍ୱପୂର୍ଣ୍ଣ।

ଏଠାରେ ମୂଳ ପ୍ରଶ୍ନ ହେଉଛି—“ଏହି ଶିଶୁର ସର୍ବୋତ୍ତମ ସ୍ୱାର୍ଥ କ’ଣ?”

ଶିଶୁ-କେନ୍ଦ୍ରିକ ବ୍ୟବସ୍ଥାର ପ୍ରତ୍ୟେକ ନିଷ୍ପତ୍ତିର କେନ୍ଦ୍ରରେ ଏହି ପ୍ରଶ୍ନ ରହିବା ଆବଶ୍ୟକ।

ପୋଲିସ : ଆଇନର ପ୍ରହରୀରୁ ଶିଶୁର ସୁରକ୍ଷାକବଚ

ଶିଶୁ ସୁରକ୍ଷାରେ ପୋଲିସର ଭୂମିକା ବିଶେଷ ସମ୍ବେଦନଶୀଳ । ଏକ ଶିଶୁ ପ୍ରଥମେ ପୋଲିସ ସହିତ ସମ୍ପର୍କରେ ଆସିବାବେଳେ ତାଙ୍କ ମନରେ ପୋଲିସ ପ୍ରତି ଭୟ ନା ବିଶ୍ୱାସ ସୃଷ୍ଟି ହେବ—ତାହା ଅଧିକାରୀଙ୍କ ବ୍ୟବହାର ଉପରେ ଅନେକ ଅଂଶରେ ନିର୍ଭର କରେ। ତେଣୁ ଶିଶୁ-ବନ୍ଧୁ ପୋଲିସ୍ କେବଳ ଏକ ପ୍ରକ୍ରିୟା ନୁହେଁ; ଏହା ଏକ ମାନସିକତା। ପୋଲିସଙ୍କୁ ଶିଶୁଙ୍କ ସହିତ ସମ୍ମାନଜନକ ଓ ସହାନୁଭୂତିଶୀଳ ବ୍ୟବହାର କରିବା, ତାଙ୍କର ଗୋପନୀୟତା ଓ ମର୍ଯ୍ୟାଦା ରକ୍ଷା କରିବା, ଆଇନଗତ ସୁରକ୍ଷା ଓ ଆବଶ୍ୟକ ସେବା ସୁନିଶ୍ଚିତ କରିବା, ଏବଂ ଆଇନ ସହିତ ସଂଘର୍ଷରେ ଥିବା ଶିଶୁଙ୍କୁ ଶିଶୁ-ବନ୍ଧୁ ପ୍ରକ୍ରିୟାରେ ହାସଲ କରିବା ଆବଶ୍ୟକ। ଏହି ପରିପ୍ରେକ୍ଷୀରେ Child Welfare Police Officer (CWPO) ଓ Special





Juvenile Police Unit (SJPU) ର ଭୂମିକା ବିଶେଷ ଗୁରୁତ୍ବହୀନ କରେ। ପୋଲିସର ଦାୟିତ୍ବ କେବଳ ଅପରାଧୀକୁ ଆଇନର ସମ୍ମୁଖୀନ କରାଇବା ନୁହେଁ। ଅପରାଧର ଶିକାର ଶିଶୁକୁ ସୁରକ୍ଷା ଦେବା ଏବଂ ଅପରାଧର ପଥକୁ ଯାଇଥିବା ଶିଶୁକୁ ସେହି ପଥରୁ ଫେରାଇ ଆଣିବା ମଧ୍ୟ ଆଇନର ମାନବିକ ମୁହାଁ।

POCSO : ନୀରବତାକୁ ଭାଙ୍ଗିବାର ଆଇନ

ଶିଶୁଙ୍କ ବିରୋଧରେ ଯୌନ ଅପରାଧ ସମାଜର ସବୁଠାରୁ ଗଭୀର ଆଘାତମଧ୍ୟରୁ ଗୋଟିଏ । Protection of Children from Sexual Offences Act, 2012 ଶିଶୁଙ୍କୁ ବିଭିନ୍ନ ପ୍ରକାରର ଯୌନ ଅପରାଧରୁ ସୁରକ୍ଷା ପାଇଁ ଏକ ବିଶେଷ ଆଇନଗତ ଢାଞ୍ଚା ପ୍ରଦାନ କରିଛି। POCSOର ମୂଳ ଦର୍ଶନ ହେଉଛି ଶିଶୁର ସୁରକ୍ଷା, ମର୍ଯ୍ୟାଦା ଓ ମାନସିକ ସୁସ୍ଥତା । ତେଣୁ ଏପରି ମାମଲାରେ ଶିଶୁକୁ ବାରମ୍ବାର ଘଟଣା କହିବାକୁ ବାଧ୍ୟ କରିବା, ତାଙ୍କୁ ଦୋଷାରୋପ କରିବା କିମ୍ବା ତାଙ୍କ ପରିଚୟ ପ୍ରକାଶ କରିବା ଭଳି କାର୍ଯ୍ୟ ଏଡାଇବା ଅତ୍ୟନ୍ତ ଆବଶ୍ୟକ। ଏଠାରେ ଆମର ମନୋଭାବ ହେବା ଉଚିତ—

“Believe the child, protect the child, and let the law take its course.”

- ଶିଶୁ ଶ୍ରମ : ହାତରେ କଲମ, ନୁହେଁ ଶୋଷଣର ଉପକରଣ
- ଶିଶୁର ହାତରେ ବହି, କଲମ ଓ ଖେଳନା ଥିବା ଉଚିତ; ବିପଜ୍ଜନକ କାମର ଉପକରଣ ନୁହେଁ।
- ଶିଶୁ ଶ୍ରମ କେବଳ ଆଇନ ଉଲ୍ଲଙ୍ଘନ ନୁହେଁ; ଏହା ଏକ ଶିଶୁର ଶୈଶବ, ଶିକ୍ଷା ଓ ଭବିଷ୍ୟତକୁ ନଷ୍ଟ କରିଦେବାର ଏକ ପ୍ରକ୍ରିୟା।

ଦାରିଦ୍ର୍ୟ, ଅଭିଭାବକଙ୍କ ଅସଚେତନତା, ଶିକ୍ଷାରୁ ବିଚ୍ଛିନ୍ନତା ଓ ଶୋଷଣମୂଳକ ନିଯୁକ୍ତି ବ୍ୟବସ୍ଥା ଏହି ସମସ୍ୟାକୁ ଜଟିଳ କରେ। ତେଣୁ ଉଦ୍ଧାର ହିଁ ଶେଷ ନୁହେଁ। ଉଦ୍ଧାର ପରେ ଶିକ୍ଷା, ପାରିବାରିକ ସହାୟତା, କାଉନସେଲିଂ ଓ ପୁନର୍ବାସନ ମଧ୍ୟ ସମାନ ଗୁରୁତ୍ବର।

ବାଲ୍ୟବିବାହ : ଶୈଶବରୁ ଅକାଳ ପ୍ରାପ୍ତବୟସ୍କତାକୁ

ବାଲ୍ୟବିବାହ ଏକ ଶିଶୁର ଶିକ୍ଷା, ସ୍ବାସ୍ଥ୍ୟ, ସ୍ବାଧୀନତା ଓ ଭବିଷ୍ୟତକୁ ଗଭୀର ଭାବରେ ପ୍ରଭାବିତ କରେ। ଏହାକୁ କେବଳ ଏକ ସାମାଜିକ ପ୍ରଥା ଭାବେ ଦେଖିଲେ ଚାଲିବ ନାହିଁ; ଏହା ଶିଶୁର ଅଧିକାର ସହିତ ସଂପୃକ୍ତ ଏକ ଗୁରୁତ୍ବର ସମସ୍ୟା । ସ୍କୁଲ ଛାଡ଼ିଥିବା ଶିଶୁଙ୍କ ଚିହ୍ନଟ, ପରିବାର ସହିତ ସଚେତନତାମୂଳକ ଆଲୋଚନା, ସମୁଦାୟର ସଚର୍ଚ୍ଚିତା ଓ ଆବଶ୍ୟକ ସ୍ଥଳରେ ଉଚିତ ଆଇନଗତ ପଦକ୍ଷେପ—ଏହାର ପ୍ରତିରୋଧରେ ଅତ୍ୟନ୍ତ ଆବଶ୍ୟକ।

ଶିଶୁ ଚାଲାଣ : ଏକ ଅତ୍ୟନ୍ତ ବିପଦ

ମାନବ ଚାଲାଣ ଶିଶୁ ସୁରକ୍ଷା ପାଇଁ ଏକ ଗୁରୁତ୍ବର ଆହ୍ୱାନ। ଚାକିରି, ଶିକ୍ଷା କିମ୍ବା ଭଲ ଜୀବନର ପ୍ରଲୋଭନ ଦେଇ ଶିଶୁଙ୍କୁ ଅଜଣା ସ୍ଥାନକୁ ନେଇଯାଇ ଶୋଷଣ କରାଯାଇପାରେ। ତେଣୁ ଏକ ଶିଶୁ ହଠାତ୍ ନିଖୋଜ ହେବା, ସନ୍ଦେହଜନକ ବ୍ୟକ୍ତି ସହିତ ଚାଲିଯିବା କିମ୍ବା ଅସାମାନ୍ୟ ଚାକିରି ପ୍ରସ୍ତାବ ସହିତ ଜଡ଼ିତ ହେବା—ଏସବୁକୁ ସାଧାରଣ ଘଟଣା ଭାବେ ନଦେଖି ଉଚିତ ଓ ସମନ୍ୱିତ ପଦକ୍ଷେପ ଆବଶ୍ୟକ।

ଡିଜିଟାଲ ଯୁଗରେ ନୂଆ ଶୈଶବ, ନୂଆ ବିପଦ

ଆଜିର ଶିଶୁର ଶୈଶବ କେବଳ ଘର, ସ୍କୁଲ ଓ ଖେଳପଡ଼ିଆରେ ସୀମିତ ନୁହେଁ; ତାହାର ଏକ ବଡ଼ ଅଂଶ ଡିଜିଟାଲ ଜଗତରେ ବିଦ୍ରୁଷ୍ଟ। ଅନଲାଇନ୍ ଶିକ୍ଷା ଓ ଯୋଗାଯୋଗ ଅନେକ ସୁଯୋଗ ଆଣିଥିବାବେଳେ cyberbullying, online grooming, fake identity, image-based abuse, sextortion, ଅନଲାଇନ୍ ଯୌନ ଶୋଷଣ ଓ ଅନ୍ୟାନ୍ୟ cyber offences ନୂଆ ଚ୍ୟାଲେଞ୍ଜ ସୃଷ୍ଟି କରିଛି। ଏଠାରେ ଶିଶୁଙ୍କୁ କେବଳ ନିୟନ୍ତ୍ରଣ କରିବା ଯଥେଷ୍ଟ ନୁହେଁ। ତାଙ୍କୁ ଶିକ୍ଷିତ, ସଚେତନ ଓ ସଶକ୍ତ କରିବା ଆବଶ୍ୟକ।

ଡିଜିଟାଲ ଶିଶୁ ସୁରକ୍ଷାର ତିନୋଟି ମୂଳ ଶବ୍ଦ ହୋଇପାରେ—Trust. Educate. Protect.

ଅର୍ଥାତ୍—ଶିଶୁକୁ ବିଶ୍ବାସ କରନ୍ତୁ, ତାକୁ ସଚେତନ କରନ୍ତୁ ଏବଂ ସୁରକ୍ଷା ଦିଅନ୍ତୁ।

ନିର୍ଯାତନାର ଆଘାତ : ଯାହା ସବୁବେଳେ ଦେଖାଯାଏ ନାହିଁ

ଶିଶୁ ନିର୍ଯାତନାର କ୍ଷତ ସବୁବେଳେ ଶରୀରରେ ଦେଖାଯାଏ ନାହିଁ। ଅନେକ କ୍ଷତ ମନର ଭିତରେ ରହିଯାଏ ।

ଏକ ନିର୍ଯାତିତ ଶିଶୁ ଭୟଭୀତ, ନୀରବ, ଏକାକୀ କିମ୍ବା ଅବିଶ୍ବାସୀ ହୋଇପାରେ । ତାହାର ପଢ଼ାଶୁଣାରେ ଅନାଗ୍ରହ, ଆଚରଣରେ ପରିବର୍ତ୍ତନ କିମ୍ବା ଅସାଧାରଣ ରାଗ ପ୍ରକାଶ ପାଇପାରେ।

ତେଣୁ ଶିଶୁ ସୁରକ୍ଷାରେ କାଉନସେଲିଂ ଓ ମାନସିକ ସହାୟତା ଆଇନଗତ ପଦକ୍ଷେପ ପରି ହିଁ ଆବଶ୍ୟକ।

ଏକ ଆହତ ଶିଶୁକୁ ପୁନଃପୁନଃ ଘଟଣା କହିବାକୁ ବାଧ୍ୟ କରିବା, ତାକୁ ଦୋଷୀ କରିବା କିମ୍ବା ତାହାର ଅନୁଭବକୁ ଅବିଶ୍ବାସ କରିବା ତାହାର ଆଘାତକୁ ଆହୁରି ଗଭୀର କରିପାରେ।

ପରିବାର : ଶିଶୁର ପ୍ରଥମ ସୁରକ୍ଷାକବଚ

ପରିବାର ହେଉଛି ଶିଶୁର ପ୍ରଥମ ସୁରକ୍ଷା ବଳୟ। ପିତାମାତାଙ୍କ ଭଲପାଇବା, ଶୁଣିବାର ମନୋଭାବ ଓ ବିଶ୍ବାସ ଶିଶୁର ମନରେ ସୁରକ୍ଷାର ଭାବନା ସୃଷ୍ଟି କରେ। ଶିଶୁଙ୍କ ସହିତ ନିୟମିତ କଥାହେବା, ତାଙ୍କ ସମସ୍ୟା ଶୁଣିବା, ସୁରକ୍ଷିତ ଓ ଅସୁରକ୍ଷିତ ସ୍ୱର୍ଗ ବିଷୟରେ ବୁଝାଇବା, ଅଜଣା ବ୍ୟକ୍ତିଙ୍କ ସହିତ ଅନାବଶ୍ୟକ ଯୋଗାଯୋଗର ବିପଦ ବୁଝାଇବା ଓ ଡିଜିଟାଲ ସୁରକ୍ଷା ବିଷୟରେ ସଚେତନ କରିବା ପରିବାରର ଦାୟିତ୍ବ। ସବୁଠାରୁ ବଡ଼ କଥା—ଶିଶୁ ଯେତେବେଳେ କୌଣସି ଅସୁବିଧା କହେ, ପ୍ରଥମ ପ୍ରତିକ୍ରିୟା ହେଉ ବିଶ୍ବାସ; ସନ୍ଦେହ ନୁହେଁ।

ସ୍କୁଲ : ଦ୍ୱିତୀୟ ସୁରକ୍ଷା ବଳୟ

ଶିଶୁର ଜୀବନରେ ସ୍କୁଲ ଏକ ଦ୍ୱିତୀୟ ଘର ସଦୃଶ। ତେଣୁ ସୁରକ୍ଷିତ ସ୍କୁଲ ପରିବେଶ ଶିଶୁ ସୁରକ୍ଷାର ଅବିଚ୍ଛିନ୍ନ ଅଂଶ। ଶିଶୁ ସୁରକ୍ଷା ନୀତି, ଅଭିଯୋଗ ବ୍ୟବସ୍ଥା, POCSO ସଚେତନତା, କାଉନସେଲିଂ, cyber safety education ଓ child-friendly teaching practices





ରହିବା ଆବଶ୍ୟକ। ଶିକ୍ଷକମାନେ ମଧ୍ୟ ଶିଶୁଙ୍କ ଆଚରଣରେ ହଠାତ୍ ପରିବର୍ତ୍ତନ, ସ୍କୁଲ ଆସିବାରେ ଅନିଚ୍ଛା, ଅତ୍ୟଧିକ ଭୟ କିମ୍ବା ଅସାଧାରଣ ନୀରବତାକୁ ସମ୍ଭାବ୍ୟ ସତର୍କ ସଙ୍କେତ ଭାବେ ଗ୍ରହଣ କରିବା ଉଚିତ।

ସମୁଦାୟ : ନୀରବତା ନୁହେଁ, ସତର୍କତା

ଶିଶୁ ସୁରକ୍ଷା କେବଳ ପୋଲିସ୍, ପ୍ରଶାସନ କିମ୍ବା କୌଣସି ଗୋଟିଏ ବିଭାଗର ଦାୟିତ୍ୱ ନୁହେଁ। ଏହା ସମଗ୍ର ସମାଜର ଦାୟିତ୍ୱ। ଗାଁ, ପଢ଼ା, ସ୍କୁଲ, ଯୁବ ସଂଗଠନ, ସ୍ୱେଚ୍ଛାସେବୀ ସଂଗଠନ ଓ ସ୍ଥାନୀୟ ନେତୃତ୍ୱ—ସମସ୍ତଙ୍କୁ ଶିଶୁ ସୁରକ୍ଷାର ଅଂଶୀଦାର ହେବାକୁ ପଡ଼ିବ। ନିଖୋଜ ଶିଶୁର ସୂଚନା ତୁରନ୍ତ ଦେବା, ବାଲ୍ୟବିବାହ ରୋକିବା, ଶିଶୁ ଶ୍ରମ ବିରୋଧରେ ସ୍ୱର ଉଠାଇବା, ମାନବ ଚାଲାଣର ସଙ୍କେତ ଚିହ୍ନଟ କରିବା ଓ ଶିଶୁ ନିର୍ଯାତନାକୁ ଲୁଚାଇ ନରଖିବା—ଏସବୁ ଏକ ସତେଜନ ସମାଜର ପରିଚୟ।

ପୁନର୍ବାସନ : କିଶୋର ନ୍ୟାୟର ହୃଦୟ

କିଶୋର ନ୍ୟାୟର ସତ୍ୟକାର ଅର୍ଥ କେବଳ ଏକ ମାମଲାର ନିଷ୍ପତ୍ତି ନୁହେଁ; ଏହା ଏକ ଶିଶୁର ଭବିଷ୍ୟତକୁ ନୂଆ ଦିଗ ଦେବା। ଶିକ୍ଷା, କାଉନସେଲିଂ, ବୃତ୍ତିମୂଳକ ପ୍ରଶିକ୍ଷଣ, ପରିବାରିକ ସମର୍ଥନ ଓ ସାମାଜିକ ପୁନଃସ୍ଥାପନ ମାଧ୍ୟମରେ ଏକ ଭୁଲ ପଥରେ ଯାଇଥିବା ଶିଶୁକୁ ପୁନର୍ବାର ସମାଜର ମୁଖ୍ୟ ସ୍ରୋତକୁ ଫେରାଇ ଆଣିବା ହେଉଛି ଏକ ସତ୍ୟ ନ୍ୟାୟ ବ୍ୟବସ୍ଥାର ପରିଚୟ।

“Punishment may end an incident; rehabilitation can change a life.”

ଗୋଟିଏ ଘଟଣାର ଶେଷ ଦଣ୍ଡ ଦ୍ୱାରା ହୋଇପାରେ; କିନ୍ତୁ ଗୋଟିଏ ଜୀବନର ପରିବର୍ତ୍ତନ ପୁନର୍ବାସନ ଦ୍ୱାରା ହିଁ ସମ୍ଭବ।

ଆଇନ ଓ ମାନବିକତା : ଦୁଇଟି ଚକ୍ର

ଭାରତରେ ଶିଶୁ ସୁରକ୍ଷା ପାଇଁ Juvenile Justice Act, POCSO Act, Right to Education Act, Child and Adolescent Labour law, Prohibition of Child Marriage Act ଓ Commissions for Protection of Child Rights Act ପରି ଅନେକ ଆଇନ ରହିଛି। କିନ୍ତୁ କେବଳ ଆଇନ ଥିଲେ ଶିଶୁ ସୁରକ୍ଷିତ ହେବ ନାହିଁ।

ଆଇନ ହେଉଛି ଦିଗଦର୍ଶକ; ମାନବିକତା ହେଉଛି ତାହାର ଆତ୍ମା।

ଏକ ନିର୍ଯାତିତ ଶିଶୁ ପାଇଁ ଏକ ସହାନୁଭୂତିଶୀଳ କଥା, ଏକ ଭୟଭୀତ ଶିଶୁ ପାଇଁ ଏକ ବିଶ୍ୱାସର ବାକ୍ୟ ଏବଂ ଏକ ଅସହାୟ ଶିଶୁ ପାଇଁ ଏକ ସୁରକ୍ଷିତ ହାତ—କେବେ କେବେ ଏସବୁ ଆଇନର ଧାରାରୁ ଅଧିକ ଗଭୀର ପ୍ରଭାବ ପକାଇଥାଏ। ତେଣୁ ଆମର ମନ୍ତ୍ର ହେଉ—“ଶିଶୁକୁ କେବଳ ଏକ ମାମଲା ଭାବେ ନୁହେଁ; ଜଣେ ମଣିଷ ଭାବେ ଦେଖନ୍ତୁ।”

ଏକ ସମନ୍ୱିତ ଶିଶୁ ସୁରକ୍ଷା ବ୍ୟବସ୍ଥା

ଏକ ଶିଶୁର ସୁରକ୍ଷା ପାଇଁ ଗୋଟିଏ ବିଭାଗର ପ୍ରୟାସ ଯଥେଷ୍ଟ ନୁହେଁ। Police + Judiciary + JJB/CWC + Education + Health + Social Welfare + Family + Community. ଏହି ସମସ୍ତ ବ୍ୟବସ୍ଥାର ସମନ୍ୱିତ ପ୍ରୟାସ ହିଁ ଶିଶୁ ସୁରକ୍ଷାକୁ ଅର୍ଥପୂର୍ଣ୍ଣ କରିପାରିବ। ପୋଲିସ୍ ଅପରାଧ ରୋକିବ, ତଦନ୍ତ କରିବ ଓ ଆଇନଗତ ସୁରକ୍ଷା ଦେବ। JJB ଓ CWC ଶିଶୁଙ୍କ ଯତ୍ନ, ସୁରକ୍ଷା ଓ ପୁନର୍ବାସନକୁ ଆଗେଇ ନେବ। ସ୍ୱାସ୍ଥ୍ୟ ବ୍ୟବସ୍ଥା ଚିକିତ୍ସା ଓ ମାନସିକ ସହାୟତା ଦେବ। ଶିକ୍ଷା ବ୍ୟବସ୍ଥା ଶିକ୍ଷାର ଅଧିକାର ସୁନିଶ୍ଚିତ କରିବ। ପରିବାର ଭଲପାଇବା ଓ ସୁରକ୍ଷା ଦେବ। ସମାଜ ନୀରବ ନରହି ସହଯୋଗ କରିବ। ଏହି ସମନ୍ୱୟ ହିଁ ଏକ ଶିଶୁ ପାଇଁ ସତ୍ୟକାର ସୁରକ୍ଷାକବଚ।

ଶେଷ କଥା : ଶିଶୁର ଭବିଷ୍ୟତ ହିଁ ଆମର ଭବିଷ୍ୟତ

ଶିଶୁର ଶୈଶବ ହେଉଛି ତାଙ୍କ ଜୀବନର ସବୁଠାରୁ ମୂଲ୍ୟବାନ ସମୟ। ସେହି ସମୟ ଭୟ, ହିଂସା, ଶୋଷଣ, ନିର୍ଯାତନା ଓ ଅବହେଳାରେ ନୁହେଁ; ଭଲପାଇବା, ଶିକ୍ଷା, ଖେଳ, ସୁରକ୍ଷା, ସ୍ୱପ୍ନ ଓ ଆଶାରେ ପରିପୂର୍ଣ୍ଣ ହେବା ଉଚିତ। ଏକ ନିରାପଦ ଶୈଶବ କେବଳ ଏକ ଶିଶୁର ଅଧିକାର ନୁହେଁ; ଏହା ରାଷ୍ଟ୍ରର ଭବିଷ୍ୟତର ଭିତ୍ତି। ଆମେ ଯଦି ଏପରି ଏକ ଭାରତ ଗଢ଼ିବାକୁ ଚାହୁଁ, ଯେଉଁଠାରେ ଶିଶୁ ନିର୍ଭୟରେ ଖେଳିବ, ନିର୍ଭୟରେ ସ୍କୁଲ ଯିବ, ନିଜ କଥା ନିର୍ଭୟରେ କହିପାରିବ, ନିର୍ଯାତନାର ଶିକାର ହେଲେ ଦୋଷୀ ହେବ ନାହିଁ ଏବଂ ଭୁଲ କରିଥିଲେ ମଧ୍ୟ ସୁଧାରର ସୁଯୋଗ ପାଇବ—ତେବେ ଆମକୁ ଆଇନକୁ କେବଳ ପୁସ୍ତକରେ ନୁହେଁ, ଆମର ଆଚରଣରେ ମଧ୍ୟ ପ୍ରତିଫଳିତ କରିବାକୁ ହେବ। ଆଇନ ସହିତ ସଂଘର୍ଷରେ ଥିବା ଶିଶୁକୁ କେବଳ “ଅଭିଯୁକ୍ତ” ଭାବେ ନୁହେଁ, ସୁଧାର ଓ ପୁନର୍ବାସନର ସମ୍ଭାବନା ଥିବା ଏକ ଶିଶୁ ଭାବେ ଦେଖିବାକୁ ହେବ। ଯତ୍ନ ଓ ସୁରକ୍ଷା ଆବଶ୍ୟକ କରୁଥିବା ଶିଶୁକୁ ଦୟାର ପାତ୍ର ଭାବେ ନୁହେଁ, ଅଧିକାରଧାରୀ ନାଗରିକ ଭାବେ ସମ୍ମାନ କରିବାକୁ ହେବ। ପୋଲିସର କର୍ତ୍ତବ୍ୟ କେବଳ ଅପରାଧୀଙ୍କୁ ଧରିବା ନୁହେଁ; ଅପରାଧର ଶିକାର ଶିଶୁକୁ ସୁରକ୍ଷା ଦେବା ଏବଂ ଅପରାଧର ପଥକୁ ଯାଇଥିବା ଶିଶୁକୁ ଫେରାଇ ଆଣିବା ମଧ୍ୟ ତାହାର ମାନବିକ ଦାୟିତ୍ୱ। ପିତାମାତାଙ୍କ ଦାୟିତ୍ୱ ହେଉଛି ଶିଶୁକୁ ଭଲପାଇବା ଓ ଶୁଣିବା। ଶିକ୍ଷକଙ୍କ ଦାୟିତ୍ୱ ହେଉଛି ଶିକ୍ଷା ସହିତ ସୁରକ୍ଷା ଦେବା। ପ୍ରଶାସନର ଦାୟିତ୍ୱ ହେଉଛି ସୁରକ୍ଷା ବ୍ୟବସ୍ଥାକୁ ସୁଦୃଢ଼ କରିବା। ଏବଂ ସମାଜର ଦାୟିତ୍ୱ ହେଉଛି—ଶିଶୁଙ୍କ ପ୍ରତି ନୀରବ ନରହିବା। ଆସନ୍ତୁ, ଆମେ ଏକ ସାମୂହିକ ସଂକଳ୍ପ ନେବା—

- କୌଣସି ଶିଶୁ ଅସୁରକ୍ଷିତ ରହିବ ନାହିଁ।
- କୌଣସି ଶିଶୁ ନିର୍ଯାତନାକୁ ନୀରବରେ ସହିବ ନାହିଁ।
- କୌଣସି ଶିଶୁ ନ୍ୟାୟରୁ ବଞ୍ଚିତ ହେବ ନାହିଁ।
- କୌଣସି ଭୁଲ କରିଥିବା ଶିଶୁକୁ ସୁଧାରର ସୁଯୋଗରୁ ବଞ୍ଚିତ କରାଯିବ ନାହିଁ।

କାରଣ— ଶିଶୁକୁ ସୁରକ୍ଷା ଦେବା ଅର୍ଥ କେବଳ ତାହାର ଆଜିକୁ ସୁରକ୍ଷିତ କରିବା ନୁହେଁ; ଏହା ଭାରତର ଆସନ୍ତାକାଲିକୁ ସୁରକ୍ଷିତ କରିବା।

“ସୁରକ୍ଷିତ ଶିଶୁ — ସୁସ୍ଥ ପରିବାର — ସତେଜନ ସମାଜ — ସଶକ୍ତ ଭାରତ।”



ଶିଶୁ ସୁରକ୍ଷା

ଅଶୋକ କୁମାର ନାୟକ

ଆନା ଅଧିକାରୀ, ବଡ଼ବିଲ, କେନ୍ଦୁଝର

ଶିଶୁମାନେ ହେଉଛନ୍ତି ଦେଶର ଅମୂଲ୍ୟ ସମ୍ପଦ ଏବଂ ଆଗାମୀ ଦିନର ଭବିଷ୍ୟତ । ଆଜିର ଶିଶୁ ହିଁ ଆସନ୍ତାକାଲିର ନାଗରିକ, ନେତା, ବୈଜ୍ଞାନିକ, ଶିକ୍ଷକ, ଡାକ୍ତର ଏବଂ ରାଷ୍ଟ୍ର ଗଠନର ମୂଳ ଶକ୍ତି । ତେଣୁ ସେମାନଙ୍କର ସୁରକ୍ଷା, ସୁସ୍ଥ ବିକାଶ ଏବଂ ସୁଖମୟ ଶୈଶବ ସୁନିଶ୍ଚିତ କରିବା ପ୍ରତ୍ୟେକ ପରିବାର, ସମାଜ ଏବଂ ସରକାରଙ୍କର ପ୍ରଥମ କର୍ତ୍ତବ୍ୟ । ଶିଶୁ ସୁରକ୍ଷା କେବଳ ଶାରୀରିକ ସୁରକ୍ଷା ମଧ୍ୟରେ ସୀମିତ ନୁହେଁ; ଏହା ଶିଶୁଙ୍କର ମାନସିକ, ଭାବନାତ୍ମକ, ସାମାଜିକ ଏବଂ ଡିଜିଟାଲ ସୁରକ୍ଷାକୁ ମଧ୍ୟ ଅନ୍ତର୍ଭୁକ୍ତ କରେ ।

ବର୍ତ୍ତମାନର ଦ୍ରୁତ ପରିବର୍ତ୍ତନଶୀଳ ସମାଜରେ ଶିଶୁମାନେ ବିଭିନ୍ନ ପ୍ରକାର ବିପଦର ସମ୍ମୁଖୀନ ହେଉଛନ୍ତି । ଘର, ବିଦ୍ୟାଳୟ, ରାସ୍ତାଘାଟ, ସାମାଜିକ ପରିବେଶ ଏବଂ ଅନଲାଇନ୍ ଜଗତରେ ମଧ୍ୟ ସେମାନଙ୍କ ସୁରକ୍ଷା ପ୍ରତି ବିଭିନ୍ନ ଚ୍ୟାଲେଞ୍ଜ ରହିଛି । ଏହି ପରିସ୍ଥିତିରେ ଶିଶୁ ସୁରକ୍ଷା ସମ୍ପର୍କରେ ସଚେତନତା ସୃଷ୍ଟି କରିବା ଓ ଆବଶ୍ୟକ ପଦକ୍ଷେପ ଗ୍ରହଣ କରିବାର ଆବଶ୍ୟକତା ରହିଛି ।

ଶିଶୁ ସୁରକ୍ଷାର ଅର୍ଥ ହେଉଛି ଶିଶୁଙ୍କୁ ସମସ୍ତ ପ୍ରକାର ହିଂସା, ନିର୍ଯାତନା, ଶୋଷଣ, ଅବହେଳା, ଭେଦଭାବ ଓ ବିପଦରୁ ସୁରକ୍ଷିତ ରଖିବା । ଏଥିରେ ଶିଶୁଙ୍କ ଶାରୀରିକ ସୁରକ୍ଷା ସହିତ ସେମାନଙ୍କ ମାନସିକ ସ୍ୱାସ୍ଥ୍ୟ, ଭାବନାତ୍ମକ ସ୍ଥିତି, ଶିକ୍ଷାର ଅଧିକାର ଏବଂ ଗୋପନୀୟତାର ସୁରକ୍ଷା ମଧ୍ୟ ଅନ୍ତର୍ଭୁକ୍ତ । ପ୍ରତ୍ୟେକ ଶିଶୁର ସୁରକ୍ଷିତ ପରିବେଶରେ ବଢ଼ିବା, ଶିକ୍ଷା ଲାଭ କରିବା ଏବଂ ନିଜର ସ୍ୱପ୍ନ ପୂରଣ କରିବାର ଅଧିକାର ରହିଛି । ଶିଶୁ ହସିଲେ, ଦେଶ ହସିବ । ଏହାର ଗୁରୁତ୍ୱ ଉପଲବ୍ଧି କରି ଭାରତୀୟ ସମ୍ବିଧାନ ଏବଂ ବିଭିନ୍ନ ଆଇନରେ ଶିଶୁ ସୁରକ୍ଷା ଓ ଅଧିକାର ସୁନିଶ୍ଚିତ କରିବା ପାଇଁ ବିଶେଷ ବ୍ୟବସ୍ଥା ରହିଛି ।

ଶିଶୁମାନଙ୍କ ପ୍ରତି ବିଭିନ୍ନ ବିପଦ :

ଅଧୁନା ସାମାଜିକ ପରିସ୍ଥିତିକୁ ଅବଲୋକନ କଲେ ଶିଶୁ ମାନେ ବିଭିନ୍ନ କ୍ଷେତ୍ରରେ ଭିନ୍ନ ଭିନ୍ନ ଅସୁବିଧାର ସମ୍ମୁଖୀନ ହେଉଥିବାର ଜଣା ଯାଏ । ଆଦିବାସୀ ଅଧ୍ୟୁଷିତ ଖଣି ସମୃଦ୍ଧ ଅଞ୍ଚଳ ହେଉ କିମ୍ବା ଆଧୁନିକ ସମାଜ, ସବୁଠାରେ ଶିଶୁ ମାନଙ୍କର କିଛି ନା କିଛି ସମସ୍ୟା ରହିଛି । ଶିଶୁ ମାନେ ବିଭିନ୍ନ କ୍ଷେତ୍ରରେ ସମ୍ମୁଖୀନ ହେଉଥିବା ସମସ୍ୟା ଗୁଡ଼ିକ ହେଲା ଶାରୀରିକ ନିର୍ଯାତନା, ମାନସିକ ନିର୍ଯାତନା, ଯୌନ ନିର୍ଯାତନା, ଶିଶୁ ଶ୍ରମ ଓ ଆର୍ଥିକ ଶୋଷଣ, ମାନବ ଚାଲାଣ, ଅପପୁଷ୍ଟି ଓ ସାଇବର ଅପରାଧ । ଏହି ସମସ୍ୟା ଗୁଡ଼ିକୁ ସାମଗ୍ରିକ ଭାବରେ ମୁକ୍ତୋପାଟନ କରିପାରିଲେ ଯାଇ ସୁସ୍ଥ ସମାଜ ଗଠନ ହେବ ।

ଶିଶୁମାନଙ୍କୁ ମାଡ଼ ମାରିବା, ଅତ୍ୟାଚାର କରିବା କିମ୍ବା ଶାରୀରିକ ଭାବେ କ୍ଷତି ପହଞ୍ଚାଇବା ହେଉଛି ଶାରୀରିକ ନିର୍ଯାତନା । ଏହା ଶିଶୁଙ୍କ ଶରୀର ସହିତ ସେମାନଙ୍କ ମନ ଉପରେ ମଧ୍ୟ ଗଭୀର ପ୍ରଭାବ ପକାଇଥାଏ । ସେହିପରି ବାରମ୍ବାର ଗାଳିଗୁଳାଜ କରିବା, ଅପମାନ କରିବା, ଧମକ ଦେବା କିମ୍ବା ଅବହେଳା କରିବା ଦ୍ୱାରା ଶିଶୁଙ୍କ ମାନସିକ ବିକାଶ ବାଧାପ୍ରାପ୍ତ ହୁଏ । ଏହା ଶିଶୁଙ୍କ ଆତ୍ମବିଶ୍ୱାସକୁ ନଷ୍ଟ କରିଦିଏ ।

ଯୌନ ଶୋଷଣ ଶିଶୁମାନଙ୍କ ପାଇଁ ସବୁଠାରୁ ଗୁରୁତର ବିପଦ ମଧ୍ୟରୁ ଗୋଟିଏ । ପରିସଂଖ୍ୟାନରୁ ଜଣା ଯାଏ ଯେ ଶିଶୁ ମାନେ ସାଧାରଣତ ନିଜ ସମ୍ପର୍କୀୟ ମାନଙ୍କ ଦ୍ୱାରା ଅଧିକ ଯୌନ ଶୋଷଣର ଶିକାର ହୋଇଥାନ୍ତି । ଅନେକ ସମୟରେ ଶିଶୁମାନେ ଭୟ କିମ୍ବା ଲଜ୍ଜା କାରଣରୁ ଏହିପରି ଘଟଣା ବିଷୟରେ କହିପାରନ୍ତି ନାହିଁ । ତେଣୁ ପିତାମାତା ଓ ଶିକ୍ଷକମାନଙ୍କୁ ଏହି ବିଷୟରେ ସଚେତନ ହେବା ଆବଶ୍ୟକ । ପିଲାମାନଙ୍କୁ Good Touch, Bad Touch ବିଷୟରେ ଛୋଟ ବେଳୁ ଶିକ୍ଷାଦେବା ଉଚିତ । ଯୌନ ଶୋଷଣ ଶିକାର ହେଉଥିବା ପିଲାର ଆତ୍ମବିଶ୍ୱାସ କ୍ଷୁଣ୍ଣ ନ କରି ସେମାନଙ୍କ ପ୍ରତି ସହାନୁଭୂତିକ ଆଚରଣ ଅବଲମ୍ବନ କରି ସମସ୍ୟାର ସମାଧାନ କରିବା ବିଧେୟ ଅଟେ ।

ବିଭିନ୍ନ ଅନଗ୍ରସର ଅଞ୍ଚଳରେ ଦାରିଦ୍ର୍ୟ ଏବଂ ଶିକ୍ଷାର ଅଭାବ ଯୋଗୁଁ କେତେକ ଶିଶୁ ଅଳ୍ପ ବୟସରୁ ଶିକ୍ଷାରୁ ବଞ୍ଚିତ ହୋଇ ଶ୍ରମ କାର୍ଯ୍ୟରେ ନିଯୋଜିତ ହୋଇଯାନ୍ତି । ସେମାନେ ଅପରିପକ୍ୱ ବୟସରେ ପରିବାର ପ୍ରତିପୋଷଣ କରିବା ପାଇଁ ପରିବହନ, ଦୋକାନ, ଡାବା କିମ୍ବା ଅନ୍ୟାନ୍ୟ ଅସଂଗଠିତ କ୍ଷେତ୍ରରେ କାମ କରୁଥିବା ଦେଖାଯାଏ । ଏହା ସେମାନଙ୍କ ଶୈଶବ ଓ ଭବିଷ୍ୟତକୁ ପ୍ରଭାବିତ କରେ । ଯଦିଓ ଆଇନ ଅନୁସାରେ ଶିଶୁ ଶ୍ରମ ନିଷିଦ୍ଧ, ତଥାପି କେତେକ ଅଞ୍ଚଳରେ ଶିଶୁମାନେ ବିପଦ ପୂର୍ଣ୍ଣ କାମରେ ନିଯୋଜିତ ହୋଇଥିବାର ଦେଖାଯାଏ । ଏହି ଦିଗରେ ସରକାର ଓ ଅଣସରକାରୀ ଅନୁଷ୍ଠାନ ଗୁଡ଼ିକ ଅଧିକ ଯତ୍ନବାନ ହୋଇ କାର୍ଯ୍ୟ କରିବା ଆବଶ୍ୟକତା । ପ୍ରତି ବର୍ଷ ବିଭିନ୍ନ ସଂସ୍ଥା ଦ୍ୱାରା ଅନେକ ଶିଶୁ ଶ୍ରମିକଙ୍କୁ ଉଦ୍ଧାର କରାଯାଉଛି । ହେଲେ ମଧ୍ୟ ଶିଶୁ ଶ୍ରମିକ ପ୍ରଥାକୁ ସମ୍ପୂର୍ଣ୍ଣ ଭାବେ ଦୂର କରିବାରେ ଆମେ ଏପର୍ଯ୍ୟନ୍ତ ସଫଳ ହୋଇପାରିନାହିଁ । ଏହାର ମୁଖ୍ୟ କାରଣ ହେଉଛି, ଶିଶୁ ଶ୍ରମିକମାନଙ୍କୁ ଉଦ୍ଧାର କରିବା ପରେ ସେମାନଙ୍କର ଉପଯୁକ୍ତ ଯତ୍ନ ନେବା, ନିରନ୍ତର ଶିକ୍ଷା ପ୍ରଦାନ କରିବା, ପୁନର୍ବାସ କରିବା ଏବଂ ଭବିଷ୍ୟତରେ ସେମାନଙ୍କୁ ଆତ୍ମନିର୍ଭରଶୀଳ କରିବାରେ ଆମର ପ୍ରୟାସ ଏପର୍ଯ୍ୟନ୍ତ ପର୍ଯ୍ୟାପ୍ତ ହୋଇପାରିନାହିଁ । ଶିଶୁ ଶ୍ରମ ସୃଷ୍ଟି କାରକ ଗୁଡ଼ିକୁ ଖୋଜି ସେଗୁଡ଼ିକୁ ଠିକ ଭାବେ ନିରାକରଣ କରିପାରିଲେ ଯାଇ ଏହି ପ୍ରଥା ସମାଜରୁ ଦୂରୀଭୂତ ହୋଇପାରିବ ।

ଶିଶୁମାନେ ସମୁଦାୟ ହେଉଥିବା ବିପଦ ମଧ୍ୟରୁ ମାନବ ଚାଲାଣ ଅନ୍ୟତମ । କେତେକ ଅପରାଧୀ ଶିଶୁମାନଙ୍କୁ ପ୍ରଲୋଭନ ଦେଖାଇ କିମ୍ବା ଅପହରଣ କରି ଚାଲାଣ କରିଥାନ୍ତି । ଏହା ଶିଶୁମାନଙ୍କ ସୁରକ୍ଷା ପାଇଁ ଏକ ଗୁରୁତର ବିପଦ । ଯଦିବା ଏଥି ପ୍ରତି କଠୋର ଆଇନ ବ୍ୟବସ୍ଥା ପ୍ରଚଳିତଅଛି ମାତ୍ର କେତେକାଂଶରେ ଏହି ଅପରାଧ ବିଷୟରେ ପୁଲିସ କିମ୍ବା ଅଦାଲତରେ ଅଭିଭାବକ ମାନେ ପହଞ୍ଚାଇବାରେ ବିଫଳ ହୋଇଥାନ୍ତି । ସେହି ପରି



ପୌଷ୍ଟିକ ଅଭାବ ଓ ଅପପୁଷ୍ଟି ଶିଶୁର ବିକାଶରେ ବାଧା ସୃଷ୍ଟି କରେ । ସାଧାରଣତ ଆର୍ଥିକ ଦୃଷ୍ଟିରୁ ଦୁର୍ବଳ ପରିବାର ଶିଶୁକୁ ସହଜରେ ଖାଦ୍ୟ ଯୋଗାଇବାରେ ଅସମର୍ଥ ହୋଇଥାଏ । ଫଳସ୍ବରୂପ ଶିଶୁ ମାନଙ୍କ ମଧ୍ୟରେ ଅପପୁଷ୍ଟି, ରକ୍ତହୀନତା ଭଳି ସ୍ବାସ୍ଥ୍ୟ ଗତ ସମସ୍ୟା ଦେଖାଦିଏ ।

ବର୍ତ୍ତମାନର ସମାଜକୁ ଡିଜିଟାଲ ସମାଜ କହିଲେ ଅତ୍ୟୁକ୍ତି ହେବନାହିଁ । ଇଣ୍ଟରନେଟ୍ ଓ ସୋସିଆଲ ମିଡିଆର ବ୍ୟାପକ ବ୍ୟବହାର ସହିତ ସାଇବର ବୁଲିଂ, ଅନଲାଇନ୍ ଠକେଇ, ଫେକ୍ ପ୍ରୋଫାଇଲ, ଅଶ୍ଳୀଳ ବିଷୟବସ୍ତୁ ଏବଂ ଅନଲାଇନ୍ ଶୋଷଣର ଘଟଣା ବଢୁଛି । ଶିଶୁମାନେ ସାଇବର ସଚେତନତା ଅଭାବରୁ ବିଭିନ୍ନ ସାଇବର ଅପରାଧର ଶିକାର ହେଉଛନ୍ତି । କେତେକଂଶରେ ସାଇବର ଅପରାଧର ଶିକାର ହୋଇଥିବା ଶିଶୁ କ୍ଷେତ୍ରରେ ଆତ୍ମହତ୍ୟା ପ୍ରବଣତା ଦେଖାଦେଇଥାଏ । ଠିକ ସମୟରେ ସେହି ଶିଶୁ ମାନଙ୍କର ମାର୍ଗଦର୍ଶନ କରିବା ସମସ୍ତ ଅଭିଭାବକର କର୍ତ୍ତବ୍ୟ ହେବା ଉଚିତ ।

ଶିଶୁ ସମସ୍ୟାର ପ୍ରତିକାର ଓ ସମାଧାନ ବିଷୟରେ ଚିନ୍ତନ କଲେ ସର୍ବ ପ୍ରଥମେ ପରିବାର ଭୂମିକା ଗୁରୁତ୍ବପୂର୍ଣ ବୋଲି ପ୍ରତୀକ୍ଷାମାନ ହୁଏ । ପରିବାର ହେଉଛି ଶିଶୁଙ୍କର ପ୍ରଥମ ଶିକ୍ଷାନୁଷ୍ଠାନ । ପିତାମାତାଙ୍କର ଭଲପାଇବା, ଯତ୍ନ ଏବଂ ମାର୍ଗଦର୍ଶନ ଶିଶୁଙ୍କ ସୁରକ୍ଷାର ମୂଳ ଆଧାର । ଯେଉଁ ପରିବାରରେ ଶିଶୁମାନେ ଖୋଲାଖୋଲି ନିଜ ମତ ପ୍ରକାଶ କରିପାରନ୍ତି, ସେଠାରେ ନିର୍ଯ୍ୟାତନା କିମ୍ବା ଶୋଷଣର ସମ୍ଭାବନା କମ୍ ଥାଏ । ସେହିପରି ବିଦ୍ୟାଳୟ କେବଳ ଶିକ୍ଷା ଦେବା ସ୍ଥାନ ନୁହେଁ; ଏହା ଶିଶୁଙ୍କ ସୁରକ୍ଷା ଓ ଚରିତ୍ର ଗଠନର ଏକ ପ୍ରମୁଖ କେନ୍ଦ୍ର । ଡିଜିଟାଲ ଯୁଗରେ ଶିଶୁ ମାନଙ୍କର ଶୋଷଣ ଅତ୍ୟନ୍ତ ସହଜ ହୋଇଯାଇଛି । ବିଭିନ୍ନ ଶିକ୍ଷା ପାଇଁ ପିଲାମାନେ ସ୍ମାର୍ଟଫୋନ୍ ଓ ଇଣ୍ଟର୍ନେଟର ବ୍ୟବହାର କରିଥାନ୍ତି । ଏହା ଜ୍ଞାନ ବୃଦ୍ଧିରେ ସାହାଯ୍ୟ କରୁଥିଲେ ମଧ୍ୟ ଅନେକ ବିପଦ ମଧ୍ୟ ସୃଷ୍ଟି କରୁଛି । ଶିଶୁମାନଙ୍କୁ ଏହି ପ୍ରଯୁକ୍ତି ଜ୍ଞାନ କୌଶଳ ଠିକ ଭାବରେ ବ୍ୟବହାର କରିବାକୁ ମାର୍ଗଦର୍ଶନ କରିବା ଆବଶ୍ୟକ ହୋଇଛି । ଏଥି ନିମନ୍ତେ ସମାଜର ସବୁ ସ୍ତରରେ ପ୍ରଚେଷ୍ଟା ରହିବା ଦରକାର । ଶିଶୁର ସୁରକ୍ଷା ପାଇଁ ପୁଲିସ ବିଭାଗର ମଧ୍ୟ ଗୁରୁତ୍ବର୍ଣ୍ଣ ଭୂମିକା ରହିଛି । ପୋଲିସ ବିଭାଗ ବିଭିନ୍ନ ସଚେତନତା କାର୍ଯ୍ୟକ୍ରମ, ସାଇବର ସୁରକ୍ଷା ଅଭିଯାନ ଏବଂ ସମୁଦାୟ ପୋଲିସିଂ ମାଧ୍ୟମରେ ଶିଶୁମାନଙ୍କ ସୁରକ୍ଷା ପାଇଁ କାର୍ଯ୍ୟ କରୁଛି । ଶିଶୁମାନଙ୍କୁ ଜରୁରୀ ସହାୟତା ପାଇଁ “ଚାଇଲ୍ଡ ହେଲ୍ପଲାଇନ୍ 1098” ବିଷୟରେ ସଚେତନ କରିବା ଆବଶ୍ୟକ । ଏଥି ସହିତ ଭାରତରେ ଶିଶୁମାନଙ୍କ ସୁରକ୍ଷା ପାଇଁ ପ୍ରଚଳିତ ଆଇନ, ଯଥା- ପୋକ୍ସୋ (POCSO) ଆଇନ, 2012, ଶିଶୁ ଶ୍ରମ ନିଷେଧ ଆଇନ, କିଶୋର ନ୍ୟାୟ ଆଇନ, ବାଲ୍ୟ ବିବାହ ନିଷେଧ ଆଇନ, ସୂଚନା ପ୍ରଯୁକ୍ତି ଆଇନର ବିଭିନ୍ନ ବ୍ୟବସ୍ଥା ଇତ୍ୟାଦି ବିଷୟରେ ଯଥେଷ୍ଟ ସଚେତନତା ସୃଷ୍ଟିକରିବା ବାଞ୍ଛନୀୟ ।

ଶିଶୁମାନେ ଏକ ସୁସ୍ଥ, ସୁରକ୍ଷିତ ଓ ଶିକ୍ଷିତ ପରିବେଶରେ ବଢ଼ିଲେ ହିଁ ସମାଜ ଓ ଦେଶର ଭବିଷ୍ୟତ ଉଜ୍ଜ୍ବଳ ହେବ । ସରକାର, ପ୍ରଶାସନ, ପୁଲିସ, ବିଦ୍ୟାଳୟ ଏବଂ ସାଧାରଣ ଜନତାଙ୍କ ମିଳିତ ପ୍ରୟାସ ଦ୍ବାରା ଶିଶୁମାନଙ୍କ ସମସ୍ୟାର ସ୍ଥାୟୀ ସମାଧାନ ସମ୍ଭବ । ଏହା କେବଳ ଏକ ସାମାଜିକ ଦାୟିତ୍ବ ନୁହେଁ, ବରଂ ଆଗାମୀ ପିଢ଼ି ପ୍ରତି ଆମର ନୈତିକ କର୍ତ୍ତବ୍ୟ ମଧ୍ୟ ଅଟେ ।



ଶିଶୁ ସୁରକ୍ଷା

ଜ୍ୟାକଲିନ ପରିଜା

ଏସ . ଆଇ ,
କିଶୋର ନଗର ପୁଲିସ୍ ସ୍ଟେସନ୍, ଅନୁଗୋଳ

ଶିଶୁ ହେଉଛି ଭବିଷ୍ୟତର ଆଲୋକ,
ଶିଶୁ ହେଉଛି ଜୀବନର ମଧୁର ଝଲକ ।
ତାଙ୍କ ହସରେ ଫୁଟେ ଖୁସି,
ତାଙ୍କ ସ୍ବପ୍ନରେ ଦେଶର ପ୍ରଗତି ।

କୁନି କୁନି ପାଦରେ ଚାଲିବା ଶିଖେ,
କୁନି କୁନି ଆଖିରେ ସ୍ବପ୍ନ ଦେଖେ ।
କେବେ ତାନ୍ତ୍ର, କେବେ ଶିକ୍ଷକ ହେବ,
କେବେ ଦେଶର ସେବାରେ ନିଜକୁ ଦେବ ।

ତାଙ୍କ ହାତରେ ଖେଳନା ଶୋଭା ପାଏ ,
ତାଙ୍କ ମୁହଁରେ ହସ ମନକୁ ମୋହାଏ ।
କିନ୍ତୁ ଯେତେବେଳେ ଶିଶୁ ଭୟରେ କାନ୍ଦେ,
ସେତେବେଳେ ଆମ ମାନବିକତା କେଉଁଠି ଥାଏ ?

ଶିଶୁ ନୁହେଁ କାହାର ଖେଳନା,
ଶିଶୁ ନୁହେଁ ନିର୍ଯାତନାର ଠିକଣା ।
ତାଙ୍କର ଅଛି ବଞ୍ଚିବାର ଅଧିକାର,
ସ୍ନେହ, ଶିକ୍ଷା ଓ ସୁରକ୍ଷାର ଅଧିକାର ।

ଶିଶୁ ଶ୍ରମରେ ନ ଯାଉ ତାଙ୍କ ଜୀବନ,
ପାଠ ପଢ଼ି ଗଢ଼ନ୍ତୁ ନିଜ ଭବିଷ୍ୟତର ଜୀବନ ।
କୁନି ହାତରେ ନ ରହୁ ଭାରି କାମ,
କୁନି ମନରେ ନ ରହୁ ଦୁଃଖ ଓ ଅଭିମାନ ।

ବାଲ୍ୟବିବାହାର ବନ୍ଦନ ନ ହେଉ,
ଶିଶୁର ସ୍ବପ୍ନ କେବେ ଭାଙ୍ଗି ନ ଯାଉ ।
ବୟସ ହେବା ପୂର୍ବରୁ ବିବାହ ନୁହେଁ,
ଶିଶୁର ଶୈଶବ ଛଡ଼ାଇ ନେବା ଠିକ୍ ନୁହେଁ ।

ଅଜଣା ଲୋକଠାରୁ ରହିବା ସାବଧାନ,
ଅନଲାଇନ ଜଗତରେ ମଧ୍ୟ ରହିବା ସଚେତନ ।
ନିଜର ଫୋଟୋ, ଠିକଣା, ଗୁପ୍ତ ତଥ୍ୟ,
ଅଜଣାଙ୍କୁ ଦେବା ନୁହେଁ କେବେ ନିଶ୍ଚୟ ।

ଭଲ ସ୍ବର୍ଗ, ଖରାପ ସ୍ବର୍ଗ ଜାଣିବା,
ଅସୁବିଧା ହେଲେ “ନା” କହିବା ।
ଭୟରେ ରୁପ ରହିବା ନୁହେଁ,
ବିଶ୍ବାସର ଲୋକଙ୍କୁ କହିବାକୁ ଭୁଲିବା ନୁହେଁ ।

ଘର ହେଉ ଶିଶୁର ପ୍ରଥମ ଆଶ୍ରୟ,
ମା’ ବାପା ହୁଅନ୍ତୁ ତାଙ୍କର ନିରାପଦା ଅଭୟ ।
ଶିଶୁ କହିଲେ ତା’ କଥା ଶୁଣିବା,
ତାର ଭୟ ଓ ଦୁଃଖକୁ ବୁଝିବା, ।

ବିଦ୍ୟାଳୟ ହେଉ ଜ୍ଞାନର ମନ୍ଦିର,
ସେଠାରେ ଶିଶୁ ରହୁ ସୁରକ୍ଷିତ ନିର୍ଭୟ ନିର୍ମଳ ।
ଶିକ୍ଷକ ଦିଅନ୍ତୁ ସ୍ନେହ ଓ ଶିକ୍ଷା,
ଶିଶୁ ପାଉ ନିରାପତ୍ତା ଓ ଭଲ ଦୀକ୍ଷା ।

ପଡ଼ୋଶୀ ଯଦି ଦେଖନ୍ତି ଅନ୍ୟାୟ,
ରୁପ ରହିବା ନୁହେଁ ଆମର ଉପାୟ ।
ଶିଶୁ ଉପରେ ହେଲେ ଅତ୍ୟାଚାର,
ତୁରନ୍ତ ଦେବା ଦରକାର ସୂଚନା ଓ ପ୍ରତିକାର ।

ଶିଶୁ ଆଖିରେ ଲୁହ ନୁହେଁ ଦୁର୍ବଳତା,
ତାହା ଆମ ସମାଜ ପାଇଁ ଏକ ସଚେତନତା ।
ତାଙ୍କର ନିରବତାକୁ ବୁଝିବା ଦରକାର,
ତାଙ୍କ ସୁରକ୍ଷା ପାଇଁ ଆଗେଇ ଆସିବା ଦରକାର ।

ଜାତି, ଧର୍ମ, ଧନ କି ଗରିବ,
ପ୍ରତି ଶିଶୁ ଆମ ପାଇଁ ସମାନ ହେଉ ସର୍ବଦା ।
କାହାର ଶିଶୁ ନୁହେଁ ସମାଜର ଶିଶୁ,
ତାଙ୍କ ହାସରେ ରହିଛି ଆମ ଆଗାମୀ ଦିନର ଦିଶା ।

ଶିଶୁ ହସିଲେ ଦେଶ ହସିବ,
ଶିଶୁ ବଞ୍ଚିଲେ ଭବିଷ୍ୟତ ବଞ୍ଚିବ ।

ଶିଶୁ ସୁରକ୍ଷା - ଆମ ଅଙ୍ଗୀକାର



ଦୀପାଳି ବାରିକ (କନେଷ୍ଟବଲ)

ବଲାଙ୍ଗିର

କୋମଳ ଶୈଶବ, ନିଷ୍ଠାପ ମନ,
ସ୍ଥୁପରେ ଗଢେ ଭବିଷ୍ୟତର ଭୁବନ ।
ଭୟର ଛାୟା ନୁହେଁ, ଆବଶ୍ୟକ ଅଭୟ,
ଶିଶୁ ନିରାପତ୍ତା- ସମାଜର ପ୍ରଥମ ନ୍ୟାୟ ॥
ନିର୍ବାକ ନୟନେ ଯଦି ଯମେ ଅଶ୍ରୁ,
ଅସହାୟ କଣ୍ଠରେ ଯଦି ଅଟକେ ସ୍ଵର,
ସେ ନୀରବତା ନୁହେଁ ଯେ ଦୁର୍ବଳତା –
ସେ ଆମ ବିବେକ ପାଇଁ ହୁଏ ଆହ୍ୱାନ ॥
ଶୋଷଣ, ନିର୍ଯାତନା, ଅବହେଳାର ଅନ୍ଧକାରେ,
ଶୈଶବ ନ ହେଉ କେବେ ଅଧିକାରହୀନ ;
ଆଜନ ହେଉ ତାର ସୁରକ୍ଷାବଳୟ,
ନ୍ୟାୟ ହେଉ ତାର ନିର୍ଭୟ ଆଶ୍ରୟସ୍ଥଳ ॥
ପ୍ରହରୀ ଆମେ- କେବଳ ବର୍ଦ୍ଧନ ନୁହେଁ ସୀମିତ,
ମାନବିକତା ଓ ଦାୟିତ୍ବର ଆମେ ଅଙ୍ଗୀକାର ।
ପ୍ରତିଟି ଶିଶୁର ନିରାପଦ ହସ ପାଇଁ,
ସଦା ଜାଗ୍ରତ ରହିବ ଆମ ପ୍ରହର ॥
ଅପରାଧର ପ୍ରତିଟି ଅନ୍ଧାକୋଶକୁ
ସଚେତନତାର ଆଲୋକରେ ଭରିଦେବା ;
ଶିଶୁର ଅଧିକାର, ମର୍ଯ୍ୟାଦା ଓ ସୁରକ୍ଷା,
ସମୂହ ଶପଥରେ ତାକୁ ସୁନିଶ୍ଚିତ କରିଦେବା ॥
କାରଣ ଆଜିର ଏହି ନିଷ୍ଠାପ ଶୈଶବ,
ଆସନ୍ତାକାଲିର ହେବେ ରାଷ୍ଟ୍ରର ଭିତ୍ତି;
ଶିଶୁ ସୁରକ୍ଷିତ ରହିଲେ ହିଁ ଜାଣ,
ସୁରକ୍ଷିତ ହେବ ଆମ ସମାଜ ଓ ସଂସ୍କୃତି ॥

DISTRICT LEVEL CONSULTATION ON JUVENILE JUSTICE, 2026

"Juvenile Justice (Care and Protection of Children) Act, 2015: A decade of implementation and the way forward"

Key Notes/ Suggestions

Sl. No	District	Key Notes/Suggestions
1	ANGUL	❖ Make police verification mandatory for Prospective Adoptive Parents (PAPs) to check for criminal records. ❖ Create more places of safety to handle the significant increase in juvenile cases. ❖ Mandate regular awareness and sensitization programs for children under 18, supported by dedicated funding, to prevent juvenile offenses at the grassroots level. ❖ Focus can be made more towards learning of life skills for inmates in CICL, making them mentally and financially independent which will help them integrate into the mainstream of society. ❖ Immediately auto-close Board records, police diaries, and digital entries post-inquiry to ensure a fresh start and uninterrupted education for children in conflict with the law (CICLs). ❖ Establish specialized de-addiction wards for drug addict CICLs in Observation Homes & Special Homes.
2	BALASORE	❖ Inter-Agency Coordination: Hold regular meetings among JJB, CWC, DCPU, police, and judiciary to resolve child protection issues. ❖ Infrastructure Review: Regularly review and improve JJB, CWC, and child-care institution facilities to maintain child-friendly environments. ❖ Awareness Campaigns: Conduct school, college, and family programs on child rights, POCSO, juvenile justice, trafficking, cyber risks, and support schemes. ❖ Police Sensitization: Train police and investigators periodically on child-friendly procedures, confidentiality, and statutory safeguards. ❖ Community Restoration First: Prioritize family restoration, education, skills, and reintegration over institutionalization whenever feasible. ❖ Welfare & Activity Integration: Link eligible children to welfare programs (e.g., Jashoda and Ashirbad schemes) and encourage education, sports, yoga, and counselling. ❖ Comprehensive Progress Reviews: Evaluate case disposal alongside child rehabilitation and reintegration through regular community and stakeholder meetings.



3	BALANGIR	♦ Institutional Coordination: Maintain structured coordination among JJB, CWC, DCPU, SJPU/Police, DLSA, and local administration to resolve implementation bottlenecks. ♦ Child-Friendly Justice: Provide child-friendly infrastructure, trained personnel, and counselling to minimize fear, trauma, and stigma. ♦ Rehabilitation & Reintegration: Emphasize rehabilitation, education, vocational training, counselling, and family restoration based on the child's individual needs. ♦ School Dropout Prevention: Coordinate education authorities, DCPU, CWC, and families to identify at-risk students early and keep them in school. ♦ Strengthen Protection Services: Expand DCPU reach to promptly link vulnerable children with financial, educational, rehabilitative, and foster care services. ♦ Prioritize Family Care: Prefer family strengthening, restoration, and foster care over institutionalization whenever legally appropriate. ♦ Expedite Adoption: Process adoptions swiftly through coordinated case management among CWCs, DCPUs, and CARA/SARA. ♦ Child-Friendly Policing: Enhance specialized police units, child-friendly facilities, counselling, and ongoing police training. ♦ Prompt Intervention: Co-ordinate rapid police, SJPU, CWC, and DCPU responses for missing children, child marriage, and vulnerable youth. ♦ Community Awareness: Conduct grassroots programs on child rights, abuse reporting, birth registration, child marriage prevention, and available legal services. ♦ Legal Aid Access: Strengthen free, effective legal support for children through DLSA coordination with key child welfare stakeholders. ♦ Mental Health Support: Expand access to trained counsellors for children needing psychological, emotional, or behavioural assistance.
4	BARGARH	♦ Strengthen Infrastructure & Staffing: Upgrade JJB and CWC infrastructure, fill vacancies promptly, and supply adequate support staff. ♦ Establish Local Facilities: Set up dedicated Observation Homes, Places of Safety, and CCIs at District and Taluka levels to avoid long-distance transfers. ♦ Focus on Holistic Rehabilitation: Prioritize counselling, education, skill development, family restoration, foster care, and aftercare. ♦ Monitor Institutions: Ensure strict oversight of Child Care Institutions (CCIs) across districts. ♦ Enhance Stakeholder Coordination & Training: Improve inter-agency cooperation (Judiciary, Police, SJPU, JJB, CWC, DCPU) through regular sensitization and training. ♦ Protect Child Records & Legal Definitions: Maintain proper safeguards for CICL records and review the concept of "parentless" children to protect those lacking effective parental care. ♦ Prioritize Child's Best Interests: Keep the best interests, safety, dignity, participation, and rehabilitation of every child central to the system.





5	BHADRAK	- Implementation Gap: Address the gap between the JJ Act's progressive legal framework and its actual ground implementation. - Voice of the juvenile to be considered: Base release decisions on parental capacity and the child's wishes, ensuring safe opportunities for juveniles to express their views instead of returning them automatically to unfit parents. - Strengthen JJBs & CWCs- Ensure adequate staff and infrastructure, and consider establishing independent, exclusive JJBs for child-friendly, timely inquiries. - Free and Competent Legal Representation: Ensure adequate staff and infrastructure, and consider establishing independent, exclusive JJBs for child-friendly, timely inquiries. - Professional Capacity Building- Provide specialized training on child psychology, trauma, and restorative justice for JJB/CWC members, police, and probation officers, strictly complying with statutory training rules. - Empowerment of CWC under Section 29 (Tracing of Missing Children): Grant CWC direct authority to order tracking, summon police, and access cyber links or the Mission Vatsalya portal to tackle child trafficking and runaways. - Legal Aid Integration- Connect JJBs and CWCs directly with legal aid clinics for instant support. - Unified Case Management Portal- Upgrade the Mission Vatsalya portal to securely track and link JJBs, SJPU, CWCs, and CCIs. - Strong Institutional Monitoring- Enforce strict compliance, inspections, and accountability standards across Child Care Institutions. - Inter-Departmental Convergence- Coordinate efforts across Judiciary, Police, DCPU, CWC, JJB, Education, Health, and Social Welfare departments. - District-level Juvenile Justice Committee- Form a District Judge-led committee to conduct monthly reviews of juvenile cases, pending reports, placements, and rehabilitation - Need for introduction of a statutory "assessment protocol"- Prescribe a uniform statutory protocol for Section 15 preliminary assessments—covering information collection, expert qualifications, interview safeguards, and report formats—reflecting Supreme Court directives.
6	BOUDH	- Inter-Agency Communication: Emphasize stronger coordination among the judiciary, police, DCPU, CWCs, JJBs, CCIs, and health/education authorities, alongside timely information sharing, proper documentation, and accountability. - Implementation Requirements: Effective execution requires continuous capacity building, adequate staff, professional counselling, reliable data, regular inspections, and multi-departmental convergence. - Shift to Family & Community Care: prioritize prevention, early identification, family strengthening, and community rehabilitation over institutionalization.





7	CUTTACK	◆ Dedicated Staffing & Mental Health: Appoint dedicated clinical psychologists via CDMOs, establish trained SJPU units for trafficking/drugs/runaways, and create sanctioned support staff posts for CWCs, JJBs, and PMJJBs. ◆ Administrative Continuity: Direct district administrations to strictly ensure no vacancy in DCPO, CWC, and JJB member positions. ◆ Extended Aftercare & Vocational Funds: Extend statutory aftercare support from age 21 to 24 and establish a dedicated fund for juveniles aged 15–18 leaving CCIs for vocational/higher education. ◆ Diversion & Community Service: Introduce formal diversion programs and community service options for petty offenses committed by 16- to 18-year-olds. ◆ Adoption System Reforms: Fix a 60-day CARINGS matching timeline, frame inter-state transfer SOPs, fund 2-year post-adoption follow-ups by SAAs, and mandate privacy protections for biological parents. ◆ Cyber Protection Legislation: Insert a dedicated JJ Act chapter on online CSAM, cyberbullying, and AI abuse with mandatory social media reporting duties. ◆ System Integration & Policy Mandates: Integrate Aadhaar, birth registration, passport, and MEA systems seamlessly, and mandate State Child Protection Policy implementation with a 3-year review cycle. ◆ Financial Restructuring & Direct Transfers: Update per-capita allocations to market standards, enhance special needs funding, and implement direct benefit transfers for CCI/NGO grants. ◆ Legal Aid & Awareness Expansion: Broaden DLSA awareness campaigns into slums and rural areas beyond schools and colleges. ◆ Probation Accountability: Mandate DCPU Probation Officers to submit strict, periodic reports.
8	DEOGARH	◆ Independent JJB Infrastructure: Establish a dedicated Juvenile Justice Board with its own courtrooms, sitting days, staff, and record room rather than treating it as an additional charge for existing courts. ◆ Specialized SJPU Personnel: Deploy a dedicated Special Juvenile Police Unit with fixed tenures, trained in juvenile law, child psychology, and child behaviour. ◆ Dedicated Child Psychologist: Attach a permanent child psychologist to the district machinery to conduct Section 15 preliminary assessments and monitor children in institutional care. ◆ Victim-Centric Balance: Expand focus to child victims and children in need of care, offering unified support for shelter, medical aid, counselling, legal aid, compensation, and long-term restoration records. ◆ Inter-Agency Accountability: Ensure strict coordination among police, JJB, CWC, DCPU, probation officers, DLSA, and CCIs so no child drops out of the system. ◆ Administrative Responsibility: Fix explicit accountability on the district administration for providing infrastructure, logistics, staffing, and execution support.





9	DHENKANAL	♦ Adoption Support & Oversight: Ensure timely funding for SAAs/homes and establish quarterly district coordination meetings to resolve adoption bottlenecks. ♦ Restoration of Sponsorship & Funds: Immediately restore the suspended 4,000 monthly CNCP sponsorship and ensure regular fund flow to CWCs and JJBs ♦ Preventing Premature De-institutionalization & Enhancing Aftercare: Stop premature child returns driven by financial shortfalls, and fund robust aftercare (education, housing, jobs) for youth turning 18. ♦ Specialized Disability & Mental Health Care: Create dedicated facilities for children with developmental disabilities and make district-level psychiatric services available. ♦ Staffing & Operational Reforms: Replace pharmacists with nurses in CCIs, provide security staff, allow CCI direct hiring for support staff, and raise the upper age limit for caregivers to 45. ♦ Protecting Education & Property Rights: Ensure uninterrupted schooling using provisional arrangements when certificates are missing, and legally secure deceased parents' property for CNCP. ♦ Handling Late-Night CICI Accommodations: Set up dedicated, segregated rooms in Open Shelters/Fit Facilities to temporarily house CICIs without compromising CNCP safety. ♦ Procedural Clarity for Absconding CICIs: Establish statutory procedures to resolve cases where a CICI is non-traceable, absconding, or unapprehended for long periods. ♦ Preliminary Assessment Timeframes: Resolve preliminary assessment delays caused by non-appearing CICIs so evaluations remain accurate to the time of the offense. ♦ Statutory Clarifications on Trial & Age Proof: Define procedures for cases returned by Children's Courts to JJBs, transfer adult-bound CICIs over 18 from Places of Safety to jails, and clarify school age-proof standards under Section 94.
10	GAJAPATI	♦ Infrastructure & Staffing Support: Equip CWCs and JJBs with child-friendly infrastructure, create dedicated Group-D support posts, and regularize Data Entry Operators to handle electronic records. ♦ Priority Recruitment: Fill all vacancies immediately across CWCs, JJBs, DCPUs, and allied child-protection bodies to ensure smooth statutory functions. ♦ Staff Retention & Compensation: Review remuneration and service conditions for contractual and support staff to reduce turnover, preserve institutional memory, and maintain consistent care. ♦ Capacity Building: Mandate regular, cross-stakeholder training on child-friendly procedures, trauma-informed care, disability inclusion, and updated legal frameworks. ♦ CCI Oversight & Quality Care: Strengthen inspections and monitoring of Child Care Institutions to ensure proper individual care plans, education, healthcare, counselling, and rehabilitation. ♦ Child-Friendly Facilities: Design CWC and JJB premises with private interaction spaces, waiting areas, counselling rooms, and disability-accessible amenities. ♦ Targeted Interventions & Segregation: Expand mental health, medical, and educational services, ensuring POCSO victims, children with disabilities, and CICIs are housed and supported separately. ♦ Dedicated Psychological Support: Ensure timely access to qualified psychologists and counsellors for assessments, institutional care, and ongoing mental health needs. ♦ Inter-Departmental Convergence: Enhance structured coordination among Judiciary, Police, DLSA, Education, Health, Labour, ICDS, and DCPU with clearly assigned responsibilities. ♦ District Reviews & Child-Sensitive Assessments: Replace quarterly reviews with regular district-level stakeholder meetings and implement child-sensitive, multidisciplinary preliminary assessment protocols for heinous offenses.





11	GANJAM	◆ Disability Rehabilitation Facilities: Establish a dedicated district-level facility in Ganjam to provide therapeutic, medical, psychological, and educational support for children with disabilities under the Juvenile Justice System. ◆ Adequate & Timely CCI Funding: Ensure prompt release of funds aligned with actual occupancy and child-specific needs, backed by a regular monitoring mechanism to prevent resource shortages. ◆ Alternative Verification Methods: Prohibit denying welfare benefits due to missing biometric or identification credentials by accepting valid alternative documents and streamlining technical resolution mechanisms. ◆ Strengthened Legal Aid & Focused Monitoring: Institutionalize early identification, immediate access, and child-friendly representation while actively evaluating legal assistance quality, database tracking, counsel interactions, and case progress through periodic reviews. ◆ Inter-Departmental Coordination: Create a convergent, single-window district mechanism across departments to eliminate service gaps and avoid forcing children to approach multiple agencies. ◆ Structured Monitoring Cycle: Implement a multi-level review framework featuring monthly District Judge-led meetings, quarterly/half-yearly High Court committee reviews, and state consultations to address systemic gaps. ◆ Child-Friendly Block Initiative: Implement block-level governance focused on child protection, education, nutrition, health, and disability support, recognizing top-performing blocks to foster healthy competition. ◆ Sector-Wise District Recognition: Introduce sector-specific district incentives—evaluating performance separately in education, health, legal aid, and overall child welfare—to ensure comprehensive progress across all domains. ◆ Unified Core Objective: Transition to an outcome-oriented juvenile justice system built on the guiding vision: “Every child seen, every child heard, and every child protected.”
12	JAGATSINGHAPUR	◆ Family Care & Reintegration: Prioritize family restoration, foster care, and sponsorship, while equipping children with education, vocational training, and counselling for successful societal reintegration. ◆ Stakeholder Training: Organize periodic training for judicial officers, police, JJB, CWC, and social workers on child-friendly procedures, rights, assessments, adoptions, and abuse prevention. ◆ Dedicated Psychologist: Provide a dedicated district-level psychologist to deliver assessment, counselling, and emotional support to children throughout inquiries, restoration, and reintegration. ◆ Legal Clarification on Heinous Offenses: Issue clear guidelines on preliminary assessments, transfers, and maximum sentencing for 16–18-year-old juveniles involved in heinous crimes like murder and rape. ◆ Witness Allowances: Ensure simple, prompt disbursement of daily allowances and travel expenses for witnesses appearing before the JJB or CWC to prevent financial hardship.
13	JAJPUR	◆ Program Integration: Implement and integrate preventive initiatives within the Integrated Child Protection framework. ◆ JJB Governance & Selection: Standardize the Juvenile Justice Board system, covering both the selection process and defined job responsibilities for its members. ◆ Infrastructure Enhancement: Ensure appropriate, child-friendly infrastructure across all juvenile justice facilities. ◆ Dedicated Legal Representation: Create a specialized panel of legal aid professionals at the JJB to deliver free, timely, and effective legal aid. ◆ Strengthening Alternative Care: Expand protective schemes, including sponsorship and foster care programs.





14	JHARSUGUDA	◆ Substance Abuse & Family Role: Address rising juvenile drug abuse through early prevention, vigilant parental supervision, open communication, and early identification of negative peer influences. ◆ Runaway Juveniles & Rehabilitation: Establish robust post-release tracking and follow-up mechanisms to prevent runaway children from falling into crime, exploitation, or substance abuse. ◆ Specialized Facilities for Children with Special Needs & Mental Illness: Set up regional shelter/observation homes equipped with medical treatment, rehabilitation, and counselling for children with disabilities, mental illnesses, or substance addictions. ◆ Shelters for Minor Pregnant Girls: Establish dedicated shelter homes—or utilize available facilities like One Stop Centres and Saktisadan Homes—to provide proper care, counselling, and long-term support for minor pregnant victims. ◆ JJB Infrastructure & Staffing: Create dedicated JJB buildings with proper infrastructure, places of safety, child-friendly preliminary assessment rooms, short-stay homes at district headquarters, and 30 full-time posts for Principal Magistrates and support staff across Odisha. ◆ Judicial Efficiency & Assessment Reform: Terminate prolonged petty offense proceedings, constitute mobile medical boards at state medical colleges to assist in preliminary assessments, and actively involve social worker members in JJB operations. ◆ Dedicated Logistics for Rescues: Provide dedicated government vehicles to child helplines (1098) in all districts for the prompt rescue and safe transportation of children in need. ◆ Strengthening Grassroots Child Marriage Committees: Activate, monitor, and enforce accountability within Gram Panchayat-level Child Marriage Prohibition Committees to ensure effective local intervention. ◆ Inter-Agency Coordination & Monitoring: Establish high-level district and state committees to monitor the causes of juvenile crime, while improving active communication among key juvenile justice stakeholders. ◆ Systemic Funding: Ensure adequate, continuous fund allocation to support the infrastructure, operations, and rehabilitation services of the entire juvenile justice framework.
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15	KALAHANDI	❖ Grassroots Awareness & Prevention: Conduct community, school, and village programs to build awareness of child rights, the JJ Act 2015, and early identification of child protection issues. ❖ Extended Education Access: Ensure compulsory education for children up to 16 years (expanding from 14 years), preventing dropouts through early identification and inter-agency retention efforts. ❖ Moral & Value-Based Education: Integrate ethical values, discipline, empathy, and moral education into schools to discourage delinquent and anti-social behaviour. ❖ Adolescent Protection & Child Marriage Prevention: Coordinate police, CWC, DCPU, and education authorities to vigilantly prevent child marriage, rescue at-risk children, and educate communities on its legal and health impacts. ❖ Institutional Support & Staffing: Provide dedicated support staff, adequate manpower, and infrastructure to JJBs, CWCs, and DCPUs through the Department of Women & Child Development. ❖ Sex Education & Personal Safety: Impart age-appropriate sex education, body safety awareness ("good touch/bad touch"), online safety, and abuse reporting mechanisms to empower children. ❖ Facility Upgrades for Girls: Enhance Girls' Observation Homes by improving safety, sanitation, healthcare, education, counselling, skill development, and rehabilitation services. ❖ Timely Scheme Delivery: Enforce the prompt, efficient implementation of government child welfare schemes and guidelines to reach all eligible vulnerable children without delay. ❖ Stakeholder Training & Capacity Building: Conduct mandatory, regular training for police, SJPU personnel, probation officers, and JJB/CWC members on child-friendly procedures and statutory protections. ❖ Inter-Agency Coordination & Vulnerable Child Focus: Strengthen regular collaboration among JJBs, CWCs, DCPUs, SJPU, and social welfare departments to swiftly protect and rehabilitate abandoned, orphaned, abused, or trafficked children
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16	KANDHAMAL	❖ School & Institutional Counselling: Establish counselling centres staffed by trained teachers, social workers, or counsellors in schools, CCIs, Observation Homes, and hostels to address emotional needs, reduce dropouts, and prevent CICL recidivism. ❖ Rural Welfare & Cyber Awareness: Deploy DLSA-facilitated ASHA units, PLVs, NGOs, and SHGs to drive grassroots awareness of government child schemes (e.g., Mission Vatsalya, Sukanya Samridhi) in remote, off-grid areas, alongside regular school cyber safety drives. ❖ Localized Homes & Places of Safety: Set up dedicated Observation Homes, Special Homes, and Places of Safety within each district headquarters to eliminate long-distance transfers (e.g., 80–343 km) that cause severe distress to children and families. ❖ Continuous Stakeholder Capacity Building: Conduct regular, ongoing training and workshops for advocates, bench clerks, SJPU, and JJB members—focusing on psychological tools and Section 15 preliminary assessment protocols. ❖ Dropout Tracking & Economic Mainstreaming: Empower DCPUs and CWCs to survey school dropouts and link at-risk or migrant youth to education or vocational training, preventing poverty-driven juvenile crime and migration. ❖ Inter-Agency Coordination & Visibility: Display contact lists of CWPOs, Probation Officers, DLSAs, and JJB members in every police station; deploy specialized, trained SJPU personnel; and institute 24/7 child help desks at transport hubs. ❖ Expeditious Case Disposal & Witness Batta: Mandate time-bound disposal of petty/serious cases, enforce guardian accountability for producing released CICLs, and establish dedicated state funding for witness travel and food allowances (Witness Batta) at the JJB. ❖ Identity Documentation for Orphans: Direct DLSAs, DCPUs, CWCs, and district administrations to collaborate on creating official birth and age documentation for orphan children to avoid rehabilitation and adoption delays. ❖ District-Level Expert Panels: Appoint and post regular, functional panels of professional psychologists, psychosocial workers, and medical experts at every DCPU to assist JJBs with preliminary assessments and institutional monitoring. ❖ Dedicated Child-Friendly Infrastructure & Staffing: Issue state guidelines to establish separate, child-friendly JJB and Children's Court premises, equipped with dedicated full-time support staff, care takers, and night watchmen.
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17	KENDRAPARA	♦ Adequate Rehabilitation Resources: Equip facilities beyond basic custody with dedicated resources for education, counselling, psychological support, vocational training, and skill development. ♦ Continuous Stakeholder Training: Conduct regular training and sensitization for judicial officers, police, JJB/CWC members, and CCI staff on JJ Act principles and child-friendly approaches. ♦ Backlog Reduction & Timely Inquiries: Streamline inquiries, assessments, and case disposals to eliminate delays and prevent juveniles from lingering in the system. ♦ Community Awareness & De-stigmatization: Run ongoing public sensitization campaigns on child rights and rehabilitation to reduce societal stigma and promote community reintegration. ♦ Data-Driven Accountability & Implementation: Translate NCRB data and statistics into actionable accountability to close operational gaps and prioritize the child's best interest, dignity, and successful social restoration.
18	KEONJHAR	♦ Core Strategic Focus: Ensure effective JJ Act implementation through timely interventions, child-friendly procedures, inter-departmental coordination, and strengthened community-level child protection mechanisms. ♦ Preliminary Assessment Oversight: Regularly monitor and evaluate Section 15 preliminary assessment reports for heinous offenses. ♦ Structured Training & Awareness: Conduct mandatory orientation, training, and awareness programs to achieve concrete outcomes and support child development. ♦ Education & Skill Building in CCIs: Provide technical training, education, and a supportive environment for both Children in Conflict with Law (CICL) and Children in Need of Care and Protection (CNCP) residing in Child Care Institutions. ♦ Capacity Building & Coordination: Ensure continuous sensitization of frontline staff, effective case management, and seamless coordination among Police, JJB, CWC, DCPU, and allied agencies. ♦ Strengthening Protection & Reintegration: Prioritize robust protection, rehabilitation, and reintegration measures for CICLs to prevent recidivism. ♦ Individual Case Documentation: Maintain an Individual Social Investigation Report for every child to guide personalized care. ♦ Mental Health & Psychosocial Care: Deliver prompt treatment and support for any child suffering from mental illness, stress, or trauma. ♦ Preventing Anti-Social Influence: Address negative family backgrounds and safeguard children from bad peer influences or hardened criminals to prevent repeat offenses.





19	KHURDA	- Identification & Adoption Formalities: Direct OCAC, Bhubaneswar to streamline child Aadhaar enrolment, enforce annual CCI compliance for foreign adoptions, and request simplified passport issuance guidelines for adopted children. - Legal Support & Victim Compensation: Require CCIs to file Victim Compensation Applications before competent courts for eligible children. - Infrastructure & Dedicated Facilities: Establish child-friendly desks in all police stations, open a dedicated Observation Home in Khurda District, and create a public website for Children's Homes to facilitate public support. - Staffing & Remuneration: Engage more house mothers and caretakers in CCIs, and enhance the remuneration for counsellors, house mothers, and care staff. - Specialized Training: Provide mandatory specialized training to CCI counsellors to effectively address children's psychological needs. - DNA Preservation Guidelines: Frame clear guidelines to collect and preserve DNA samples of children in CCIs to assist in matching with biological parents. - Rescue Tracking & Police Coordination: Require CCIs to notify the concerned police station in writing upon receiving a rescued child to enable effective case monitoring. - Education & Skill Development: Deliver proper academic education, vocational skill training, and age-appropriate sex education in schools. - Inclusive Education & Healthcare: Enrol differently-abled children in residential schools, ensure regular medical care, and maintain strict hygiene standards across all Children's Homes. - Child Protection Measures: Strengthen overall institutional infrastructure, healthcare, and educational support systems to safeguard vulnerable children.
20	KORAPUT	- Aftercare Scope: Under the JJ Act, 2015, abandoned children remain in institutional or alternative care (foster care, restoration, fit person placement) until age 18, receiving aftercare support for education, skill development, employment, housing, and social reintegration up to age 21. - Lack of Caste Certification: There is no legal mechanism to issue a caste certificate to an abandoned child whose biological parentage and caste are unknown once they attain majority. - Denial of Benefits: The absence of a caste certificate deprives un-adopted abandoned children of access to education, scholarships, employment, and statutory welfare schemes. - Special Category Provision: Abandoned children with unknown parentage should be granted a distinct legal category or special consideration to secure educational, employment, and government benefits. - State Obligation: The State must ensure that children of unknown parentage are not deprived of welfare benefits simply because their caste or community cannot be legally determined.





21	MALKANGIRI	♦ Joint District Monitoring Protocol: Establish a quarterly joint inspection committee (District Judge, District Collector, Superintendent of Police) to monitor Observation Homes, Special Homes, and CCIs, mirroring adult correctional home oversight. ♦ Two-Pillar Rehabilitation and Post-Release Tracking: Provide individualized psychological profiling, trauma therapy, and market-linked vocational training (Pillar 1), combined with mandatory 6-month, 12-month, and 2-year ICP tracking by a designated PO or CWPO to prevent recidivism (Pillar 2). ♦ Procedural and Summons Reforms at the JJB: Issue all JJB notices and summons in simple Odia with explicit endorsements of Section 12 Free Legal Aid entitlements, and encourage liberal release on Personal Recognizance (PR) Bonds at initial production. ♦ Open Schooling and Timely Vocational Curricula: Establish flexible Open Learning and Sports Centres for dropouts, ensuring the Department of School & Mass Education supplies printed syllabi and textbooks for +2 vocational courses without delay. ♦ Interstate Anti-Trafficking Corridors: Set up dedicated joint border check posts and police transit units along Andhra Pradesh and Chhattisgarh borders to stop child labour migration and trafficking. ♦ Child-Marriage-Free Enforcement ("Malyabanta Nandini"): Empower notified CMPOs/PEOs/CDPOs under standard operating procedures to declare all 1,055 revenue villages Child-Marriage-Free before 2030. ♦ Multi-Stakeholder Capacity Building: Mandate quarterly training for CWPOs, SJPU, CWCs, and JJB staff on adolescent psychology, trauma-informed care, local tribal dialects, and de-addiction management. ♦ Infrastructural and Staffing Augmentation: Urgently fill vacancies across CCIs, DCPUs, JJBs, and CWCs, while creating dedicated child transit and counselling facilities at outlying stations.
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22	MAYURBHANJ	◆ District Observation Home: Establish a local Observation Home for the proper care, supervision, and monitoring of children in conflict with law. ◆ School Re-enrolment: Identify and re-enrol school dropouts to ensure educational completion and societal mainstreaming. ◆ Child-Friendly Policing: Implement child-sensitive interactions, including ensuring police officers refrain from wearing uniforms when dealing with children. ◆ Specialized Police Units: Strengthen Special Juvenile Police Units (SJPUs) and Women & Child Desks at all police stations for sensitive case handling. ◆ Crime Prevention & Safeguarding: Enhance preventive measures to identify and protect vulnerable children from being induced or exploited into criminal activities. ◆ De-addiction & Substance Control: Develop adequate rehabilitation and de-addiction facilities for children while strictly curbing the unauthorized sale of drugs. ◆ Family & Community Reintegration: Promote family-based and community-based rehabilitation models for the effective social reintegration of juvenile offenders. ◆ Parental & Family Counselling: Expand family counselling services, focusing on parental negligence issues prior to restoring children to their homes. ◆ Post-Adoption Support: Provide structured post-adoption counselling and support to manage adjustment challenges and guarantee long-term placement stability. ◆ Grassroots Awareness Campaigns: Intensify community sensitization regarding child rights, child labor, human trafficking, substance abuse, and the rehabilitative philosophy of the juvenile justice system.
23	NABARANGPUR	◆ Ossification Testing Infrastructure: Upgrade hospital facilities to ensure the timely availability of age-determination ossification tests. ◆ Accelerated Case Disposal: Direct the Juvenile Justice Board to take active measures for the early resolution of pending juvenile cases. ◆ Developmental Reintegration Progress: Prioritize the rights and growth of juveniles, noting current linkages for 78 children in education and 97 in vocational training. ◆ Institutional Responsibility & Rehabilitation: Reinforce the duty of all juvenile justice bodies to effectively rehabilitate and reintegrate children in conflict with law and children in need of care.





24	NAYAGARH	◆ Strengthening of Infrastructure: Upgrade basic facilities and infrastructure across all child protection entities, including JJBs, Observation Homes, CCIs, and Police Stations. ◆ Establishment of Observation Homes/Place of safety: Set up an Observation Home or Place of Safety in every district to eliminate long, risky transfers and ensure safe custody and rehabilitation. ◆ Adequate Vocational Training: Provide market-driven vocational and skill-development training to CCLs and CNCs to ensure effective rehabilitation and societal reintegration. ◆ Awareness at Grass-root Level: Conduct routine awareness campaigns on the JJ Act, Rules, and child welfare schemes across families, schools, Panchayats, and villages. ◆ Prevention of Child Marriage: Declare two villages per Gram Panchayat as priority model villages for targeted monitoring, awareness, and child protection to eradicate child marriage. ◆ Role of PLVs and District Court (Staff): Sensitize and encourage Para-Legal Volunteers and court staff to raise public awareness about juvenile laws, rules, and government welfare schemes. ◆ Timely Availability of Funds: Allocate and disburse adequate funds promptly to all juvenile justice institutions to support child care and rehabilitation operations. ◆ Awareness regarding Emerging Child Protection Concerns: Roll out targeted awareness and prevention initiatives covering cyber exploitation, online abuse, juvenile involvement in heinous crimes, and child begging. ◆ Child Psychologist for Preliminary Assessment: Provide a qualified Child Psychologist or Mental Health Professional to assist the JJB during Section 15 preliminary assessments in serious cases. ◆ Strengthening Coordination and Accountability: Enhance inter-agency coordination among JJB, SJPU, DCPU, CWC, CCIs, Police, DLSA, schools, and NGOs for timely intervention, restoration, and protection.
25	NUAPADA	◆ Lack of Legal Awareness: Overcome widespread public ignorance of the JJ Act by engaging local legal practitioners, organizing agency workshops, and leveraging active DLSA, JJB, and CWC coordination to provide accessible legal aid and counselling for children. ◆ Lack of adequate infrastructure: Address severe delays in placing abandoned, missing, and deserted children by building fully equipped shelter homes, establishing a dedicated Observation Home in Nuapada District, and deploying trained manpower. ◆ Implementation of the provisions of Juvenile Justice System: Execute major statutory amendments—including adoption orders, offense reclassifications, and CCI monitoring—through strict procedural compliance, capacity building, seminars, and robust legal aid to fix implementation loopholes. ◆ Co-ordination amongst the key institution: Eliminate inter-agency indifference and delays among the CWC, JJB, Children's Courts, and DCPU to streamline the identification, rescue, and rehabilitation of vulnerable children and juveniles. ◆ Proper Implementation of the Schemes: Drive massive public awareness campaigns for government welfare programs like Mission Vatsalya to ensure schemes effectively reach eligible beneficiaries.





26	PURI	❖ Grassroots Shielding & Non-Stigmatization: Reactivate Village Child Protection Committees (VCPCs) to track dropouts and child marriage, enforce strict non-disclosure, and institute automated expungement of juvenile records upon majority to prevent social profiling. ❖ Institutional Sensitization: Conduct mandatory training for state education boards, school administrators, SJPU, and civic bodies to eliminate secondary systemic rejection in schools and workplaces. ❖ Educational Continuity: Accrediting Child Care Institutions (CCIs) as open schooling (NIOS) examination centres, implement fast-track bridge courses, and issue standing orders to eliminate transfer certificate requirements for post-release admissions. ❖ Trauma-Informed & Clinical Mental Healthcare: Standardize mental health screenings at JJB production, incorporate cognitive behavioural therapy into Individual Care Plans (ICPs), and train CCI staff in trauma-informed care and non-violent de-escalation. ❖ Dedicated Adolescent De-Addiction: Establish specialized district-level adolescent neuropsychiatric and de-addiction facilities to replace punitive or adult-centered containment. ❖ Market-Aligned Vocational Training: Replace obsolete trades with modern, market-linked skilling, industry certifications, and formal placement apprenticeships. ❖ Family Preservation & Non-Custodial Diversion: Mitigate economic push-factors via Mission Vatsalya family sponsorships and prioritize non-custodial diversion (probation, community service, kinship foster care) for bailable and non-heinous offenses. ❖ Probation Augmentation & Aftercare (Section 46): Strengthen Probation Officer capacity for meaningful care plans and establish an un-lapsable District Aftercare Support Fund providing housing, stipends, and legal aid for care-leavers aged 18–21. ❖ Single-Window Identity & Civil Documentation: Mandate a single-window DCPU protocol to ensure every child receives foundational identity documents, bank accounts, and educational transcripts prior to discharge. ❖ Inter-Agency Convergence & Governance: Institutionalize quarterly joint reviews between the Principal Magistrate, District Magistrate, DEO, and DCPO to streamline rehabilitation orders and resolve systemic operational bottlenecks.
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27	RAYAGADA	◆ Staffing Parity & Regular Cadre: Upgrade JJB staffing to match Judicial Magistrate First Class court levels by creating regular Group-C and Group-D posts, while making CWC Chairpersons and DCPOs regular state cadre officers rather than outsourced personnel. ◆ Comprehensive Training & Funding: Adequately fund, equip, and train all juvenile justice staff and stakeholders to ensure effective statutory compliance. ◆ Exclusive Judicial Focus & Legal Amendments: Appoint full-time, exclusive Principal Magistrates (and Additional PMs in high-pendency districts) to eliminate case delays, and amend rules to permit JJBs within court premises using child-friendly safeguards similar to POCSO courts. ◆ Localized Observation & Special Homes: Establish at least one Observation Home-cum-Special Home in every revenue district—temporarily converting existing CCIs where necessary—to avoid inter-district transport bottlenecks. ◆ Expanded Specialized Facilities: Establish at least one Place of Safety and one Girls' Observation Home for every six revenue districts to curb severe overcrowding at the sole existing state facilities in Rourkela and Berhampur. ◆ Awareness Campaigns: Utilize District Legal Services Authorities (DLSAs) to lead coordinated public awareness drives on beneficial juvenile justice provisions. ◆ CCI Upgrades & State Cooperation: Strengthen and resource existing Child Care Institutions, while ensuring state cooperation with the High Court to create more equipped JJBs for speedy trial disposal. ◆ Mental Health Infrastructure: Post at least one trained psychiatrist at every District Headquarter Hospital to deliver dedicated care and assessment for children in need.
28	SAMBALPUR	◆ District Child Tracking Dashboard: Develop a privacy-compliant digital dashboard to monitor case progress, statutory timelines, care, adoption, and post-release follow-up across all agencies. ◆ Child-Centric Vulnerability Focus: Shift interventions beyond the alleged offense to address root causes like school dropouts, family distress, trafficking, substance abuse, and digital risks. ◆ "One Child, One Coordinated Plan": Integrate multi-agency support into a single individualized care plan covering mental health, education, treatment, family support, and outcome tracking. ◆ Child-Sensitive Policing & Shelters: Train SJPU and CWPOs alongside cyber and psychological experts, while expanding shelter infrastructure through cluster-district facilities. ◆ Rehabilitation, Diversion & Family-Based Care: Prioritize family restoration, foster care, and community diversion over institutional care, maintaining support through structured after-care programs. ◆ Regulated Adoption Practices: Streamline transparent adoptions with a focus on prior in-country placement, mandate District Magistrate recording of HAMA adoptions, and extend post-adoption monitoring beyond two years. ◆ Section 15 Preliminary Assessment Standard: Conduct multidisciplinary assessments based strictly on all four statutory parameters—not merely the gravity of the offense—assisted by standardized psychological tools. ◆ Substantive SIRs and Individual Care Plans: Upgrade Social Investigation Reports (SIRs) and Individual Care Plans (ICPs) from routine paperwork into detailed analyses of trauma, family context, and risk factors. ◆ Targeted Care for Children with Disabilities: Ensure prompt disability certification, accessible education, tailored social security benefits, and dedicated rehabilitative support. ◆ Grassroots Awareness, Accountability & Resourcing: Strengthen village-level reporting, enforce statutory timeline monitoring via social audits, and adequately resource Mission Vatsalya with continuous professional capacity building.





29	SONEPUR	◆ Child-Centric Core: The JJ Act, 2015 prioritizes the child's dignity, best interests, rehabilitation, and social reintegration. ◆ Dual Classifications: Establishes distinct statutory frameworks for Children in Conflict with Law (CICL) and Children in Need of Care and Protection (CNCP). ◆ Institutional Backbone: Relies on JJBs, CWCs, DCPUs, SJPU, and CCIs to execute child protection and justice. ◆ Rehabilitative Focus: Emphasizes counselling, education, skill training, foster care, and restoration over punitive measures. ◆ Adolescent Offense Framework: Balances accountability and rehabilitative needs for juveniles aged 16–18 accused of heinous offenses. ◆ Alternative Care & Adoption: Prioritizes family-based care and adoption, reserving institutionalization as a last resort. ◆ Integration with Mission Vatsalya: Aligns statutory juvenile justice processes with broader child protection mechanisms under Mission Vatsalya. ◆ Systemic Implementation Gaps: Challenges persist due to staffing vacancies, poor infrastructure, trained personnel shortages, and procedural delays. ◆ Institutional Quality & Post-Release Care: Requires stricter CCI monitoring for safety and healthcare, alongside improved post-release follow-up and aftercare. ◆ Outcome Data & Multi-Agency Coordination: Shifts evaluation to long-term reintegration metrics, requiring seamless collaboration across police, judiciary, DLSAs, and social welfare agencies.
30	SUNDARGARH	◆ Joint Statutory Governance: Bind the administrative authority of the Collector, police enforcement under the SP, and judicial interventions to build a resilient, accountable child safety ecosystem in Sundargarh. ◆ Infrastructure Upgrades: Invest in child protection institution facilities to provide quality education, healthcare, recreation, counselling, and vocational training. ◆ Multidisciplinary Capacity Building: Conduct continuous training for JJB/CWC members, police, probation officers, counsellors, and care staff focusing on child rights, developmental psychology, trauma care, and rehabilitation. ◆ Timely Vacancy Resolution: Fill all vacant positions across child protection institutions on priority to ensure effective operational delivery. ◆ Expansion of Non-Institutional Care: Scale up sustainable, family-based alternatives—including foster care, direct family sponsorships, and kinship care—over long-term institutionalization. ◆ Integrated Mental Healthcare: Embed routine psychological assessments, trauma therapy, and specialized counselling directly into core child protection services. ◆ Tech-Enabled Monitoring: Utilize digital platforms and technology to streamline multi-agency coordination, case tracking, data gathering, and supervisory monitoring. ◆ Market-Linked Vocational Training: Align institutional vocational training directly with contemporary job opportunities to ensure post-release employability. ◆ Grassroots Prevention Strategy: Implement proactive preventive measures addressing root causes through poverty reduction, universal education, family support, and community participation. ◆ Trauma-Informed Section 15 Assessments: Conduct objective, trauma-informed psychological evaluations during preliminary assessments to understand developmental needs, prioritize mental well-being, and support holistic rehabilitation.





Common suggestions across Districts

1-Stakeholder Capacity Building & Training		
A	Mandatory, periodic training and sensitization for police, SJPU, and investigators on child-friendly procedures, trauma care, and child psychology.	18 Districts (Balasore, Bargarh, Bhadrak, Boudh, Gajapati, Jagatsinghapur, Kalahandi, Kandhamal, Kendrapara, Keonjhar, Khurda, Malkangiri, Mayurbhanj, Nayagarh, Nuapada, Puri, Rayagada, Sundargarh)
B	Continuous capacity building and orientation workshops for JJB, CWC members, and judicial officers on statutory compliance.	
C	Cross-stakeholder and multidisciplinary training encompassing legal aid, education, health, and social welfare personnel.	
2-Infrastructure & Staffing Augmentation		
A	Filling vacancies promptly across CWCs, JJBs, DCPUs, and CCIs to ensure uninterrupted operations.	17 Districts (Angul, Balasore, Bargarh, Bhadrak, Boudh, Cuttack, Deogarh, Gajapati, Jharsuguda, Kalahandi, Kandhamal, Khurda, Malkangiri, Nayagarh, Nuapada, Rayagada, Sundargarh)
B	Upgrading and expanding child-friendly infrastructure, dedicated courtrooms, waiting rooms, and separate places of safety.	
C	Deploying adequate support staff, regularizing contractual personnel, and creating permanent posts for operational continuity.	
3-Inter-Agency Coordination & Convergence		
A	Holding regular structured coordination and review meetings among JJB, CWC, DCPU, Police/SJPU, DLSA, and District Administration.	16 Districts (Balasore, Balangir, Bargarh, Bhadrak, Boudh, Deogarh, Gajapati, Ganjam, Jharsuguda, Kalahandi, Keonjhar, Nayagarh, Nuapada, Puri, Sonepur, Sundargarh)
B	Establishing multi-departmental convergence across Education, Health, Social Welfare, and Judiciary to eliminate service gaps.	
C	Strengthening single-window mechanisms and multi-level monitoring committees for streamlined case tracking.	
4-Grassroots Awareness & Prevention Campaigns		
A	Conducting grassroots and community-level awareness programs on child rights, child protection, abuse reporting, and government schemes.	15 Districts (Angul, Balasore, Balangir, Kalahandi, Kandhamal, Kendrapara, Keonjhar, Khurda, Mayurbhanj, Nayagarh, Nuapada, Puri, Rayagada, Sambalpur, Sundargarh)
B	Executing school, college, and village-level sensitization drives targeting cyber safety, substance abuse, and POCSO awareness.	
C	Activating local GP/village child protection committees and PLVs to prevent child marriage and child labour.	





5-Family Care, Reintegration & Alternative Care		
A	Prioritizing family restoration, sponsorship, foster care, and kinship care over institutionalization whenever feasible.	11 Districts (Balasore, Balangir, Bargarh, Boudh, Jagatsinghapur, Keonjhar, Mayurbhanj, Puri, Sambalpur, Sonapur, Sundargarh)
B	Promoting holistic social restoration, education continuity, and community-based reintegration to prevent recidivism.	
C	Enhancing post-release tracking, family counselling, and long-term aftercare support.	
6-Vocational Skilling, Education & Economic Mainstreaming		
A	Providing market-driven, modern vocational training and skill development programs for inmates in CCIs/Observation Homes.	12 Districts (Angul, Balangir, Bargarh, Cuttack, Jagatsinghapur, Keonjhar, Khurda, Malkangiri, Nayagarh, Puri, Sonapur, Sundargarh)
B	Ensuring uninterrupted school enrolment, open schooling access (NIOS), and bridge courses for dropouts and juveniles.	
C	Fostering mental and financial independence to assist smooth reintegration into mainstream society	
7-Section 15 Preliminary Assessment & Mental Health Support		
A	Deploying/attaching permanent child psychologists and mental health professionals to assist JJBs during Section 15 assessments.	10 Districts Bhadrak, Deogarh, Dhenkanal, Gajapati, Jagatsinghapur, Kandhamal, Nayagarh, Puri, Sambalpur, Sundargarh
B	Standardizing multidisciplinary, trauma-informed assessment protocols covering all statutory parameters rather than just offense gravity.	
C	Providing specialized counselling, cognitive therapy, and dedicated psychiatric services for institutionalized children.	
8-Child Care Institution (CCI) Monitoring & Quality Control		
A	Enforcing strict compliance, routine oversight, and multi-level inspection standards across all CCIs.	10 Districts Bargarh, Bhadrak, Gajapati, Ganjam, Keonjhar, Khurda, Malkangiri, Puri, Sonapur, Sundargarh
B	Improving living conditions, healthcare, and nutrition, sanitation, and safety standards within institutions.	
C	Maintaining individualized care plans (ICPs) and social investigation reports (SIRs) for every resident child.	
9-Specialized Observation Homes, Places of Safety & Local Facilities		
A	Establishing dedicated Observation Homes and Places of Safety at the district level to eliminate long-distance transfers.	17 Districts Angul, Bargarh, Deogarh, Dhenkanal, Kandhamal, Khurda, Mayurbhanj, Nayagarh, Nuapada, Rayagada



B	Creating specialized facilities and rooms for late-night/temporary accommodations for juveniles.	
C	Expanding regional and district-level shelter capacity with proper facilities for girls and specialized care.	
10-Child-Friendly Policing & Specialized Juvenile Police Units (SJPU)s		
A	Strengthening SJPU)s with dedicated, full-time personnel trained in juvenile laws, child psychology, and child rights.	8 Districts Balangir, Deogarh, Kalahandi, Kandhamal, Mayurbhanj, Nayagarh, Sambalpur, Sonepur
B	Ensuring non-uniformed, sensitive interactions and establishing child-friendly desks/spaces at all police stations.	
C	Ensuring swift police response for missing children, child marriage, runaway youth, and human trafficking.	

Unique/Innovative Suggestions by Districts

Sl	Suggestions	District
1	Automated Expungement of Digital Records: Immediately auto-close Board records, police diaries, and digital entries post-inquiry to prevent social profiling and ensure uninterrupted higher education.	ANGUL
2	Extended Statutory Aftercare Support: Extend statutory aftercare support from age 21 to 24 and create a dedicated fund for youth aged 15–18 leaving CCIs for vocational and higher education.	CUTTACK
3	Cyber Legislation in JJ Act: Insert a dedicated chapter into the JJ Act covering online Child Sexual Abuse Material (CSAM), cyberbullying, and AI abuse with mandatory reporting duties for social media platforms.	
4	Dedicated Child Psychologist Postings: Permanently post a qualified child psychologist at the district level to conduct Section 15 preliminary assessments and support institutionalized children.	DEOGARH
5	Special Legal Category for Abandoned Children: Grant a distinct legal status or category to abandoned children lacking caste certificates so they are not denied access to higher education, scholarships, and statutory welfare benefits.	KORAPUT
6	Cross-Border Anti-Trafficking Corridors: Establish dedicated joint border check posts and transit units along state borders (e.g., Andhra Pradesh and Chhattisgarh) to halt child labour migration and human trafficking.	MALKANGIRI
7	Ossification Testing Infrastructure: Upgrade District Headquarter Hospitals with specialized equipment to ensure the timely availability of age-determination ossification tests.	NABARANGPUR
8	Village-Level Model Prevention Focus: Declare two target villages per Gram Panchayat as priority “model villages” for intensive child protection monitoring to eradicate child marriage.	NAYAGARH
9	Regular Cadre for CWC & DCPU: Upgrade CWC Chairpersons and DCPOs from outsourced/contractual personnel to regular state cadre officers to preserve institutional memory and accountability.	RAYAGADA



10	District Child Tracking Dashboard: Develop a privacy-compliant digital dashboard to monitor real-time case progress, statutory timelines, adoption pipelines, and post-release follow-ups across agencies.	SAMBALPUR
11	Statutory De-Addiction Wards in Observation Homes: Establish specialized, dedicated adolescent neuropsychiatric and de-addiction wards within Observation and Special Homes.	ANGUL
12	Direct CWC Tracking Authority: Grant CWCs direct statutory authority under Section 29 to order tracking, summon police, and access cyber links/Mission Vatsalya portal to tackle missing and run-away children.	BHADRAK
13	Procedure for Absconding CICLs: Frame explicit statutory procedures to deal with cases where a Child in Conflict with Law (CICL) remains non-traceable or absconding for extended periods.	DHENKANAL
14	Specialized Shelters for Pregnant Minors: Set up dedicated shelter homes or specialized facilities equipped for proper medical care, psychological counseling, and long-term support for minor pregnant victims.	JHARSUGUDA
15	DNA Sample Preservation Guidelines: Frame standardized procedures to collect and preserve DNA samples of children entering CCIs to assist in matching with biological parents in missing/trafficking cases.	KHURDA
16	Single-Window Civil Documentation Protocol: Mandate a single-window protocol to ensure every child leaving institutional care receives foundational identity documents, bank accounts, and educational transcripts prior to discharge.	PURI



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