



**NATIONAL LAW UNIVERSITY
ODISHA**



CENTRE FOR CHILD RIGHTS NEWSLETTER

**DECEMBER - FEBRUARY
2026**

**India's Juvenile Justice System Under Fire
Over Delays and Poor Rehabilitation**

**Crimes Against Children Surge in Assam -
New AI Tool Piloted for Protection**

**Protecting Children's Rights in the Age of
AI**



Preface

We are delighted to present the current edition of our quarterly newsletter, continuing our mission to spotlight child rights, share critical insights, and highlight our ongoing research, advocacy, and outreach efforts. This issue covers key legal and policy updates, landmark judicial decisions, international discussions on child protection, and significant observances dedicated to children's welfare.

With each edition, we strive to foster dialogue and action on issues that impact children the most. Your engagement and feedback are invaluable in shaping this initiative and strengthening our collective commitment to child rights.

We look forward to your thoughts and collaboration as we work towards a world where every child's rights are protected and upheld.

Disclaimer & Acknowledgement

The Centre for Child Rights (CCR) expresses its heartfelt gratitude to the National Law University Odisha (NLUO) for providing a platform to think critically and engage meaningfully with the realm of Child Rights. This endeavour would not have been possible without the unwavering support of Prof. Ved Kumari (Vice-Chancellor of NLUO), Patron-in-Chief, and Prof. Rangin Pallav Tripathy (Registrar of NLUO). Prof. Biraj Swain (Chief Minister's Chair Professor- Child Rights and Director of Centre for Child Rights, NLUO) has been instrumental in shaping this vision from its inception, and her invaluable guidance has played a pivotal role in bringing this Newsletter to fruition.

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About Centre for Child Rights

Centre for Child Rights (CCR) is the specialized research centre of the National Law University Odisha, Cuttack (NLUO). The Centre was founded on April 12, 2015 with ceremonial inauguration by Hon'ble Justice Dipak Misra, former Chief Justice of India and Visitor, NLUO in the august presence of the Hon'ble Chief Justice and Judges of Orissa High Court, and Secretary, Department of Women and Child Development, Government of Odisha. The Centre aims at building a rights temper amongst the children and the society, strengthening law and justice for children and child wellbeing by supporting and initiating research, policy advocacy and community action on children's issues. The Centre aims to provide integrated support and consultancy to different layers of institutional governance for protection and insurance of child rights, child protection, understand and reform enabling and disabling factors to furthering child rights and the inter-sectionalities.

Headlined by the Vice Chancellor, Prof. Ved Kumari, one of the foremost chroniclers of Juvenile Justice and everything Child Rights in the world, NLUO got its first ever Chair Professorship on Child Rights with a five-member staff team sanctioned by the Hon'ble CM of Odisha in 2023. This is led by the Chief Minister's Chair Professor. This is the only fully functional chair professorship on child rights in the universe of National Law Universities across India.

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PROTECTING CHILDREN'S RIGHTS IN THE AGE OF AI

- JYOTIRMAYA,
3RD YEAR, BALLB



Agencies of the United Nations have called on governments to strengthen their laws and policies to ensure that artificial intelligence is developed in a responsible manner, with children's rights at its heart. In a joint statement released in January 2026, the agencies reiterated that children (all persons under 18 years) are independent rights holders under international law and need special protection because of their physical, emotional, social, and cognitive development.

The appeal brings together various UN agencies such as ITU, UNICEF, UNESCO, ILO, UN Committee on the Rights of the Child, OHCHR, IPU, and various special representatives and rapporteurs. They highlighted the need for a child rights-oriented approach throughout the entire AI life cycle, from design to deployment and governance, in relation to the Convention on the Rights of the Child and the CRC General Comment No. 25 on children's rights in the digital world.

However, despite the great opportunities that AI technology has for the development of children, the organizations indicated that children also face serious risks such as the possibility of being exploited, abused, discriminated against and harmed in various ways as a result of both direct and indirect engagements with AI systems. The organizations highlighted the existence of great deficiencies in AI literacy levels among children, parents, educators, caregivers, policymakers and government representatives.

The statement highlighted the responsibility of technology companies to respect children's rights and called for more specific and consistent guidance to help regulation. Key recommendations for protecting children's rights in the age of AI include stronger

parliamentary oversight, collection of disaggregated data, transparent child rights impact assessments, effective monitoring mechanisms, and sufficient budgetary allocations. These recommendations should be led by governments and parliaments through robust legislation and oversight, they need to be implemented by regulatory authorities through enforceable standards and monitoring mechanisms and operationalized by technology companies through transparent child-rights impact assessments, responsible design practices and sustained investment in child-focused safeguards.

CHILD TRAFFICKING: WHEN THE LAW CHOOSES EMPATHY OVER SUSPICION

-ABHINANDAN,
2ND YEAR, LLB



“Judicial appreciation of a victim’s evidence must be marked by sensitivity and realism.”

Child trafficking and commercial sexual exploitation are some of the most serious offenses against human dignity, are usually concealed under the code of fear, poverty, and social silence. This is a reality that is highly unsettling and that the Supreme Court of India, in *KP Kirankumar @ Kiran v. State by Peenya Police*(2025 INSC 1473). The judgment given by the State by Peenya Police is as humane as it is legally important. The Court has once again confirmed that justice to the children cannot be constructed based on stereotypes, hyper-technicality, or disbelief, by setting down strict principles on how the courts should evaluate the testimony of the minor victims of trafficking.

In their decision supporting the conviction of a Bengaluru couple on charges of trafficking a minor girl and sexually exploiting her under the Indian Penal Code and the Immoral Traffic (Prevention) Act, the Bench consisting of Justice Manoj Misra and Joymalya Bagchi noted that child trafficking is not a single incident but a brokered and organised crime. These networks work based on fragmented and layered processes of recruitment, transportation, harbouring, and exploitation which are usually covered in deception and false promises. It is unrealistic and unfair, however, to ask a traumatised child to recount every link of this chain, and to do so accurately.

The ruling acknowledges the fact that trafficked children often have a socio-economically and culturally disadvantaged background where children were easy victims due to poverty and vulnerability. They are then intimidated, imprisoned, raped and threatened with retaliation once caught. Under these

conditions, the fact of delayed disclosure, not immediate resistance, or small differences in narration, cannot be considered as action which is against ordinary human behaviour. The Court warned that denying testimony on such a basis, instead of adding more trauma to the victim, nullifies the aim of protective laws.

One of the most important things about the decision is that the Court unequivocally states that a trafficked child is not an accomplice but an injured witness. If the testimony of a minor victim, when assessed with sensitivity and a realistic understanding of trauma, is found to be credible and trustworthy, it can by itself constitute a sufficient basis for conviction. The Court believed that mechanical insistence on corroboration or strict standards of evidence is dangerous as it leads to secondary victimisation.

Based on its previous ruling in *State of Punjab v. Gurmeet Singh* (1996) 2 SCC 384. The Court emphasized once again that the small differences or inconsistencies are not to be taken out of proportion to the wider probabilities of the case.

The Supreme Court additionally reiterated principles established long ago on determination of age and affirmed that school records should generally prevail over medical opinion and stated that procedural anomalies on search under ITPA are anomalies rather than illegalities unless a failure of justice occurs. The age of the victim was definitely determined in the current case by school records and the records on the case were in support of the victim’s version of sexual exploitation.

Within the framework of the law, there is a deep moral message in the judgment. It reminds courts that justice for trafficked children lies not in scepticism disguised as rigor, but in empathy anchored in law. By

directing judges to listen with care, acknowledge trauma, and discard harmful stereotypes, the Supreme Court has strengthened victim-centric jurisprudence and reaffirmed the constitutional promise of dignity and protection to every child. In this manner, it has made a significant step in making sure that when the child comes out and dares to speak, the law does not respond by asking questions but by empathizing and administering justice.

SUPREME COURT EMPHASISES ON THE ADMISSION OF POOR STUDENTS FOR FREE EDUCATION IN PRIVATE SCHOOLS AS A PART OF RIGHT TO EDUCATION

- AMIT SAMAL,
2ND YEAR, LLB



The Supreme Court of India in *Dinesh Biwaji Ashtikar v. State of Maharashtra & Ors.* (2026) made an important ruling on the 13th of January, 2026 which declared that free quality education must be provided to all children who come from economically disadvantaged and underprivileged backgrounds. The Court explained that Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009 requires all students to receive education, and this process needs to be regarded as a national educational mission instead of being considered a legal requirement. The judgment confirmed that education was a fundamental right under Article 21A of the Constitution which serves as a vital tool for social empowerment and equality, and progress toward national development. The court upheld that when educational institutions refuse to grant access to foundational education, their actions create permanent barriers which lead to poverty and social exclusion while violating constitutional principles of dignity and justice.

The court also held that private unaided schools and special category schools must reserve twenty-five percent of their entry-level seats for students who belong to underprivileged groups according to Section 12(1)(c). The provision establishes a common school system which enables students from different backgrounds to study together in an inclusive setting, which promotes social understanding while decreasing social separation. The provision requires early access to quality education as that will help break the intergenerational poverty cycle. The scheme has experienced ongoing execution problems because private institutions resist its implementation while parents do not understand its details and the process requires multiple steps and administrative processes take too long in various states.

The Supreme Court ruled that eligible children who are denied admission to school will result in the RTE Act implementation being completely obstructed. The Bench comprising Justices P.S. Narasimha and Atul S. Chandurkar explained that State governments and local authorities share the main responsibility for enforcement because they need to establish active and coordinated methods for maintaining compliance. The Court established that private schools must fulfill their duties which they cannot refuse on the basis of financial difficulties or administrative challenges or their right to operate independently because such independence does not allow them to ignore their constitutional obligations to promote social welfare and equality. The ruling established that educational rights should be understood through the larger frameworks which include dignity and fraternity and social justice. The Court found that education serves as the essential base which allows citizens to participate in all aspects of their country including economic and social and political activities. Authorities received instructions to create transparent admission procedures and effective grievance redressal systems and user-friendly online and offline systems, and grassroots awareness campaigns which will help eligible families to exercise their rights without any fear or uncertainty.

The Supreme Court has transformed the RTE Act from a policy framework into a shared constitutional obligation by declaring free education to be a national mission. The ruling strengthened the legal protections for children from underprivileged backgrounds while it improves public accountability and establishes a clear requirement that social justice laws need to be fully executed according to their complete meaning. The Court issued this ruling to ensure that education serves as an essential right which should be available to all people without exception

PROTECTING ADOLESCENCE WITHOUT DILUTING PROTECTION: SUPREME COURT'S CALL FOR A 'ROMEO-JULIET CLAUSE' UNDER POCSO

- ASHWANI KUMAR RAI,
2ND YEAR, LLB



Victim's Age determination; 'Romeo-Juliet clause' to curb misuse: Inside Supreme Court's important judgment on POCSO Act

Justice Sanjay Karol · Justice N. Kotiswar Singh

The child protection system in India has reached a very critical junction. Consensual relationships between adolescents are also being criminalised by the very laws which are established to protect children against sexual exploitation. A study conducted in 2022 by Enfold Proactive Health Trust on 7,064 POCSO judgments between 2016–2020 across three States (Assam, Maharashtra, West Bengal) found that about 25% of cases involved consensual romantic relationships between adolescents. Upon realizing this increasing alarm the then Chief Justice of India Justice D.Y. Chandrachud called on lawmakers to address the “growing concern” on the criminalisation of adolescents, who engage in consensual sexual activity. Recently, the Supreme Court of India in the State of U.P. v. Anurudh, [2026 SCC OnLine SC 40] has asked the Union Government to consider introducing a Romeo-Juliet clause in the Protection of Children against Sexual Offences (POCSO) Act. A Romeo-Juliet exception is a tightly focused exception that covers consensual romantic or sexual relationships between teenagers who are close in age under 18 Years, but which does not cover relationships between adolescents and any adult where there is an unequal balance in power. It does not water down the protection of children, instead, it makes it clear that the criminal law is for the crime and it does not restrict normal growth of adolescence.

The Court took judicial notice of the rampant abuse of POCSO Act, especially on the part of families that do not support teenage romantic associations. Justice Sanjay Karol noted that the POCSO complaints which are made at the request of disapproving families have become part and parcel and the young boy is kept in jail with no exploitation.

The Court referring to this as a menace ordered a copy of its judgment to be dispersed to the Union Law Secretary to take steps to rectify the situation.

The Indian law already considers any sexual activity that involves individuals under the age of eighteen as exploitative in nature and therefore not subject to consent in the eyes of the law. This absolutist method does not acknowledge the realities of life and has led to the use of arrest, long pre-trial incarceration and subsequent long-term stigma on adolescents in consensual relationships. This has been reprimanded by High Courts all around the country, which has stressed that POCSO was not meant to investigate youthful romance.

Close-in-age exemptions are accepted in comparative jurisdictions like the United States, Canada, Germany and Australia and make emphasis on exploitation and abuse, but not age itself. It is on this background that the structure of India is exceptionally inflexible. The remarks of the Supreme Court is a constitutional warning. Adolescence does not need to be criminalized in order to protect the children. An adequately designed Romeo-Juliet clause would bring back proportionality, uphold basic rights and maintain the legitimacy of POCSO. The move taken by parliament is now urgent.

LIBERTY TO BLEED AND THE RIGHT TO EDUCATION: EXTENDING MENSTRUAL LEAVE TO SCHOOLS AND COLLEGES

- AKSHAT, 2ND YEAR, LLB

Right to menstrual health a fundamental right, declares Supreme Court

The right to menstrual health and access to menstrual hygiene management (MHM) measures in educational institutions is part of the fundamental right to life and dignity under Article 21 of the Constitution, declared Supreme Court of India on Friday.

In November 2025, The Karnataka government introduced a groundbreaking policy which provides women employees with twelve days of paid menstrual leave throughout the year in both government and private workplaces. The state Education Department issued a circular on 28 January 2026 which formally operationalized the policy for the department. However, the policy only applies to employees while students continue to experience the same physiological challenges and structural limitations that exist in educational institutions.

The Karnataka State Commission for Protection of Child Rights (KSCPCR) has reportedly urged the state government to provide students in schools and colleges with menstrual leave and related accommodations, emphasising that menstrual-related absenteeism results from health and dignity concerns rather than personal choice. The Supreme Court's judgment in the case of *Dr. Jaya Thakur v. Government of India* dated January 30, 2026, establishes that menstrual health and menstrual hygiene management (MHM) access constitute essential components of the right to life and dignity protected by Article 21. It was also noted that the educational institutions with insufficient facilities addressing the menstruation related problems creates gender-specific barriers to education leading to higher school absenteeism rates and increased dropout rates among adolescent girls, which also constitutes violation of the Right to education under Article 21A and right to education under the Right of Children to Free and Compulsory Education Act, 2009.

The ruling also required distribution of free sanitary napkins, establishment of Menstrual Hygiene Management (MHM) corners, gender segregated

toilets and sanitary waste management facility and introduction of awareness programs about menstrual health and puberty. 'The role of men in menstruation' was also discussed, wherein it was opined that awareness programs must also extend to boys and male teachers so that they are sensitized on the subject. By implication, the Court also acknowledged that menstruation-related barriers function not only through inadequate infrastructure but also by attendance constraints. Studies referenced in the Right of Women to Menstrual Leave and Free Access to Menstrual Health Products Bill, 2022 indicate that nearly 40% of girls miss school during menstruation, and about 65% reported having adverse effects on daily academic activities. Notwithstanding this, India lacks any central law regarding menstrual leave for students as well as workers. The Menstruation Benefits Bill 2017 and the 2022 Bill failed to become law because of public debate about the potential effects of these laws on women's social status and because officials delayed making legislative decisions.

The State of Kerala (2023) demonstrates its uniqueness through its implementation of menstrual leave for female students. Karnataka is creating its first comprehensive law which will provide menstrual leave to workers, students and transgender individuals while establishing the Karnataka Women Well Being Authority. In absence of legislation on the subject, protection framework depends mainly upon executive orders and judicial interventions, which remain inherently limited in their reach and enforceability.

The Constitution of India provides constitutional backing for menstrual safeguard policy for the students, including a menstrual leave policy, through

Article 14, Article 15(3), Article 21, Article 21A, and Article 39 clauses (e) and (f), along with the Supreme Court's evolving understanding of dignity, substantive equality, and bodily autonomy. If liberty to bleed is to have substantive meaning, it must go beyond symbolic recognition and translate into mandatory, legally backed menstrual leave and support policy for students in schools and colleges too. In absence of any such measures, educational equality remains largely an aspirational rhetoric than lived reality.

INDIA'S JUVENILE JUSTICE SYSTEM UNDER FIRE OVER DELAYS AND POOR REHABILITATION

- KASHISH RATHORE,
2ND YEAR, LLB



The juvenile justice system in India is under new set of criticism by experts who claim that it is not serving several children well with regards to conflict with law. According to recent reporting by the BBC and other pertinent justice evaluations, there are structural weaknesses that deprive young offenders of justice and proper rehabilitation. In India, the primary legislation that deals with the cases involving children below 18 is known as Juvenile Justice (Care and Protection of Children) Act, 2015, amended in 2021. It tries to ensure that the children are not brought before adult criminal courts and instead are put under rehabilitation under specialised commissions known as Juvenile Justice Boards (JJBs).

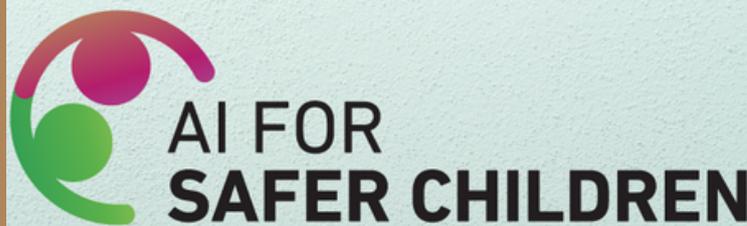
Experts claim that increased case backlog is sabotaging the prospects of the system. The 2023 data of India Justice Report shows that among 100,904 cases reported in India in the year which were presented before the JJBs, out of which merely 45,097 cases were solved. The India Justice Report had 55 percent of the cases pending that year, and more than 50,000 children awaiting decision. The level of pendency in certain states was worse with Odisha recording 83 percent while Karnataka recorded lowest approximately 35 percent. The problem is focused on the lack of critical resources. Approximately a quarter of JJBs lack a full bench according to law and one in every three does not even have legal aid clinics to assist in defence of children. There is also a high number of Child Care Institutions that are required to house and rehabilitate juveniles, and despite the fact that 1,992 visits are supposed to be made, only 810 visits were made in a recent assessment.

Accountability and transparency are poor. Juvenile justice cases do not result in any national database and as such, civil society groups have to make hundreds of information requests to come up with basic statistics. Authorities tend to submit incomplete information. Maja Daruwala Chief Editor at the India Justice Report said that because of inadequate data collection and monitoring it is difficult to monitor results or to hold authorities responsible. Reforms cannot be easily planned and implemented without solid information. Unfortunately, some critics also give uneven application of major protection embedded into the law. In spite of the act where child friendly procedures and specialised care are prescribed, observers identify that some police and judicial processes continue to treat child in Conflict with Law (CCL) practically as adults in circumstances where there are no trained persons or resources.

Child rights activists believe that the issue is principally a matter of execution, rather than intent. They present the weaknesses in training, funding and institutional backing of the rehabilitation programs. They also demand more effective tools to see that the young delinquents will be turned out of punitive incarceration and into community-based assistance. To advocates, the law is compromised by long delays and absence of rehabilitation services that stipulate child-centred objectives in the law. They demand immediate changes in order to widen the legal aid, better staffing, data reporting, and to make sure that children are referred into counselling, skills training and community programmes instead of longer detention

CRIMES AGAINST CHILDREN SURGE IN ASSAM - NEW AI TOOL PILOTED FOR PROTECTION

- SUBHADRA SATPATHY,
2ND YEAR, BALLB



Crimes against children in Assam have increased by more than 100 per cent in the first half of 2023, with a nationwide AI-based application introduced this week that could be a key intervention for a state facing issues related to child trafficking, child marriage and online sexual exploitation.

According to the National Crime Records Bureau (NCRB) 2023, Assam reported 10,174 crimes against children last year-out of a national total of 1,77,355-marking a sharp rise from 4,084 cases in 2022 and nearly double the 5,282 cases recorded in 2021. Against this worrying backdrop, the launch of 'Raksha', an artificial intelligence-driven child protection tool, is being seen as a potential game-changer for the state.

Raksha, created by Just Rights for Children (JRC), tracks organized trafficking networks, maps crime hotspots, analyzes national data in real time, and identifies vulnerable families using sophisticated AI Capabilities. The tool seeks to solve some of the most significant issues in child protection, including the increasing sophistication of organized crime, late intervention, and victim invisibility.

Raksha was introduced at the AI Impact Summit 2026's official pre-summit event, "Prosperity Futures: Child Safety Tech Summit". In collaboration with India Child Protection, a key partner, and the Ministry of Electronics and Information Technology (MeitY), Just Rights for Children organized the event.

Litin Prasada, Union Minister of State for Electronics and Information Technology and Commerce and Industry, praised the initiative and stated that technology must eventually help the most disadvantaged. The protection of the most vulnerable is the ultimate test of technology. Raksha is a

significant step toward bolstering India's child safety mechanisms, he added. "Children represent our future, and it is our common responsibility to ensure that the digital world they inherit is safe, inclusive, and empowered."

With more than 250 civil society organizations operating in 451 districts, Just Rights for Children is one of the biggest child protection networks in the nation. The network runs through eight NGO partners in thirty districts of Assam alone, providing the Raksha platform with an established grassroots base upon which to expand.

Experts in child welfare are alarmed about the growing number of crimes against children in Assam and have stated that prompt, intelligent and coordinated action will be required to reduce such violence and crime; they noted that many crimes (such as child marriage, child trafficking and online child abuse) are often not detected or reported until it is too late to take action. Therefore, Raksha's ability to identify early warning signs and anticipate risk factors to assist in prevention efforts and law enforcement could potentially provide a great advantage.

Founder of Just Rights for Children, Bhuwan Ribhu, explains the purpose of the platform: "Raksha is a huge advancement in technology being used to help children. India has paved the way for utilizing AI to create more effective protection systems for children. Raksha can create insights from data collected on children requiring support and families in peril, resulting in increased access to everyone involved in the justice system, thus furthering India's commitment to providing children with a safe and dignified future." Raksha works to avoid and deter child marriages through three methods based on the principle of "Predict, Prevent and Protect" Prevention is the

primary method and aims to address the economic vulnerability of families who marry their child before reaching maturity. The second method is organized crime that deals with trafficking and involves predicting and effectively preventing the crime from happening by tracking down the financial trail of traffickers to identify trafficking networks. The final method is enhancing digital child protection by mapping locations online where Child Sexual Exploitative And Abusive Materials (CSEAMS) are created and distributed via their associated IP addresses.

In a situation where Assam is experiencing one of the most challenging times in the matter of child security, it is believed that the strategic application of platforms such as "Raksha" together with political commitment and community engagement could prove to be a turning point in securing the most vulnerable children of the state.

*NLUO STUDENT BODY
NEWS ARTICLE*

PROTECTION OR RESTRICTION? LOGGING OFF FOR GOOD: AUSTRALIA'S UNDER-16 SOCIAL MEDIA BAN SPARKS GLOBAL DEBATE

- APOORV BISHT ,
LLM, BATCH OF 25



In December, 2025 the Australian parliament shook the entire global digital ecosystem with the enactment of the Online Safety Amendment (Social Media Minimum Age) Act. The new social media law, which took effect on December 10, 2025, requires social media platforms like Instagram, YouTube, Facebook, TikTok, etc. to take ‘reasonable steps’ to restrict the children below 16 years of age from holding accounts on their platform. Acknowledging the government’s concern and complying with the new law, these leading tech players have disabled and removed nearly 4.7 million accounts from their platforms.

The new law is being positioned as the world-first piece of legislation that promotes ‘digital duty of care’. Amid the rising cases of mental health deterioration, safety issues, cyberbullying, and exposure to harmful online content among young Australians, the amendment has been seen as an imperative step to give children their ‘formative years’ back. Repeated assurances have been made that the law is not aimed at penalizing the teenagers, but rather to keep the children away from early social media exposure and to shield their emotional and psychological well-being.

Despite the well-intentioned efforts, the new law has faced immense criticism. On one side, supporters have applauded the legislation as being pro-child rights and holding the big tech corporations accountable for the lapses in child safety. On the other side, organizations like UNICEF, have opposed the legislation. They argue that such a law would lead to ‘digital isolation’, in particular of the young people, especially from LGBTQ+ communities who often find support over such online platforms, potentially pushing them toward under-regulated

online spaces, where they are exposed to more harm. They further say such a blanket ban is against the UN Convention on the Rights of the Child, under which Article 13 talks about a child’s rights to receive and share ideas and information, forming an essential part of a child’s fundamental right to freedom of expression.

Inspired by the bold action of the Australian government, many other nations are planning to implement a similar kind of law. One such example is the United Kingdoms, which on 19th of January, 2026 initiated discussions to frame legislation governing minors’ social media presence. Similar inspiration has also been drawn by Indian states like Andhra Pradesh, which recently became the first Indian state to propose implementing a similar ban for Under-16s. As nations across the globe weigh their options, the big question remains whether an outright ban truly serves as a protective shield.

SUPREME COURT TO EXAMINE IF SCHOOL DISCIPLINE OVERRIDES CHILD'S RIGHTS IN DIGITAL ERA AMID EXPULSION CONTROVERSY

- SHREE SAUMYA BHARADWAJ
2ND YEAR, LLB



In a case that highlights the balance between the authority of the school and the individual rights of children, the Supreme Court has decided to take up the Special Leave Petition (SLP) on the expulsion of a 13-year-old student of Class IX from school. On Friday, the Supreme Court issued notice to the State of Madhya Pradesh, the Council for the Indian School Certificate Examinations, and the concerned school in a Special Leave Petition challenging the expulsion of the 13-year-old Class IX student. The facts of the case relate to the expulsion of a student by the school in February 2025 due to his alleged involvement in posting memes about teachers on his private Instagram account. According to the petitioner, journalist Jitendra Singh Yadav, there were procedural failures on the part of the school authorities.

It is also alleged that the computer teacher physically assaulted the student and entered his residence without lawful authority. Additionally, the teacher committed an illegal act by accessing the student's private Instagram account registered under the mother's mobile number. Three students were compelled to give a confession regarding the Instagram account under threat of expulsion, even when it was established that the student who committed the offence was a Class IX student. No effort was made to unearth the real creator of the Instagram account. It came to a head when the school expelled the student and stigmatised him as a "Bad character."

Later, this label was withdrawn after a legal intervention. Despite an order issued in April 2025 by the Madhya Pradesh State Commission for Protection of Child Rights for his readmission, the school refused. On appeal, the Madhya Pradesh High Court

upheld the expulsion for maintaining "congenial academic atmosphere" and sending a "deterrent message". Aggrieved by the High Court's decision, the father has now approached the Supreme Court by filing a Special Leave Petition under Article 136 of the Constitution, contending that the expulsion violates the child's fundamental rights under Articles 21A, 21, and 14. Since Class IX serves as the preparatory stage for the ICSE Board examinations conducted in Class X, expulsion at this stage may significantly disrupt the student's academic continuity and future educational prospects. The case raises important constitutional questions regarding the scope of disciplinary powers of educational institutions and their compatibility with the child's fundamental rights to education, dignity, and privacy in the digital age, which the Supreme Court will now examine.

A NUANCED APPROACH TO INDIA'S CHILD-PROTECTION FRAMEWORK: RECONCILING PROTECTION AND AUTONOMY

- RAJSHREE PRIAYDARSHINI
3RD YEAR, BALAW



Recently, in *State of Uttar Pradesh v. Anurudh & Anr.*, the Allahabad High Court highlighted the complex consequences of prosecuting adolescent relationships under the Protection of Children from Sexual Offences Act, 2012 (POCSO), particularly where both the accused and the victim are close in age. Under the POCSO Act, 2012, the consent of a minor is legally irrelevant, as the statute rests on the presumption that any relationship involving a person under the age of eighteen is inherently exploitative or abusive in nature. However, courts have increasingly acknowledged the need to distinguish between exploitative relationships and consensual adolescent relationships, and have observed the absence of a 'close-in-age' exemption commonly referred to as the Romeo and Juliet clause which exists in several foreign jurisdictions but is not currently recognised under Indian law.

In such circumstances, courts may exercise judicial discretion while considering bail, sentencing, or the factual context, particularly where there is no evidence of coercion or exploitation. The recognition of age-proximate engagement in adolescent relationships would help curb down the misuse of statutory rape-laws, thereby upholding POCSO's intent of preventing sexual exploitation and abuse, and not the genuine consensual relationships. There have been numerous instances where parental disapproval of a child's consensual relationship has resulted in criminal prosecution. What emerges as a family conflict then transforms into a serious criminal prosecution, exposing young persons to the prolonged trauma of legal proceedings. Hence, the very intent of the POCSO Act is jeopardized when the coercive power of the State is employed to resolve parental conflict rather than address actual harm.

Courts primarily have focused on certain factors in cases involving consensual teenage relationships. This involves scrutiny of the nature of relationship, and intention of the parties, with careful evaluation of the factual circumstances, including the nature of the relationship and absence of coercion or exploitation. Moreover, in delicate cases where minor girls enter in relationship with significantly older men in the guise of love and security, the issue of consent becomes blurred due to imbalanced power dynamics. Hence, a blind lowering of the age-threshold of consent poses severe risk to a child's health, education, and overall well-being. The law, therefore, must adopt a balanced approach that acts as a shield and guide in such vulnerable cases. A plausible approach would include legislative introduction of a 'close-in-age' exemption, which would allow courts to distinguish consensual adolescent relationships from exploitative conduct, while preserving the protective intent of the POCSO framework.

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