



CENTRE FOR CHILD RIGHTS

NATIONAL LAW UNIVERSITY ODISHA



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PREFACE

The Centre for Child Rights (CCR) is delighted to conclude a monumental year by launching the first edition of our Bi-monthly newsletter. This publication marks a significant milestone in our journey toward advocating for and advancing child rights and juvenile justice.

In this inaugural edition, we delve into six pressing issues that define the current landscape of child rights and juvenile justice. These topics reflect our commitment to fostering informed dialogue, promoting awareness, and driving meaningful action for the betterment of children across the nation.

The idea behind the CCR newsletter is to familiarise students, academicians, and practitioners with the core aspects of child rights and juvenile justice while keeping them informed about contemporary developments in the field. We hope this newsletter serves as a valuable resource for everyone who is passionate about creating a safer and more equitable world for children.

Thank you for joining us in this endeavour, and we look forward to your continued support as we move forward together. We warmly welcome your feedback and suggestions to help us improve and make this initiative even more impactful.

ACKNOWLEDGEMENT & DISCLAIMER

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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AUSTRALIA PROPOSES SOCIAL MEDIA BAN FOR UNDER-16S TO PROTECT CHILDREN ONLINE

Australia has proposed a landmark bill to ban children under 16 from accessing social media platforms such as TikTok, Facebook, Reddit, and Snapchat, even with parental consent, in a bid to protect young users from harmful online content. Communications Minister Michelle Rowland, announcing the legislation, cited research showing two-thirds of Australian teens aged 14-17 have encountered inappropriate material online. The bill includes strict penalties, with companies facing fines of up to A\$50 million for non-compliance. Rowland emphasized the government's focus on safeguarding young people rather than isolating them. If ratified, the law will take effect 12 months after its passage, marking a significant step in addressing online safety for children.



While critics like Elon Musk have called the move “a backdoor way to control access to the internet,” Australian Prime Minister Anthony Albanese defended the legislation, stressing the need for safer digital spaces for children. Australia joins a global effort to regulate children’s online activities. India’s Digital Personal Data Protection Act prohibits data collection, tracking, and targeted ads for those under 18.

The Australian legislation, which imposes fines of up to A\$50 million for non-compliance, reflects growing concerns about the harmful effects of social media on young minds. Its passage coincides with "Brain Rot" being named Oxford Word of the Year 2024, highlighting social media's pervasive impact on society.

It has enacted a law banning children under 16 from using social media platforms like TikTok and Instagram, even with parental consent, to protect them from harmful online content. Companies face fines of up to \$50 million for non-compliance, with the law taking effect in 12 months.



Critics, however, have raised concerns about the implications of the law. Elon Musk labeled it “a backdoor way to control access to the internet,” while others worry about its impact on digital freedoms. Australian Prime Minister Anthony Albanese defended the legislation, highlighting the urgent need for safer digital environments for children.

SUPREME COURT UPHOLDS JUVENILE RIGHTS 22 YEARS AFTER FIRST CONVICTION

The Supreme Court of India recently acquitted a man whose conviction had already been confirmed in a murder case after



finding out that he was a juvenile at the time of the crime in 2002. The bench, comprising Justices BV Nagarathna and N Kotiswar Singh, opined that under the Juvenile Justice (Care and Protection of Children) Act, 2015, claims of juvenility can be made at any stage of the trial, even after a conviction has been finalized.

The incident took place on January 17, 2002, in Bhind, Madhya Pradesh. The Special Judge, Bhind, had convicted Brijnandan alias Brajesh Sharma in 2006 for murder and sentenced him to life imprisonment. In 2018 the Madhya Pradesh High Court acquitted him, but the Supreme Court reinstated the conviction order in 2022. Thereafter, the petitioner, also filed a claim stating that he was minor, supported by his education record stating that his date of birth is October 4, 1984, which makes him 17 years, 3 months and 13 days old, at the time of crime.

The top court directed the Sessions Court, Bhind, to conduct further investigation. The inquiry proved his status as a juvenile based on the testimony of his mother and school authorities and some other documents. Despite the state's objections about the delay in filing the claim and minor inconsistencies in his documents, the top court upheld the claim, stressing that the right to juvenility cannot be denied on such technical grounds.



The Supreme Court in its judgment not only cleared the man, who had already served in prison for more than four years but also set a powerful precedent. The ruling ensured that the rights of juveniles are respected regardless of when they file their claims.

POPE ANNOUNCES VATICAN SUMMIT IN 2025 FOR RIGHTS OF CHILDREN

On November 20, the International Day for the Rights of Children and Adolescents, Pope Francis made a landmark announcement: the World Meeting on Children's Rights will be held at the Vatican on that day. The theme of the summit is "Love Them and Protect Them." It reflects something crucial: the importance of providing children with love and support in order for them to flourish and nurture and also emphasises the need to shield them from harm.

The summit will be an epicentre of change by bringing together experts and guests from around the world who will discuss new methods of protecting the “millions of children who still have no rights, living in precarious conditions, exploited and abused, and suffering the dramatic consequences of wars,” according to the Pope. This summit will be an excellent way of giving voice to vulnerable groups by putting the spotlight on their needs.

“Family, Church, and State exist for children, not the other way around,” said the Pope , affirming children’s inalienable rights from birth.



During his General Audience on November 20, Pope Francis took a photo with children from the Community of Sant'Egidio. (ANSA)



Spiritual leaders have a bounden duty to commit to the rights and protection of children considering the pulpit power they wield. The immense power their sermons have and the impact it has on a large group of people can help change the narratives people hold regarding child rights. The discourse can get a fillip when the Pontiffs hold fort on how imperative it is to protect child rights. The spiritual leaders can amplify the reach of new initiatives and promote this cause for the betterment of our children. Power of words fueled by a call for action by them can definitely bring about a change in this sphere! The Papal announcement of the summit for children definitely brings cheer and good tidings for children the world over!

The 2025 summit offers a chance to reshape the course of children's rights. We can hope that the summit will translate into practical action for a future where the rights of every child are acknowledged, respected, and fulfilled.

35TH ANNIVERSARY OF UNCRC

20 November is a pivotal date for the rights of children. On this date in 1959 the General Assembly adopted the Declaration of the Rights of the Child and, on 20 November 1989, it also -adopted the Convention on the Rights of the Child.

The year 2024 is the 35th anniversary of the landmark convention most widely ratified international human rights instrument. It considers children as juridical persons with inherent human rights and fundamental freedoms and accords them with the right



to be heard in all matters affecting them. To mark this anniversary, the UN Dag Hammarskjöld Library has developed a Research Guide on the Convention on the Rights of the Child. What is special about this resource is that it informs both grown-ups and children.

Empowering children and young people means giving them a voice. This voice needs to be informed by having access to information and making sense of that information.

The Research Guide has included UNICEF's children's version of the Convention on the Rights of the Child, complete with colorful illustrations and videos. Of course, researchers of all ages can benefit from the information provided: The Research Guide provides an overview of the convention and its optional protocols, lists milestone children's rights events, links to relevant UN documents and publications, and secondary books on the topic.



The inclusion of UNICEF's children's version of the convention, complete with colorful illustrations and videos, is a remarkable step in empowering children by

fostering understanding of their own rights. This creative approach ensures that even young audiences can grasp complex human rights principles, emphasizing that children are not just beneficiaries but active participants in matters affecting them. Moreover, the comprehensive nature of the Research Guide, catering to researchers and individuals of varying expertise, underscores the UN's commitment to raising awareness about children's rights. By combining informative resources with child-friendly elements, the guide reflects the essence of the UNCRC—amplifying the voice of children and equipping them to engage meaningfully with the world around them. This dual focus on education and empowerment truly highlights the progressive spirit of the convention.

NCPCR's Objections on Madrasa Education and Supreme Court Judgement

On the 5th of November, 2024 the Supreme Court upheld the constitutional validity of the Uttar Pradesh Board of Madarsa Education Act, 2004, and emphasized that the state can regulate madrasa education to ensure quality standards. This judgement was impugned by the apex court following its stay order in October on the critical



recommendations of the NCPCR seeking states and Union territories to cease funding the madrasas in the country. The age-long debate over religious education vs. modern educational standards yet again came to occupy the center stage in India when earlier this year the Allahabad High Court in a controversial judgement held the Uttar Pradesh Board of Madarsa Education Act, 2004, as violative of the principle of secularism and, therefore, unconstitutional. While the case remained pending for further hearing in the Supreme Court, the National Commission for Protection of Child Rights (NCPCR) filed an affidavit in the Supreme Court, contesting that the education provided in madrasas deprives children of their fundamental rights to education as they are alienated from the mainstream formal education and are confined to religious teachings NCPCR also criticized madrasas for their failure to observe the basic provisions of the Right to Education Act, 2009.



This was particularly in terms of the formation of school management committees, curriculum standards, and teacher qualifications, causing significant oversights in the education of children.

Later in October, the commission submitted a report to all states and Union Territories, recommending cessation of state funding to madrasas and the boards running them, backed by evidence on the loopholes in the functioning of madrasas. The report highlighted the failure of madrasas to provide children with a healthy and holistic environment for growth as well as the lack of extracurricular activities in madrasas, which deprives children of experiential learning.

It was also recommended in the report that the children attending madrasas should be enrolled in regular schools, where they can access formal education.

The clause 3 of Article 28 of the Indian Constitution provides that educational institutions that are not wholly maintained by the fundings of the state, are allowed to offer religious teachings. However, students of such institutions have the right to attend or abstain from such religious instructions. In this regard, after the judgment of the Supreme Court, the challenge lies in harmonizing religious education with the broader goal of fostering holistic development of students and winning the trust of critics and skeptics by demonstrating quality educational standards.

NCPCR's First grievance redressal bench in Haflong

The National Commission for Protection of Child Rights organized its first public sitting of the grievance redressal bench at Haflong, the Dima Hasao district of Assam on November 22, 2024. The detailed session took place in Govt Boys' Higher Secondary School, which included topics dealing with child abuse and child related issues. The proceedings were presided over by Shyamal Prasad Saikia, chairman of the Assam State Commission for Protection of Child Rights (ASCPCR) and its member Rilanjana Talukdar, Donphainon Thaosen, executive member of North Cachar Hills Autonomous Council were invited for being the chief guest of the day.

This sensitization campaign, conducted jointly with the support of NCPCR, ASCPCR and with coordination from the district administration, sought to inform the delivery of government delivered services to every child that is eligible without prejudice. Issues like RTE Act, problems of children of migrants, problems due to no documents, etc were raised.

The chairman also emphasized the need to uphold Children's rights in the aspects of education, health and welfare.





In the event, more than 25 departments of the government were present alongside the social welfare department, education department, health department, department of labor etc along with Assam Police and Aadhaar service providers. Mobile response teams were created with the purpose of resolving any problems on the spot and providing the families the help they need.

The idea of initiating the programme at Haflong was beneficial not only in redressing the local disappointments but also in setting the campaign format for child rights in the entire region. It stressed a coordinated effort between the authorities and the people to resolve matters as a way of restoring the rights of the affected children without delay. Bringing together actors for children, the bench paved way in the protection of the rights of children at risk; provision of equal services; and promotion of the rights-based approach in leadership.

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