

## **EDITORIAL NOTE**

India stands at a crucial juncture in its legal and policy framework on children's rights, where judicial interventions and legislative advancements have significantly shaped the discourse, yet systemic challenges in enforcement, accessibility, and policy coherence persist. The recognition of children as rights-bearing individuals, children with agency, has evolved beyond a mere legal formality into a necessary systemic transformation requiring constant statutory reassessment, institutional mechanisms, and shifts in public perceptions. While progressive reforms have sought to safeguard children across diverse domains such as juvenile justice, adoption, digital privacy, and educational access, a stark gap remains in translating legal rights into lived realities.

The evolving child rights landscape in India is marked by the tension between protection, agency and autonomy, evident in areas such as juvenile bail, where statutory interpretations oscillate between rehabilitative ideals and punitive inclinations, and custody disputes, where judicial discretion often wields the power to shape a child's future amid competing parental claims. Adoption inefficiencies, particularly within the Central Adoption Resource Authority (CARA), highlight how bureaucratic inertia deprives children of stable homes, while the digital era has exposed them to new vulnerabilities such as cyberbullying and identity exploitation. The regulatory landscape also remains fraught with contradictions, particularly regarding adolescent agency, where the criminalization of consensual romantic relationships amongst teenagers under the Protection of Children from Sexual Offences (POCSO), Act 2012, has fuelled calls for a close-age-range exemption to balance autonomy with protection. This legal rigidity stands in contrast with welfare interventions like PM POSHAN, which, despite its intent to alleviate classroom hunger, struggles with implementation challenges that perpetuate cycles of deprivation. The intersection of right to food and nutrition, its intersection with cognitive development, education and social justice underscores the necessity for accountability and robust monitoring, just as the commercial determinants of health have intensified concerns about childhood obesity, where aggressive fast-food marketing and urbanization have compounded nutritional disparities, demanding stronger regulatory safeguards against exploitative corporate interests. Yet, one of the most overlooked and legally invisible group is refugee children, who remain in limbo without dedicated legislative protections,

enduring institutional mistreatment despite India's commitment to international child rights standards. Judicial interventions, though instrumental in addressing gaps in areas like child marriage and the ethical dilemmas of DNA testing for children born from sexual violence, often serve as a temporary and inadequate measure rather than comprehensive, permanent solutions.

Also in our current times inspite of the all-encompassing digital ingression, legislative voids persist in crucial areas like child influencers, performers in sports and entertainment, leaving them exposed to economic exploitation.

The meta-narrative of our Journal on the Rights of the Child of National Law University Odisha, Volume 6, spotlights that as India grapples with these multifaceted challenges, a dynamic, interdisciplinary approach integrating legal reforms, social policies, and ethical considerations becomes imperative to ensure that children's futures are not dictated by systemic failures but by the promise of justice, dignity, and equitable protection under the law. This volume also takes a close look operational gaps, vis-à-vis the child rights' laws on the books and how they unfold as justice on the ground.

The juvenile justice system's approach to bail has also been a significant concern, which has been examined in the first paper, *Taking Bail Seriously: Jurisprudence Evolution of Juvenile's Right to Bail* by Anita Ladha and Shruti Jane Eusebius. This paper examines the legal interpretation of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, and argues that courts have struggled to strike a balance between the rehabilitative ethos of juvenile justice and the broader public's safety concerns. Through a detailed analysis of Supreme Court and High Court judgments, the authors highlight the inconsistencies seen in the bail jurisprudence, especially in the cases of serious offences. The study advocates for a child-centric approach that aligns with the best practices and standards in the international sphere, highlighting that the right to bail for juveniles should be the norm rather than an exception, upholding the rehabilitative principles enshrined in the law.

Building on the discussion of children's rights in sensitive legal contexts, *Supersized Childhoods: The Impact of Fast-Food Advertising and Urbanization on Childhood Obesity* by Rishabh Tomar shifts focus to the commercial and environmental determinants of child health. This paper highlights how aggressive fast-food advertising, coupled with rapid urbanization, has contributed to a rise in childhood obesity in India. It critically examines marketing strategies that target children,

including digital advertising, brand mascots, and promotional toys, which create lifelong consumer habits detrimental to health. Additionally, the study explores how urban spaces often lack adequate recreational areas, discouraging physical activity and reinforcing sedentary lifestyles. The paper argues for a multi-pronged policy response, including stricter advertising regulations, improved urban planning, and school-based nutrition interventions to combat the long-term health risks posed by these trends.

The next paper, *Right of Children to Free and Compulsory Education Act, 2009: A Critical Analysis* by Meena Ketan Sahu examines the gaps in the Right To Education Act's implementation. Despite its progressive intent, the paper reveals that infrastructural deficiencies, teacher shortages, and socio-economic barriers continue to limit universal education access. The study calls for a re-evaluation of resource allocation and the integration of innovative pedagogical approaches to ensure the Act's objectives are met.

Continuing with the theme of education, cognitive development, life chances continuum and its intersection with socio-economic justice, the next paper, *PM POSHAN: Ensuring Social & Economic Justice for School-Going Children in India* by Kanishka evaluates the effectiveness of India's school meal programs in addressing classroom hunger and educational outcomes. The paper critically examines gender disparities in food distribution, the intergenerational effects of malnutrition, and the implementation challenges of PM POSHAN. The study suggests leveraging Artificial Intelligence and Machine Learning for vulnerability mapping and calls for participatory governance to enhance program efficiency. This paper highlights the intersection of child nutrition, education and state accountability, reinforcing the need for evidence-based policy reforms.

Next paper, *Family Ties, Broken Paths: Understanding the Roots of Juvenile Delinquency*, by Navya Rathi and Eve Dhariwal, explores the profound impact of family dynamics on juvenile delinquency. The paper examines how parental relationships, supervision and household environments influence juvenile behaviour, arguing that exposure to domestic violence, substance abuse, and neglect heightens delinquency risks. Conversely, parental engagement and structured support systems serve as protective factors. Highlighting interventions like multi-systemic therapy (MST) and functional family therapy (FFT), the study advocates for a shift from punitive to rehabilitative, family-centric approaches. By linking family dysfunctions to juvenile justice discourse, the paper underscores the socio-

economic dimensions of delinquency and the necessity of holistic interventions within India's child rights framework.

The precarious legal status of refugee children in India is the focus of the next paper, *Realising the Rights of Refugee Children Through the Jurisprudential Lens of Child Rights: Law and Practice in India* by Shailja Beria. The paper critiques India's lack of a structured refugee protection framework, which results in an ad hoc, discretionary approach to refugee rights. Despite India's obligations under international child-rights instruments like the United Nations Convention on the Rights of the Child (CRC), refugee children continue to face severe rights violations, including prolonged detention, family separation, and institutional neglect. The study highlights that the absence of legal recognition for refugee children exacerbates their vulnerability, limiting access to education, healthcare, and protection mechanisms. It argues for a child-specific refugee framework that prioritizes the "best interests of the child" principle, urging India to align its domestic policies with international norms. This discussion bridges the gap between refugee law and child rights, emphasizing that refugee children should not merely be treated as migrants but as individuals with distinct rights and protections.

Beyond physical well-being, the psychological and emotional stability of children is crucial, particularly in cases of family separation as explained and unveiled in the next paper. *Visitation Rights of Parents in India: Laws and Practices* by Palak Sharma delves into the legal and social challenges surrounding parental visitation rights post-divorce. The paper critiques the lack of a structured legal framework governing visitation, leading to inconsistent judicial decisions that often fail to prioritize the child's emotional well-being. It highlights the impact of strained parental relationships on children and calls for the adoption of child-centric approaches such as structured parenting plans, mediation, and shared custody models. Drawing on comparative legal analysis, the study argues for clear, uniform guidelines to ensure that children maintain stable relationships with both parents without being subjected to conflict-driven custody battles.

The complexities of custody battles are explored in the following paper, *The Best Interest of the Child in Custody Disputes* by Samparna Tripathy and Amit Samal. The authors critically analyse the application of the "best interest of the child" principle in Indian custody jurisprudence under the Guardian and Wards Act, 1890, and the Hindu Minority and Guardianship Act, 1956. The paper argues that judicial biases, procedural inefficiencies, and the absence of trained assessors

often lead to decisions that prioritize parental claims over the child's welfare. The study advocates for a more child-centric approach, including mediation, joint parenting agreements, and legislative clarity to ensure children's emotional and psychological well-being during custody disputes. This paper underscores the need for a paradigm shift in custody litigation, emphasizing a holistic understanding of children's rights beyond mere legal guardianship.

Extending this discussion on the child's rights in the evolving legal landscape of India, *Safeguarding Digital Childhood: A Critical Analysis of the IT Act, 2000 in Addressing Cyberbegging and Sharenting* by Satyam Mangal highlights what vulnerabilities the children face in the digital sphere. This paper outlines the inadequacies present in the IT Act, 2000, when it comes to the risks that children face on the internet, particularly when parents overexpose their children through sharenting and the growing menace of cyberbullying. He argues that in the absence of any explicit legal protection for children in the area, there would be legal breaches, economic exploitation and digital abuses. The paper calls for legislative reforms to align with the general data protection regulation (GDPR) to ensure that children are provided with the proper safeguards to ensure their best interests in digital policies.

The final research paper of this Volume, *Status of Children's Contractual Rights: In the Realm of Sports & Television* by Kashish Rathore & Sushant Mishra examines regulatory gaps in protecting child performers in entertainment and sports industry. It critiques inadequate labour laws that fail to prevent economic exploitation, unfair remuneration, and unstructured working hours. While the Child Labour (Prohibition and Regulation) Act, 2016, restricts hazardous work, it insufficiently addresses the unique vulnerabilities of child actors and athletes. The paper advocates for legal reforms, including enforceable contracts, trust funds, and oversight mechanisms, ensuring children's participation does not compromise their education and well-being, emphasizing the need to balance economic opportunities with fundamental rights.

The next piece is a factsheet, data visualisation through infographic, *Children in Conflict with Law in Odisha - What Do the NCRB Numbers Say?* by Pradipta Kumar Sarangi analyses juvenile crime trends in Odisha, linking socio-economic factors like poverty, education gaps, and familial instability to delinquency. It critiques the justice system's punitive approach and highlights deficiencies in rehabilitation mechanisms. Advocating a shift to a rehabilitative model, the paper

emphasizes community-based interventions, skill development, and psychological support for reintegration. It reinforces the need for a child-centric legal framework that prioritizes reform over punishment, contributing to the broader discourse on juvenile justice reform in India.

This volume is also running a case commentary, i.e. judicial responses to child rights violations, particularly in the context of child marriage, as critically examined in *Society for Enlightenment and Voluntary Action & Anr v. Union of India & Ors: A Case Comment* by Isha Mehrotra. This paper evaluates the Supreme Court's judgment on child marriage, emphasizing enforcement gaps in the Prohibition of Child Marriage Act, 2006 (PCMA). The analysis highlights the ineffective role of Child Marriage Prohibition Officers (CMPOs) and the absence of legal provisions against child betrothals, which undermine the law's preventive intent. The study argues that merely penalizing child marriage is insufficient and that a holistic approach—integrating community engagement, legal literacy, and proactive state intervention—is essential for meaningful deterrence. This paper contributes to the growing recognition that legal frameworks must be supported by robust implementation mechanisms to achieve their intended impact.

The final section of this journal has two opinion pieces. The first one being, *Evaluating the Efficacy of Romeo-Juliet Laws in India* by Saundarya D Nair and Priyasha Pattnaik. This examines the criminalization of consensual adolescent relationships under POCSO, 2012. The paper highlights concern over prosecuting teenage relationships as statutory rape, citing empirical data on the rise of “romantic cases.” It advocates for a “close-age gap exemption,” permitting a legally defined age difference, such as three years, to balance protection from exploitation with adolescents' sexual agency. Arguing for nuanced legal reform, the authors make a case for distinguishing genuine exploitation from consensual relationships within India's evolving child protection framework.

The final piece of this volume, *Adopted but Not Forgotten: Legal Deliberations on DNA Testing of Children Born & in Rape Cases* by Tisha Mehta and Urmi Shah examines the ethical and legal dilemmas of DNA testing in rape cases, particularly when the child has been adopted. It critically analyses cases where accused individuals seek DNA tests post-adoption to establish non-paternity as a defence. The paper highlights concerns over privacy, mental well-being, and identity, emphasizing DNA evidence's limited probative value in such trials. It calls for

strict judicial scrutiny to prevent legal manoeuvring at the cost of children's rights, contributing to broader debates in criminal law and child rights.

This volume and the range and depth of topics discussed is a timely reminder that the concept of childhood, well-being, children's rights are diverse, comprehensive and dynamic. Children's rights are not abstract ideas but lived realities shaped by legal interpretations, policy decisions, and socio-economic conditions. From juvenile justice reforms to digital privacy protections, from adoption inefficiencies to the tight link to education, the discussions in this volume highlight the pressing need for holistic and rights-based interventions, and most importantly, placing the children, their voice and agency, at the center of everything that affects them i.e. laws, processes and programmes.

Hope this volume will be the beginning of new conversation, research, reforms, practice and most importantly a progressive shift in our concerns and gaze for the children and the world.

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