

EDITORIAL NOTE

Childhood in contemporary India and the world exists at a complex intersection of promise and precarity. While the legal and constitutional architecture has progressively recognised children as rights-bearing individuals, their lived realities continue to be shaped by deep structural inequalities, institutional inconsistencies, and rapidly transforming social environments. The child of today is not only navigating classrooms and courtrooms, but also digital ecosystems, cultural transitions, and shifting notions of autonomy and protection. In this moment of transition, child rights discourse must move beyond static legal guarantees and engage with the dynamic, often conflicting forces that define childhood. This Volume VII, Issue I of the *Journal on the Rights of the Child of National Law University Odisha* emerges from this urgency, bringing together diverse scholarly voices that interrogate whether India's child protection and welfare frameworks are adequately equipped to respond to these layered realities, and more importantly, whether they are capable of centring the child not merely as a subject of law, but as an active bearer of rights, dignity, and agency.

The Presidential Address delivered by Hon'ble Justice Savitri Ratho sets the intellectual and moral tone of the volume by reaffirming that children must be placed at the centre of societal progress through a rights-based, rather than welfare-oriented, approach. Her address underscores a critical truth that resonates across the contributions that follow: that legislation, however well-intentioned, is insufficient in isolation. By drawing attention to rising crimes against children and emerging vulnerabilities in the digital age, the address calls for a collective, multi-stakeholder response, one that integrates legal frameworks with social responsibility, institutional accountability, and sustained public engagement. In doing so, it lays the foundation for a volume that consistently interrogates the gap between normative commitments and lived realities.

Medha Shukla and Anjali Verma's examination of Uttar Pradesh's school merger policy brings into sharp focus the fragility of constitutional guarantees when confronted with administrative rationalisation. Their analysis reveals

how policies framed in the language of efficiency can, in practice, erode the foundational principles of accessibility, proximity, and equity embedded within the right to education. By situating the issue within constitutional jurisprudence and judicial scrutiny, this original paper demonstrates that the dilution of rights often occurs not through overt withdrawal, but through subtle restructuring. It compels a reconsideration of whether governance reforms, when detached from child-centric considerations, risk reversing decades of progress in educational inclusion.

Extending the conversation on education from access to substance, Pawan Kumar and Kashish Jain foreground the critical absence of Comprehensive Sexuality Education within India's schooling framework. Despite the progressive aspirations of the National Education Policy 2020, the silence surrounding sexuality education reflects a deeper discomfort that carries tangible consequences. By linking emotional illiteracy and lack of awareness to patterns of juvenile offending, the paper reframes sexuality education as not merely a pedagogical tool, but as a constitutional and human rights imperative. It powerfully suggests that in an era where digital exposure is inevitable, institutional silence is not neutrality, but neglect.

The tensions within the juvenile justice system are brought to the fore by Nandini Chauhan and Yamini Rizvi, who critically examine the role of Children's Courts under the Juvenile Justice (Care and Protection of Children) Act, 2015. Their analysis challenges the assumption that transferring children to adult trials signifies a departure from child-centric principles, instead revealing a more complex legal architecture that attempts to balance accountability with rehabilitation. Yet, the persistence of procedural inconsistencies and limited awareness of statutory safeguards exposes the vulnerability of this balance. The paper underscores that the spirit of juvenile justice cannot be preserved through legislative design alone; it must be actively sustained through consistent and informed implementation.

This concern is amplified in the work of Nazhah Altaf and Dr Nazia Khan, who broaden the lens to examine the functioning of juvenile justice institutions as a whole. Their identification of "systemic institutional deficits", manifested

in delays, infrastructural inadequacies, and weak coordination, highlights a structural dissonance between the ideals of rehabilitative justice and their realisation on the ground. The paper offers a sobering reminder that the effectiveness of any legal framework ultimately depends on the strength and coherence of the institutions tasked with its implementation. In doing so, it situates institutional reform as central to the future of child rights in India.

Providing a historical anchor to these contemporary concerns, Raj Gupta and Dr Sumit Gangwar trace the evolution of child sexual abuse legislation from the Indian Penal Code, 1860, to the enactment of the Protection of Children from Sexual Offences Act, 2012. This trajectory reflects a gradual but significant shift from implicit protection to explicit recognition of children's vulnerabilities and rights. By mapping this evolution, the paper highlights the progressive expansion of legal consciousness surrounding child protection, while also implicitly raising the question of whether legislative advancement has been matched by equal progress in enforcement and societal understanding.

Mahak Khirwal's analysis of the misuse of POCSO in consensual adolescent relationships complicates this narrative of legal progress by exposing the unintended consequences of rigid statutory application. The paper reveals how a law designed to protect children can, in certain contexts, become an instrument of control, particularly when invoked against adolescent relationships that challenge social norms. By foregrounding the principles of dignity, autonomy, and evolving capacities, as recognised under the UN Convention on the Rights of the Child, the paper calls for a more nuanced approach that distinguishes between harm and agency. It thus raises a fundamental question: can protection, when applied without sensitivity, itself become a form of harm?

This tension between law and justice is further interrogated in the case commentary on the Unnao rape case involving Kuldeep Singh Sengar. By critiquing the Delhi High Court's reliance on a narrow, formalistic interpretation of statutory provisions, the authors demonstrate how legal technicalities can dilute the protective intent of child-centric legislation. The reduction of charges in the absence of a clear definition of "public servant" exposes a critical vulnerability in the legal framework, allowing power to

evade accountability. The paper compellingly argues that interpretation must remain aligned with the law's purposive and victim-centric objectives, lest justice itself be compromised.

Moving beyond legal structures, Manvee Sharma's engagement with Sam Timimi introduces a critical perspective on the globalisation of children's mental health. By examining the imposition of Western diagnostic frameworks on non-Western contexts, the paper highlights the risks of cultural homogenisation and the erasure of local experiences of distress. At the same time, it resists romanticising indigenous systems, acknowledging that they too may perpetuate harm. This nuanced critique underscores the need for culturally grounded, context-sensitive approaches that recognise the diversity of childhood experiences without imposing reductive binaries.

Dr Sohini Mahapatra's analysis of the web-series "Adolescence" brings the discussion into the realm of lived experience, illustrating how contemporary childhood is shaped by digital cultures, shifting social norms, and evolving family dynamics. By examining themes such as online influence, parenting gaps, and the emergence of masculinist ideologies, the critique highlights the limitations of existing protective frameworks in addressing the complexities of the digital age. It demonstrates that popular culture, far from being peripheral, serves as a critical site for understanding the realities that legal and policy frameworks seek to regulate.

Finally, the infographic analysis of child budgeting by the Research & Knowledge Exchange Team at Child Rights and You (CRY) grounds the volume in the substantive realities of governance and resource allocation. By revealing that child-focused expenditure remains modest relative to the Gross Domestic Product despite increases in absolute terms, the analysis highlights a fundamental disconnect between policy rhetoric and fiscal prioritisation. It underscores that rights, however robustly articulated, cannot be realised without sustained financial commitment, efficient utilisation, and accountability mechanisms that ensure resources translate into meaningful outcomes for children. That public finance allocation and its expenditure is an

important metric of how a society treats children is demonstrated in this data visualisation.

Taken together, the contributions in this volume present a compelling and multi-dimensional portrait of child rights in India, one that is marked by progress, but equally by persistent contradictions. They reveal a landscape where laws evolve but are unevenly implemented, where protection sometimes conflicts with autonomy, and where emerging social and technological realities challenge existing frameworks. The path forward, as this volume suggests, lies not in isolated reforms but in an integrated, child-centred approach that bridges law, policy, institutions, and society. To truly realise the promise of child rights, it is imperative to move beyond viewing children as passive recipients of protection and instead recognise them as individuals with voices, agency, and evolving capacities. Only then can the vision of justice, dignity, and holistic development for every child be meaningfully achieved.

Prof Biraj Swain
Chief Minister's Chair Professor cum Director, Centre for Child Rights
Editor, Journal on the Rights of the Child of National Law University
Odisha