

National Human Rights Commission

Minutes of the meeting of the Core Group on Children on the theme 'Human Rights of Children in Conflict with Law'

1. A meeting of the Core Group on Children was held on 4th February 2025 in hybrid mode at the Manav Adhikar Bhawan, New Delhi. The meeting was chaired by Justice Shri V. Ramasubramanian, Hon'ble Chairperson, NHRC. Smt. Vijaya Bharathi Sayani, Hon'ble Member, NHRC, Shri Bharat Lal, Secretary General, Shri R. Prasad Meena, DG (Investigation), Shri Joginder Singh, Registrar (Law), Lt. Col Virender Singh, Director, NHRC and other senior officers were present in the meeting. The list of participants is **annexed**.
2. The theme of the meeting of the Core Group on Children was '**Human Rights of Children in Conflict with Law**' which broadly focused on the following three critical agendas:
 - i.) Juvenile in Adult Prisons,
 - ii.) Juveniles in Correctional Homes; and
 - iii.) Measures for rehabilitation of Juveniles in Conflict with law.
3. The meeting commenced with a welcome address by **Lt. Col. Virender Singh, Director, NHRC**. In his address, Lt. Col. Singh highlighted the NHRC's continuous focus on protecting and promoting children's rights since its establishment in 1993 and India's ratification of the United Nations Convention on the Rights of the Child (UNCRC). He noted the challenges faced by vulnerable children, especially those from weaker sections, whose rights and dignity are often compromised. He further emphasized



that the NHRC's efforts have ranged from preventing child labour to advocating for their right to health and education, with particular focus on juvenile justice and the welfare of children in conflict with the law. He stressed that children in conflict with the law are victims of circumstances, urging for measures that prioritize rehabilitation and reintegration of vulnerable children.

4. In his opening remarks, **Shri Bharat Lal, Secretary General, NHRC**, emphasized that Core Groups have been established to support the Commission in addressing critical issues, with future actions being shaped by the inputs received from the members. He stressed that the objective is to gather practical solutions and insights from experts working

directly with children. He mentioned that regarding the issue of children in conflict with the law, the Commission acknowledges their rights and recognizes that these children,



often victims of their circumstances, require care and support. He mentioned that the meeting would focus on juvenile reform and correctional measures. Shri Bharat Lal also highlighted that since its establishment, the NHRC has prioritized children's rights, organizing several Core Group discussions on topics such as Missing Children (2021), the impact of COVID-19 on children's

learning outcomes (2022), and challenges in implementing the POCSO Act of 2012 (2024) etc. He expressed optimism that the insights provided by the Core Group participants would result in meaningful actions.

5. **Justice Shri V. Ramasubramaniam, Hon'ble Chairperson, NHRC** underscored that the primary objective of the Core Group meeting was to examine how the National Human



Rights Commission (NHRC) could contribute to the welfare of children in conflict with the law. He referred to a report by the Juvenile Justice Reform Commission of Montenegro, established by UNICEF in 2004 to create a working group known as the Commission for the Application of Alternative Measures, coordinated by the Ministry of Justice of

the Government of Montenegro. This group submitted a report in 2007 titled "Rights of Children in Conflict with the Law," which highlighted that the prevailing criminal justice system generally adheres to either a retributive or rehabilitative model. The report advocated for the adoption of a restorative justice approach. Additionally, the working group recommended the development of diversion programs, offering children alternative legal processes. The report outlined four key principles for diversion programs:

- i.) Juvenile offenders must admit to the crime.
- ii.) Juvenile offenders should not be placed in custody to participate in diversion programs.
- iii.) Juvenile offenders are entitled to a court procedure if they or their parents/guardians disagree with the diversion measures.
- iv.) Juvenile offenders can withdraw from the diversion process at any point of time and opt for a formal court procedure.

6. He noted that the diversion program is based on seven key pillars: victim-offender mediation, admonition, local community corrections councils, joint family meetings, circle trials, juvenile courts and community service. The report suggests that while societies typically view crimes as offenses against the state, considering the victim's perspective may facilitate reconciliation. This approach allows juveniles to make amends for the harm caused by their actions, helping them reintegrate into society more quickly, without a criminal record, thereby preventing future stigma and exclusion. Justice Shri V. Ramasubramaniam expressed hope that the Core Group would propose solutions in which the NHRC could play a central role.

7. **Shri Rajeev Sharma, Director General, Bureau of Police Research and Development (BPR&D)** addressed significant challenges in implementing policies for children in conflict with the law. He emphasized the lack of adequate infrastructure, which hampers effective



management of these children, leading to hardships within the system. A key issue is the absence of standardized procedures for handling children in facilities, with no clear distinction between minor offenders and those involved in serious crimes, which requires urgent attention. He also raised concerns about the rehabilitation and reintegration process, stressing the need to

evaluate the education, skills training, and qualifications of staff responsible for these children. He advocated for diverse skills training to offer meaningful opportunities post-reintegration and highlighted the importance of a structured follow-up system to support children after leaving the system. Additionally, he called for the establishment of more observation homes based on crime rates and regional requirements, as the current infrastructure is insufficient. He stressed the need for continuous staff training to address the complex needs of vulnerable children and proposed a review of existing structures to assess efficiency. To improve the system, he suggested inviting Juvenile Justice Committee chairpersons to share best practices and models. Shri Sharma also proposed developing a Standard Operating Procedures (SOPs) for community service as part of rehabilitation efforts. He noted that BPR&D is working on this initiative to ensure community service programs are effectively implemented, aiding the reintegration of children into society.

8. **Shri Amod Kanth, Founder, Prayas**, presented an overview of the organization's work with children in conflict with the law, highlighting the severity of the issue. He noted that around 35,000 children come into conflict with the law annually, with only 6,000 to 7,000 cases involving serious crimes. He stressed the importance of focusing on rehabilitation and reintegration rather than punitive measures. Kanth also referenced the Juvenile Justice (JJ) Act, 2015, which treats both children in conflict with the law and those in need of care similarly, emphasizing the vulnerability of children from economically disadvantaged backgrounds. Mr. Kanth pointed out that while the Juvenile Justice Board (JJB) has various options for case disposition, most children are sent to observation

homes, with alternative measures underutilized. He stressed the need for effective rehabilitation, especially for children in institutional care, and highlighted the inadequacy of aftercare programs, which led Prayas to launch the Yuva Connect initiative. He also expressed concern over the negative perception of children in conflict with the law as offenders, which contradicts the Juvenile Justice Act. Kanth raised alarms over instances where children were sent to



jails without proper age verification, violating their legal rights. He called for a holistic, long-term approach to rehabilitation to ensure successful reintegration into society. Mr. Kanth further addressed the fragmented implementation of child protection laws, urging for a comprehensive application within the Juvenile Justice system. He advocated for the enhancement and reform of institutional care for children, emphasizing that these institutions are crucial for protection and rehabilitation. He recommended the NHRC focus on four key pillars of rehabilitation—adoption, foster care, sponsorship, and aftercare support—ensuring children receive sustained, comprehensive support for successful reintegration.

9. **Ms. Esha Pandey, Deputy Inspector General (DIG), BPR&D**, briefly shared her experience of working as DCP Special Police Unit for Women and Children in Delhi Police and her association with a working group led by Justice Mukta Gupta and her experience in handling issues related to women and children. She expressed her eagerness to learn from the diverse expertise present at the meeting, emphasizing the importance of collective insights in addressing these critical issues effectively.

10. **Shri Balkrishan Goel, NHRC Special Monitor on Children**, emphasized the urgent need for issuing advisories for observation homes following a recent inspection, revealing significant inadequacies. Referring to NCRB 2022 data, he highlighted that approximately



40,000 cases were reported across all age groups, underscoring the magnitude of the issue. The discussion pinpointed key factors contributing to juvenile delinquency, including poverty, illiteracy, mental health challenges, love affairs, and minor offenses. He raised concerns over the failure to implement community service punishments under the JJ Act, 18 (1) (c), which has

hindered rehabilitation efforts. Furthermore, several districts fail to meet the required quorum for the Juvenile Justice (JJ) Board, affecting decision-making processes. Legal aid services remain inadequate in Child Care Institutions (CCIs) and observation homes, leaving children without proper legal representation. Mr. Goel also stressed that observation home superintendents lack the necessary training to manage these facilities effectively. While Rajasthan was noted as an exception in maintaining better hygiene

standards, this remains a pressing issue across other states. Additional concerns included insufficient police escorts for multi-district observation homes, the absence of a robust complaint mechanism for juveniles, and the pressing need for livelihood skill development programs to ensure proper rehabilitation.

11. **Shri Vijay Raghavan, Professor, TISS**, highlighted the issue of children being placed in adult prisons, emphasizing the detrimental impact on their well-being due to inadequate monitoring and oversight. He noted that police officers continue to maintain juvenile



records despite clear provisions in the JJ Act that prohibit such practices. To address these issues, he proposed regular visits by the District Legal Services Authority (DLSA) and judicial officials to 'Yuva Vibhag' to ensure better monitoring and access to legal aid. He strongly advocated for the strict enforcement of community service as a rehabilitative measure, suggesting that children in conflict with the law should be assigned supervised community service tasks instead of punitive actions. Furthermore, he stressed the need to collaborate with the National Crime Records Bureau (NCRB) to collect and analyze juvenile offender data, as no comprehensive records currently exist. To tackle systemic gaps, he suggested that the National Human Rights Commission (NHRC) organize a one-day meeting with state legal service authorities, civil society organizations, and relevant government departments to discuss vacancies in observation homes and the implementation of legal aid programs. Additionally, he recognized NALSAR's efforts in legal aid for juveniles and proposed establishing similar legal aid cells at the district level. The meeting concluded with clear action points, including the development of stronger Standard Operating Procedures (SOPs), improving legal aid communication strategies, increasing judicial oversight, enforcing community service, enhancing superintendent training, addressing hygiene concerns, integrating skill development programs, and securing data from NALSAR. Stakeholders agreed on a collective approach to these pressing issues to ensure better rehabilitation opportunities for children in conflict with the law and to create a more accountable juvenile justice system.

12. **Ms. Bharti Ali, Co-Founder & Exe. Director, HAQ: Centre for Child Rights, Delhi**, emphasized the need to streamline the judicial process and ensure greater convergence among lawyers. She also advocated for opening these institutions to visitors, fostering transparency and accountability. Additionally, she highlighted the importance of establishing a mechanism for coordination between the Juvenile Justice Board (JJB) and the Child Welfare Committee (CWC), particularly for cases involving children with dual statuses. She called for a review of the existing Individual Care Plan (ICP) and Social Investigation Report (SIR) formats, as they are currently cumbersome, stressing that no order should be issued without an individual care plan in place. Ms. Ali also cautioned that leaving the diversion process solely to the police in India requires careful consideration.

Furthermore, she pointed out that the usage of the Juvenile Justice Fund (created under Section 61 with a corpus of Rs. 10 lakh) has not yet evolved across states.

13. **Shri Sourabh Ghosh, Senior Manager, Research and Knowledge Exchange, CRY**, raised concerns about the adequacy of financial and human resources allocated for child rights, particularly in the implementation of relevant laws. He emphasized the need for increased investment and capacity development in this sector. He also highlighted the urgency of filling vacant positions, including those of counsellors, to strengthen support systems for children. He highlighted that *Mission Vatsalya* incorporates provisions for community-based initiatives. However, he raised concerns about the stagnation of budget allocations under the Mission over the years. While acknowledging a recent increase, he emphasized that the current funding remains inadequate to effectively address the expanding needs of child protection and welfare programs.
14. **Ms. Swagata Raha, Legal Researcher & Head of Restorative Practices, Enfold India**, emphasized the lack of reliable data as a significant challenge in developing evidence-based strategies. She noted the absence of comprehensive data on the number of children transferred to jails from child care homes and the rehabilitation services available to children in conflict with the law. She suggested that the NHRC seek data from High Courts on cases where pecuniary assessments were conducted by Juvenile Justice Boards and the number of children moved to jails. Additionally, she suggested that the NCRB provide disaggregated data on petty, serious, and heinous offenses involving children. Ms. Raha also proposed several measures to improve the system, including conducting structural audits of observation homes to evaluate infrastructure, human resources, and rehabilitation programs, establishing more correctional homes in districts with high crime rates, implementing regular training programs for stakeholders, revisiting the structure and functions of Child Care Institutions for greater effectiveness, institutionalizing sponsorship and foster care concepts for proper implementation, organizing joint training programs for magistrates and social workers and exploring the need for dedicated support personnel for children in conflict with the law.
15. **Shri Anant Kumar Asthana, Child Rights Lawyer**, emphasized the broader promotional role of the NHRC in advancing human rights, citing a Supreme Court judgment. He also



referenced a recent Chhattisgarh High Court ruling (*Bindesh Fulchand Netam vs. State of Chhattisgarh*, WPCR No. 150 of 2024) that denied statutory benefits under the JJ Act and urged the NHRC to request a Supreme Court review. He raised concerns about child offenders being treated as adults by police, which violates their human rights, and called on the Commission to

issue an advisory to ensure accountability for such violations. Shri Asthana presented a 'Jail Reference' format, developed in consultation with experts and accepted by Madhya Pradesh, which connects juvenile cases in prisons directly to the concerned court without

intermediaries. He recommended this format be adopted across other states as well. He also emphasized the need for better data collection on juveniles in conflict with the law, suggesting collaboration with organizations like BPR&D, NCRB, and UNICEF, and drawing inspiration from international jurisdictions for accurate and updated data. Addressing the lack of integration of Juvenile Justice Boards with the national judicial data grid, he proposed making hearing dates for juvenile cases accessible online to reduce delays and human rights violations. He also discussed the 'place of safety' concept, proposing the NHRC investigate whether such facilities are still located within jails, following a Delhi HC judgment on this matter. Further, Shri Asthana highlighted an issue with Section 15 of the JJ Act (2015), where minors tried as adults often lack legal support for appeals, violating their human rights. He suggested establishing an appropriate mechanism for filing appeals on behalf of minors. He also praised Juvenile Justice Boards in Morena, Madhya Pradesh, and Bokaro, Ranchi, for initiatives ensuring that juvenile convictions do not affect them once they become adults and recommended compiling best practices from JJBs across India. Finally, he addressed the issue of children in institutions who have not been granted bail and the challenges they face in exercising their right to evaluation upon turning 21. He urged the NHRC to review Section 21 of the JJ Act to address this issue and prevent further violations of juvenile rights due to the state's inability to complete trials in a timely manner.

16. **Ms Deepshikha Singh, Prayas Juvenile Aid Centre (JAC) Society**, highlighted several challenges in the Child Care Institutions (CCIs), including the significant reduction in both budget and staff allocation over the years. She called for a review of the human resource ratios and budgetary allocations in these institutions. She also emphasized the inadequacy of non-institutional care, noting the insufficient number of child welfare officers in districts. She pointed out that staff training in CCIs primarily focuses on legal aspects rather than behavioural aspects, which are crucial for effective rehabilitation. Regarding case pendency, she stressed the need to focus on intervention, understanding children's behavioural patterns, and the impact of family backgrounds on reintegration. Ms. Deepshikha also noted the lack of a platform to document and share best practices in childcare, which could help improve the system. She advocated for strengthening aftercare programs, emphasizing the need for comprehensive plans that include vocational training, housing, and psychological support tailored to individual juvenile needs. She also recommended expanding community-based alternatives to institutional care, which would help reduce social stigma and support juvenile reintegration while maintaining family connections. Strengthening collaboration between government agencies and NGOs, along with launching public awareness campaigns, was highlighted as essential to reduce the stigma of juvenile delinquency. Lastly, she called for a robust system to track the progress of juveniles after leaving institutional care to ensure their continued rehabilitation and prevent recidivism.
17. In his concluding remarks, **Justice Shri V. Subramaniam, Hon'ble Chairperson, NHRC** underscored the importance of collecting data on children in conflict with the law, noting that several speakers had raised concerns about the reliability and authenticity of existing data. To address this issue, he suggested that the NHRC collaborate with agencies such as

High Courts, BPRD, NCRB, and NALSA to establish a centralized website linking all Juvenile Boards. Furthermore, he proposed updating the existing data. To safeguard the privacy of children, access to this data would be restricted and not freely available. He suggested that a working group could be formed to verify the collected data and provide further recommendations. Justice Shri V. Subramaniam also requested participants to submit their suggestions categorized into three groups: those requiring statutory amendments, those that can be implemented through the issuance of rules, and those that need Standard Operating Procedures (SOPs). He suggested that the Commission may organize a meeting with the chairpersons of the Juvenile Justice Boards from each state and collaborate with Juvenile Justice Boards (JJBs), District Legal Service Authorities (DLSA), State Legal Service Authorities (SLSA), and the SHRCs to determine the next steps in this regard.

List of Participants

National Human Rights Commission

1. Justice Shri V. Ramasubramanian, Hon'ble Chairperson
2. Smt. Vijaya Bharathi Sayani, Hon'ble Member
3. Shri Bharat Lal, Secretary General
4. Shri R. Prasad Meena, Director General (Investigation)
5. Shri Joginder Singh, Registrar (Law)
6. Lt. Col. Virender Singh, Director
7. Dr. (Ms.) Rajul Raikwar, Consultant (Research)
8. Ms. Saptarni Majumdar, Junior Research Consultant
9. Ms. Jessica Swamy, Junior Research Consultant
10. Ms. Lakshmi Kumari, Junior Research Consultant
11. Ms. Madhura Naniwadekar, Junior Research Consultant
12. Mr. Raghawendra Singh, Junior Research Consultant
13. Ms. Swarna Singh, Junior Research Consultant

Core Group Members, Ex-officio members and Special Invitees

1. Shri Rajeev Kumar Sharma, Director General, BPR&D
2. Ms. Esha Pandey, DIG, BPR&D
3. Shri Balkrishan Goel, NHRC Special Monitor on Children
4. Shri Amod K. Kanth, Founder and Mentor Prayas Juvenile Aid Centre (JAC) Society
5. Prof. (Dr.) Vijay Raghavan, Professor, Tata Institute of Social Sciences
6. Ms. Sharmila Ray, Child Protection Specialist, UNICEF
7. Ms. Bharti Ali, Co-Founder & Exe. Director, HAQ: Centre for Child Rights, Delhi
8. Shri Sourabh Ghosh, Senior Manager, Research and Knowledge exchange, CRY
9. Ms. Swagata Raha, Legal Researcher, & Head Restorative Practices Enfold India
10. Adv. Anant Kumar Asthana, Child Rights Lawyer
11. Ms. Deepshikha Singh, Prayas Juvenile Aid Centre (JAC) Society
