



2025:KER:83043

C.R.

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

FRIDAY, THE 31ST DAY OF OCTOBER 2025 / 9TH KARTHIKA, 1947WP (C) NO. 7380 OF 2018PETITIONER:

SUO MOTU

RESPONDENTS:

- 1 THE GOVERNMENT OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.
- 2 THE SOCIAL JUSTICE DEPARTMENT
GOVERNMENT OF KERALA, REPRESENTED BY ITS SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.
- 3 THE WOMEN AND CHILD DEVELOPMENT DEPARTMENT
GOVERNMENT OF KERALA, REPRESENTED BY ITS DIRECTOR, SPMU, POOJAPPURA, THIRUVANANTHAPURAM.
- 4 THE KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS
REPRESENTED BY THE CHAIRPERSON, T.C. 14/2036, VANROSS JUNCTION, KERALA UNIVERSITY P.O., THIRUVANANTHAPURAM -695 034.
- 5 THE DIRECTOR GENERAL OF POLICE STATE POLICE CHIEF
KERALA, POLICE HEADQUARTERS, THIRUVANANTHAPURAM -695 010.
- 6 THE KERALA STATE LEGAL SERVICES AUTHORITY
ERNAKULAM, REPRESENTED BY THE MEMBER SECRETARY, NIYAMA SHAYA BHAVAN, HIGH COURT BUILDING, KOCHI - 682 031.

BY SHRI.V.MANU, SPL.G.P. TO A.G.
SMT.APARNA S

OTHER PRESENT:

SRI. SANTHOSH MATHEW-SR.ADV

WPC 7380/2018 & 23669/2019



2025:KER:83043

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR HEARING ON 24.9.2025,
ALONG WITH WP(C).23669/2019, THE COURT ON 31.10.2025 DELIVERED THE FOLLOWING:



2025:KER:83043

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

FRIDAY, THE 31ST DAY OF OCTOBER 2025 / 9TH KARTHIKA, 1947WP(C) NO. 23669 OF 2019PETITIONERS:

- 1 BACHPAN BACHAO ANDOLAN, CHARITABLE SOCIETY HAVING ITS OFFICE AT L-6, KALKAJI, NEW DELHI-110019, REPRESENTED BY ITS GENERAL SECRETARY, MR.R.S.CHAURASIA.
- 2 SAMPURNA BEHURA, PROGRAM-DIRECTOR, BACHPAN BACHAO ANDOLAN, L-6, KALKAJI, NEW DELHI-110019.

BY SHRI.DEEPU THANKAN
SMT.UMMUL FIDA
SMT.LAKSHMI SREEDHAR

RESPONDENTS:

- 1 STATE OF KERALA,REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 2 THE SECRETARY,SOCIAL JUSTICE DEPARTMENT, STATE OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
- 3 THE DIRECTOR,STATE PROGRAMME MANAGEMENT UNIT, WOMEN AND CHILD DEVELOPMENT DEPARTMENT, POOJAPPURA, THIRUVANANTHAPURAM-695012.
- 4 KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS, REPRESENTED BY THE CHAIRPERSON, T.C.14/2036, VANROSS JUNCTION, KERALA UNIVERSITY.P.O., THIRUVANANTHAPURAM-695034.
- 5 THE DIRECTOR GENERAL OF POLICE, POLICE HEADQUARTERS, THIRUVANANTHAPURAM-695010.



2025:KER:83043

6 THE KERALA STATE LEGAL SERVICES
AUTHORITY, ERNAKULAM, REPRESENTED BY THE MEMBER SECRETARY,
NIYAMA SAHAYA BHAVAN, HIGH COURT BUILDING, KOCHI-682031.

BY SRI.THOUFEEK AHAMED
SHRI.SANTHOSH MATHEW (SR.)
SRI.ARUN THOMAS
SRI.JENNIS STEPHEN
SRI.VIJAY V. PAUL
SMT.KARTHIKA MARIA
SRI.ANIL SEBASTIAN PULICKEL
SHRI.V.MANU, SPL.G.P. TO A.G
SMT APARNA S.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR HEARING ON
24.9.2025, ALONG WITH WP(C).7380/2018, THE COURT ON 31.10.2025,
DELIVERED THE FOLLOWING:



2025:KER:83043

C.R.

J U D G M E N T

[WP(C) Nos.7380/2018 and 23669/2019]

(Dated this the 31st day of October 2025)Basant Balaji J.,

“The hallmark of culture and advance of civilization consists in the fulfilment of our obligation to the young generation by opening all opportunities for every child to develop its personality and rise to its full stature, physical, mental, moral, and spiritual. It is the birth right of every child that cries for justice from the world.”

: - Justice V. R. Krishna Iyer

India has a wide range of laws to protect children and child protection is accepted as a core component of social development. However, the challenge lies in implementing the laws due to inadequate human resource capacity and quality prevention and rehabilitation services. As a result, millions of children are prone to violence, abuse, and exploitation. Violence takes place in all settings: at home, school, childcare institutions, work and in the community. Often violence is perpetrated by someone known to the child. As per the National Crime Records Bureau, last year, minors in the country committed a total of 30,555 crimes; Delhi is sixth on the list, with over 2,340 cases involving minors. In 2020, the cases registered against minors exceeded 2,643. This urges a call to the systems all over there for a strict implementation of laws prevailing in this regard.



2025:KER:83043

PETITIONERS AND THE PRESENT PUBLIC INTEREST LITIGATION

2. The first Petitioner, Bachpan Bachao Andolan is a non-Governmental Organization working towards the eradication of anti-trafficking and anti-slavery, founded by the Nobel Peace Laureate Kailash Satyarthi, with a vision to protect and prevent children from all forms of exploitation. It aims to identify, liberate, rehabilitate, and educate children in servitude. The 2nd petitioner is a human rights activist and is the sole Petitioner before the Hon'ble Supreme Court of India in *Sampurna Behura v. Union of India*¹, wherein the Hon'ble Apex Court issued certain general directions to the Union of India and to all State governments for the proper implementation and functioning of the Juvenile Justice System in India.

3. The present Writ petition in public interest is filed before this Court seeking directions to the Respondents representing the State of Kerala, to comply with the order and direction of the Hon'ble Supreme Court in *Sampurna Behura*, and for other reliefs for the effective implementation of the Juvenile Justice System in India.

HISTORY OF JUVENILE LEGISLATIONS IN INDIA

4. It is proper to elucidate the juvenile legislations in India to have a better understanding of the context. The historical development of juvenile justice

¹ 2018 (4) SCC 433



2025:KER:83043

in India can be traced back to ancient times, where the concept of providing care and protection to children in need was prevalent in the Indian society. The same can be placed under two heads namely, pre-independent and the post-independent period.

(A) LEGISLATIONS IN PRE-INDEPENDENT INDIA

5. The first significant legislation concerning Juvenile Justice in India was the Apprentices Act of 1850. This Act marked the initial attempt to differentiate juveniles from adult criminals. Under this law, minors convicted of petty crimes were placed in apprenticeship programs rather than being sentenced to imprisonment. The idea was to rehabilitate and reform young offenders by providing them with vocational training, thereby enabling them to reintegrate into society.

6. Subsequently, the Reformatory Schools Act, 1897 was introduced to provide institutional care for juvenile offenders. This Act sent children to reformatory schools instead of regular prisons, with the aim of educating and rehabilitating them. Despite its reformatory approach, the Act lacked a standardized framework and was implemented inconsistently across different provinces.

7. It was amidst the British rule, the Indian Penal Code of 1860 was introduced with provisions for the treatment of juvenile offenders. However, these provisions were punitive in nature, with children being treated similarly to adult criminals. The Indian Jails Committee during 1919-20 also made some recommendations regarding children in conflict with the law.



2025:KER:83043

8. In the early 20th century, there was growing awareness of the need for a separate system of justice for juveniles. The first significant step in this direction was the enactment of the Madras Children Act in 1920. The Act provided a legal mechanism handling cases involving children separately from adult offenders. It also introduced protective measures for neglected and destitute children, ensuring they were provided with care instead of being abandoned.

9. The next major development came with the Children Act, 1944, which expanded upon the 1920 law recognizing that young offenders should not be treated with punitive measures but should instead be reformed through care and education. However, like its predecessor, this Act was not uniformly implemented throughout India and lacked a centralized Juvenile Justice framework.

(B) LEGISLATIONS IN POST-INDEPENDENT INDIA

10. By the time India gained independence in 1947, the need for a comprehensive Juvenile Justice system was evident. The pre-independence legal framework, though progressive, was fragmented and inconsistent in its application. The existing laws were primarily focused on punishment and institutionalization rather than rehabilitation. Post 1947, the country recognized the need for a comprehensive and uniform system to protect children in conflict with law and those in protection and care.

11. The first significant step came with the enactment of the Children Act, 1960, establishing a more reformatory and welfare-oriented system for



2025:KER:83043

juvenile offenders. This Act provided for the creation of separate courts for juveniles and emphasized the importance of reformation rather than punishment. However, this Act applied only to Union Territories, leading to disparities in Juvenile policies across different states, as each state formulated its own laws concerning juvenile offenders.

12. To resolve these inconsistencies, the Indian government introduced the Juvenile Justice (Care and Protection of Children) Act, 1986, which became the first uniform law on Juvenile Justice applicable throughout the country. This Act aimed to create a separate legal framework for juveniles and represented a major shift towards a child-centric approach. It also ensured that children received appropriate legal and rehabilitative measures. The Act reflected India's commitment to international conventions on child rights, particularly the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985). Despite these advancements, there were still significant gaps in the juvenile justice system, including inadequate facilities and resources for the rehabilitation of offenders and inconsistencies in the implementation of the law across various states.

13. In 1992, the government of India ratified the United Nations Convention on the Rights of the Child (UNCRC) which made it expedient to have a law that conformed to the standards of the Convention.

14. In response to these challenges, the Indian Parliament passed the Juvenile Justice (Care and Protection of Children) Act of 2000, which



2025:KER:83043

repealed the earlier Act of 1986. This new law incorporated several child-friendly provisions, such as ensuring that juveniles were not treated like adult criminals, emphasizing rehabilitation over punishment, and introducing counselling and vocational training as integral parts of the reform process. Despite amendments in the years 2006 and 2011 to the erstwhile Act, issues making the plights of juvenile offenders all over India began to crop up and continued to remain. Furthermore, an increase in the number of crimes committed by children in the age group 6-18 years made it evident that the provisions of the erstwhile Act were ill-equipped to tackle child offenders in that age group. Several changes were required in the erstwhile Act, to address the above-mentioned issues, and therefore it was proposed to repeal the erstwhile Act and re-enact a comprehensive legislation.

15. However, public perception of Juvenile Justice in India also changed significantly after the 2012 Delhi gang rape case (Nirbhaya case), where one accused was a juvenile. There was widespread debate on whether juveniles involved in heinous crimes should be tried as adults. Thus, the Act of 2000 was superseded by the Juvenile Justice (Care and Protection of Children) Act, 2015 (the Act of 2015), which introduced a provision allowing juveniles aged 16-18 to be tried as adults for heinous offenses such as rape, murder, and terrorism. The law also strengthened mechanisms for the rehabilitation of juveniles, introducing care and adoption provisions for children in need of care and protection. Additionally, it creates specialized organizations like child welfare committees, juvenile justice boards, and juvenile police



2025:KER:83043

divisions.

16. The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, further expanded the scope of the law by empowering District Magistrates to ensure faster adoption procedures and improve the functioning of Child Welfare Committees (CWCs). This amendment aimed to streamline child protection policies and make the system more efficient and accountable. Though the post-independence reforms have shaped India's Juvenile Justice system into a more rehabilitative and welfare-based model, despite these progressive changes, challenges such as delayed trials, inadequate rehabilitation facilities, and lack of awareness about juvenile rights continue to persist.

WHAT LED TO SAMPURNA BEHURA v. UNION OF INDIA- THE COMPREHENSIVE GUIDELINES BY THE APEX COURT

17. The improper functioning of the Juvenile Justice System and the plight of children in the country prompted the 2nd Petitioner to file W.P. (C) No. 473 of 2005 before the Hon'ble Supreme Court. The petition specifically alleged the failure of State Governments in India to implement the key provisions of the erstwhile and existing Acts, along with several other issues concerning children's rights. Even prior to the filing of *Sampurna Behura* petition, there have been concerns about the lack of implementation of juvenile justice laws. Despite these interventions and emerging concerns, the reality of children remained stagnant.



2025:KER:83043

LEGAL BACKGROUND OF *SAMPURNA BEHURA* (SUPRA) CASE

18. The case began as a public interest litigation (PIL) filed by the second Petitioner herein, and the core of her petition was the failure of state governments and Union Territories to effectively implement the provisions of the Act of 2015. After a detailed hearing and consideration of the subject, the Hon'ble Apex Court, through its judgment in *Sampurna Behura* dated 09 February 2018, recognized the persistent neglect by the state governments. The Court delivered a comprehensive judgment establishing a structured mechanism to enforce accountability for the implementation of the provisions of the Act of 2015. The guidelines issued in the said Judgment is extracted herein for reference:

“94. Keeping in mind the concerns expressed by all the learned counsel and the need to invigorate the juvenile justice system in the country, we are of the view that the following directions ought to be given and we do so:

94.1. The Ministry of Women and Child Development in the Government of India and the State Governments should ensure that all positions in the NCPCR and the SCPCRS are filled up well in time and adequate staff is provided to these statutory bodies so that they can function effectively and meaningfully for the benefit of the children.

94.2. The NCPCR and the SCPCRS should take their duties, functions and responsibilities with great earnestness keeping



2025:KER:83043

in mind the faith reposed in them by Parliament. A position in these statutory institutions is not a sinecure. These bodies have a very significant and proactive role to play in improving the lives of children across the country.

94.3. The State-level Child Protection Societies and the District Level Child Protection Units have an enormous responsibility in ensuring that the JJ Act is effectively implemented and Child Care Institutions are managed and maintained in a manner that is conducive to the well-being of children in all respects including nutrition, education, medical benefits, skill – development and general living conditions. These two bodies would be well advised to take the assistance of NGOs and civil society to ensure that the JJ Act serves the purpose for which it is enacted by Parliament.

94.4. The State Governments must ensure that all positions in the JJBs and CWCs are filled up expeditiously and in accordance with the Model Rules or the Rules framed by the State Government. Any delay in filling up the positions might adversely impact on children and this should be avoided.

94.5. The JJBs and CWCs must appreciate that it is necessary to have sittings on a regular basis so that a minimal number of inquiries are pending at any given point of time and justice is given to all juveniles in conflict with law and social justice to children in need of care and protection. This is a



2025:KER:83043

constitutional obligation.

94.6. The NCPCR and the SCPCRS must carry out time-bound studies on various issues, as deemed appropriate, under the JJ Act. Based on these studies, the State Governments and the Union Territories must take remedial steps.

94.7. In particular the NCPCR and the SCPCRS must carry out a study for estimating the number of Probation Officers required for the effective implementation of the JJ Act. Based on this study, the State Government must appoint the necessary number of Probation Officers. It must be emphasised that the role of a Probation Officer is critical for the rehabilitation and social reintegration of a juvenile in conflict with law and due importance must be given to their duties as postulated in the Model Rules and Rules, if any, framed by the State Governments and the Union Territories.

94.8. The MWCD must continue to make creative use of information and communication technology not only for the purpose of collecting data and information but also for other issues connected with the JJ Act such as having a database of missing children, trafficked children and for follow-up of adoption cases, etc. With the utilisation of technology to the fullest extent, administrative efficiency will improve considerably, which in turn will have a positive impact on the



2025:KER:83043

lives of children.

94.9. It is important for the police to appreciate their role as the first responder on issues pertaining to the offences allegedly committed by children as well as the offences committed against children. There is therefore a need to set up meaningful Special Juvenile Police Units and appoint Child Welfare Police Officers in terms of the JJ Act at the earliest and not only on paper. In this context, it is necessary to clearly identify the duties and responsibilities of such units and officers and wherever necessary, guidance from the available expertise, either the National Police Academy or the Bureau of Police Research and Development or NGOs must be taken for the benefit of children.

94.10. The National Police Academy and State Police Academies must consider including child rights as a part of their curriculum on a regular basis and not as an isolated or sporadic event.

94.11. The management of Child Care Institutions is extremely important and State Governments and Union Territories would be well advised to ensure that all such institutions are registered so that children can live a dignified life in these Institutions and issues of missing children and trafficking are also addressed.

94.12. State Governments and Union Territories would be



2025:KER:83043

well advised to appoint eminent persons from civil society as Visitors to monitor and supervise the Child Care Institutions in all the districts. This will ensure that the management and maintenance of these Institutions are addressed. We have no doubt that the State Legal Service Authorities and the District Legal Service Authorities will extend full assistance and cooperation to the government authorities in this venture as well as to the Visitors.

94.13. The JJ Fund is a bit of an embarrassment with an absence of an effective response from the State Governments and the Union Territories. If financial resources are not made available for the welfare of the children, we shudder to think what could be better utilisation of the funds.

94.14. NALSA has done a remarkable job in collecting data and information relating to the JJ Act, as evidenced by the three-part Report prepared by it. We request NALSA to carry forward the exercise and complete a similar Report preferably before 30-4-2018 to assist all the policy making and decision taking authorities to plan out their affairs.

94.15. The importance of training cannot be overemphasised. It is vital for understanding and appreciating child rights and for the effective implementation of the JJ Act. All authorities such as JJBs and CWCs, Probation Officers, members of the Child Protection Societies and District Child Protection



2025:KER:83043

Units, Special Juvenile Police Units, Child Welfare Police Officers and managerial staff of Child Care Institutions must be sensitised and given adequate training relating to their position. A very positive step has been taken in this regard by NALSA and we expect the NCPCR with the assistance of the SCPCRS to carry forward this initiative so that there is meaningful implementation of the JJ Act.

94.16. Since the involvement of the State Governments and the Union Territories is critical to child rights and the effective implementation of the JJ Act, it would be appropriate if each High Court and the Juvenile Justice Committee of each High Court continue its proactive role in the welfare of children in their State. To make the involvement and process more meaningful, we request the Chief Justice of every High Court to register proceedings on its own motion for the effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015 so that road-blocks if any, encountered by statutory authorities and the Juvenile Justice Committee of the High Court are meaningfully addressed after hearing the governmental authorities concerned. A copy of this judgment and order should be sent by the Secretary General of this Court to the Registrar General of each High Court for being placed before the Chief Justice of every High Court for initiating Suo motu proceedings.”



2025:KER:83043

19. The *Sampurna Behura* case holds a landmark because it affirmed the judiciary's role in compelling the executive to fulfil its constitutional duty towards children. It set a precedent that mere enactment of laws is not enough rather, their effective implementation is a mandatory obligation. In essence, the *Sampurna Behura* judgment transformed the legal philosophy on juvenile justice in India. The Judgment thereby established itself as a powerful tool in the realm of juvenile justice system in India.

SUO MOTO PROCEEDINGS BEFORE THIS COURT AND THE PRESENT WRIT PETITION

20. Realising the failure in the implementation of the provisions of the Act of 2015 throughout the Country, the Hon'ble Apex Court passed a detailed judgment on 09 February 2018. This judgment inter alia directed all High Courts to initiate Suo moto proceedings, effectively forcing a restructure of the judicial enforcement mechanisms to ensure the uniformity and implementation of the prevailing laws regarding juvenile welfare across all states. However, the non-compliance with the directions since the *Sampurna* judgment has significantly hampered the realization of the purpose of the Act of 2015. This continued failure has contributed to the increased rate of crimes at the instance of children, substantiating that the provisions of the prevailing legislation and the *Sampurna Behura* guidelines have not met in their true spirit.

21. As per the directions issued in *Sampurna Behura*, this Court is now in consideration of the Suo moto proceedings as W.P.C.No.7380/ 2018. After



2025:KER:83043

the said Suo moto proceedings was taken into file, the Petitioners have now come up before this Court with the instant petition in public interest, for ensuring the strict compliance of provisions and adherence of the Act of 2015, the guidelines issued in *Sampurna Behura* and for other reliefs.

22. This petition, as is evident, is divided into two parts, Part I; that is dealing with the implementation of directions of Hon'ble Supreme Court in *Sampurna Behura* and Part II, which deals with the issues that require judicial intervention to meet the object and purpose of the Act of 2015.

23. During the hearing of the present writ petition in public interest, it was revealed that the directions laid down in the judgment in *Sampurna Behura* were not complied with. Further, the State has made certain undertakings to rectify the shortfalls that had arisen in implementing the same, whether it be the compliance of the guidelines issued by the Hon'ble Supreme court or the relevant provisions of the Act of 2015. Therefore, in the light of the said circumstances, it is imperative to issue certain directions that are needed to be followed by the State Governments to align with the directives already issued and to examine the shortcomings in executing the real purpose of Act of 2015.

24. As pointed out earlier, the Petitioners herein have placed the reliefs under two heads which need detailed attention. For that, the powers and functions of various authorities empowered under the Act of 2015 are also explained as under: -



2025:KER:83043

PART – I

(A) KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS (Ke SCPCR)

25. The Kerala State Commission for Protection of Child Rights (Ke SCPCR) is a statutory body established under the provisions of the Commissions for Protection of Child Rights Act, 2005 (the Act of 2005), and the Kerala State Commission for Protection of Child Rights Rules, 2012. Its primary objective is to protect the rights of children and promote their best interests across the state. The Commission is constituted with a Chair person and six members, who are appointed by the State Government on the recommendation of a Selection Committee. They hold office for a term of three years or until a specific age, whichever is earlier. According to section 17 of the Act of 2005, the chairperson appointed must be a person of eminence who has done outstanding work for the promotion of child welfare. The other members must also possess eminence, ability, integrity, and experience in fields such as education, child healthcare, welfare or development, Juvenile Justice or care of neglected, marginalized, or disabled children, elimination of child labour or children in distress, child psychology or sociology and other laws relating to children.

26. The duties, functions, and responsibilities vested with the Ke SCPCR are wide-ranging as it focuses on ensuring that all laws, policies, programs, and administrative mechanisms in the state are in consonance with the rights of the child as enshrined in the Constitution of India and the UN



2025:KER:83043

Convention on the Rights of the Child (UNCRC). This state-level body is responsible for overseeing the implementation of child protection policies and programs, inquiries into complaints of child rights violations or denial of child rights safeguards; examines and reviews the safeguards provided by or under any law for the protection of child rights and recommends measures for their effective implementation; monitors the implementation of child-focused legislations like the Protection of Children from Sexual Offences (POCSO) Act, 2012, the Right of Children to Free and Compulsory Education (RTE) Act, 2009, and the Act of 2015. Additionally, the Commission undertakes research, promotes child rights awareness, and presents annual reports to the State Government on the working of these safeguards. The State Commission is also entrusted to train personnel and monitor the overall functioning of the CWCs, JJBs, and other childcare institutions.

27. However, the Commission frequently faces a dearth in its human resources, which can severely affect its operational efficiency. Earlier, there have been significant delays in filling the vacancies for the six members of the Commission, at times leaving multiple positions vacant for several months. Now, it is pertinent to note that the recurring delays in appointment in the Commission interrupts the continuity of its work. A shortage of supporting administrative and technical staff in units like the POCSO and Juvenile Justice Cells is also a persistent challenge, limiting the Commission's ability to effectively handle the high volume of cases and conduct extensive monitoring across the State. Altogether, these resource



2025:KER:83043

limitations compromise the Commission's capacity to be a robust, full-time independent body for child protection.

28. As per para 94.1 in Sampurna Behura,

“The Ministry of Women and Child Development in the Government of India and the State Governments should ensure that all positions in the NCPCR and the SCPCRS are filled up well in time and adequate staff is provided to these statutory bodies so that they can function effectively and meaningfully for the benefit of the children.”

29. As per sec.8(2) of the Commission for Protection of Child Rights Act, 2005 (hereinafter the Act of 2005), if a casual vacancy occurs in the office of the Chairperson or a Member, it shall be filled within a period of 90 days by making a fresh appointment.

30. In the counter-affidavit filed by the state, it was stated that the Commission was fully set up in accordance with Sec.17(2) of the Act of 2005, and the positions of Chairpersons and Members are duly filled up. However, few positions among staff members are vacant, which are under process to be filled up by appointing interdepartmental staff members. Further, it was stated that the interviews for two vacancies have been conducted on 27 August 2025 and the rank lists will be issued shortly. Also, the state has promised to fill up the arising vacancies before the incumbent demitted the office to avoid any sort of delay. Considering the functions and



2025:KER:83043

responsibilities that the Commission is entrusted with, adequate staff personnel are necessary and therefore, it is essential to issue time-bound directions for filling up such vacancies in concerned positions.

(B) THE STATE CHILD PROTECTION SOCIETY (SCPS) AND DISTRICT CHILD PROTECTION UNIT (DCPU)

31. The SCPS and DCPU are the fundamental operational structures established under the Indian government's Mission Vatsalya (formerly Integrated Child Protection Scheme or ICPS). They form a comprehensive safety net to ensure the protection and well-being of children.

32. The SCPS is the apex body at the state level responsible for the management, administration, and monitoring of all child protection activities, including the statutory bodies and services established under the Act of 2015. It is established under the Act of 2015, and functions under the overall control of the State Department responsible for Women and Child Development/Social Welfare. It is headed by a dedicated Mission Director or Executive Director who reports to the State Child Protection Committee (SCPC). The State Adoption Resource Agency (SARA) functions as a unit under the SCPS to promote and regulate the adoption programme in the state, in coordination with the Central Adoption Resource Authority (CARA).

33. SCPS, being the nodal body for implementing, supervising, and monitoring the Mission Vatsalya/ICPS and all other state-level child protection programs and agencies, ensures the proper flow and utilization of



2025:KER:83043

funds to all districts and child protection units (DCPUs). It is responsible for training and capacity building of all personnel working in the child protection system. One of the most essential functions of their constitution is that they are supposed to maintain a district-specific database of children in need of protection and is required to upload this information onto the central Track Child portal for effective monitoring and tracking of missing children as well as found children.

34. The DCPU, on the other hand, is the fundamental unit for implementation at the district level, acting as the grassroot operational agency of the SCPS. It is responsible for coordinating and implementing all child rights and protection activities within the district. The DCPU is headed by a District Child Protection Officer (DCPO) and functions under the administrative control and supervision of the District Magistrate (DM) or District Collector, who is often the Chairperson of the District Child Protection Committee (DCPC). It comprises various professional workers, including Protection Officers, Counsellors, Social Workers, and Outreach Workers.

35. DCPU ensures the effective functioning of statutory bodies like the Child Welfare Committee (CWC) and the Juvenile Justice Board (JJB), by providing infrastructure and support. It identifies families and children at risk and assesses the number of children in difficult circumstances to create district-specific databases. It ensures that every child in need of care has an Individual Care Plan and facilitates the implementation of family-based



2025:KER:83043

non-institutional services like Sponsorship, Foster Care, After Care, and Adoption. It also supervises and monitors all Child Care Institutions (CCIs) and agencies in the district, ensuring they comply with minimum standards of care.

36. The most significant drawbacks blocking the functioning of the SCPS and the DCPU in India largely stem from critical human resources, lack of inspections for proper monitoring and financial deficiencies. DCPUs, the grassroots implementation units, routinely suffer from severe staff shortages leading to overburdened personnel and ineffective case management. This personnel deficit is compounded by the employment of non-professional staff and a lack of specialized training for the staff who are present, including members of the Child Welfare Committees (CWC) and Juvenile Justice Boards (JJB). Furthermore, SCPS and DCPU operations are hampered by inconsistent and delayed fund flow, lack of operational resources, and much more, undermining the core mission of Mission Vatsalya to ensure the 'best interest of the child'.

37. As per paras 94.2 and 94.6 in *Sampurna Behura* (supra),

“94.2 The NCPCR and the SCPCRS should take their duties, functions and responsibilities with great earnestness keeping in mind the faith reposed in them by Parliament. A position in these statutory institutions is not a sinecure. These bodies have a very significant and proactive role to play in improving the lives of children



2025:KER:83043

across the country.

94.6 The NCPCR and the SCPCRS must carry out time-bound studies on various issues, as deemed appropriate, under the JJ Act. Based on these studies, the State Governments and the Union Territories must take remedial steps.”

38. Sec.23 of the Act of 2005 envisages submissions of annual and special reports of State Commission.

39. It has been stated in the counter-affidavit that the Annual reports of Ke SCPCR for the year 2023-24 have already been prepared and submitted before the Kerala Legislative Assembly. The reports pertaining to the year 2024-25 have been prepared by the Commission and the printing work is under process. Regarding filing of special reports, it is stated that the Commission duly considers the special issues and prepares the special reports accordingly.

40. As per paras 94.3,94.11 and 94.12 in *Sampurna Behura*,
“94.3. The State-level Child Protection Societies and the District Level Child Protection Units have an enormous responsibility in ensuring that the JJ Act is effectively implemented and Child Care Institutions are managed and maintained in a manner that is conducive to the well-being of children in all respects including nutrition, education, medical benefits, skill – development and



2025:KER:83043

general living conditions. These two bodies would be well advised to take the assistance of NGOs and civil society to ensure that the JJ Act serves the purpose for which it is enacted by Parliament.

94.11. The management of Child Care Institutions is extremely important and State Governments and Union Territories would be well advised to ensure that all such institutions are registered so that children can live a dignified life in these Institutions and issues of missing children and trafficking are also addressed.

94.12. State Governments and Union Territories would be well advised to appoint eminent persons from civil society as Visitors to monitor and supervise the Child Care Institutions in all the districts. This will ensure that the management and maintenance of these Institutions are addressed. We have no doubt that the State Legal Service Authorities and the District Legal Service Authorities will extend full assistance and cooperation to the government authorities in this venture as well as to the Visitors.”

41. As per Sec 30 (viii) of the Act of 2015, it is provided to conduct at least two inspection visits per month of residential facilities for children in need of care and protection and for improving the quality of services to the DCPU and the State Government. Reports are required to be



2025:KER:83043

submitted within one week of the inspection. Rule 7(v) of the Juvenile Justice Model Rules, 2016 provides for various additional functions of the Board such as to inspect Child Care Institutions and to issue directions in cases of any noticeable lapses.

42. In the counter- affidavit filed by Respondent nos. 1 & 2, it has been stated that steps have been taken to register all the CCIs under the Act of 2015, resulting in a total of 737 registered CCIs in the State. Due to the Covid pandemic, only 503 out of them are functional. District Level Inspection Committee and State Level Inspection Committee have been duly formed, and they are inspecting childcare institutions every month. It is stated that the District Level rapid Inspection Committees have completed the inspections of 111 Childcare institutions across Kerala. Further, instructions are to be issued to the District Committee to ensure that inspections are conducted regularly in remaining CCIs. However, the State Level Inspection committee has visited 8 CCI s, District level committee has visited 52 CCIs, and 119 visits were made by the Rapid inspection committees at the district level. CWC has conducted 784 visits to 389 CCI s and District Collectors have inspected 43 CCI s in the year during the period of January- August 2025. Further, it was stated that the children shall be taken care within CCIs adhering to the provisions provided in the Act of 2015 and Juvenile Justice Model Rules, 2016.



2025:KER:83043

(C) JUVENILE JUSTICE BOARD (JJB) AND CHILD WELFARE COMMITTEE (CWC)

43. The Juvenile Justice Board (JJB) and the Child Welfare Committee (CWC) are the cornerstone statutory authorities established under the Act of 2015, operating as benches with powers equivalent to a Metropolitan or Judicial Magistrate of the First Class. The JJB is constituted for Children in Conflict with Law (CCL), consisting of a Principal Magistrate and two social worker members (at least one being a woman) with expertise in child matters, and its primary roles are to adjudicate cases of juveniles who have committed offenses, conduct preliminary assessments for heinous crimes committed by those over 16 years of age, and pass orders for their rehabilitation, including placement in Observation Homes or Special Homes. Regular inspections of observation homes and special homes are to be conducted by the Board where CCLs are placed.

44. Conversely, the CWC is constituted for Children in Need of Care and Protection (CNCP), comprising a Chair person and four members (at least one being a woman and one a child-expert). The CWC is the final authority for determining and managing cases involving a CNCP. CWC conducts inquiries into the background and circumstances of CNCPs and passes orders for the care, protection, treatment, development, and rehabilitation of them. The most essential function vested with the CWC is that it authorizes the placement of a child in a



2025:KER:83043

children's home, foster care, or with a "fit person." Childcare institutions are also inspected to ensure the quality of services and proper care they offer.

45. Current drawbacks of both these bodies include widespread vacancies among social workers, the burden of magistrates struggling to manage JJB duties with regular court work leading to case pendency and delays, insufficient training and low honorarium for CWC/JJB members, and inadequate funding and infrastructure which collectively undermine the ability of both bodies to conduct timely inquiries, effective rehabilitation, and proper monitoring of child welfare institutions.

46. As per direction 94.4 and 94.5 in *Sampurna Behura*,
“94.4. The State Governments must ensure that all positions in the JJBs and CWCs are filled up expeditiously and in accordance with the Model Rules or the Rules framed by the State Government. Any delay in filling up the positions might adversely impact on children and this should be avoided.
94.5. The JJBs and CWCs must appreciate that it is necessary to have sittings on a regular basis so that a minimal number of inquiries are pending at any given point of time and justice is given to all juveniles in conflict with law and social justice to children in need of care and protection. This is a constitutional obligation.”



2025:KER:83043

47. The Act of 2015 and the Juvenile Justice Model Rules, 2016 provide for regular sitting and review of pendency of inquiry in Juvenile Justice Boards. It is imperative that the Boards and Child Welfare Committees function regularly for the effective implementation of the provisions of the Act and Model Rules.

48. It has been stated in the counter affidavit that the CWCs and JJBs have been duly constituted in all 14 districts as per the mandate of the Act of 2015 and is functioning. However, as regards the functioning of CWCs is concerned, long 6 hours of sitting in Magistrate Courts on each working day makes hurdles in the smooth functioning of the entire system as they are also vested with other functions like conduction of at least 2 inspections of CCIs every month, recommending actions and improvements to DCPUs etc.

49. As regards the working of JJB, it is stated that there is an alarming necessity for independent full time Magistrates to be given the charge of the Board for the effective implementation of the Act, as now the Judicial Magistrates of First Class are given the additional charge of Principle Magistrate in JJBs, which in turn increases the workload of cases pending therein. As far as the sitting is concerned, circulars are issued for complying with the provisions of the Act of 2015 to ensure the minimum sitting of CWCs.

50. It has also been mentioned in the counter affidavit that the



2025:KER:83043

tenure of CWCs and JJBs expired in June 2025 and has been extended for three months or until new appointments are made, whichever is earlier. Application scrutiny is complete, and the selection process is underway. It is ensured that sittings are being held as per provisions, and the pendency is also regularly reviewed. It is further stated that the reason for prolonged pendency is the delay from other agencies and other procedural issues. It is also undertaken to fill the arising vacancies soon in time before the incumbent demitted the office.

(D) PROBATION OFFICER (PO)

51. The role of a Probation Officer is a complex blend of law enforcement and social work, serving as a critical link between the courts and the community to supervise offenders and facilitate their rehabilitation. The officer conducts a thorough investigation into the offender's background, criminal history, education, employment, finances, family circumstances, mental health, and substance abuse history. They compile the gathered information into a comprehensive report for the sentencing Judge. It involves assessing the offender's risk of re-offending and identifying their specific needs such as housing, job skills, and therapy that must be addressed for successful reintegration. The officer assumes a direct supervisory role to ensure public safety and compliance with court orders. For this, they conduct necessary home visits and workplace checks to verify the offender's living conditions, employment status, and overall conduct in the community.



2025:KER:83043

52. As per direction in para 94.7 in Sampurna Behura,

94.7. In particular the NCPCR and the SCPCRS must carry out a study for estimating the number of Probation Officers required for the effective implementation of the JJ Act. Based on this study, the State Government must appoint the necessary number of Probation Officers. It must be emphasised that the role of a Probation Officer is critical for the rehabilitation and social reintegration of a juvenile in conflict with law and due importance must be given to their duties as postulated in the Model Rules and Rules, if any, framed by the State Governments and the Union Territories.”

53. The role of probation officer must be duly conducted for the smooth facilitation of the provisions enumerated under the Act of 2015. Adequate number of Probation officers are required for the same. As per rule 64 of Juvenile Justice Model Rules, 2016, the duties of Probation Officer include conducting an inquiry into the circumstances of the child and preparation of a social investigation report and such other functions fostering effective implementation of the Act.

54. In the counter affidavit, it is stated that there are 16 Probation officers Grade-I and twenty-three Probation Officers Grade-II. At present, there are a total of eight vacancies for the post of Probation



2025:KER:83043

Officer which has been reported to PSC, and the process of filling up is underway. It is also informed that there are two vacancies to the post of legal-cum-probation officer in two districts, which is also under consideration.

(E) USE OF INFORMATION TECHNOLOGY AND MAINTAINING OF DATABASE

55. The use of Information Technology is fundamental to the efficient implementation and monitoring of the Act of 2015 in India. The Ministry of Women and Child Development (MWCD) utilizes various digital platforms to streamline the system, the most prominent being Mission Vatsalya and other specialized applications. These platforms help to create a centralized, integrated database for tracking children in the justice system, including children who are missing, who need care, or are in conflict with the law, most notably through the Track Child portal. Furthermore, IT enables the e-governance of judicial bodies by integrating Juvenile Justice Boards into the e-Courts system to improve case management, reduce delays, and facilitate online reporting and data analysis. The entire legal adoption process is managed through the CARINGS (Child Adoption Resource INFORMATION and Guidance System) portal, ensuring transparency and timely placement. Finally, technology is utilised for training and capacity building through online modes and is increasingly essential in addressing the rising issue of cybercrime involving juvenile delinquents, both as perpetrators and



2025:KER:83043

victims, by providing necessary digital literacy and rehabilitation inputs in Child Care Institutions. This digital push ensures a more accountable, transparent, and child-friendly juvenile justice system making the need of proper use of technology, a vital requirement.

56. As per direction in para 94.8 in Sampurna Behura,

94.8. The MWCD must continue to make creative use of information and communication technology not only for the purpose of collecting data and information but also for other issues connected with the JJ Act such as having a database of missing children, trafficked children and for follow-up of adoption cases, etc. With the utilisation of technology to the fullest extent, administrative efficiency will improve considerably, which in turn will have a positive impact on the lives of children.”

57. Through the counter affidavits filed by the state, it has been revealed that the data management and monitoring system is in place for Track child, CARINGS, JJBs, CWCs, MIS portal as well as for the POCSO Courts. It is further stated that the process to maintain data on Mission Vatsalya Portal has been started, the Data Analysts and Data entry operators has been provided with adequate training, and the entire process will be completed within a period of 3 months.



2025:KER:83043

(F) SPECIAL JUVENILE POLICE UNITS (SJPU) AND CHILD WELFARE POLICE OFFICERS (CWPO)

58. The Special Juvenile Police Unit (SJPU) and the Child Welfare Police Officer (CWPO) form the specialized wing of the police force mandated under the Act of 2015, to deal with all matters concerning children in a child-friendly manner. The SJPU is a unit constituted in every district, headed by a senior officer, not below the rank of Deputy Superintendent of Police, whose primary function is to coordinate all police functions related to children, serving as a watchdog against all forms of cruelty, abuse, and exploitation of children, including illegal adoption and trafficking. It ensures that all procedures, right from apprehension to investigation, are strictly followed as per the Act of 2015, and it works closely with the District Child Protection Unit (DCPU) and NGOs.

59. The CWPO is the nodal officer at the grassroots level, specifically designated and trained to be the first point of contact for children. The CWPO's roles include handling cases of both Children in Conflict with Law (CCL) and Children in Need of Care and Protection (CNCP), ensuring a CCL is produced before the Juvenile Justice Board or a CNCP is produced before the Child Welfare Committee, within 24 hours, ensuring the child is never kept in a police lock-up. To sum up with, the CWPO implements the child-friendly provisions of the law, while the SJPU paves way for the institutional structure, training,



2025:KER:83043

oversight, and coordination required to ensure that the entire district police machinery acts in the best interest of the child.

60. As per the directions in para no.94.9 and 94.10 in *Sampurna Behura*,

94.9. It is important for the police to appreciate their role as the first responder on issues pertaining to the offences allegedly committed by children as well as the offences committed against children. There is therefore a need to set up meaningful Special Juvenile Police Units and appoint Child Welfare Police Officers in terms of the JJ Act at the earliest and not only on paper. In this context, it is necessary to clearly identify the duties and responsibilities of such units and officers and wherever necessary, guidance from the available expertise, either the National Police Academy or the Bureau of Police Research and Development or NGOs must be taken for the benefit of children.

94.10. The National Police Academy and State Police Academies must consider including child rights as a part of their curriculum on a regular basis and not as an isolated or sporadic event.

61. It is stated that all police stations are deputed with CWPOs. A total



2025:KER:83043

of 19 SJPU's have been constituted within the state excluding the Railway Police stations, and DYSPs are appointed as Nodal officers. It is pertinent to mention that the KeLSA has also prepared to impart them training, as part of strengthening the juvenile justice system in the state.

ROLE OF KERALA LEGAL SERVICE AUTHORITY (KeLSA) IN THE JUVENILE JUSTICE SYSTEM

62. The Kerala State Legal Services Authority (KeLSA), along with its District Legal Services Authorities (DLSAs), acts as a pivotal pillar in the juvenile justice system by fulfilling the statutory mandate of the Act of 2015, and the Legal Services Authorities Act, 1987. Its core function is to ensure free and competent legal aid and representation for all children in the state, particularly those in conflict with the law and children in need of care and protection. KeLSA's role involves training specialized legal aid counsels to represent children before the Juvenile Justice Board, ensuring they are informed of their rights and that proceedings are child-friendly. Furthermore, KeLSA is actively involved in legal literacy and awareness campaigns on child rights and laws like the POCSO Act, coordinating with government and non-governmental agencies for the effective implementation and monitoring of rehabilitation, social re-integration, and victim compensation schemes to uphold the principle of the child's best interest.



2025:KER:83043

PART -II

63. This part, as already mentioned, deals with the matters that need judicial intervention for the smooth and effective implementation of the Act of 2015. It is broadly classified under two major heads such as: -

(I) FRAMING AND NOTIFYING OF STATE JUVENILE JUSTICE MODEL RULES

64. The primary purpose of the State Juvenile Justice Model Rules, often based on the Central Government's Model Rules, is to provide detailed procedures and operational guidelines for the effective implementation of the Act of 2015. While the Act lays down the fundamental legal framework and principles, the Rules ensure that its mandate which revolves on the best interest of the child, their rehabilitation, and social re-integration is achieved through concrete as well as child-friendly mechanisms. They prescribe the specific functioning of all authorities and institutions under the Act, including the Juvenile Justice Boards and Child Welfare Committees, by defining processes for child apprehension, preliminary assessment, inquiry, care, protection, adoption, foster care, and the quality standards for Child Care Institutions. Essentially, the Model Rules translate the principles in paper into a practical, uniform, and accountable administrative and judicial process for children in conflict with the law and those in need of care and protection.

65. Section 110(1) of the Act of 2015 empowers the Central and state



2025:KER:83043

Government to make Model Rules which are highly necessary for structuring the framework of functioning of the entire juvenile justice system. In the counter affidavit filed, it is stated that the Model Rules are framed and submitted to the Government dated 20/07/2025, and the procedure for consultation and scrutiny with stakeholders is underway and is expected to be completed before 30/11/2025.

(II) SOCIAL AUDIT

66. The term "social audit" under the Act of 2015, refers to an independent, transparent, and participatory monitoring process designed to assess the performance, accountability, and social impact of Child Care Institutions and other bodies established under the Act. Its core purpose is to ensure that the "best interests of the child" principle is implemented on the ground, rather than merely existing on paper. The audit goes beyond financial scrutiny to evaluate the quality of life in CCIs, checking for adherence to minimum standards of care, protection, rehabilitation, education, and social re-integration. By involving independent third parties, Commissions, and often the children themselves, the social audit acts as a crucial accountability mechanism to detect mismanagement, abuse, or neglect, and to drive corrective action for the benefit and holistic development of every child in institutional care.

67. The Hon'ble Supreme Court, in *Re:Exploitation of Children in*



2025:KER:83043

*Orphanages in the State of Tamil Nadu v. Union of India & Ors.*², has critically emphasized the significance of social audit as a paramount tool for accountability and transparency, as there were serious systematic failures of state mechanisms. The Court mandated the audit to move beyond routine Government inspection, serving as an independent check to ensure that Child Care Institutions were not merely registered, but were actively complying with the minimum standards of care, protection, and rehabilitation as enshrined in the Act of 2015. Therefore, the need of social audit, as an essential constitutional mechanism is of paramount importance that would transform the current condition of juvenile justice system in India into a more verifiable and ground-level reality ensuring the well-being of every child concerned. The Karnataka High Court, in W.P. No. 208/2018 on 2 March 2021, recognized the critical need for social audits and directed the state of Karnataka to consider their prompt and expeditious implementation. Following this, the Bombay High Court, in the subsequent case of *Bachpan Bachao Andolan v. State of Maharashtra and others*³, similarly emphasized the importance of social audits. The Bombay High Court highlighted that these audits are essential for ensuring the effective implementation of the Act of 2015, for scrutinizing state fund allocation, and for assessing welfare policies in favour of the children. Consequently, the court issued

² [(2017) 7 SCC 578]

³ [(2024) SCC Online Bom 559]



2025:KER:83043

specific directions in paragraph 67(xxiii) of the said judgment, mandating the Respondent state authorities to conduct social audits every year and submit the report by the end of June.

68. Moreover, Social Audit was specifically provided under Rule 64, Juvenile Justice (Care and Protection of Children) Rules, 2007, that is reproduced herein as follows: -

“64. Social Audit.- (1) The Central Government or the State Government shall monitor and evaluate the implementation of the Act annually by reviewing matters concerning establishment of Board or Committee or Special Juvenile Police Unit where required, functioning of Board or Committee or Special Juvenile Police Unit, functioning of institutions and staff, functioning of adoption agencies, child friendly administration of juvenile justice and any other matter concerning effective implementation of the Act in the State.

(2) The social audit shall be carried out with support and involvement of organizations working in the field of mental health, child care and protection and autonomous bodies like the National Institute of Public Co-operation and Child Development, Indian Council for Child Welfare, Childline India Foundation, Central and State level Social Welfare Boards, School of Social Work and



2025:KER:83043

School of Law."

69. The Apex court has also directed in Re: Exploitation of Children (Supra) to conduct social audits in order to uphold transparency and to ensure the effective implementation of the Act of 2015, at all levels. The direction issued by the Hon'ble Supreme Court in the said dictum is relevant to be extracted herein for reference.

"108. In view of the above discussion, the following directions are issued: -

XXXX XXXXX XXXXX

108.11. The importance of social audits cannot be over-emphasized. The necessity of having a social audit has been felt in some statutes which have been mentioned above and also by the Comptroller and Auditor General of India. That being the position, it is imperative that the process of conducting a social audit must be taken up in right earnestness by the National Commission for the Protection of Child Rights as well as by each State Commission for the Protection of Child Rights. This is perhaps the best possible method by which transparency and accountability in the management and functioning of child care institutions and other bodies under the JJ Act and Model Rules can be monitored and supervised."

70. Realising the necessity to hold social audits regularly, it has been



2025:KER:83043

stated that the Kerala SCPCR has proposed to conduct social audit in 2017, thereafter the report was prepared and was submitted on 31 May 2023. In the 10th meeting of the 4th Commission dated 28 June 2024, it has been decided to conduct social audit and fund of ₹5,00,000/- has also been sanctioned and, the further process to conduct social audit is in underway. The State Government sanctioned the fund of ₹5,00,000/- to conduct the social audit of the year 2025 in collaboration with Rajagiri College of Social Science, and the said proposal is also under consideration. It is further informed that considering the difficulty in conducting the social audits of all institutions every year, it has been proposed to conduct social audits every three years for the steady monitoring and implementation of the Act.

CONCLUSIONS AND DIRECTIONS

71. Keeping in mind the concerns raised by the present Petitioners and the need to improve the Juvenile Justice system and its implementation in the State of Kerala, this Writ Petition is disposed of with the following directions to the Respondent State authorities.

- (i) Endeavour shall be made for filling up the existing vacancies in the Kerala State Commission for Protection of Child Rights (KeSCPCR), within a period of 4 weeks.
- (ii) The process for filling upcoming vacancies in the State Commission shall be initiated at least 4 months prior to their occurrence, to ensure continuity and effective functioning of



2025:KER:83043

concerned statutory bodies. While filling the aforementioned vacancies within the State Commission, all efforts must be made to strictly comply with the provisions of Section 17 of Commissions for Protection of Child Rights (CPCR) Act, 2005, ensuring that all appointees possess the requisite qualifications as prescribed in the statute.

- (iii) The remaining process of the annual report for the period of 2024-2025, as mandated under the Commissions for Protection of Child Rights Act, 2005 (CPCR Act), shall be completed and published within a period of 8 weeks.
- (iv) The annual reports in the future shall be prepared and published in timely manner by end of June every year, and special report at any time on any matter which, in its opinion, is of such urgency or importance. It is also directed to issue necessary guidelines to the concerned departments and agencies to implement a framework regarding the publishing of annual reports, within a period of 4 weeks.
- (v) Comprehensive Multi-Stakeholder Standard Operating Procedure (SOP) or such guidelines shall be prepared for conducting inspections of all Child Care Institutions (CCIs) every year to create effective monitoring mechanism. The remaining inspections of CCIs out of the total, shall also be completed, within a period of 3 months.



2025:KER:83043

- (vi) The remaining process of reconstitution of Child Welfare Committees (CWCs) and Juvenile Justice Boards (JJBs) shall be completed, within a period of 8 weeks.
- (vii) CWCs shall meet at least 21 days a month, as mandated under Section 28 of the Act of 2015.
- (viii) The process of filling up anticipated vacancies in JJBs and CWCs shall be initiated at least 4 months in advance to ensure that the posts do not remain vacant. Necessary instructions be also issued to implement a framework to fill up vacancies in time, within a period of 4 weeks.
- (ix) Similarly, the process of filling up anticipated vacancies in the posts of Probationary Officers (POs) shall be commenced at least 4 months in advance to curb the issue of non – functioning of the system due to non-availability of the staff. Necessary instructions be also issued to implement a framework to fill up vacancies in time, within a period of 4 weeks.
- (x) A draft protocol for information and rehabilitation of the children shall be prepared within a period of 3 months, and finalise the same at the earliest.
- (xi) Data pertaining to the State of Kerala regarding the missing and rescued children identified in the State, shall be made available on the National Mission Vatsalya Portal, within a period of 3 months.



2025:KER:83043

- (xii) Ensure that necessary directions are issued to constitute the Special Juvenile Police Units (SJPUs) in the districts and cities in the areas where they have not been so constituted, within a period of 3 months, under the charge of the Officers not below the rank of Deputy Superintendent of Police. The State shall also review the existing SJPUs, and if the officers above are not part of the said units as envisaged under section 107 of the Act of 2015 read with Rule 86 of State Juvenile Justice (Care and Protection) Model Rules, 2016 (Model Rules, 2016), necessary directions be issued to reconstitute the said units, within a period of 3 months.
- (xiii) Ensure that in every police station, at least one officer not below the rank of Assistant Sub – Inspector is designated as the Child Welfare Officer (CWO), within a period of 4 months. Necessary instructions shall be issued within a period of 4 weeks to ensure that all Police Officers take the periodical review of progress and training imparted to them. It is also directed to revise the training module in timely manner and impart training on the revised module for enhancing the child rights and protection framework in the State of Kerala, at the earliest.
- (xiv) Finalise the Model Rules, 2016, and notify within a period of 3 months.



2025:KER:83043

- (xv) Realising the importance of social audits in the realm of Juvenile Justice System of the State, it is vital to conduct Social Audits of every institution as provided under the Act of 2015, within a period of 6 months. It is also directed that a Social Audit be conducted every year, and a report thereof shall be submitted by the end of June of the year in which the audit is carried out.
- (xvi) The timeline will come into force from the date the order is uploaded on the server.

73. The responsibility of co ordinating the implementation of the above directions shall be on the Principal Secretary, Women and Child Welfare Department, State of Kerala. All concerned agencies and departments shall aid and assist the Secretary in that regard.

74. We place on record an appreciation for the assistance rendered by the learned counsels appearing for the parties.

Sd/-

NITIN JAMDAR
CHIEF JUSTICE

Sd/-

BASANT BALAJI
JUDGE



2025:KER:83043

W.P. (C) NO.23669 OF 2019

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF THE ACTIVITIES OF THE 1ST PETITIONER DATED NIL.
EXHIBIT P2	TRUE COPY OF THE RTI REPLY DATED 11.1.2019.
EXHIBIT P3	TRUE COPY OF THE RTI QUESTIONS AND ANSWERS WITH RESPECT OF PENDENCY OF CASES IN JJB DATED 11.4.2019.
EXHIBIT P4	TRUE COPY OF THE RTI QUESTIONS AND ANSWERS WITH RESPECT OF PENDENCY OF CASES IN CWC DATED 11.4.2019.
EXHIBIT P5	TRUE COPY OF THE INTERIM ORDER PASSED BY THE HON'BLE HIGH COURT OF KERALA IN W.P. (C) NO.7380 OF 2018 DATED 14.9.2018.
EXHIBIT P6	TRUE COPY OF THE ORDER AND JUDGMENT OF THE HON'BLE SUPREME COURT IN WPC. (CRL) NO.102 OF 2007.
EXHIBIT P7	TRUE COPY OF THE REPORT BY THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT DATED NIL.
EXHIBIT P8	TRUE COPY OF THE RELEVANT EXTRACT OF THE REPORT OF THE COMMITTEE FOR ANALYZING DATA OF MAPPING AND REVIEW EXERCISE OF CHILD CARE INSTITUTIONS UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 AND OTHER HOMES BY THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT DATED 6.9.2018.
EXHIBIT P9	TRUE COPY OF THE QUESTION RAISED AND ANSWER TO THE SAME CAME UP BEFORE THE LOK SABHA WITH REGARD TO THE INTEGRATED CHILD PROTECTION SCHEME AS UNSTARRED QUESTION NO.1747 DATED 27.7.2018.
EXHIBIT P10	TRUE COPY OF THE QUESTION RAISED AND ANSWER TO THE SAME CAME UP BEFORE THE LOK SABHA WITH REGARD TO THE FINANCIAL ASSISTANCE TO THE CCIS AS UNSTARRED QUESTION NO.5575 DATED 26.7.2018.
EXHIBIT P11	TRUE COPY OF THE ORDER OF THE HON'BLE HIGH COURT OF DELHI IN W.P. (CRL) NO.1560/2017 DATED 22.1.2019.
EXHIBIT P12	TRUE COPY OF THE ORDER OF THE HON'BLE SUPREME COURT IN M.A.NO.2069/2018 IN WPC.NO.473 OF 2005 DATED 14.8.2018.
EXHIBIT P13	TRUE COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN WPC.NO.473 OF 2005 DATED 9.2.2019.



2025:KER:83043

RESPONDENT EXHIBITS

EXHIBIT R1 (a)	TRUE PHOTOCOPY OF THE G.O. (p) NO.13/2018/SJD DATED 29/9/2018
EXHIBIT R1 (b)	TRUE PHOTOCOPY OF THE G.O. (p) NO.6/2017/SJD DATED 29/4/2017
EXHIBIT R1 (c)	TRUE PHOTOCOPY OF THE G.O. (p) NO.4/2019/SJD DATED 3/4/2019
EXHIBIT R1 (d)	A TRUE PHOTOCOPY OF THE G.O. (Rt) NO.702/2017/SJD DATED 23/10/2017
EXHIBIT R1 (e)	TRUE PHOTOCOPY OF THE G.O. (p) NO.2/2019/SJD DATED 6/3/2019
EXHIBIT R1 (f)	TRUE PHOTOCOPY OF THE G.O. (p) NO.8/2019/SJD DATED 12/8/2019
EXHIBIT R1 (g)	TRUE PHOTOCOPY OF THE G.O. (p) NO.3/2019/SJD DATED 6/3/2019
EXHIBIT R1 (h)	TRUE PHOTOCOPY OF THE G.O. (Rt) NO.169/2019/SJD DATED 25/3/2019
Exhibit R1 (i)	A true photocopy of the Bill claiming sitting for CWC Chairperson, Thiruvananthapuram for the month of June, 2025,
Exhibit R1 (j)	A true photocopy of the Consolidated Bill claiming sitting for CWC Members, Thiruvananthapuram for the month of June, 2025
Exhibit R1 (l)	A true photocopy of the G.O. (Rt) No. 215/2024/WCDD dated 24.06.2024 with English translation
Exhibit R1 (m)	True photocopy of the Utilisation Certificates
EXHIBIT R6 (1)	TRUE PHOTOCOPY OF THE REPORT SUBMITTED BY RESPONDENT HEREIN TO NALSA
EXHIBIT R6 (2)	TRUE COPY OF THE SOP PREPARED AND CIRCULATED TO ALL DLSAs BY KeLSA
EXHIBIT R6 (3)	TRUE COPY OF THE NOTIFICATION DATED 27.4.2021 ISSUED BY THE GOVT.OF KERALA
EXHIBIT R6 (4)	TRUE COPY OF THE GOVERNMENT ORDER DT.19.8.2019.



2025:KER:83043

APPENDIX OF WP(C) 7380/2018

RESPONDENT EXHIBITS

Exhibit R1(m)	True photocopy of the Utilisation Certificates
Exhibit R1(l)	A true photocopy of the G.O.(Rt) No. 215/2024/WCDD dated 24.06.2024 with English translation
EXHIBIT R1(c)	TRUE PHOTOCOPY OF THE G.O.(p) NO.4/2019/SJD DATED 3/4/2019
EXHIBIT R1(d)	A TRUE PHOTOCOPY OF THE G.O.(Rt) NO.702/2017/SJD DATED 23/10/2017
EXHIBIT R1(e)	TRUE PHOTOCOPY OF THE G.O.(p) NO.2/2019/SJD DATED 6/3/2019
EXHIBIT R1(a)	TRUE PHOTOCOPY OF THE G.O.(p) NO.13/2018/SJD DATED 29/9/2018
EXHIBIT R1(g)	TRUE PHOTOCOPY OF THE G.O.(p) NO.3/2019/SJD DATED 6/3/2019
EXHIBIT R1(h)	TRUE PHOTOCOPY OF THE G.O.(Rt) NO.169/2019/SJD DATED 25/3/2019
EXHIBIT R1(f)	TRUE PHOTOCOPY OF THE G.O.(p) NO.8/2019/SJD DATED 12/8/2019
EXHIBIT R1(b)	TRUE PHOTOCOPY OF THE G.O.(p) NO.6/2017/SJD DATED 29/4/2017