

[1]
HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

IN RE:

In the matter of "Grievance of Girls staying at Balika Grah and Care Leavers fighting for their Identity and Rights after leaving Shelter Homes.

JUSTICE ANOOP KUMAR DHAND

ORDER

30.05.2025

Reportable

By the Court:

"The true character of society is revealed in how it treats its children." -Nelson Mandela

1. A healthy and happy childhood for every child ensures opportunities for them to discover their full potential and flourish in all aspects of life.

2. Protecting children's right is not just a legal obligation, it is a moral imperative that directly impacts the future of our society. In India, millions of children face challenges that threaten their safety, well-being and development. The right of protection includes freedom from all forms of exploitation, violence, abuse and inhumane or degrading treatment.

3. The Fundamental Rights incorporated in Part-III, the Directive Principles of State Policy in Part IV and the Fundamental duties in Part IV-A of the Constitution of India, play a significant role in affirming child rights. Article 15 of the Constitution of India authorizes the State to make special provisions for children and



Article 21 guarantees them right to protection of life and personal liberty.

4. The Article 39 of the Constitution of India mandates that the State should formulate its policies in a way so as to protect children of tender age from abuse. While doing so, the State must ensure that children are provided with ample opportunities and facilities to develop in a healthy environment, ensuring conditions of freedom and dignity and safeguarding their childhood and youth from being exploitation, moral and material neglect.

5. The 21st century has heralded a number of important policies, legislative initiatives and significant judicial interventions protecting child rights in India. Several important bills, in this regard, are also presently pending before the Parliament of India. In the recent years, certain major strides were witnessed which include landmark legislations like Protection of Children against Sexual Offences (POCSO), Juvenile Justice (Care and Protection of Children) Act 2015 (for short, "the JJ Act, 2015"), etc. The JJ Act was enacted to strengthen the law relating to children who are in need of care and protection by meeting their basic needs through adequate care and protection, development, treatment along with the social reintegration by adopting and implementing a child-friendly approach in the finest interest of children and their rehabilitation. Under the JJ Act, 2015, a Child Welfare Committee (CWC) is constituted as an autonomous body for addressing the issues pertaining to children who are orphan, lost and abandoned or otherwise in need of care and protection, treatment, development and rehabilitation. The JJ Act, 2015 also provides for supply of necessary requirement to the children for fulfillment of

their basic needs including safety and well-being and such children are taken care of by the CWC so constituted. A child in need of care and protection are placed in Children's Home, where they receive treatment, education, training, development opportunities and necessary support for their rehabilitation.

6. A Child Care Institution (CCI), commonly known as an orphanage, as defined under the JJ Act, 2015, means Children's Home, Open Shelter, Observation Home, Special Home, Place of Safety, Specialised Adoption Agency and a Fit Facility recognized under the Act for providing care and protection to children, who need such services. Children in conflict with the law are provided residential care and protection in Observation Homes, Special Homes, and Places of Safety.

7. An Observation Home is meant for every child, alleged to be in conflict with the law, who is not placed under the charge of a parent or guardian. Special Homes are for rehabilitation of those children in conflict with the law who are found to have committed an offense and who are placed there by an order of the Juvenile Justice Board. The purpose of the Place of Safety is to place a person above the age of eighteen years or a child in conflict with the law, who is between the age of sixteen to eighteen years and is accused of or convicted for committing a heinous offense.

8. According to the United Nations Children's Fund (UNICEF), India has approximately 30 million orphaned and abandoned children. SOS Children Village conducted a study in 2011 and concluded that orphans in the country equal 4% of India's child population. However, disconcerting figures provided by Childline India Foundation (CIF) supported by the Women and Child

Development Ministry showed that in 2017, of these 30 million children (which is most likely an under-reported figure), there were only 470,000 children in institutionalized care. Institutional care is provided within a clustered living environment designed to meet the functional, medical, personal, social, and housing needs of individuals who have physical, mental, and/or developmental disabilities. And of these roughly half a million children, only a fraction finds its way into family care because adoption rates in India are abysmally low.

9. Shelter homes—especially those for vulnerable groups like women, children, the elderly, and persons with disabilities—are crucial social support institutions. Comparing India’s shelter home framework with those of other countries highlights gaps and strengths in terms of facilities, vigilance mechanisms, and judicial intervention.

10. Apart from government-run Shelter Homes such as Children’s Homes, Open Shelters, Observation Homes, Places of Safety, etc., there are many registered centers and CCI who work for welfare of the children and receive grant-in-aid from the Central and State Governments as well. There is a provision for registration of such CCIs under Section 41(1) of the JJ Act, 2015 as well as Amended Act of 2021. The provision contained under Section 41(1) of the JJ (Amendment) Act, 2021 is extracted as under:

“41. Registration of child care institutions.—

(1) Notwithstanding anything contained in any other law for the time being in force, all institutions, whether run by a State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially, for

housing children in need of care and protection or children in conflict with law, shall, be registered under this Act in such manner as may be prescribed, regardless of whether they are receiving grants from the Central Government or, as the case may be, the State Government or not: Provided that the institutions having valid registration under the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) on the date of commencement of this Act shall be deemed to have been registered under this Act.

11. It appears that such registered CCI are receiving grant-in-aid for each child admitted and residing in such centers. However, due to lack of coordination between the officials of the Central and State Governments, the grant-in-aid is not released to these child care centers. Since the State is guardian of such deprived and vulnerable children, it is the responsibility of the State to act promptly with all sensitivity for the welfare of the children.

12. This Court feels pain to observe that thousands of youth, individuals who, after growing up in CCIs, are thrust into the outside world upon turning 18. These youth, who "age out" of care homes, orphanages, juvenile centers and CCIs, often step into adulthood without a stable identity, permanent address, shelter or a support system to rely upon. Such individuals are known as "Care Leavers".

13. Children who are orphaned, separated from their families, lost, rescued, born in prisons or taken into government care, are placed in orphanages, children's homes and CCI, where they remain until the age of 18. Upon reaching adulthood, they are required to leave these care centers/facilities. However, Care Leavers often face abrupt unsupported transition into adulthood,

with no consistent/uniform support system. Once released, these young Care Leavers struggle to establish their identity. They have no place to live and also lack essential identification documents such as "Aadhar Card" "Voter Card", "domicile certificates", etc. to disclose the place of their permanent residence. Such documents are prerequisites for opening a Bank Account, obtaining a PAN Card and Driving License, etc.

14. A child turning 18 years of age and leaving the "only home" which is known to him/her i.e. a Child Care Centre or an Institution—has no identity documents, permanent address, a job and no community or people to fall back on. This is a harsh and practical reality faced by thousands of children in India every year who "age out" of Orphanage, CCI, care homes and juvenile childcare centre. These Care Leavers are expected to step into adulthood overnight. However, they often do so, without the basic tools that most people take for granted, such as a legal identity, a place to live, access to education, job/employment or emotional support.

15. Care Leavers face overwhelming challenges inasmuch as they lack legal identity documents required to access employment, higher education, healthcare and housing. They have no familial safety nets, and they frequently suffer from emotional isolation and trauma. A UNICEF study of the past decade revealed that around 30 million children in India are orphaned or abandoned and close 0.5 million are living in childcare shelter homes in India. As highly vulnerable unsupported youths, they are often exploited and quickly fall into the traps of homelessness, low-wage labor,

crime or trafficking, and perpetuating cycles of poverty and marginalization.

16. There is a high level of stigma around children who grew up homeless and the public is not aware of the realities these young people face while growing up. There is no database for care leavers exiting the system and no system to monitor their progress. An independent survey revealed that 40% of those surveyed had no proof of residence, 64% had no voter cards and 54% had no PAN cards. Criminal justice records show that although care leavers make just above 1% of the Indian population, they are 25% more likely to be involved in crime than the general population. 23% of the young people (between ages 18 to 21 years) in the criminal justice system have spent their childhood or part of it in care. Surveys also reveal around 40% of care leavers in India faced difficulty in completing schooling and education, 61% faced recurring emotional distress and mental health issues. Over half of the population is unemployed. But of those care leavers who have received some sort of vocational training or support to create a livelihood for themselves- 93% have remained in jobs and generate income. This clearly shows that their vulnerability is not because they lack potential, but because they lack support.

17. Many organizations and individuals come forward to create programs and rehabilitation projects for care leavers, but these efforts are fragmented, small-scale and executed in pockets. Juvenile laws suggested aftercare support for care leavers between the age of 18 to 21 years, but very few state governments kept aside funds for supporting care leavers in their

states as it was not mandatory to support these "new adults". Partner organizations who wanted to provide skill development or training for these vulnerable youth did not know how to find them as states did not maintain a formal registry of care leavers.

18. Without a formal aftercare support system government run institutions and civil societies did not have formal mechanisms to track or rehabilitate these young care leavers. Without awareness of rights or systems available, these care leavers do not know whom to approach and what resources they can avail. They get systematically excluded and existing government schemes and resources made available for care leavers are not effectively distributed and policies do not get implemented in the absence of the beneficiaries with legal identities.

19. Some state governments have been pushing for reintegration of children in care system with families, subsequently reducing the number of childcare institutions required in the state. Not all children in care systems are orphans. Many of them come from dysfunctional families, single parent families or families without financial or other agency to care for children. Some children who have been abandoned after parents remarry also end up in care homes. NCPCR (National Commission for Protection of Child Rights) started GHAR project- Go Home and Re-Unite as a formal program to promote re-integration of children in with families. This project has been actively taken up by the states of Maharashtra, Bihar, Gujarat, Jharkhand, Madhya Pradesh, Odisha, Kerala and Rajasthan. The state of Kerala has a five-year plan to reduce the number of children in care homes by 50%, focusing on reintegration- reducing 800 care homes to just 550. Alternate

models of family-based care for children is not successful in India, evidenced by the adoption rates which are as low as 0.01% in 2024. When the state governments force children to reintegrate with their direct or extended families (called de-institutionalizing), they are often pushed back into the same vulnerable situations that put them in childcare institutions in the first place or even abandoned. De-institutionalization also contributes to the number of missing or runaway cases of children in the country-and hence officers in State Commission for Protection of Child Rights speak against the steps to de-institutionalize children, pointing out that without the care and protection from the government, children will fall prey to crime, abuse and sexual exploitation. Subsequent to this governmental action, it becomes exceedingly important that care leavers, upon leaving care homes, benefit from the support of a community that comprehends their circumstances and intervenes where governmental or familial support reduce.

20. These young individuals face significant challenges resulting from their disrupted upbringing. To successfully transition into adulthood, they need support in areas such as education, housing, employment and emotional well-being.

21. According to data from the Ministry of Women and Child Development, there are approximately 4,00,000 children living in childcare facilities across India. Many of them are at high risk of being involved in criminal activities. Without adequate support and resources, these risks can severely affect their well-being and hinder their successful integration into the society.

22. Both Central and State Government authorities are required to make every possible effort to address the specific needs of these children.

23. The Ministry of Women and Children serves as the nodal Ministry for ensuring the welfare of children in India. The Parliament has enacted several landmark legislations to protect and promote the child rights. India is also a signatory to important International Treaties such as the United Nations Conventions on the Rights of Child and the Hague Adoption Convention which mandate systematic development and strengthening of juvenile justice system in the country.

24. The poor implementation of laws and schemes has led to the situations where children, who are residing in CCI and are leaving such institutions, are facing great challenges both within these institutions and in the outside world.

25. The Ministry of Women and Child Development (MWCD) launched its flagship scheme named "Mission Vatsalya" in 2022 for child protection scheme in India. Mission Vatsalya is a centrally sponsored scheme, wherein financial support is provided to the State Government/ UT Administration for delivering service as mandated under the JJ Act, 2015.

In India, the population of children below 18 years is 39 per cent and in Rajasthan, they constitute 43.6 per cent of the total State population. State of Rajasthan has formulated several policies to ensure comprehensive development of children and protection of their rights. The Rajasthan State Commission for Protection of Child Rights was also established on 23.02.2010 as

an independent statutory mechanism for reviewing and implementing of laws and policies relating to children.

26. Vide notification dated 17th May, 2013, a separate and full-fledged Department, namely Department of Child Rights was established by the State to address child rights issues and Children Protection Programmes. As per the State Government, Rajasthan is the first State to have separate and independent department to address child rights issues. In spite of having several Child Laws and Policies, the welfare State has failed to discharge its duties in letter and spirit of the legislation.

27. This Court has received a letter dated 20.05.2025, from the children residing in Balika Grah, Alwar, regarding the severe challenges they are facing due to non-receipt of grant-in-aid, resulted due to inaction on the part of State Officials. The letter also alleges exploitation by these officials. The original letter dated 20.05.2025 is enclosed as **Annexure-1** with this petition.

30. This Court has taken note of various stories of numerous Care Leavers in prominent medias outlets, highlighting the pain, suffering and hardship they are experiencing in their daily life.

31. Despite these frameworks, many Care Leavers remain unaware of available services, and aftercare implementation is often fragmented and inadequate. There is a need for greater investment, awareness, and accountability to ensure that every care leaver receives the support they need to transition successfully to adulthood. The transition from institutional care to independent living is a vulnerable phase requiring robust, comprehensive, and sustained support. International models and Indian schemes such as Mission Vatsalya and Rajasthan's Samarth

Yojana offer valuable frameworks. However, scaling up infrastructure, improving coordination, addressing psychosocial needs, and ensuring legal identity are critical to empower care leavers. Strategic investments and inclusive policymaking can facilitate their successful integration into society as self reliant and contributing citizens.

32. Taking serious note of the situation and with the aim of addressing the various challenges, faced by the children residing in Balika Grah as well as by the Care Leavers, after leaving shelter homes/care facilities, this Court hereby treats the letter dated 20.05.2025, as a suo motu writ petition. The Office is directed to register this matter as a Public Interest Litigation under the title:

Suo Motu:

In Re: In the matter of "Grievance of the Girls staying in Balika Grah and Careleavers fighting for their identity and rights after leaving shelter homes."

VERSUS

1. Union of India through the Member Secretary of Child Development and Welfare Department, New Delhi.
2. Chief Secretary, Government of Rajasthan, Jaipur.
3. Secretary, Department of Women and Children, Government of Rajasthan, Jaipur.
4. Secretary, Department of Social and Justice, Government of Rajasthan, Jaipur.
5. District Collector, Alwar
6. Assistant Director, Child Empowerment Department, Alwar.

7. Director, Directorate for Child Rights Department, Child Empowerment, Secretariat, Jaipur.
8. Rajasthan State Legal Services Authority, Jaipur through its Member Secretary.
9. District Legal Services Authority, Alwar through its Member Secretary.
10. United Nations International Children's Emergency Fund (UNICEF) Office for Rajasthan, through its InCharge, B-9, Bhawani Singh Lane, C Scheme Opp. Nehru Sahkar Bhawan Jaipur – 302001

Issue notice to the respondents. Rules is made returnable by four weeks.

33. In the meantime, the District Collector, Alwar and Secretary, District Legal Service Authority, Alwar are directed to inspect the Balika Grah, Alwar and record the statements of the children lodged there and the Staff posted therein and make an enquiry regarding the challenges/difficulties faced by them and reasons for stoppage of grant-in-aid. They are directed to submit a report before this Court before the next date. They are further directed to ensure that the children residing there are not subjected to any abuse, be it physical or emotional.

34. The path to independence is particularly complex for Care Leavers but with the right policies and support systems in place, these young adults can be empowered not just to survive but to thrive. A holistic approach that includes housing, financial aid, mental health support, and life skills training is essential to ensure that care leavers have a fair chance at building stable and fulfilling

lives. Governments, Civil Society and communities must work together to close the gaps in aftercare services. By investing in Care Leavers today, we not only be able to fulfill our social responsibility but also able to build a stronger & more inclusive future for all. Care Leavers have consistently shown resilience, determination and a desire to contribute to the Society. The young people who contributed to these policy recommendations are eloquent, passionate and committed to ensure that others do not face the same barriers. Their voices must be heard. To ensure a just and equitable transition for all care-experienced youth, policymakers must act. In the above facts and circumstances, the following steps are required to be taken by the Centre as well State Government by way of enactment of law, framing policies etc. at their own level, for the well-being of the Care Leavers and implementing them would not only fulfill the moral obligation of care but would also enable Care Leavers to thrive as confident & independent adults:-

I. Financial Empowerment – Unlocking Opportunities:

One of the most pressing challenges a Care Leaver faces is financial instability. With limited or no access to family resources, many struggle to meet even their basic needs. This insecurity can lead to risky behaviour, debt and a sense of hopelessness. Life skills training, financial literacy and independent living preparation should start by the age of 15–16 years within the CCIs. Each Care Leaver should have a personalized aftercare plan, including counseling and career guidance. Financial empowerment not only enables Care Leavers to survive but it also allows them to plan,

grow and aspire. Likewise, the Government can support care leavers through:

- Monthly stipends or extended aftercare benefits (such as those under Mission Vatsalya).
- Financial literacy programs to manage money, understand credit and avoid debt traps.
- Promote public-private partnerships and NGO collaborations for vocational training and employment. Increase financial and mentorship support for entrepreneurship.
- Access to emergency funds or advance payments without bureaucratic delays.

II. Universal access to legal identity: No care leaver should be allowed to leave care homes/facilities without providing him/her essential documents such as Aadhar and PAN cards, by simplifying and expediting the process of issuance of such documents, which are critical for accessing numerous welfare schemes and employment.

III. Life Skills Training: Equipping Care Leavers for Independence : Life outside institutional care demands practical skills that many Care Leavers may not have had the opportunity to develop. Everyday tasks—like preparing meals, paying bills, using public transport or scheduling a Doctor’s visit can be daunting when tackled for the first time without any support. Expand social protection schemes to explicitly include Care Leavers, especially those with disabilities or lacking

family/community support. To bridge this gap, Care Leavers must be provided with:

- Structured life skills programs covering topics such as budgeting, cooking, cleaning, time management and digital literacy.
- Access to mentorship from trained professionals and older Care Leavers who can model independent living.
- Integration with skill-building platforms and vocational training centers.

By achieving competence in day-to-day activities, Care Leavers will gain skills, self-confidence and autonomy which are critical ingredients for a sustainable future.

IV. Housing: A Foundation for Stability - Safe and secure housing is not just a basic need rather it is the foundation upon which a Care Leaver can begin to build an independent life. Without family and familial homes to fall back on, many Care Leavers risk homelessness or find themselves in unstable or unsafe living arrangements shortly after leaving the care homes/facilities. Thus, the Government agencies are required to prioritize on the following aspects:

- Transitional or semi-independent living arrangements with mentorship and supervision.
- Access to affordable rental housing or State-subsidized accommodation schemes.
- Guidance and assistance in finding and maintaining long-term housing.

- Strengthen inter-departmental coordination and appoint dedicated Nodal Officers.

Such initiatives will not only provide shelters to the Care Leavers but also emotional security and consistency that are crucial after their “age out” of the Care Homes/Facilities. Government, Civil Society and the private sector must coordinate to develop, fund and implement scalable aftercare models. Corporates can contribute by offering skill development, apprenticeships and housing to such Care Leavers.

V. Mental Health: A Critical Component of Well-being – The psychological impact of institutional care, family separation and early trauma often leaves deep and long-lasting emotional scars on an individual. Without adequate support, many Care Leavers face mental health issues such as depression, anxiety, post-traumatic stress and low self-esteem. These conditions, if untreated, can further isolate the Care Leavers and hinder their personal and professional development. Caring for the mental well-being of Care Leavers is not optional but fundamental to their success and dignity. A robust mental health support system should include as follows:

- Easy and confidential access to therapy and counseling.
- Trauma-informed care approaches in institutions and community services.
- Peer support networks and helplines for emotional support.
- Trained mental health professionals working within the aftercare systems.

VI. Tax exemptions:

A. **Dedicated Income Tax Exemption:** Introduce a specific income tax exemption for Care Leavers, either up to a defined age (such as 25 years) or for a fixed duration after leaving Care Home/Facility (e.g., the first five years). This measure should apply regardless of the income source to support their financial independence during the transition period. Removing this financial burden would ease their cost of living and represent a tangible acknowledgment of the State's ongoing responsibility toward youth formerly in its care.

B. **Additional Tax Deductions:** Provide enhanced deductions for Care Leavers on important life expenses, such as:

- Education and vocational training;
- Rent and housing;
- Health insurance and medical costs; and
- Skill development and entrepreneurship initiatives

C. **TDS (Tax Deducted at Source) Relief:** Exempt Care Leavers from TDS on specific income streams such as scholarships, stipends, and initial job salaries up to a pre-defined limit. This would help improve cash flow during the crucial early years of employment or education.

D. **Simplified Tax Compliance and Support:** Facilitate access to free or subsidized tax filing assistance and financial literacy education. Establish a dedicated helpline or online portal to guide Care Leavers on tax matters and financial planning.

E. GST and Indirect Tax Concessions: Offer full or partial GST exemptions on essential goods and services frequently used by Care Leavers, such as educational supplies, skill development programs, and basic household necessities.

F. Employer Incentives: Provide tax benefits, such as deductions or credits, to employers who hire Care Leavers. These incentives can promote greater inclusion and create meaningful employment opportunities.

G. Holistic Integration with Welfare Schemes: Align tax-related benefits for Care Leavers with existing government welfare programs (e.g., Mission Vatsalya), ensuring a cohesive and comprehensive support system.

VII. Technology and Data: Develop centralized digital platforms to connect Care Leavers with jobs, mentors, training and Government schemes. Such digital platforms will serve as comprehensive hubs to connect the Care Leavers with employment opportunities, mentorship programs, vocational training and relevant Government welfare schemes. By centralizing and consolidating resources and support systems, States should maintain robust data system to track and support all the Care Leavers.

VIII. Policy Reform and Advocacy: Strengthen the JJ Act to ensure long-term, structured support and recognize Care Leavers as a vulnerable group needing targeted interventions, likewise:-

- Mandate Real-Time, Consent-Based Databases- Amend JJ Model Rules to explicitly require the authorities to maintain

realtime, consent-based and regularly updated databases of Care Leavers in every District and State ensuring that these databases include demographic details, care history, education, skills, health status, legal documentation, and aftercare needs.

- Integration and Inter-operability- Link Care Leaver databases with national child protection platforms, social welfare schemes and digital identity systems (Aadhaar, PAN, etc.). Facilitate data sharing (with consent) for service delivery, monitoring and policy planning.
- Standard Operating Procedures (SOPs) and Capacity Building - Develop SOPs for data collection, updating, privacy and usage ensuring uniformity and accountability across the States. Train CCI Staff, aftercare providers and other authorities in digital literacy, data management and privacy compliance.
- Care Leaver Empowerment and Access- Enable Care Leavers to update their own information, access entitlements and connect with government-run support services through digital platforms or mobile Apps. Provide helplines and digital support for troubleshooting and guidance.
- Monitoring and Accountability- Use the database for tracking aftercare outcomes, identifying service gaps and informing evidence-based policy decisions. Require regular reporting and audits of data management practices at District and State levels. While the JJ Act and Model Rules already require data collection on Care Leavers, effective policy

reform must mandate real-time, consent-based and integrated databases at District, State and National levels. This will enable targeted support, continuous follow-up and evidence-driven policy ensuring that Care Leavers do not fall through the cracks as they transition to adulthood.

34. Let a report be summoned from the under Secretary, Ministry of Child Development and Welfare, Union of India, New Delhi, and the Chief Secretary, Government of the State of Rajasthan, Jaipur; about the effective steps taken by the Central as well as the State Government for the welfare of careleavers, who are fighting for their rights after leaving shelter homes.

35. Let a copy of this order be sent to (i) the Under Secretary, Ministry of Child Development and Welfare, Government of India, Shastri Bhawan, New Delhi; (ii) Chief Secretary, Government of Rajasthan, Jaipur; (iii) District Collector, Alwar; and (iv) Secretary, District Legal Services Authority, Alwar for necessary compliance of this order.

36. Office is directed to place this matter before Hon'ble the Chief Justice for its listing before the appropriate Bench.

(ANOOP KUMAR DHAND),J