

## Editorial of the Day – 22.01.2026

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### 1. Lowering the age of juvenility for crimes is a step back (TH)

#### General Studies 2– Social Justice

**Topic–** Mechanisms, laws, institutions, and Bodies constituted for the protection and betterment of vulnerable sections.

**Sub Topic–** Issues relating to children; Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

#### Critical Analysis of Lowering the Age of Juvenility

##### Introduction

The Juvenile Justice (Care and Protection of Children) Act, 2015, marked a paradigm shift in India's legal framework by introducing a "transfer system" allowing children aged 16–18 accused of heinous crimes to be tried as adults. A new Private Member's Bill (introduced in December 2025) now proposes further lowering this threshold from 16 to 14 years. This proposal raises significant debates regarding the balance between retributive justice (punishment) and rehabilitative justice (reform), challenging the foundational principles of child rights and protection.

##### 1. The Proposed Legislative Change

**The Amendment–** The Bill seeks to amend the JJ Act to treat children aged 14–15 years as adults if accused of "heinous offences."

**Definition of Heinous Offence–** Crimes that carry a minimum punishment of seven years' imprisonment or more.

**Immediate Consequence–** If passed, young adolescents (14–15) would face adult criminal trials and potential incarceration in adult prisons, stripping them of the protective shield of the juvenile system.

##### 2. Philosophical and Legal Flaws

**Shift from Reform to Retribution–** The Indian juvenile justice system was historically built on the premise that children are developmentally distinct from adults and possess a unique capacity for reform. The 2015 Act (post-2012 Delhi gang rape) diluted this by prioritizing punitive measures over care and reintegration.

**Lack of Empirical Support–** The Parliamentary Standing Committee had previously opposed the introduction of the transfer system, noting it was inconsistent with both domestic needs and international justice standards. The shift assumes "adult-like" criminal intent without scientific backing regarding adolescent brain development.

##### 3. Arbitrariness in the 'Transfer System'

**Subjectivity in Assessment–** Currently, 16–18-year-olds undergo a preliminary assessment by the Juvenile Justice Board (JJB) to determine if they should be tried as adults. These assessments rely on vague criteria like "mental capacity" or "understanding consequences," which diverts focus from the child's social context and developmental reality.

**Lack of Scientific Tools–** There are no reliable psychological tools to retrospectively assess a child's mental state at the time of the offence. Decisions are often influenced by irrelevant factors, such as the child's demeanour during arrest (e.g., lack of visible tears) or expressions of fear, leading to inconsistent outcomes.

**Risk of Expansion–** Extending this flawed system to 14-year-olds would entrench institutional arbitrariness at an even more vulnerable developmental stage.

## 4. Data Analysis- Myth vs. Reality (NCRB 2023)

**The Narrative-** Proponents argue that serious crimes by 14–16-year-olds are rising, necessitating deterrence.

### The Data Refutation

**Low Volume-** Cases involving *Children in Conflict with the Law* (CICL) accounted for only **0.5%** of total crimes in India.

**Age Distribution-** Of all apprehended CICLs, 79% were aged 16–18. Only 21% fell into the 12–16 age bracket.

**Conclusion-** The data contradicts the claim that younger adolescents (14–16) are primary drivers of serious crime, making the legislation a reaction to perceived fear rather than statistical reality.

## 5. Structural Vulnerability and Systemic Failure

**Socio-Economic Roots-** Adolescent offending is frequently a result of poverty, neglect, and social inequality rather than inherent "criminal intent."

**Dual Status-** Many CICLs are simultaneously "children in need of care and protection," indicating a failure of the state to provide basic welfare before the crime occurred.

### Consequences of Adult System

**Disrupted Development-** Exposure to adult criminal processes halts education and harms cognitive/psychological growth.

**Stigma-** It creates permanent social stigma, hindering reintegration.

**Illegal Detention-** Despite existing safeguards, children are often illegally detained in adult jails, proving that the system struggles to enforce current laws, let alone new, stricter ones.

## 6. Way Forward- Fix the System, Not the Child

**Prioritize Prevention-** The focus must shift from criminalizing childhood vulnerability to early intervention and strengthening family/educational support systems.

**Mental Health Infrastructure-** Accessible mental health care is required to address behavioral issues before they escalate to crime.

**Uphold Child Rights-** Blurring the line between childhood and adulthood violates the principle of the "best interests of the child" and equality before the law.

**Systemic Accountability-** Instead of punishing children for the state's failure to protect them, reforms should focus on strengthening institutions designed to support at-risk youth.

## Conclusion

The solution to juvenile crime does not lie in stripping children of legal protection. Treating systemic failures—such as lack of education, poverty, and weak support structures—as grounds for harsher punishment shifts the burden onto those least capable of bearing it. Meaningful reform requires strengthening the community systems designed to support children before harm occurs, rather than lowering the age of incarceration.

**Source-** <https://www.thehindu.com/opinion/op-ed/lowering-the-age-of-juvenility-for-crimes-is-a-step-back/article70534626.ece>

## 2. Supreme Court for free digital oversight body, but the 'how' wide open (IE)

### General Studies 2- Governance

**Topic-** Indian Constitution—historical underpinnings, evolution, features, amendments, significant provisions (Fundamental Rights); Statutory, regulatory and various quasi-judicial bodies.

**Sub Topic-** Freedom of Speech and Expression; Media Regulation; Communal Harmony and Public Order; Challenges to internal security through communication networks (GS III intersection).

### Regulating Media – Balancing Freedom of Speech and Communal Harmony

#### 1. Introduction

**Context-** In the last three years, Indian regulatory authorities have issued numerous orders to TV and digital news platforms. Significantly, nearly 60% of these orders cited violations of the communal code.

**The Core Conflict-** This statistic highlights the friction between two democratic pillars-

1. Individual Liberty- Freedom of speech and expression (Article 19(1)(a)).
2. Societal Stability- Maintenance of communal harmony and public order.

**New Challenges-** The explosion of digital platforms has complicated accountability, creating a media landscape where information travels faster than regulation can manage.

#### 2. Constitutional and Legal Framework

**The Guarantee (Article 19(1)(a))-** Ensures the right to freedom of speech and expression for all citizens. Acts as the bedrock of democracy, empowering the media to function as a "watchdog" over governance and society.

**The Restrictions (Article 19(2))-** Freedom is not absolute. The State can impose "reasonable restrictions" in the interest of

1. Public order (crucial for communal harmony).
2. Security of the State.
3. Friendly relations with foreign states.
4. Decency or morality.
5. Contempt of court and Defamation.

#### Institutional Mechanisms-

**News Broadcasting & Digital Standards Authority (NBDSA)-** An independent body that enforces ethical codes for broadcast and digital media. It handles complaints and issues directives/fines for violations.

**Press Council of India (PCI)-** A statutory body that governs print media, upholding journalistic standards and addressing grievances regarding misconduct.

#### 3. Media's Role in Communal Harmony

**The Dual Nature of Media-** Media acts as a double-edged sword in a diverse society like India.

##### Constructive Role

- a) Disseminates information on government policies and development.
- b) educates citizens on rights and social justice.
- c) Exposes corruption and holds power accountable.

##### Destructive Potential

**Sensationalism-** Creating "breaking news" hysteria often biases coverage, which can inadvertently or deliberately inflame communal passions.

**Digital Amplification-** social media and digital news platforms can amplify unverified rumors and misinformation instantly.

**Velocity of News-** The race to be "first" often bypasses verification, leading to the rapid spread of checked, potentially dangerous narratives.

## 4. Analysis of Regulatory Data

**Significance of the "60%" Statistic-** The high volume of communal code violations suggests a systemic issue rather than isolated incidents.

**Inadequacy of Self-Regulation-** Current self-regulatory mechanisms are failing, particularly in the digital space where oversight is technically challenging.

**Reactive vs. Proactive-** The current system relies heavily on post-facto punitive action (punishing after the damage is done). The data indicates a need for preemptive measures to prevent the telecast/publication of inflammatory content in the first place.

## 5. Policy Implications and Recommendations

**Strengthening Ethical Standards-** Media houses must move beyond basic compliance to institutionalizing strict codes of conduct. Internal editorial reviews must be robust to ensure neutrality and accuracy before content goes live.

**Enhancing Media Literacy-** The public must be empowered to critically evaluate news sources. Citizens need the skills to identify bias and misinformation, reducing their susceptibility to manipulation on social media.

**Balanced Regulatory Oversight- Regulators** should adopt a "reformative" approach rather than just a "punitive" one. Guidance, warnings, and educational interventions should accompany fines to encourage long-term behavioral change in media houses.

### Leveraging Technology

- a) Explore AI-driven solutions for real-time fact-checking and monitoring of hate speech.
- b) *Caveat-* Technology must be deployed carefully to avoid censorship or encroachment on legitimate free speech.

## 6. Conclusion

Freedom of expression is a fundamental right, but it carries the heavy burden of responsibility. The recurring violations of communal codes signal a breach of trust between the media and the society it serves. To preserve India's diverse fabric, the media ecosystem must evolve to inform without inflaming and educate without bias. A robust democracy requires a media that is not just free, but also fair, accountable, and ethically grounded.

**Source-** <https://www.newindianexpress.com/editorial/2025/Nov/30/sc-for-free-digital-oversight-body-but-the-how-wide-open>