



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

INDIA'S FASTEST COURT? WHY THE CHILD WELFARE COMMITTEE MAY BE THE MOST RESPONSIVE INSTITUTION IN INDIA'S JUSTICE SYSTEM

By Lakshika Sharma

"There can be no keener revelation of a society's soul than the way in which it treats its children."

The judicial provisions of our country have been largely concerned with the deliverance of justice and maintaining the rights of an individual. The judiciary of the country is one of the finest institutions looked upon by people when they have no option left in hope of reliefs that could make significant amendments to their life. The institution with such huge responsibility and powers has one statistics that diminishes its worthiness, the decades of pending cases.

The number of pending cases keeps increasing by day, with only a few that meets their final disposal. There are civil disputes that continue till long after the litigant passes away, criminal trials go on for a lot of years and disputes in family that are brought to the court often consumes the entire childhood before any decision is reached. Nevertheless, there are still some institutions that function quickly in order to ensure the welfare of the needy. An abandoned child, a trafficked child, an orphan child and such other children cannot be made to wait for years before deciding their faith.

The urgent nature of such situations make it absolutely necessary that any and all cases are dealt with immediate effect, keeping in mind which the Child Welfare Committee (CWC) as established under the Juvenile Justice (Care and Protection of Children) Act, 2015 is probably one of the fastest functioning institution of quasi-judicial nature in India. Different from the

functionality of traditional courts, CWC as an institution makes some extremely important decisions for children within a few hours, thus being guided not by any procedure with its technicalities but by one principle of paramount importance i.e. the welfare of the child in order to serve their best interests.

AN UNDERRATED COURT THAT DOES NOT LOOK LIKE ONE

As per the National Crime Records Bureau (NCRB), the number of children who are vulnerable and get trafficked, abused, abandoned, missing is huge almost around tens of thousands per year while a few thousands get rescued and for such children immediate intervention is required given the trauma and stress they go through.

The Child Welfare Committee is not a court in its true and literal meaning but is a statutory quasi-judicial authority possessing powers equivalent to that of a Metropolitan Magistrate/Judicial Magistrate First Class exercising power through the Juvenile Justice Act.

This committee functions as a bench while exercising its powers. In *Sheela Barse v. Union of India*, (1986) 3 SCC 596, the Supreme Court emphasised on the importance for a procedure different from adults for children in order to make such provisions humane and orient them towards rehabilitation. In alignment with this vision, the CWC functions to ensure the principle of welfare through its powers to conduct inquiries, record evidence, summon the required persons, pass orders and have jurisdiction over children in need of care.

HOW DOES IT FUNCTION?

CWC does not treat the child as an evidence rather it bases its process upon the multidisciplinary needs of the child with a child sensitive approach. The procedure is dealt within section 27 to 30 of the Juvenile Justice (Care and Protection of Children) Act, 2015, read with the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, emphasising immediate help for children. As and when a child is identified to be in need of care and protection, any police officer, Childline, any special Juvenile Police Unit, a social worker, District Child Protection unit, any NGO that is authorised or even a citizen can assist in producing the child in front of the committee. As per section 31, the child needs to be produced before the committee within 24 hours excluding travel time. The committee takes immediate report of the condition of the child and under section 30 can pass any interim order

as it deems necessary while also directing the production of a Special Investigation Report. The committee is expected to come to a decision within four months post which it can either restore the child or declare them legally free for adoption, or even direct their placement in foster care or other specialised institutions.

IS IT REALLY THAT FAST?

While the design is meant to make the process a fast process, its implementation can really vary across states. It is seen that across a lot of states there are vacancies that remain unfulfilled for months, with members not receiving enough training, unsaid compromises, inadequate infrastructure and such other issues remain unchecked.

THE UNSAID BEAUTY OF THE INSTITUTION

The authors work at the institution made them view first hand the beauty of the institution from institutions for children below the age of two years to even individuals who become adults and are still supported to become capable. The institution encounters some beautiful days of adoption of children, the happiness of the people who adopt, the attachment of the care givers at the institutions, the respect that the children are given, a child being abandoned by their parent on a hospital park getting named by the bench, the weekly meets with different institutions and interaction with all these beautiful and developing children, weekly trips of these homes for movies and picnics, funny requests by children, experiencing their emotions and providing them the vocational training to build and grow is what the institution work towards and encounters everyday and which really truly defines it.

CONCLUSION

The success of the institution should not be measured by the number of children who were brought there but by the number of children who were never exploited again. The institution's effort towards educating its children, rehabilitating them into society, encouraging them and upskilling them is what makes it a success. The institution does not stop at the first step of rescuing but goes a long way to build some strong individuals.