

INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION

[ISSN 2581-9453]

Volume 7 | Issue 4

2025

© 2025 International Journal of Legal Science and Innovation

Follow this and additional works at: <https://www.ijlsi.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

This Article is brought to you for free and open access by the International Journal of Legal Science and Innovation at VidhiAagaz. It has been accepted for inclusion in International Journal of Legal Science and Innovation after due review.

In case of **any suggestion or complaint**, please contact support@vidhiaagaz.com.

To submit your Manuscript for Publication at International Journal of Legal Science and Innovation, kindly email your Manuscript at editor.ijlsi@gmail.com.

Child Abuse in India: A Legal and Institutional Framework for Protection and Prevention

JASDEEP KAUR¹ AND RIMPLEPREET KAUR²

ABSTRACT

Child abuse is a grave violation of the fundamental rights and dignity of children. It manifests in various forms, including physical violence, emotional neglect, sexual exploitation, and lack of supervision or care. Although recognized globally, child abuse in India is a deeply under-researched issue, largely due to cultural stigma, underreporting, and systemic apathy. This essay critically analyses India's child abuse issue, with a focus on sexual abuse and neglect. It discusses the legal framework, role of the judiciary, and relevant statutes that aim to protect children. Furthermore, it examines the socio-cultural factors that hinder the effective implementation of protective measures. Through an analysis of judicial precedents, constitutional provisions, and statutory laws, the study offers a comprehensive view of the challenges and provides practical recommendations for policy and societal reform.

I. INTRODUCTION

Childhood is universally regarded as a phase of innocence and development. But for millions of youngsters, it is tainted by neglect, exploitation, and abuse. Child abuse is not only a legal violation but a profound moral and societal failure. The United Nations Convention on the Rights of the Child (UNCRC), to which India is a signatory, defines child abuse as "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse³."

In India, despite constitutional and statutory protections, the issue of child abuse remains pervasive and under-acknowledged. According to a study by the Ministry of Women and Child Development, more than 53% of children reported facing one or more forms of sexual abuse.⁴ Physical abuse, educational neglect, emotional maltreatment, and moral exploitation are also widely prevalent, especially among vulnerable and economically disadvantaged groups.

¹ Author is an Assistant Professor at School of Law, Lovely Professional University, Punjab, India.

² Author is a Student at School of Law, Lovely Professional University, Punjab, India.

³ United Nations Convention on the Rights of the Child, 1989, Article 19

⁴ Ministry of Women and Child Development, Government of India, "Study on Child Abuse: India 2007".

Neglect, a form of passive abuse, is equally damaging. It involves the failure of a caregiver to meet the child's basic needs such as food, shelter, healthcare, education, and emotional nurturing. These forms of abuse often go unreported due to lack of awareness, social stigma, and inadequate enforcement of laws. This paper seeks to unravel the multifaceted dimensions of child abuse in India, delve into its legal treatment, and suggest reforms for a safer environment for children.

A. Statement of the Research Problem

Child abuse in India is a critical yet often overlooked issue that includes physical harm, sexual exploitation, emotional neglect, and denial of education. Despite constitutional safeguards and child protection laws, a significant portion of the country's child population continues to suffer in silence due to underreporting, weak law enforcement, and social stigma.

Cultural taboos and a reluctance to speak about abuse, especially within families or schools, make the problem deeply hidden. Many cases never get reported, and even when they do, judicial delays and poor victim support discourage justice. Legal provisions like the POCSO Act and the Juvenile Justice Act exist, but implementation gaps and lack of awareness dilute their impact. Moreover, poverty and illiteracy in many parts of India force children into labour, early marriages, or trafficking, where abuse becomes normalized. This results in long-term harm to children's health, education, and development.

Therefore, the central research problem lies in the systemic failure to detect, report, and address child abuse effectively, making it essential to re-examine current frameworks and propose sustainable solutions.

II. CLASSIFICATION OF CHILD ABUSE

Child abuse can take multiple forms, often overlapping, with each type having distinct characteristics, methods of infliction, and consequences on a child's physical, emotional, and psychological well-being. The classification of child abuse is essential for understanding the nature of harm inflicted and for developing appropriate legal, medical, and rehabilitative responses. The major categories of child abuse are discussed below:

1. Physical Abuse

Physical abuse involves the intentional use of force against a child that results in bodily injury, pain, or impairment. This can include acts such as hitting, slapping, punching, kicking, biting, choking, burning, or the use of dangerous objects or animals to intimidate or cause harm to the child. The objective is often to instill fear, assert dominance, or punish the child.

Abusers frequently target hidden body parts, including the upper thighs or torso, to evade detection. Physical abuse may also include excessive punishment, bullying, withholding food or medical care, and forcing a child into physically harmful labour.

Indian law recognizes physical abuse as a punishable offence under multiple legislations, including the Juvenile Justice (Care and Protection of Children) Act, 2015, which provides for imprisonment and fines based on the severity of the offence. In the case of *Jai Prakash @ Prakash v. State of Rajasthan*, the court reiterated the need for stringent action in cases involving bodily harm to minors.⁵

2. Emotional Abuse

Emotional or psychological abuse refers to the chronic mistreatment of a child through verbal threats, humiliation, neglect, isolation, intimidation, or rejection. Unlike physical abuse, emotional abuse does not result in visible injuries, but it severely affects a child's mental and emotional development.

In this form of abuse, parents, guardians, or caregivers may deliberately ignore the child, ridicule them, or deprive them of affection and a safe environment. Children subjected to emotional abuse often exhibit signs such as chronic anxiety, withdrawal, aggressive behavior, low self-esteem, frequent mood swings, or inappropriate social responses.

Emotional abuse is insidious and often acts as a precursor to other forms of abuse such as physical or sexual. It undermines the child's self-worth and can lead to long-term psychological trauma, including depression, trust issues, and developmental delays.

Though harder to prove legally, emotional abuse is recognized under the Juvenile Justice Act and other child protection mechanisms. Courts have, in many cases, held that emotional deprivation and mental cruelty constitute violations of child rights and justify state intervention.

3. Sexual Abuse

Sexual abuse is one of the most severe forms of child abuse, involving the use of a child for sexual gratification by an adult or older adolescent. It encompasses touching and non-touching offences, including rape, molestation, inappropriate touching, sexual harassment, exposure to pornography, and online exploitation.

Sexual abuse can be broadly classified into:

⁵ Jai Prakash @ Prakash v. State of Rajasthan, 2006 (3) WLC 544

- **Contact sexual abuse**, which involves physical acts such as inappropriate touching, fondling, penetration (oral, vaginal, or anal), or forcing a child to perform sexual acts.
- **Non-contact sexual abuse**, which includes acts such as exhibitionism, voyeurism, making a child watch sexual activities, sexual solicitation via the internet, and sharing sexual content without physical contact.

Often, the child is too young to fully comprehend the nature of the act and may be coerced, tricked, or emotionally manipulated into compliance. In many cases, the abuser is someone known to the child—a family member, relative, teacher, or neighbour which leads to underreporting due to fear, shame, or threats.

The POCSO Act of 2012⁶ serves as the fundamental law in India governing offenses related to sexual exploitation of minors. It provides a comprehensive and gender-neutral legal framework to address offences, mandating child-friendly procedures, in-camera trials, special courts, and mandatory reporting.

Offenders convicted under aggravated sexual assault provisions, particularly against children below 12 years, face **rigorous imprisonment not less than 10 years**, extendable to **life imprisonment**, along with fines.

Child abuse, in any form, leaves deep and lasting scars on the victim, often more psychological than physical. The classification outlined above is crucial for the early identification, legal response, and therapeutic intervention necessary to protect and rehabilitate child victims. Legal systems, families, educators, and communities must work collectively to detect, report, and prevent these abuses while ensuring a safe and supportive environment for every child.

III. ROLE OF JUDICIARY IN THE PROTECTION AGAINST CHILD ABUSE

The Indian judiciary has played a crucial role in safeguarding the rights of children through progressive interpretations of the Constitution and statutory laws. It has acted not only as a protector of individual rights but also as a catalyst for legal and institutional reforms in matters involving the welfare and protection of children. The following landmark judgments highlight the judiciary's contribution in shaping the jurisprudence on child protection in India:

In the case of *Goodricke Group Ltd. v. Centre of West Bengal*⁷ the Supreme Court examined the denial of basic education to children of workers in tea plantations. The Court held that education is a fundamental right under Article 21A and cannot be denied on the pretext of

⁶ Protection of Children from Sexual Offences Act, 2012

⁷ AIR 1995 SC 1950

financial hardship or administrative constraints. It emphasized that the State must ensure the provision of infrastructure, teaching facilities, and access to education for all children. This judgment reinforced the idea that education is not a luxury but a constitutional guarantee that safeguards children against exploitation and neglect.

In the case of *People's Union for Democratic Rights v. Union of India*⁸, During preparations for the Asian Games, children were found working in hazardous construction sites in Delhi. The Court held that such employment of children under the age of 14 was violative of Article 24 of the Constitution, even though construction work was not listed in the schedule of the Employment of Children Act, 1938. It recognized construction as hazardous and directed strict enforcement of constitutional provisions. The judgment marked a critical judicial intervention by applying constitutional morality over statutory silence.

Further in case of *Sheela Barse v. Union of India*⁹ Social activist Sheela Barse filed a Public Interest Litigation highlighting the unlawful detention of children in jails. The Supreme Court held that no child should be lodged in police lockups or adult prisons and directed the establishment of juvenile homes and observation facilities. The Court mandated that District Judges regularly inspect jails and ensure humane treatment of minors. This case contributed significantly to reforming juvenile justice procedures and institutional care in India.

In case of *Sakshi v. Union of India*¹⁰ The NGO Sakshi filed a petition seeking broader legal recognition of various forms of sexual abuse beyond the narrow definitions under Sections 375 and 376 of the Indian Penal Code. The Supreme Court acknowledged the limitations in the law and referred the matter to the Law Commission of India. This case played a pivotal role in the later formulation and enactment of the Protection of Children from Sexual Offences (POCSO) Act, 2012, which comprehensively addresses child sexual abuse in a gender-neutral and child-sensitive manner.

Then, in the landmark case of *M.C. Mehta v. State of Tamil Nadu*¹¹ The case involved children working in hazardous matchstick and fireworks industries in Sivakasi, Tamil Nadu. The Court directed that such employment must be immediately discontinued and that the affected children be rehabilitated and provided free education. It further directed the creation of a child labour rehabilitation fund and emphasized the State's responsibility to prevent such exploitation. The judgment linked the right to education and rehabilitation with the prohibition of child labour.

⁸ AIR 1982 SC 1473

⁹ AIR 1986 SC 1773

¹⁰ (2004) 5 SCC 518

¹¹ AIR 1997 SC 699

In the case of *Lakshmi Kant Pandey v. Union of India*¹² the landmark decision laid down comprehensive guidelines for regulating inter-country adoptions. The Court emphasized the need to ensure that the adoption process serves the best interests of the child and does not become a cover for trafficking. It mandated detailed scrutiny of adoptive parents, monitoring by child welfare agencies, and a mandatory legal procedure before courts. The judgment remains the cornerstone of adoption law and policy in India.

These judgments collectively demonstrate that the Indian judiciary has taken a proactive stance in protecting children's rights. It has not only enforced constitutional safeguards but also provided interpretative clarity, directed policy reforms, and held the executive accountable. The judiciary's commitment to the welfare of children has contributed substantially to building a legal framework that is more responsive, inclusive, and sensitive to the needs of the child.

IV. LEGAL AND STATUTORY FRAMEWORK FOR PROTECTION OF CHILDREN IN INDIA

India has developed a robust legal architecture for the protection, welfare, and development of children, grounded in its constitutional values, statutory enactments, and international obligations. This legal structure tackles the various aspects of child maltreatment, encompassing physical, emotional, sexual, and systemic neglect, while guaranteeing systems for remedy, recovery, and prevention. The legal safeguards extend from the highest constitutional principles to detailed procedural codes and special legislation.

A. Constitutional Provisions

The Constitution of India recognizes children as a vulnerable group entitled to special attention and protection. It incorporates both justiciable rights and directive principles to uphold the best interests of the child. Key provisions include:

- **Article 14** – Ensures equality before the law and equal protection of laws. Children, like all other citizens, have the right to be treated fairly and without discrimination¹³.
- **Article 15(3)** – Grants the authority to the state to establish specific measures for women and children. This enables the legislature to enact child-specific laws such as the Juvenile Justice Act and POCSO Act.¹⁴

¹² AIR 1984 SC 469

¹³ The Constitution of India, 1950, Art. 14

¹⁴ The Constitution of India, 1950, Art. 15

- **Article 21A** – Provides for free and compulsory education for all children between the ages of 6 and 14. It is a critical safeguard against child labour and exploitation¹⁵.
- **Article 23** – Forbids the trafficking of individuals, coerced labor, and various forms of indebted labor that frequently include minors.¹⁶
- **Article 24** – Explicitly bans the hiring of children under 14 years in any industrial facility, mining operation, or other dangerous occupations.¹⁷
- **Directive Principles of State Policy** – Particularly Articles 39(e) and 39(f) direct the State to ensure that children are not abused or forced by economic necessity to enter vocations unsuited to their age or strength, and that their childhood and youth are protected against exploitation and moral and material abandonment.

These constitutional mandates form the foundation for the legal protection of children in India and empower the legislature and judiciary to enact and enforce child-centric laws and policies.

B. National Legislations on Child Abuse and Protection

To operationalize constitutional mandates, India has enacted several comprehensive laws that deal with different aspects of child protection, care, and justice:

1. BHARATIYA NYAYA SANHITA, 2023

The Bharatiya Nyaya Sanhita, 2023, which replaces the Indian Penal Code, has introduced a more focused and consolidated framework for addressing offences against children. Unlike the IPC, where child-related offences were dispersed across various sections, the BNS dedicates Chapter V (Sections 93 to 99) exclusively to crimes involving children. This includes offences such as abandonment, concealment of birth, exploitation, trafficking, and sexual abuse.

Section 75 penalizes those in charge of a child—such as parents, guardians, or institutional staff—for assault, abandonment, exposure, or willful neglect. If the offence is committed by someone working in a child care institution, the punishment is more severe, reflecting the breach of entrusted responsibility¹⁸. Section 93 criminalizes the abandonment of children under 12 years of age, punishable by imprisonment of up to seven years.¹⁹ In like manner, Section 94 imposes a penalty for the covert disposal of an infant's remains to hide the birth, tackling the

¹⁵ The Constitution of India, 1950, Art. 21A

¹⁶ The Constitution of India, 1950, Art. 23

¹⁷ The Constitution of India, 1950, Art. 24

¹⁸ Bharatiya Nyaya Sanhita, 2023, Sec.75

¹⁹ Bharatiya Nyaya Sanhita, 2023, Sec.93

frequently obscured topic of child murder.²⁰

The BNS also strengthens laws against child exploitation. Section 95 punishes those who hire, engage, or use a child to commit an offence, including for pornography or sexual exploitation. Section 96 introduces the offence of procurement of a child, covering inducement or trafficking for illicit sexual activities.²¹ Section 97 addresses the kidnapping or abduction of a child under ten years with the intent to commit theft.²²

Moreover, Sections 98 and 99 specifically criminalize the buying or selling of children for prostitution or immoral purposes, with stringent punishments including a minimum of seven years to fourteen years of imprisonment. These sections presume guilt in cases involving brothel keepers or known traffickers, unless proven otherwise.

So, the BNS reflects a modern, child-centric approach to criminal law by grouping all major child abuse offences within a single chapter. This legal clarity is expected to improve enforcement, judicial interpretation, and public understanding. However, its success will ultimately depend on proper implementation, institutional awareness, and continuous advocacy for child rights.

2. THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

The Juvenile Justice Act, 2015, serves as the fundamental law in India regarding the safeguarding, rehabilitation, and legal processing of minors.

It pertains to two separate groups:

- Minors in confrontation with the law
- Minors requiring care and protection

One of the significant features of the Act is the establishment of Juvenile Justice Boards (JJBs) in every district for handling cases involving children accused of offences, and Child Welfare Committees (CWCs) for safeguarding those who are abandoned, orphaned, abused, or neglected.

The Act strictly prohibits the lodging of juveniles in police lock-ups or adult prisons, recognizing the psychological harm such exposure can cause. Instead, it mandates the creation of Observation Homes, Special Homes, and Shelter Homes to ensure a safe and rehabilitative

²⁰ Bharatiya Nyaya Sanhita, 2023, Sec.94

²¹ Bharatiya Nyaya Sanhita, 2023, Sec.96

²² Bharatiya Nyaya Sanhita, 2023, Sec.97

environment for the child. It also lays down comprehensive provisions for the registration and monitoring of Child Care Institutions (CCIs), making it mandatory for all such institutions to be accountable under the law.

Another progressive element of the Act is its focus on adoption and foster care, making the process more structured and transparent. It introduces procedures for in-country and inter-country adoptions, giving legal recognition to adoptive families while emphasizing the best interest of the child.

The Act further empowers State Governments to establish Child Protection Units, tasked with coordinating child protection services, conducting rescue operations, and monitoring institutions. Importantly, the law is rehabilitative rather than punitive and is rooted in the philosophy of restorative justice, aiming to reintegrate children into society with dignity and care.

So, the Juvenile Justice Act provides a child-sensitive legal framework that addresses not just legal violations by minors but also ensures the protection and welfare of those who are victims of abuse, neglect, or abandonment.

3. THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES (POCSO) ACT, 2012

The POCSO Act of 2012 was established with the main aim of protecting children from different types of sexual exploitation, such as sexual aggression, harassment, and sexually explicit material. The legislation also provides for the establishment of Special Courts to ensure the speedy trial of offences under the Act, thereby minimizing the trauma experienced by child victims during legal proceedings.

One of the key provisions of the Act is its recognition of aggravated penetrative sexual assault, particularly when the victim is below the age of 12. As per the Act, such an offence is punishable with a minimum term of rigorous imprisonment of 10 years, which may extend to life imprisonment, along with a fine. This stringent penalty reflects the gravity with which the law views sexual offences against very young children.

Additionally, Section 19 of the POCSO Act introduces a mandatory reporting obligation. It requires that any individual, including the victim themselves, report to the appropriate authorities if an offence has occurred or is likely to occur. Neglecting to disclose such an infraction is deemed punishable under legal statutes.²³ Failure to report such an offence is itself

²³ Protection of Children from Sexual Offences Act, 2012, Sec.19

considered punishable under the law. This provision is aimed at increasing community accountability and ensuring timely intervention in cases of abuse.

However, despite the comprehensive legal structure provided by the POCSO Act, the incidence of child sexual abuse remains alarmingly high. One of the primary reasons for this is the lack of sex education, both in schools and within the home environment, which leaves children vulnerable and uninformed. Furthermore, a lack of awareness among offenders about the severity of legal consequences, coupled with the belief that victims or their families will avoid reporting due to social stigma, results in underreporting of such crimes. In many cases, offenders are individuals known to the victim, which further discourages disclosure.

As a result, many perpetrators escape accountability, and the protective intent of the legislation is undermined. Therefore, in addition to legal enforcement, there is a pressing need for educational reform, awareness campaigns, and psychological support systems to effectively combat the issue of child sexual abuse in India.

4. THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

Child marriage continues to be a significant barrier to a child's right to education and overall development. Once married, children, particularly girls, are often withdrawn from school, burdened with domestic responsibilities, and subjected to various forms of abuse. Although child marriage is a punishable offence under Indian law, the practice still persists in many regions due to prevailing social customs, deep-rooted myths, and the economic vulnerabilities of families.

The legislative campaign against this practice was initiated by Rai Sahib Harbilas Sarda, who presented the Child Marriage Restriction Bill in 1927. This endeavor resulted in the passage of the Child Marriage Restriction Act, 1929, during the era of British colonial rule. It was India's first secular law aimed at restricting child marriages, prescribing minimum ages of 14 for girls and 18 for boys.

To strengthen these provisions, the Prohibition of Child Marriage Act (PCMA), 2006 was enacted, which significantly increased penalties for those involved in facilitating or solemnizing child marriages. This Act also provided for legal remedies and protection for child brides.

Public awareness and outrage following the *Nirbhaya case in 2012*, a brutal incident of sexual violence in Delhi²⁴, further influenced legislative discourse.

²⁴ (2017) 6 SCC 1

A significant result was the synchronization of the sexual consent age with the legal marriage age, enhancing the safeguarding of minors against sexual abuse. In recent times, the Indian Government has put forth the suggestion to elevate the minimum legal marriage age for females from 18 to 21 years, matching it with the age set for males.

In recent years, the Government of India has proposed raising the minimum legal age of marriage for girls from 18 to 21 years, aligning it with the age prescribed for boys. The rationale behind this proposal includes not only the promotion of gender parity but also an attempt to address mental health concerns faced by young brides, as early marriage has been linked to psychological stress, anxiety, and depression.

By proposing a uniform age for both genders, the State seeks to ensure gender neutrality in matrimonial law and promote the well-being and autonomy of young women across the country.

5. THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986 (AMENDED IN 2016)

Article 24 of the Indian Constitution expressly prohibits the employment of children in hazardous occupations. It states: *“No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.”*²⁵ This constitutional mandate aims to protect children from physical and mental harm caused by premature entry into the labour force.

Despite the existence of the Child Labour (Prohibition and Regulation) Act, child labour remains a pressing issue in India, largely driven by poverty, lack of access to education, and socio-economic vulnerabilities.

Numerous youngsters are pressured to engage in low skilled or unofficial labor within factories, workshops, households, and agricultural fields to boost the family's earnings. This reality often leads to the violation of child protection laws, even when such employment is technically prohibited. The persistence of child labour has far-reaching consequences. It deprives children of their right to education, hampers their physical and mental development, and in some cases, exposes them to abuse, exploitation, and criminal influences. While the judiciary in various states has taken action in cases where child labour is reported, the number of unreported incidents remains significantly high, especially in rural and informal sectors where enforcement mechanisms are weak or absent.

²⁵ The Constitution of India, 1950, Art. 23

This shows the urgent need for stronger enforcement, increased public awareness, and comprehensive social welfare programs that can provide economic alternatives to vulnerable families, thereby reducing their dependence on child labour.

6. IMMORAL TRAFFIC PREVENTION ACT, 1987

One of the gravest forms of child abuse in India is trafficking for sexual exploitation, and to address this issue, the Indian legislature enacted the Immoral Traffic (Prevention) Act (ITPA), 1986. This Act serves as a specialized legal framework for combating human trafficking, particularly of women and children, for commercial sexual purposes.

Under this Act, trafficking and exploitation of children for prostitution is treated as a serious offence. While prostitution itself is not illegal, ITPA targets those who profit from or facilitate the commercial sexual exploitation of others, including brothel keepers, pimps, traffickers, and individuals who live off the earnings of sex workers. This becomes especially important in cases involving minors, who are often lured, coerced, or abducted into the sex trade through deception or economic pressure.

Section 7 of the Act prohibits prostitution in or near public places, including schools, religious institutions, or hospitals, to safeguard minors from being exposed to or victimized in such environments. Furthermore, the Act allows for the rescue and rehabilitation of children who are found in brothels or are otherwise at risk of sexual exploitation. They may be placed in protective homes where they receive medical attention, counseling, and educational support.

Despite these legal protections, child trafficking for sexual purposes remains a major concern in India. Children rescued under ITPA are often traumatized and face challenges in reintegration due to social stigma and lack of sustained rehabilitative support. Moreover, underreporting and weak enforcement continue to hinder the Act's effectiveness.

Therefore, while the ITPA forms a critical part of India's legal framework against child sexual abuse, its successful implementation requires greater vigilance, community participation, and coordination between law enforcement, judiciary, and child welfare institutions.

V. RECOMMENDATIONS

- 1. Ensuring Effective Enforcement of Child Protection Laws:** The success of legal frameworks like the POCSO Act, Juvenile Justice Act, and Bharatiya Nyaya Sanhita depends not merely on their enactment but on their systematic and uniform implementation. This calls for improved coordination among police, judiciary, child welfare committees, and NGOs, along with regular training and monitoring.

2. **Integrating Age-Appropriate Preventive Education:** Schools may serve as a crucial setting for early sensitization. Structured, age-appropriate educational modules concerning child safety, bodily autonomy, and the concept of safe versus unsafe behavior could be integrated into the curriculum, thereby enabling children to identify and report abuse more confidently.
3. **Institutionalizing Child Protection Units at the District Level:** The establishment of well-functioning Child Protection Units across districts can play a vital role in bridging the gap between reporting and redressal. These units should be equipped to facilitate rescue operations, victim support, legal assistance, and rehabilitation services in coordination with local institutions.
4. **Adopting Child-Friendly Legal Procedures:** Judicial mechanisms should be aligned with the psychological needs of child victims. Measures such as in-camera trials, use of video conferencing, presence of support persons, and minimal direct cross-examination can help reduce trauma and promote a more supportive legal environment.
5. **Facilitating Long-Term Rehabilitation and Psychological Recovery:** Rehabilitation must go beyond physical safety. Dedicated efforts are needed to provide child victims with sustained access to counseling services, education, and vocational training, ensuring their emotional healing and social reintegration within a protective and stigma-free environment.

VI. CONCLUSION

Child abuse in India represents a serious challenge not only to the rule of law but also to the moral fabric of society. Despite an evolving and fairly robust legal framework, including progressive statutes such as the POCSO Act, Juvenile Justice Act, and provisions under the Bharatiya Nyaya Sanhita, the reality on the ground reflects persistent underreporting, gaps in enforcement, and limited access to child-sensitive support systems.

The judiciary has played a commendable role in interpreting constitutional guarantees and setting important precedents for child protection. However, structural challenges such as societal stigma, administrative negligence, lack of public awareness, and insufficient institutional capacity continue to undermine the effectiveness of these legal provisions.

Addressing child abuse requires a multidimensional approach that one that combines law with education, awareness, mental health care, and systemic reform. Ensuring that every child has access to justice, safety, and dignity is not merely a legislative obligation, but a collective social responsibility. A legal framework that is actively implemented, constantly evaluated, and

deeply rooted in empathy and protection can pave the way for a safer and more just future for India's children.

VII. REFERENCES

- Constitution of India, 1950.
- Bharatiya Nyaya Sanhita, 2023.
- Juvenile Justice (Care and Protection of Children) Act, 2015.
- Protection of Children from Sexual Offences Act, 2012.
- Prohibition of Child Marriage Act, 2006.
- Child Labour (Prohibition and Regulation) Act, 1986 (Amended in 2016).
- Immoral Traffic (Prevention) Act, 1986.
- United Nations Convention on the Rights of the Child, 1989.
- *Jai Prakash @ Prakash v. State of Rajasthan*, 2006 (3) WLC 544 (Raj).
- *Goodricke Group Ltd. v. Centre of West Bengal*, (1995) 3 SCC 561.
- *People's Union for Democratic Rights v. Union of India*, (1982) 3 SCC 235.
- *Sheela Barse v. Union of India*, AIR 1986 SC 1773.
- *Sakshi v. Union of India*, AIR 2004 SC 3566.
- *M.C. Mehta v. State of Tamil Nadu*, AIR 1997 SC 699.
- *Lakshmi Kant Pandey v. Union of India*, AIR 1984 SC 469.
- Ministry of Women and Child Development, Government of India, *Study on Child Abuse: India 2007*.
- National Crime Records Bureau (NCRB), *Crime in India Report* (Latest available edition).
