



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

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LEGAL ASPECTS OF CHILD PROTECTION IN INDIA

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ABSTRACT

Child protection in India stands at a critical juncture where legal frameworks, though comprehensive on paper, face serious challenges in implementation, awareness, and institutional effectiveness. India is home to approximately 472 million children, the largest child population in the world, yet disturbing rates of child abuse, exploitation, and neglect persist across its diverse socioeconomic landscape. This research paper undertakes a systematic analysis of the legal apparatus governing child protection in India, tracing its constitutional foundations, statutory enactments, and judicial interpretations. The paper examines the prevalent forms of child abuse experienced by Indian children, evaluates the strengths and gaps within existing protective mechanisms, and draws comparative lessons from Sweden's pioneering child protection model. The paper concludes with actionable recommendations aimed at bridging the gap between legislative intent and ground-level implementation.

Keywords: Child Protection, POCSO Act, Juvenile Justice, Child Abuse, Constitutional Rights, India, Sweden, Child Rights.

“A child is not just a smaller adult, a child is a rights-holder. Every child deserves not just survival, but safety, dignity, and the freedom to grow.”

THE INVISIBLE VICTIMS: CHILDREN WHO CANNOT SPEAK FOR THEMSELVES

Every day in India, a child is hurt, beaten, abused, exploited, or silenced and the law either does not reach them or arrives too late. India has 472 million children. They are 39% of the population. They are the country's future. Yet they remain, in many ways, its most unprotected citizens. A child cannot vote. A child cannot file a complaint on its own. A child cannot speak in Parliament. A child depends entirely on adults, parents, teachers, institutions, and the law for protection. And when those adults fail, when the institutions are slow, and when the law exists only on paper, the child has nowhere to turn. Behind the statistics of abuse lie real children, daughters who were married at 13, sons who were sent to work in brick kilns, girls who were assaulted by the very people who were supposed to keep them safe, and children whose cries went unheard

because no one around them knew they had the right to be heard. This research paper is about those children and about what the law does, what it fails to do, and what it must urgently do next.

“A country that protects its children protects its future. A country that ignores their abuse is building on sand.”

INTRODUCTION

The protection of children from abuse, exploitation, and neglect is not merely a legal obligation, it is the moral cornerstone of a civilised society. India ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1992¹, accepting the foundational principles that every child has the right to life, identity, protection from exploitation, and access to justice. This ratification placed India under an international obligation to align its domestic law with global child rights standards.

The data surrounding child abuse in India is alarming. According to the National Crime Records Bureau (NCRB) 2022 report², over 38,000 cases were registered under the Protection of Children from Sexual Offences (POCSO) Act alone, representing a 94% rise since 2017. Yet experts consistently estimate that only 1 in 10 cases is ever actually reported. Sexual abuse, physical violence, child labour, trafficking, child marriage, and emotional neglect are the most prevalent forms of abuse, with a vast proportion remaining unreported due to social stigma, fear, and ignorance of legal rights.

This paper examines the constitutional and statutory framework for child protection in India, the categories of abuse Indian children face, institutional mechanisms and their failures, comparative lessons from Sweden, and the reforms necessary to ensure that India's laws protect children in practice and not just on paper.

RESEARCH METHODOLOGY

This research paper adopts a doctrinal and comparative legal methodology. The doctrinal approach involves a systematic analysis of constitutional provisions, statutory enactments, judicial decisions, and Law Commission reports relating to child protection in India. Primary legal sources including the Constitution of India, the POCSO Act 2012, the Juvenile Justice Act 2015, and the Right to Education Act 2009 form the foundation of the legal analysis.

The comparative component examines Sweden's child protection framework, including the Barnombudsmannen (Children's Ombudsman), the Social Services Act 1982, the LVU (Care of Young Persons Act), and Sweden's 1979 corporal punishment ban. This comparative analysis is used to identify gaps

¹ . United Nations Convention on the Rights of the Child, adopted 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990); India ratified 11 December 1992.

² . National Crime Records Bureau, 'Crime in India 2022' (Ministry of Home Affairs, Government of India, 2023).

in India's existing legal framework and to draw lessons that are adaptable to India's social, economic, and institutional context.

Secondary sources including peer-reviewed journal articles, UNICEF reports, Ministry of Women and Child Development studies, NCRB data, and United Nations treaty body documents have been used to support the empirical and policy dimensions of the analysis. This research is qualitative and analytical in nature, and does not rely on primary fieldwork or survey data.

CONSTITUTIONAL FRAMEWORK FOR CHILD PROTECTION

The Constitution of India³, adopted in 1950, is the primary and most authoritative source of child protection law in the country. It protects children through two distinct layers, Fundamental Rights under Part III, which are directly enforceable in courts, and Directive Principles of State Policy under Part IV, which impose binding policy obligations on the State. Together, these provisions create a comprehensive constitutional mandate for the protection of every child in India.

A. FUNDAMENTAL RIGHTS

ARTICLE 14 - RIGHT TO EQUALITY: Article 14 guarantees that the State shall not deny to any person equality before law or equal protection of laws. For children, this means that no child can be denied access to protective services, legal remedies, or institutional support on the basis of caste, religion, gender, or economic status. The Supreme Court has interpreted Article 14 to require that the State treat children as a special class deserving active and positive protection, not merely passive non-discrimination. Any law or State action that arbitrarily excludes children from the protection of rape law, labour law, or education rights violates Article 14.

ARTICLE 15(3) - SPECIAL PROVISIONS FOR CHILDREN: While Article 15 generally prohibits the State from discriminating on grounds of religion, race, caste, sex, or place of birth, Article 15(3) carves out a critical constitutional exception: it expressly empowers the State to make special provisions for women and children. This is not a contradiction of equality, it is a recognition that equality sometimes requires treating vulnerable groups differently to give them a genuinely equal footing. This constitutional permission forms the bedrock of all child-specific legislation in India, including the POCSO Act, the Juvenile Justice Act, the Child Labour laws, and the Right to Education Act. Without Article 15(3), the constitutionality of laws that treat children differently from adults could be challenged under Article 14.

ARTICLE 21 - RIGHT TO LIFE AND PERSONAL LIBERTY: Article 21 is the most powerful and expansively interpreted provision in the Constitution, and the most important tool for child protection. It guarantees that no person shall be deprived of their life or personal liberty except according to procedure established by law. The Supreme Court has read into Article 21 a vast and ever-growing range of rights that

³ The Constitution of India, arts 14, 15(3), 21, 23, 24, 39(e), 39(f), 45.

are directly relevant to children: the right to live with dignity, the right to be free from exploitation, the right to education, the right to a safe environment, the right to healthcare and nutrition, the right to protection from sexual abuse, and the right to grow up free from violence. In case after case, the Supreme Court has used Article 21 to step in where Parliament had failed to protect children, whether against child labour, bonded labour, trafficking, or sexual abuse. Article 21 is the constitutional guarantee that no child shall be left behind.

ARTICLE 21A - RIGHT TO EDUCATION: Inserted by the 86th Constitutional Amendment in 2002⁴, Article 21A elevated the right to education from a Directive Principle to an enforceable Fundamental Right. It makes free and compulsory education a constitutional guarantee for all children between six and fourteen years of age. This provision paved the way for the Right of Children to Free and Compulsory Education Act, 2009, and gave children and parents the constitutional standing to demand schooling as a matter of right, not government charity.

ARTICLES 23 AND 24 - PROTECTION FROM EXPLOITATION: Article 23 prohibits trafficking in human beings and all forms of forced labour, including bonded labour. It is a constitutional prohibition that applies both to State and private actors. Article 24 is perhaps the most specific child-protective provision in the Fundamental Rights chapter, it explicitly prohibits the employment of children below fourteen years in any factory, mine, or other hazardous employment. Together, these two provisions form the constitutional backbone against child labour and child trafficking in India. Any employer, contractor, or individual who employs a child in a hazardous occupation violates not just a statute but a Fundamental Right guaranteed directly by the Constitution.

B. DIRECTIVE PRINCIPLES OF STATE POLICY

While Directive Principles are not directly enforceable by courts, they impose binding obligations of policy and legislative action on the State. The Supreme Court has consistently held that Directive Principles must be read harmoniously with Fundamental Rights, and has used them to expand and reinforce constitutional protection for children.

ARTICLE 39(e): Directs the State to ensure that the health and strength of workers and the tender age of children are not abused, and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength. This provision is the constitutional foundation for child labour law and directly prohibits the State from allowing poverty to become a justification for child exploitation.

ARTICLE 39(f): This is the most comprehensive child-specific Directive Principle in the entire Constitution. It mandates that children must be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood and youth must be protected against exploitation and against moral and material abandonment. The Supreme Court has read Article 39(f) together with Article 21

⁴ The constitution (86th Amendment) act , 2002

in multiple cases to hold that the State has a positive duty, not merely a negative obligation to actively create conditions in which children can grow safely and freely.

ARTICLES 45 AND 47: Article 45, as read with Article 21A, provides for free and compulsory education for all children. Article 47 directs the State to raise the level of nutrition, standard of living, and public health, obligations that directly affect the welfare and survival of children, particularly those in poverty.

ARTICLE 51(c): Requires the State to respect international treaties and obligations, which includes the UN Convention on the Rights of the Child ratified by India in 1992. This provision gives constitutional weight to international child rights standards and has been used by the Supreme Court to import international human rights norms into domestic law.

FORMS OF CHILD ABUSE IN INDIA

Child abuse in India is multidimensional, manifesting across physical, sexual, emotional, and economic forms. Understanding these categories is essential to evaluating the adequacy of the legal framework.

A. PHYSICAL ABUSE

Physical abuse refers to the non-accidental infliction of physical injury upon a child. In India, physical abuse is frequently normalised under the guise of discipline, both at home and in schools. The Ministry of Women and Child Development's landmark 2007⁵ study found that 69% of children surveyed reported experiencing physical abuse, with the majority of perpetrators being family members or persons in authority. Despite the Right to Education Act, 2009 prohibiting corporal punishment in schools, enforcement remains weak, and critically, India has no statutory ban on corporal punishment within the home, a significant legal gap when compared to Sweden's 1979 ban.

B. SEXUAL ABUSE

Sexual abuse is one of the most pervasive and under-reported forms of child abuse in India. NCRB data for 2022⁶ shows over 38,000 POCSO cases registered, yet research estimates that only 10% of cases are ever reported. Critically, in most cases the perpetrator is known to the child, a family member, teacher, or other trusted adult. This reality highlights the inadequacy of a purely punitive legal approach and underscores the need for preventive education and community-level intervention.

C. CHILD LABOUR AND ECONOMIC EXPLOITATION

Child labour represents one of the most widespread and structural forms of child abuse in India. Despite the Child Labour (Prohibition and Regulation) Amendment Act, 2016⁷, which extended prohibition to children

⁵ Ministry of Women and Child Development, 'Study on Child Abuse: India 2007' (Government of India, 2007).

⁶ *ibid.* (for NCRB 2022 data on POCSO)

⁷ The Child Labour (Prohibition and Regulation) Amendment Act, 2016 (Act 35 of 2016).s

below fourteen in all occupations, millions of children continue to work in hazardous conditions. The 2011 Census enumerated approximately 10.1 million child labourers, though independent estimates are significantly higher. Child labour perpetuates inter-generational poverty, denies children their right to education, and exposes them to serious physical and psychological harm.

D. CHILD TRAFFICKING AND CHILD MARRIAGE

India is classified as a source, transit, and destination country for child trafficking, with children trafficked for commercial sexual exploitation, forced labour, and domestic service. Child marriage, though declining, remains widespread particularly in Rajasthan, Bihar, and West Bengal. The Prohibition of Child Marriage Act, 2006, makes child marriages voidable, but does not void them automatically, a gap identified by the Supreme Court in *Independent Thought v. Union of India* (2017)⁸.

E. EMOTIONAL ABUSE AND NEGLECT

Emotional abuse, persistent humiliation, isolation, threatening behaviour, and emotional deprivation, remains the least legislatively addressed form of child abuse in India. No specific statutory provisions criminalise emotional abuse in isolation, leaving a significant gap in the law's protective coverage.

STATUTORY FRAMEWORK FOR CHILD PROTECTION

A. THE POCSO ACT, 2012

The Protection of Children from Sexual Offences Act, 2012⁹ is arguably the most significant child protection statute in India. It defines sexual abuse broadly to include penetrative and non-penetrative assault, sexual harassment, and use of children in pornography. Key features include: Special Courts for speedy trial; child-friendly investigation procedures; recording of testimony through video conferencing; strict confidentiality of the victim's identity; and a presumption of guilt once penetrative assault is established, shifting the burden of proof to the accused. However, as of 2022, approximately 89% of POCSO cases are pending trial in courts, with average durations extending to several years.

B. THE JUVENILE JUSTICE ACT, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015¹⁰ establishes Child Welfare Committees (CWCs) in every district to oversee children in need of care and protection, and Juvenile Justice Boards (JJBs) for children in conflict with the law. A controversial amendment allows juveniles between 16 and 18 accused of heinous offences to be tried as adults, a provision criticised by child rights advocates as undermining the rehabilitative philosophy of juvenile justice.

⁸ *Independent thought v. union of india* (2017) 10 SCC 800 (india)

⁹ . The Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012).

¹⁰ The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016).

C. THE RIGHT TO EDUCATION ACT, 2009

The Right of Children to Free and Compulsory Education Act, 2009¹¹ guarantees free and compulsory education to all children between six and fourteen years. It prohibits physical punishment and mental harassment in schools, mandates age-appropriate admission, and requires 25% reservation for economically weaker section students.

D. NCPCR — NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

The National Commission for Protection of Child Rights, established under the Commission for Protection of Child Rights Act, 2005¹², is mandated to monitor child rights laws, examine complaints, and recommend policy changes. However, its effectiveness is limited by its dependence on the Ministry of Women and Child Development, its advisory rather than binding authority, and weak follow-up mechanisms. Unlike Sweden's Barnombudsmannen, a constitutionally entrenched, independent body with direct parliamentary accountability, NCPCR operates under executive control, limiting its ability to independently challenge government failures.

JUDICIAL CONTRIBUTIONS TO CHILD PROTECTION

The Supreme Court of India has been the single most important institution in advancing child protection beyond what Parliament has legislated. Through Public Interest Litigations, suo motu proceedings, and the expansive interpretation of fundamental rights, particularly Article 21, India's judiciary has repeatedly stepped in where the legislature and executive have failed children. The following cases represent the most significant judicial milestones in the development of child protection law in India.

SHEELA BARSE V. UNION OF INDIA (1986)¹³

In this landmark Public Interest Litigation, a journalist brought to the Supreme Court's attention the appalling conditions in which children in conflict with the law were being held, detained alongside adult criminals in regular jails, without any separation or special care. The Court held that this treatment was a direct violation of the rights of children under Articles 21 and 39(f) of the Constitution. The Supreme Court directed that children must be kept entirely separate from adult offenders, that special observation homes and remand homes must be established across the country, that trained social workers must be appointed to assist children in custody, and that magistrates must make regular visits to these institutions. This was India's first major judicial intervention in juvenile justice and established the foundational principle that a child's vulnerability does not

¹¹ The Right of Children to Free and Compulsory Education Act, 2009 (Act 35 of 2009), s 17.

¹² The Commission for Protection of Child Rights Act, 2005 (Act 4 of 2006), s 3.

¹³ Sheela Barse v. Union of India (1986) 3 SCC 596 (India).

end at arrest, the State has a continuing constitutional duty to protect the child throughout the entire legal process.

M.C. MEHTA V. STATE OF TAMIL NADU (1996)¹⁴

A Public Interest Litigation exposed the widespread and systematic use of child labour in the match and firecracker factories of Sivakasi, Tamil Nadu, where thousands of children worked in life-threatening, hazardous conditions for minimal wages. The Supreme Court read Article 24 together with Articles 21 and 39 of the Constitution to hold that employing children in hazardous industries is not merely a statutory violation but a fundamental rights violation. The Court directed the creation of a Child Labour Rehabilitation-cum-Welfare Fund, ordered employers who violated child labour laws to pay compensation into this Fund, and mandated that the government provide alternative schools and educational facilities for rescued child labourers and their families. This judgment transformed child labour law from a regulatory framework into a constitutional mandate and recognised that simply removing a child from a factory without providing rehabilitation and education is meaningless, the State's duty does not end at rescue.

GAURAV JAIN V. UNION OF INDIA (1997)¹⁵

A Public Interest Litigation was filed seeking rehabilitation, legal identity, and equal protection for children born to or living with sex workers, who were routinely being denied education, social services, and basic legal recognition. The Supreme Court held that children of sex workers are entitled to equal protection under Articles 21 and 14 of the Constitution, regardless of the circumstances of their birth or the occupation of their parents. The Court directed the framing of a comprehensive national policy for the rehabilitation, education, and social reintegration of these children, and unequivocally held that no child can be denied their constitutional rights because of who their parents are. This judgment established that Article 21 protects every child equally, regardless of their social background, and extended the constitutional umbrella to India's most marginalised and invisible children.

BACHPAN BACHAO ANDOLAN V. UNION OF INDIA (2011)¹⁶

A PIL filed by the NGO Bachpan Bachao Andolan exposed a systematic and widespread network of child trafficking across India, particularly from poorer states, for use as bonded and forced labourers in circuses, as domestic workers, and in other industries. The Supreme Court held that child trafficking is a direct violation of Articles 21 and 23 of the Constitution. The Court directed all circuses in India to immediately stop employing children, ordered comprehensive surveys of bonded child labourers to be conducted, directed the creation of detailed standard operating procedures for the rescue and rehabilitation of trafficked children, and

¹⁴ . M.C. Mehta v. State of Tamil Nadu (1996) 6 SCC 756 (India).

¹⁵ Gaurav Jain v. Union of India (1997) 8 SCC 114 (India).

¹⁶ Bachpan Bachao Andolan v. Union of India (2011) 5 SCC 1.

required all State Governments to establish child labour rehabilitation committees. This judgment recognised that trafficking strips a child of their most fundamental right, to simply be a child, and created a constitutional framework that forced the government to treat child trafficking as a fundamental rights crisis, not merely a criminal law problem.

INDEPENDENT THOUGHT V. UNION OF INDIA (2017)¹⁷

A Public Interest Litigation challenged Exception 2 to Section 375 of the Indian Penal Code, which had for decades allowed a husband to engage in sexual intercourse with his wife as young as 15 years of age without it being treated as rape. The Supreme Court struck down this exception to the extent it applied to wives between 15 and 18 years of age, holding it unconstitutional and a clear violation of Articles 14, 15, and 21 of the Constitution. The Court harmonised the IPC, the POCSO Act 2012, the Prohibition of Child Marriage Act, 2006, and the Protection of Women from Domestic Violence Act, 2005 to hold that a minor wife retains her full right to bodily integrity and protection from sexual violence, regardless of her marital status. This judgment closed a colonial-era loophole that had legalised the sexual abuse of child brides and established the powerful constitutional principle that marriage cannot strip a child of her fundamental rights.

ALAKH ALOK SRIVASTAVA V. UNION OF INDIA (2018)¹⁸

The Supreme Court took suo motu cognisance of media reports revealing that tens of thousands of cases under the POCSO Act were pending trial for years across India, leaving child victims without justice and often without any support services. The Court directed all High Courts to ensure that POCSO cases are completed within one year of being filed. It ordered the establishment of dedicated Fast Track Special Courts for POCSO cases across the country, directed that child victims receive free legal aid, psychological counselling, and rehabilitation support throughout the trial process, and required periodic reporting on case pendency to be submitted to the Supreme Court itself. This judgment acknowledged a fundamental truth: for a child victim of sexual abuse, justice delayed is not merely justice denied — it is a continuation of trauma. By imposing a one-year deadline and mandating Fast Track Courts, the Court forced institutional accountability on a system that had for years allowed child abuse cases to languish, compounding the suffering of survivors.

INTERNATIONAL PERSPECTIVE: SWEDEN'S CHILD PROTECTION MODEL

A. WHY SWEDEN?

Sweden is universally recognised as the global pioneer of child protection. In 1979, Sweden became the first country in the world to ban all forms of corporal punishment of children, including within the home. The

¹⁷ . Independent Thought v. Union of India (2017) 10 SCC 800 (India).

¹⁸ Alakh Alok Srivastava v. Union of India (2018) 17 SCC 291 (India).

results have been transformational from a country where 55% of mothers reported hitting their children weekly in the 1950s, to one where 86% of children born in the 1980s say they were never physically punished at all. Sweden's model rests on three pillars: a powerful independent Children's Ombudsman, a robust social care law, and a philosophy that prevention is always better than punishment.

B. THE BAROMBUDSMANEN - NATIONAL CHILDREN'S OMBUDSMAN ¹⁹

Established in 1993, the Barnombudsmannen is a government agency whose sole mandate is to protect and promote the rights of all children and young people in Sweden. It monitors all government agencies, schools, and local bodies to ensure compliance with the UN Convention on the Rights of the Child. It submits a full annual report to Parliament, proposes new laws, and has legal authority to summon any government body for questioning if it is failing children. Critically, it speaks directly to children through interviews and focus groups to ensure their real experiences influence policy.

C. SOCIAL SERVICES ACT AND LVU

Sweden's Social Services Act (1982) makes every local municipality responsible for the welfare of all children in its area. Social workers must investigate every reported case of a child at risk. The first approach is always voluntary support, counselling, parenting guidance, family therapy. The LVU (Care of Young Persons Act) operates as a last resort, allowing the state to protect a child even against the parents' wishes when the child is in serious danger. All LVU care orders require court approval, children removed from home are placed with trained foster families, and cases are reviewed every six months.

D. THE BARNAHUS MODEL

The Barnahus (Children's House)²⁰ is Sweden's most innovative contribution to child justice. Instead of requiring a child victim to visit a police station, then a hospital, then a court, retelling their trauma to strangers each time, the Barnahus brings police, doctors, prosecutors, and social workers together in one single, child-friendly place. The child tells their story only once. The Barnahus has since been adopted across all Nordic countries and is now recognised by the UN and WHO as international best practice.

E. RESULTS OF SWEDEN'S MODEL

Child deaths from family violence dropped from 18% of all child deaths in 1970 to near zero for a sustained period. Public support for hitting children fell from 53% in the 1970s to under 10% today. A 1998 comparative study found childhood physical abuse rates of 10.7% (men) and 8.2% (women) in the United States, compared

¹⁹ Barnombudsmannen (Children's Ombudsman), Annual Report to Swedish Parliament (2022), available at: <https://www.barnombudsmannen.se>

²⁰ Åsa Landberg and others, 'The Barnahus: A Scandinavian Model for Child-Friendly Justice' in Kathleen Kuehnle and Mary Connell (eds), *The Evaluation of Child Sexual Abuse Allegations* (Wiley 2009) 215.

to just 3.9% and 0% in Sweden. Over 60 countries have followed Sweden's lead, and the UN Committee on the Rights of the Child²¹ calls Sweden's model global best practice.

CRITICAL GAPS IN INDIA'S CHILD PROTECTION FRAMEWORK

NO BAN ON CORPORAL PUNISHMENT AT HOME: Unlike Sweden since 1979, India has no statutory prohibition on physical punishment of children within the home. While the RTE Act bans it in schools, children have no legal protection from violence by parents or guardians within the domestic sphere.

POCSO PENDENCY CRISIS: 89% of POCSO cases pending in courts is a systemic failure. Child victims wait years for justice without adequate support services or victim compensation.

WEAK MANDATORY REPORTING: India's mandatory reporting framework is almost entirely unenforced. Most professionals are unaware of their legal obligations, with no systematic training or accountability mechanism.

NO BARNAHUS-EQUIVALENT: Child abuse victims in India must narrate their trauma repeatedly before police, doctors, magistrates, and courts in separate settings. The absence of a single child-friendly inter-agency centre causes immense secondary trauma.

NCPCR LACKS INDEPENDENCE: India's child rights watchdog functions under the control of the ministry it is meant to hold accountable. Without constitutional status and genuine independence, it cannot effectively challenge government inaction.

RECOMMENDATIONS FOR REFORM

1. BAN CORPORAL PUNISHMENT AT HOME: Amend the Juvenile Justice Act to explicitly ban all physical punishment of children in every setting, including within the home.

2. STRENGTHEN NCPCR ON THE SWEDEN MODEL: Reconstitute NCPCR with constitutional status, genuine independence from executive control, and authority to refer matters directly to Parliament.

3. ESTABLISH BARNAHUS-MODEL CENTRES: Pilot child-friendly, inter-agency investigation and support centres in metropolitan areas so that child victims never have to repeat their trauma.

4. FAST-TRACK POCSO COURTS: Set a strict and enforceable six-month deadline for all POCSO cases, with dedicated judges trained in child-sensitive procedures and comprehensive victim support services.

²¹ UN Committee on the Rights of the Child, General Comment No. 13: The Right of the Child to Freedom from All Forms of Violence (2011) UN Doc CRC/C/GC/13.

5. PREVENTIVE PARENTING EDUCATION: Use India's existing network of 1.3 million ASHA workers and Anganwadi centres to deliver free, evidence-based parenting education to every family.

6. ENACT ANTI-TRAFFICKING LEGISLATION: Pass the long-pending Trafficking in Persons (Prevention, Care and Rehabilitation) Bill in its most comprehensive, rights-based form.

CONCLUSION

India's legal framework for child protection reflects decades of legislative endeavour, constitutional evolution, and judicial activism. The Constitution provides a strong normative foundation; statutes such as POCSO, the JJ Act, and the RTE Act articulate specific protections; and the Supreme Court has repeatedly stretched the law to fill legislative gaps. Yet the uncomfortable truth remains that millions of Indian children continue to be abused, exploited, and silenced, with little effective legal recourse.

Sweden's model offers India not a blueprint for wholesale transplantation, but a set of guiding principles: prevention is more powerful than punishment; children's voices must be embedded in governance through an independent ombudsman; families must be supported before they break; and every child, regardless of background, is a rights-bearing citizen to whom the state owes an active duty of protection.

India has the legislative foundation. What it requires now is political will, institutional strengthening, and a fundamental shift in philosophy from reacting to abuse after it has happened, to preventing it before it begins. The 472 million children of India are not just the country's future. They are the country's present. They deserve protection not tomorrow, not in the next policy cycle, but now.

