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# CHILDREN'S RIGHTS AND PROTECTION IN INDIA

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## I. ABSTRACT

*This paper are Children's rights and protection remain central concerns in India, where nearly one-third of the population consists of individuals under the age of 18. Safeguarding their rights is not only a moral obligation but also a constitutional mandate, reinforced by international commitments such as the United Nations Convention on the Rights of the Child (UNCRC), which India ratified in 1992. Despite existing frameworks, children in India continue to face multiple vulnerabilities, including child labour, child marriage, trafficking, abuse, and lack of access to quality education and healthcare. These challenges hinder their growth, development, and ability to live with dignity. And the Right to Education Act, which provide strong legal backing for children's rights. Initiatives such as ICDS (Integrated Child Development Services), mid-day meal schemes, and child helplines demonstrate efforts to ensure protection and welfare. However, gaps remain in terms of implementation, awareness, and accessibility, particularly in rural and marginalized communities. Issues like poverty, gender inequality, and lack of effective enforcement mechanisms further deepen the crisis of child protection. Strengthening child rights requires a multi-dimensional approach that combines legal enforcement, social awareness, community participation, and institutional support. There is also a need to integrate child-sensitive policies within broader development agendas to ensure holistic growth and equal opportunities for every child. Protecting children is not only about shielding them from exploitation and abuse but also about empowering them to thrive in safe, supportive environments. A comprehensive rights-based approach will ensure that children in India not only survive but also flourish, thereby laying the foundation for a more equitable and progressive society.*

## II. KEYWORDS

Child rights, Child protection, Children's rights in India, Constitutional safeguards, UNCRC, Child welfare legislation.

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### III. INTRODUCTION

In India, they account for nearly one-third of the population, making their welfare and protection a matter of critical importance.<sup>2</sup> Ensuring children's rights means not only safeguarding them from exploitation but also enabling their holistic growth through education, healthcare, and a nurturing environment. The idea of children's rights has gained increasing prominence in the past few decades, reflecting global efforts to treat children as individuals with distinct entitlements rather than passive dependents. The Indian Constitution guarantees several provisions for children.

While Article 24 restricts child work in dangerous jobs, Article 21A provides children aged six to fourteen the right to free and compulsory schooling<sup>3</sup>. The legal framework to guarantee child safety and justice has been strengthened by laws like the Protection of Children from Sexual Offences (POCSO) Act of 2012 and the Juvenile Justice (Care and Protection of Children) Act of 2015. In 1992, India stated its international commitment to uphold and advance the rights of children by approving the United Nations Convention on the Rights of the Child (UNCRC).

Despite these strong legal and policy measures, challenges remain daunting. Millions of children face child labour, early marriage, trafficking, and abuse. According to the National Crime Records Bureau, cases of crimes against children have been steadily rising, indicating systemic gaps in protection mechanisms<sup>5</sup>. Social inequality, poverty, and lack of awareness worsen the problem, particularly in rural areas. Addressing these concerns requires more than legislation it demands coordination between government institutions, non-governmental organizations, and local communities. Children must be seen not only as recipients of protection but also as rightful participants in society. Strengthening child rights in India is essential to building a more inclusive, just, and progressive future.

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<sup>2</sup> Census of India 2011, Population Composition Report.

<sup>3</sup> Constitution of India, Articles 21A and 24.

### **A. Research Objectives**

1. To examine the constitutional safeguards provided for children under the Constitution of India.
2. To analyse the major legislative mechanisms enacted for child protection, including the Juvenile Justice Act, POCSO Act, and RTE Act.
3. To evaluate the effectiveness of government schemes and institutional frameworks in protecting children's rights.
4. To identify existing gaps in implementation and enforcement of child protection laws in India.

### **B. Research Questions**

1. What constitutional provisions safeguard children's rights in India?
2. How effective are existing legislative frameworks in addressing child labour, trafficking, abuse, and exploitation?
3. What challenges hinder the proper implementation of child protection laws and policies?
4. How can institutional mechanisms be strengthened to ensure better enforcement of children's rights?

### **C. Research Hypotheses**

Despite comprehensive constitutional and legislative provisions, ineffective implementation significantly weakens child protection mechanisms in India.

Socio-economic factors such as poverty, gender inequality, and lack of awareness contribute substantially to violations of children's rights.

Strengthening institutional coordination and monitoring mechanisms can significantly improve child protection outcomes.

### **D. Research Methodology**

This research adopts a doctrinal and analytical research methodology. Primary sources include constitutional provisions, statutory enactments such as the Juvenile

Justice (Care and Protection of Children) Act, 2015, the Protection of Children from Sexual Offences Act, 2012, and the Right to Education Act, 2009. Secondary sources include reports of the National Crime Records Bureau (NCRB), government publications, policy documents, journal articles, and scholarly commentaries. The study critically analyses legal frameworks and evaluates their implementation through reported data and case-based references. The research is limited to the Indian legal framework and contemporary policy measures.

### **E. Literature Review**

Existing scholarship on child rights in India reflects a transition from a welfare-oriented approach to a rights-based framework following India's ratification of the United Nations Convention on the Rights of the Child (UNCRC) in 1992. Scholars have examined constitutional mandates under Articles 15(3), 21A, 24, and 39(e)-(f), highlighting the judiciary's proactive interpretation in expanding the scope of child protection. Studies on the Juvenile Justice Act and POCSO Act emphasize progressive legislative intent but reveal serious implementation gaps, particularly in rural and marginalized communities. Research on child labour and trafficking identifies poverty, lack of education, and weak enforcement as persistent structural barriers. While existing literature provides extensive doctrinal analysis, there remains a need for integrated evaluation of constitutional safeguards, legislative mechanisms, and institutional implementation—an area this study seeks to address.

## **IV. EVOLUTION OF CHILDREN'S RIGHTS AND THEIR PROTECTION**

The concept of children's rights in India has evolved significantly over time, transitioning from a welfare-based approach to a rights-based framework. However, post-independence India began recognizing children as individuals with specific rights, rooted in dignity, development, and participation. The Indian Constitution laid the foundational stone for child protection through Articles 15(3), 21A, 24, and 39(e)(f), mandating free education, protection from hazardous employment, and promotion of

their welfare<sup>4</sup>. The language surrounding rights changed from charity to entitlement after India ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1992. This international commitment created domestic laws like the Right of Children to Free and Compulsory Education Act of 2009, the Juvenile Justice (Care and Protection of Children) Act of 2015, and the Protection of Children from Sexual Offenses (POCSO) Act of 2012<sup>5</sup>.

Despite these progressive laws, children in India continue to face challenges such as child labour, trafficking, early marriage, and abuse. The need now is for implementation with sensitivity, child-friendly systems, and awareness at the grassroots level. The evolution of children's rights in India reflects a broader societal shift towards recognizing children as active rights holders. Ensuring their protection is not just a legal duty but a moral imperative to build a just and equitable society.

## V. LEGAL PROVISIONS FOR CHILDREN'S RIGHTS AND PROTECTION IN INDIA

India, as a signatory to the United Nations Convention on the Rights of the Child (UNCRC) since 1992, has developed a robust legal framework to safeguard the rights and well-being of children. The Indian Constitution, statutory laws, and judicial interpretations collectively ensure that children are protected from exploitation, neglect, and abuse, while also securing their rights to education, health, and development.

### 1. The Constitution of India:

- **ARTICLE 15(3):** Allows the State to make special provisions for children.
- **ARTICLE 21A:** Guarantees free and compulsory education to all children between the ages of 6 and 14.
- **ARTICLE 24:** Prohibits the employment of children below the age of 14 in hazardous occupations.

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<sup>4</sup> Constitution of India, Articles 15(3), 21A, 24, 39(e-f).

<sup>5</sup> Ministry of Women and Child Development, Government of India – POCSO Act, JJ Act, RTE Act.

- **ARTICLE 39(E) AND (F):** Directs the State to ensure that children are not abused and are given opportunities to develop in a healthy manner<sup>6</sup>.
- 2. **The Juvenile Justice (Care and Protection of Children) Act, 2015:** This law addresses children in conflict with the law and those in need of care and protection. It establishes Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs), and childcare institutions<sup>7</sup>.
- 3. **The Protection of Children from Sexual Offences (POCSO) Act, 2012:** A comprehensive law that criminalizes all forms of sexual abuse against children and provides child-friendly procedures for reporting and trial<sup>8</sup>.
- 4. **The Right of Children to Free and Compulsory Education (RTE) Act, 2009:** Ensures that every child between 6 to 14 years has access to free and compulsory education in a neighbourhood school<sup>9</sup>.
- 5. **The Child Labour (Prohibition and Regulation) Amendment Act, 2016:** Prohibits employment of children below 14 years in all occupations and adolescents (14–18 years) in hazardous occupations.
- 6. **Child line 1098:** A 24x7 emergency helpline for children in distress, operating under the Ministry of Women and Child Development.

## VI. MAJOR ISSUES AFFECTING CHILDREN IN INDIA

Children in India face a confluence of pressing challenges malnutrition, child labour, and child marriage that undermine their health, education, and future well-being. According to the National Family Health Survey-5 (2019–21), 23% of women aged 20–24 years were married before attaining the age of 18, reflecting a gradual decline over the decades but still indicating that nearly one in four young women experience early marriage. Child labour and trafficking continue to pose serious concerns across several states. As per recent reports of *Just Rights for Children (JRC)* (2024–25), nationwide rescue operations have identified a substantial number of children

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<sup>6</sup> Constitution of India.

<sup>7</sup> Ministry of Women and Child Development. (2015). *Juvenile Justice (Care and Protection of Children) Act*.

<sup>8</sup> Government of India. (2012). *POCSO Act*.

<sup>9</sup> Ministry of Education. (2009). *Right to Education Act*.

subjected to labour and trafficking, with states such as Telangana, Bihar, and Rajasthan reporting among the highest instances of rescue operations. These figures highlight persistent structural vulnerabilities including poverty, migration, and weak enforcement mechanisms.

Malnutrition further compounds these challenges. For instance, in Karnataka, significant levels of stunting, wasting, and anaemia among children under five indicate the continuing burden of undernutrition. The interlinkages between early marriage, child labour, trafficking, and malnutrition perpetuate cycles of deprivation. Addressing these concerns requires coordinated enforcement of child protection laws, strengthened rehabilitation frameworks, and sustained investment in education and nutrition programmes to ensure long-term child welfare and protection.

Across the country, Just Rights for Children and its partners facilitated the rescue of 53,651 child victims of trafficking and kidnapping in recent years, with 90 % of those working child labour in its harshest forms, including sexual exploitation. Deeply ingrained dietary defects increase these problems: in Karnataka, a combined burden of acute and chronic malnutrition is evident in the 35% stunted, 20% wasted, and 66% anemic children under five<sup>10</sup>. Malnutrition hinders cognitive and physical development, child labour puts at risk health and education, and early marriage cuts off education and imprisons girls in poverty, all of which contribute to a vicious cycle. Moreover, the stark contrast between rescue operations and rehabilitation efforts reveals systemic gaps nearly 70 % of rescued child labourers in certain districts have returned to work due to brittle rehabilitation mechanisms<sup>11</sup>. Addressing these overlapping challenges demands integrated policy interventions: strengthening rehabilitation and follow-up, enhancing nutritional programs, enforcing legal frameworks, and investing in education especially for girls—to disrupt the cycle of deprivation and ensure a protective environment where children can thrive.

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<sup>10</sup> Ministry of Women and Child Development, *Karnataka State Nutrition Profile*, 2024. Data sourced from Poshan Tracker and National Nutrition Monitoring Bureau.

<sup>11</sup> Save the Children India, *Back to Square One: Gaps in Child Labour Rehabilitation*, 2023.

## VII. GOVERNMENT INITIATIVES AND SCHEMES

India's government has undertaken a layered and strategic approach to safeguard children's well-being through a portfolio of critical schemes spanning nutrition, protection, education, and rehabilitation. The Integrated Child Development Services (ICDS), launched in 1975, remains the backbone delivering supplementary nutrition, preschool education, health check-ups, and immunizations to millions of children under six and women even today.

To modernize it, the program now integrates technology and broader support through the Poshan Abhiyaan (National Nutrition Mission), Pradhan Mantri Matru Vandana Yojana (PMMVY), Adolescent Girls Scheme, National Creche Scheme, and protection measures under the Anganwadi Services umbrella<sup>12</sup>. On the protection front, Mission Vatsalya, rebranded in 2021-22 from earlier ICPS, provides care and family-based alternatives for orphaned or vulnerable children, strengthening Child Welfare Committees, Juvenile Justice Boards, and supporting foster, sponsorship, and aftercare services. At the state level, Tripura's outreach via ICDS and Poshan Abhiyaan reached an estimated 229,000 children by July 2025, reinforcing nutritional and growth programs statewide.

Innovative educational restructuring is also evident: Uttar Pradesh has paired 10,827 under-enrolled primary schools with well-resourced host schools and converted vacant buildings into early childhood 'Bal Vatikas', broadening access to foundational learning. Together, these initiatives by converging health, nutrition, protection, and education forge a comprehensive ecosystem aimed at holistic child development. However, durable success hinges on enhanced funding, technological adoption, capacity building, and seamless integration across the national-state continuum to ensure every child benefits fully.

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<sup>12</sup> Ministry of Women and Child Development, Government of India. *Annual Report 2024–25*. Includes details on ICDS, Poshan Abhiyaan, PMMVY, Adolescent Girls Scheme, National Creche Scheme, Mission Vatsalya, and state-level innovations.

## VIII. TRAFFICKING AND MISSING CHILDRENS

Child trafficking and the alarming number of missing children pose a grave challenge to India's social fabric. According to the *National Crime Records Bureau (NCRB)*, 83,350 children were reported missing in 2022 across India. Of these, 80,561 children were traced or recovered during the year, reflecting a recovery rate of approximately 96.7%.<sup>1</sup> While the recovery rate appears substantially high, the absolute number of missing children remains a matter of grave concern, as even a small percentage of untraced children represents significant vulnerability to trafficking, forced labour, sexual exploitation, and other forms of abuse.

These figures underscore the continuing need for robust preventive mechanisms, inter-state coordination, and strengthened child protection systems.<sup>13</sup> Many of these children fall prey to traffickers who exploit them for forced labour, sexual abuse, begging, and illegal adoption. The root causes of trafficking are multifaceted, including poverty, lack of education, social inequality, and inadequate law enforcement mechanisms. Girls represent a significant portion of missing children, with states like Uttar Pradesh, Bihar, and West Bengal reporting high cases of trafficking linked to early marriages and gender discrimination<sup>14</sup>.

Despite laws such as the *Juvenile Justice (Care and Protection of Children) Act, 2015*, and the *Protection of Children from Sexual Offences (POCSO) Act, 2012*, enforcement remains inconsistent. Police and child welfare agencies often lack the training and resources necessary to tackle trafficking effectively<sup>15</sup>. To combat this, the Indian government launched initiatives such as the *Track Child Portal* and *Khoya-Paya* portal, which aim to digitally track missing children and reunite them with families. However, these systems face challenges like low public awareness and technological gaps in rural areas<sup>16</sup>.

NGOs such as *Bachpan Bachao Andolan* and *CRY* have rescued thousands of trafficked children and provided rehabilitation, but without systemic government

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<sup>13</sup> National Crime Records Bureau (NCRB), *Missing Children in India*, Ministry of Home Affairs, 2023.

<sup>14</sup> UNICEF India, *Child Trafficking and Child Marriage Report*, 2022.

<sup>15</sup> Ministry of Women and Child Development, *Implementation Report on Juvenile Justice Act*, 2023.

<sup>16</sup> Ministry of Home Affairs, *Track Child Portal and Khoya-Paya Initiatives Overview*, 2023.

support, the problem persists. In the end, child trafficking is a tragedy that results in the loss of youth and a violation of fundamental human rights, making it more than just a criminal problem. To protect India's children and secure their futures, stronger preventative measures, improved interagency coordination, community vigilance, and education are essential.

## IX. IMPACT OF INADEQUATE CHILDREN'S RIGHTS AND PROTECTION IN INDIA

The failure to adequately protect children's rights in India has far-reaching social, economic, and psychological impacts. Millions of children engaged in child labour are denied education, which perpetuates the cycle of poverty and limits India's future skilled workforce<sup>17</sup>. Exposure to abuse and exploitation causes long-term trauma, often resulting in mental health issues, impaired social development, and increased vulnerability to further victimization<sup>18</sup>.

Missing and trafficked children face loss of identity, disrupted family bonds, and severe exploitation that can scar them for life<sup>19</sup>. Additionally, high dropout rates and lack of access to quality education contribute to increased illiteracy, unemployment, and social inequality<sup>20</sup>. These challenges collectively hinder India's progress towards sustainable development and violate children's fundamental rights, underscoring the urgent need for stronger protection mechanisms and effective implementation of child welfare laws.

## X. SUGGESTIONS AND RECOMMENDATIONS

To ensure meaningful protection of children's rights, the following structured and evidence-based recommendations are proposed:

- 1. Legislative and Policy Strengthening:** Existing statutory frameworks such as the Juvenile Justice (Care and Protection of Children) Act, 2015, the Protection of Children from Sexual Offences Act, 2012, and the Child Labour (Prohibition

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<sup>17</sup> Census of India, 2011, *Child Labour Statistics*.

<sup>18</sup> UNICEF India, *Impact of Child Abuse and Exploitation*, 2022.

<sup>19</sup> National Crime Records Bureau (NCRB), *Missing Children Report*, 2023.

<sup>20</sup> Ministry of Education, *Annual Status of Education Report (ASER)*, 2022.

and Regulation) Amendment Act, 2016 require stricter and uniform enforcement across states. Periodic legislative review mechanisms should be institutionalised to address emerging challenges such as online exploitation and cross-border trafficking. Comparative best practices from jurisdictions adopting integrated child protection policies demonstrate that regular statutory audits enhance compliance and accountability.

2. **Strengthening Implementation and Monitoring Mechanisms:** Effective implementation remains the principal challenge. Dedicated monitoring cells at district and state levels should regularly evaluate the functioning of Child Welfare Committees (CWCs) and Juvenile Justice Boards (JJBs). Data integration through digital platforms such as TrackChild must be improved to ensure real-time inter-state coordination. Independent social audits and performance-based evaluation can strengthen transparency and reduce systemic gaps in rehabilitation and follow-up.
3. **Capacity Building and Institutional Training:** Police officers, prosecutors, judicial officers, and child welfare officials must undergo mandatory, periodic training in child-sensitive procedures. Research indicates that specialised training significantly improves victim-centric approaches and reduces secondary victimisation. Establishing child-friendly courts and strengthening forensic and counselling infrastructure will further enhance access to justice.
4. **Education and Socio-Economic Interventions:** Ensuring universal access to quality education, particularly for girls and children in rural and marginalised communities, remains central to preventing child labour and early marriage. Strengthening schemes such as Samagra Shiksha and nutrition-linked programmes can address root causes such as poverty and school dropout. Conditional cash transfers and scholarship programmes have demonstrated effectiveness in reducing child labour and child marriage in several developing jurisdictions.
5. **Community Participation and Awareness Initiatives:** Sustainable child protection requires community engagement. Nationwide awareness campaigns on child rights, reporting mechanisms (including Childline 1098),

and early warning systems at the village level can significantly improve detection and prevention. Collaboration with civil society organisations and local self-governments can strengthen grassroots vigilance and reporting.

- 6. Technological Integration and Data-Driven Governance:** Leveraging technology for predictive analytics, digital tracking of missing children, and online complaint mechanisms can improve rescue and rehabilitation efforts. A unified national child protection database, integrated with law enforcement and welfare agencies, would enhance coordination and evidence-based policymaking.

## **XI. CONCLUSION**

The protection of children's rights is not just a legal necessity but a moral and social imperative for any nation aspiring to achieve equitable growth and justice. In India, while considerable progress has been made through constitutional provisions, dedicated child protection laws, and various welfare schemes, the gap between policy and practice remains a major concern. Issues like child labour, trafficking, abuse, and denial of education continue to affect millions of children, especially those from marginalized communities. The lack of effective implementation, limited public awareness, and insufficient coordination among law enforcement, judiciary, and welfare agencies hinder real progress.

Children are among the most vulnerable members of society, and the consequences of failing to protect them are long-lasting not only for the individual but for the nation as a whole. A child who is denied protection, education, and a safe environment is more likely to fall into cycles of poverty, crime, or exploitation. Therefore, a proactive approach is needed one that combines strict law enforcement, quality education, digital tracking of missing children, and community involvement. The future of any country lies in the hands of its children. If we are to build a just, humane, and prosperous India, protecting the rights of every child must be at the heart of our national agenda. Every child deserves the right to develop in a secure, caring setting where their rights are respected and secured in practice rather than only

acknowledged on paper. Now is the moment to take action to prevent the loss of another childhood.

## **XII. REFERENCES**

### **A. International Instruments**

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

### **B. Constitutional Provisions**

1. Constitution of India 1950, arts 15(3), 21A, 24, 39(e)-(f).

### **C. Statutes**

1. Juvenile Justice (Care and Protection of Children) Act 2015.
2. Protection of Children from Sexual Offences Act 2012.
3. Right of Children to Free and Compulsory Education Act 2009.
4. Child Labour (Prohibition and Regulation) Amendment Act 2016.

### **D. Government Reports and Official Publications**

1. Ministry of Health and Family Welfare (Government of India), *National Family Health Survey (NFHS-5) 2019-21: India Fact Sheet* (International Institute for Population Sciences 2021).
2. National Crime Records Bureau, *Crime in India 2022* (Ministry of Home Affairs 2023) <https://ncrb.gov.in> accessed on 15 February 2026.
3. Just Rights for Children, *Annual Report 2024-25* (JRC 2025).

### **E. Policy Documents and Schemes**

1. Ministry of Women and Child Development, *Mission Vatsalya Guidelines* (Government of India 2022).
2. Ministry of Women and Child Development, *Integrated Child Development Services (ICDS) Scheme Guidelines* (Government of India).