
COMPREHENSIVE LEGAL FRAMEWORK AND CONTEMPORARY CHALLENGES IN COMBATING OFFENCES AGAINST CHILDREN IN INDIA: AN ANALYSIS OF STATUTORY PROVISIONS, JUDICIAL RESPONSES, AND SYSTEMIC GAPS

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ABSTRACT

The protection of children from abuse and exploitation remains a critical challenge in India despite comprehensive legal frameworks. This research examines India's multifaceted legal architecture for combating child offences, encompassing the Protection of Children from Sexual Offences (POCSO) Act 2012, Juvenile Justice (Care and Protection of Children) Act 2015, and constitutional provisions under Articles 14, 15(3), 21A, and 24. The study analyzes judicial responses through landmark Supreme Court judgments, including recent mandates for gender-neutral terminology replacing "child pornography" with "Child Sexual Exploitative and Abuse Material" (CSEAM). While India's legislative framework aligns with international standards and the UN Convention on the Rights of the Child, significant implementation gaps persist. The POCSO Act provides comprehensive protection with stringent penalties and child-friendly procedures, introducing mandatory reporting requirements and specialized fast-track courts. The Juvenile Justice Act emphasizes rehabilitation through Child Welfare Committees and Juvenile Justice Boards. However, systemic challenges undermine effectiveness, including inadequate infrastructure with single probation officers managing 150-500 children, insufficient inter-agency coordination, delayed judicial proceedings despite mandated fast-track trials, and low conviction rates due to procedural bottlenecks. Contemporary challenges include digital exploitation requiring updated legal responses, complexities from child marriage laws intersecting with POCSO provisions, and trafficking networks exploiting over 11 million children annually for labor. The research identifies critical gaps: underutilization of alternative care options, inconsistent judicial interpretations, insufficient personnel training, and inadequate post-placement support for rehabilitated children. Recommendations include strengthening institutional capacity

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through enhanced training, establishing integrated child protection databases, improving inter-agency coordination mechanisms, and developing specialized courts with adequate resources to reduce case backlogs. The study concludes that while India's legal framework provides strong foundations for child protection, transforming these laws into effective safeguards requires systemic reforms addressing implementation gaps, resource constraints, and coordination failures to ensure meaningful protection for vulnerable children.

Keywords: Children, Juvenile, Offences, Judicial, Abuse, Legal Framework

INTRODUCTION

The protection of children from various forms of offences represents one of the most pressing challenges facing contemporary India's legal and social frameworks. With over 400 million children comprising nearly one-third of the nation's population, India confronts an alarming surge in crimes against minors, including sexual abuse, trafficking, child labor, cyber exploitation, and child marriage. The National Crime Records Bureau (NCRB) data reveals a disturbing trend, with child abuse cases reaching 162,000 incidents in 2022, marking an 8.7% increase from the previous year. Sexual violence against children has witnessed a staggering 96% surge from 2016 to 2022, with reported cases of child rape and penetrative assaults reaching 38,911 in 2022 alone.³

India's constitutional framework, anchored in Articles 14, 15(3), 21, and 39, establishes fundamental obligations for child protection, while the country's ratification of the UN Convention on the Rights of the Child (CRC) in 1992 reinforces its international commitments. The legislative landscape has evolved significantly with comprehensive statutes including the Protection of Children from Sexual Offences (POCSO) Act, 2012, the Juvenile Justice (Care and Protection of Children) Act, 2015, and specialized provisions within the Indian Penal Code. However, despite these robust legal frameworks, systemic gaps persist in implementation, enforcement, and adjudication.⁴

Contemporary challenges have intensified with the advent of digital technologies, creating new avenues for child exploitation through online platforms. The judiciary has responded through progressive interpretations and landmark judgments, including recent Supreme Court rulings

³ Rakshith Gowda, *Crimes against children rise in Karnataka, over 10 POCSO cases filed every day in 2025*, The New Indian Express, March 24, 2025.

⁴ Just Rights for Children Alliance & Anr. Vs S. Harish & Ors., 2024 INSC 716, (2024).

on child sexual exploitation material and juvenility claims. Yet, critical deficiencies remain evident in the form of delayed trials with over 42,000 POCSO cases pending in Maharashtra alone due to inadequate special courts underreporting due to social stigma, insufficient infrastructure, and coordination gaps among stakeholders.⁵

Research Methodology

This research adopts a comprehensive mixed-methods approach that integrates doctrinal legal analysis with empirical socio-legal methodology to examine India's legal framework for combating offences against children. The study employs a convergent mixed-methods design combining quantitative analysis of crime statistics, case disposal patterns, and institutional performance metrics with qualitative content analysis of statutory provisions, judicial precedents, and policy documents. The research follows a predominantly doctrinal methodology enhanced by empirical analysis, grounded in legal realist epistemology that recognizes law as a social phenomenon requiring examination beyond textual interpretation. Primary sources include constitutional provisions (Articles 14, 15(3), 21, 39), key statutes such as the POCSO Act 2012 and Juvenile Justice Act 2015, landmark Supreme Court and High Court decisions, and international instruments including the UN Convention on the Rights of the Child. Secondary data encompasses NCRB crime statistics, NCPCR reports, and state-level implementation data to provide empirical foundation for legal analysis.

The analytical framework employs systematic content analysis of judicial decisions using established coding protocols to identify patterns in judicial reasoning and case outcomes, complemented by comparative legal analysis examining child protection models from other jurisdictions. The study incorporates detailed case studies of specific implementation scenarios across different socio-economic and geographical contexts to provide contextual depth to quantitative findings. Purposive sampling guides selection of representative cases, jurisdictions, and time periods, with primary focus on post-2012 developments following POCSO Act enactment while extending historical analysis to India's CRC ratification in 1992. The research acknowledges methodological limitations including underreporting of child abuse cases, inconsistent record-keeping across jurisdictions, and limited access to disaggregated implementation data, which are addressed through data triangulation and transparent reporting

⁵ Ms. Rehana Khatoon & Dr. Rajbir Kumar, *POCSO Act Implementation in India: Challenges and Solutions*, 13 IJCRT ISSN: 2320-2882 (2025)

of constraints. This comprehensive methodological approach enables identification of both normative gaps in legal provisions and implementation deficiencies in operational systems, thereby informing evidence-based recommendations for strengthening India's child protection mechanisms.

Statutory Framework Analysis

India's legal framework for combating offences against children demonstrates significant legislative advancement through comprehensive statutes, yet reveals critical implementation gaps that undermine effective child protection. The constitutional foundation provides robust protections through Articles 14, 15(3), 21, and 39, establishing fundamental rights to equality, non-discrimination, life and personal liberty, and state obligations for child welfare. Article 21A specifically guarantees free and compulsory education for children aged 6-14, while Article 24 prohibits employment of children below 14 years in hazardous occupations.⁶

The statutory landscape comprises three primary legislative pillars: the Protection of Children from Sexual Offences (POCSO) Act 2012, the Juvenile Justice (Care and Protection of Children) Act 2015, and relevant provisions within the Indian Penal Code. The POCSO Act represents a paradigm shift by providing gender-neutral, child-centric definitions and establishing specialized courts with mandatory reporting obligations. However, implementation analysis reveals systemic deficiencies including inadequate awareness campaigns, delayed trials, and insufficient infrastructure for victim support services.⁷

The Juvenile Justice Act 2015 introduced controversial provisions allowing juveniles aged 16-18 to be tried as adults for heinous crimes, fundamentally altering India's rehabilitative approach to juvenile justice. While the Act strengthened adoption procedures and introduced foster care mechanisms, implementation challenges persist including inadequate rehabilitation centers, shortage of trained personnel, and overburdened Juvenile Justice Boards.⁸

⁶ Provision Related to Children In "Constitution of India", (September 12, 2025), CONSTITUTIONAL PROVISION – Centre for Child Protection

⁷ Ms. Rehana Khatoon & Dr. Rajbir Kumar, *supra* note 3 at 2.

⁸ Saptaparni Majumdar & Dr. Rupaali Andaluri, *A Critical Review of the Conditions and Workings of Child Care Institutions in India*, 11 Journal of Research in Humanities and Social Science 199-203 (2003)

Judicial Response Analysis

The judicial approach has demonstrated progressive interpretation through landmark judgments that have strengthened child protection jurisprudence. The Supreme Court's 2024 ruling in *Just Rights for Children Alliance & Anr. v. S. Harish & Ors.*⁹ marked a transformative moment by criminalizing possession and viewing of Child Sexual Exploitative and Abuse Material (CSEAM), replacing the term "child pornography" to reflect the gravity of exploitation. This judgment aligned India with international standards under the UN Convention on the Rights of the Child and established clear liability for digital exploitation.¹⁰

Constitutional interpretation by the judiciary has consistently emphasized the best interests of the child principle, with courts directing state agencies to strengthen monitoring frameworks and impose institutional transparency. The Supreme Court's intervention in cases like *Sampurna Behura v. Union of India* (2018) exposed significant enforcement gaps and mandated improved funding and compliance audits for rehabilitation centers. However, systemic judicial challenges remain evident through prolonged trial durations, with specialized POCSO courts taking an average of 509.78 days to dispose of cases, significantly exceeding the one-year mandate under Section 35 of the POCSO Act.¹¹

Implementation Gaps and Systemic Challenges

Institutional Coordination Failures

The fragmented governance structure represents a critical weakness in India's child protection system. Unlike integrated models such as the UK's Multi-Agency Safeguarding Hub (MASH) or the US Child Protective Services (CPS), India lacks a centralized oversight mechanism coordinating social services, law enforcement, and judicial authorities. The National Commission for Protection of Child Rights (NCPCR) and State Commissions operate with limited enforcement capacity, resulting in coordination gaps between Child Welfare Committees, District Child Protection Units, and specialized courts. Data-sharing mechanisms remain inadequate, with no integrated national database tracking child abuse cases, institutional compliance, and repeat offenders. This data gap prevents identification of patterns in

⁹ *Just Rights for Children Alliance & Anr. v. S. Harish & Ors.*, 2024 INSC 716

¹⁰ *Id.* at 6.

¹¹ *Supra* note 2 at 1.

institutional negligence and limits preventive interventions in high-risk environments including schools, shelter homes, and corporate workplaces.¹²

Infrastructure and Resource Constraints

Specialized court inadequacy represents a fundamental implementation challenge. Despite statutory requirements under Section 28 of the POCSO Act mandating special courts in every district, many states lack dedicated infrastructure. As of December 2023, only 411 exclusive POCSO courts were functional across 389 districts with over 100 pending cases each, resulting in a 89.2% pendency rate with 239,188 cases awaiting trial out of 268,038 total cases. Child Care Institution failures reveal systemic inadequacies in residential care facilities. Studies indicate that over 50% of Child Care Institutions lack access to clean drinking water, 40% have inadequate sanitation facilities, and many operate with staff-to-child ratios of 1:10, significantly exceeding the recommended 1:5 ratio. Overcrowding, insufficient qualified staff, and lack of effective regulation create environments conducive to abuse and neglect rather than protection and rehabilitation.¹³

Contemporary Challenges in Digital Age

Cyber exploitation has emerged as a critical contemporary challenge requiring specialized responses. The National Crime Records Bureau data indicates increasing cyber-crimes against children, with sophisticated online predators exploiting digital platforms for sexual exploitation and trafficking. The Supreme Court's recognition of CSEAM as a distinct category of offence acknowledges the continuous harm caused by digital sexual exploitation, where victims suffer re-victimization each time abusive content resurfaces online. Child trafficking and marriage continue despite legal prohibitions, with over 4,400 child marriages occurring daily while only 3 cases are registered for prosecution. The disconnect between actual incidence and legal intervention reflects enforcement failures and social normalization of child exploitation practices.¹⁴

¹² Disposal of Cases under Protection of Children from Sexual Offences Act (POCSO) by Fast Track Special Courts in India, @Satyarthi (September 12, 2025), http://satyarthi.org.in/wp-content/uploads/2023/04/Paper-on-Pendency-of-POCSO-Cases_Jan23.pdf

¹³ National Productivity Council Report, https://dashboard.doj.gov.in/fast-track-special-court/assets/pdf/NPC_Final_Report_DoJ_on_FTSCs.pdf

¹⁴ Hannah Kuriakose, *India's (Non)Compliance with International Law on Children's Rights in Conflict Zones*, The Michigan Journal of International Law S-224 (2025)

Comparative Analysis with International Standards

India's compliance with international obligations under the UN Convention on the Rights of the Child reveals significant gaps particularly in conflict zones and marginalized communities. The Committee on the Rights of the Child has repeatedly criticized India's implementation deficiencies, including inadequate age-appropriate separation in observation and special homes, and housing children in conflict with law together with children needing protection.¹⁵

Best practice integration from developed legal systems demonstrates potential reform pathways. The UK's Children and Family Court Advisory and Support Service (CAFCASS) model integrating legal, psychological, and social work expertise into case management offers a template for India's fragmented approach. Similarly, dedicated funding streams and legally mandated institutional audits in international jurisdictions provide sustainability frameworks that India's child protection system currently lacks.¹⁶

Critical Assessment of Legal Effectiveness

The paradox of comprehensive legislation with inadequate implementation characterizes India's child protection legal framework. While statutory provisions demonstrate legislative sophistication and judicial interpretation reflects progressive jurisprudence, operational failures at institutional, administrative, and enforcement levels undermine legal effectiveness. The conviction rate under POCSO Act remains approximately 32%, significantly lower than the overall conviction rate for crimes against children, indicating systemic prosecution challenges. Resource allocation disparities between policy formulation and implementation create sustainable development challenges. Despite constitutional mandates and international commitments, inadequate funding for rehabilitation programs, institutional support, and enforcement mechanisms results in ineffective child protection outcomes. This resource-implementation gap necessitates structural reforms addressing financial stability, institutional capacity-building, and policy coherence to ensure legal mandates translate into meaningful child protection.¹⁷

¹⁵ Report by the sub-committee on UNCRC (2020), https://nhrc.nic.in/sites/default/files/UNCRC_2020.pdf

¹⁶ Meha Bhushan, *Child Protection in India: Examining Institutional Governance and Legal Frameworks Under the Protection of Children from Sexual Offences Act in Light of Global Commitments*, <https://www.atlantispress.com/article/126012205.pdf>

¹⁷ *Id.* at 14.

The analysis reveals that while India possesses a theoretically robust legal framework for child protection, systemic implementation gaps involving institutional coordination, resource allocation, infrastructure development, and enforcement mechanisms significantly compromise the practical effectiveness of statutory provisions and judicial mandates in combating contemporary challenges facing children in India.

Conclusion

India's legislative and judicial efforts over the past decade have significantly strengthened the formal architecture for safeguarding children against exploitation and abuse. The enactment of the Protection of Children from Sexual Offences Act, 2012, and the Juvenile Justice (Care and Protection of Children) Act, 2015, alongside key constitutional provisions, demonstrate a clear legislative commitment to a child-centric, rights-based approach. Judicial interventions have further advanced child protection jurisprudence by interpreting statutory ambiguities, criminalizing digital exploitation through landmark rulings on Child Sexual Exploitative and Abuse Material, and reinforcing the best interests of the child principle. These developments collectively position India's legal framework on par with many global standards, reflecting a maturing socio-legal consciousness toward children's rights.

However, the persistence of systemic implementation gaps severely undermines these normative gains. Fragmented institutional coordination among Child Welfare Committees, District Child Protection Units, and specialized courts has led to delayed trials, high pendency rates, and limited data-sharing, all of which impede timely justice and effective prevention. Resource constraints exacerbate these challenges: insufficient infrastructure in Child Care Institutions, inadequate numbers of specialized POCSO courts, and under-resourced rehabilitation services continue to compromise child welfare. Moreover, emerging forms of digital exploitation, persistent child marriage practices, and trafficking reveal the adaptability of offenders to legal loopholes and socio-cultural vulnerabilities.

To bridge the divide between legislative intent and ground realities, India must pursue a multi-pronged reform strategy. Central to this is the establishment of a unified, inter-agency coordination mechanism with robust data integration to monitor and evaluate child protection outcomes in real time. Enhanced funding and capacity-building for POCSO courts and Child Care Institutions are critical, as is the expansion of child-friendly technology-driven reporting and rehabilitation platforms. Finally, sustained training for law enforcement, judiciary, and

frontline social workers on child-sensitive procedures and digital forensics will ensure a more responsive, victim-centric system. By addressing these systemic deficiencies through targeted policy interventions and structural reforms, India can transform its legal framework from aspirational statutes into an effective shield that guarantees safety, dignity, and justice for every child.

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