ROLE OF THE CRIMINAL JUSTICE SYSTEM IN PROTECTING CHILD VICTIMS OF CRIME IN INDIA

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ABSTRACT

Among the most susceptible victims of crime are children. It is anticipated that the criminal justice system in India will secure justice and rehabilitation, protect them from abuse, and shield them from additional trauma during the investigation and trial. This obligation begins with the Constitution. Article 39(e) and (f) direct the State to protect children from abuse and exploitation, Article 21A guaranties education, Article 15(3) permits special provisions for children, and Article 21 has been interpreted to include a child's right to dignity and a safe childhood. The Protection of Children from Sexual Offenses (POCSO) Act, 2012[1], which defines a child as any individual under the age of eighteen, serves as the main legal framework. In addition to recognizing penetrative and aggravated sexual assault, sexual assault, and sexual harassment as separate offenses, it offers mandatory reporting, child-friendly statement recording, designated Special Courts, in-camera trials, identity protection for children, and support person assistance. In addition to the Prohibition of Child Marriage Act, 2006[2], the Child and Adolescent Labor (Prohibition and Regulation) Act, 1986[3], and the Commissions for Protection of Child Rights Act, 2005[4], which established the NCPCR and State Commissions to oversee implementation, ș[5] offers additional protection for children in need of care and protection. Substantial and procedural protections for child victims are added by the Bharatiya Nyaya Sanhita, 2023 the Bharatiya Nyaya Sanhita, 2023[6] and the Bharatiya Nagarik Suraksha Sanhita, 2023[7], which superseded the Indian Penal Code and the Code of Criminal Procedure. Through rulings like Sakshi v. Union of India[8], which permitted testimony to be recorded in a way that spared young witnesses from direct confrontation with the accused, the judiciary has reinforced these protections. Other rulings have addressed the definition of

[1] The Protection of Children from Sexual Offenses (POCSO) Act, 2012
[2] to the Prohibition of Child Marriage Act, 2006
[3] the Child and Adolescent Labor (Prohibition and Regulation) Act, 1986
[4] the Commissions for Protection of Child Rights Act, 2005
[5] the Juvenile Justice (Care and Protection of Children) Act, 2015
[6]
[7] Bharatiya Nagarik Suraksha Sanhita, 2023
[8] Sakshi v. Union of India

"sexual intent" under POCSO, the age of consent, and compensation. Despite this, there are still issues with the system, such as low conviction rates, insensitive police and court handling, underreporting, delays in investigations and trials, and insufficient rehabilitation and compensation. The constitutional and legal framework, the functions of the police, Special Courts, Child Welfare Committees, and child protection organizations, as well as the role of court rulings, are all examined in this abstract. It comes to the conclusion that, in addition to the law itself, the protection of child victims depends on its effective implementation. It makes the case for quicker trials, more efficient victim compensation, improved police and judicial training, and improved coordination between all relevant institutions.

INTRODUCTION

Every child should feel safe as they grow up, but crime destroys that feeling for far too many. When a child is sexually abused, trafficked, exploited, or subjected to violence, the damage seldom stops with the event. It can subtly change how they develop relationships well into adulthood, how well they do in school, and how they trust others. The criminal justice system in India has a special duty to protect children, who make up a sizable portion of the population and are frequently harmed by people they know and trust. The foundation is laid by the Constitution: Article 21 guaranties life with dignity, Article 15(3) permits the State to make special provisions for children, and Articles 39(e) and 39(f) direct the State to ensure that children are not abused and are given opportunities to develop in conditions of freedom and dignity. Building on this, Parliament passed the Protection of Children from Sexual Offenses (POCSO) Act, 2012[9], which acknowledges a variety of sexual offenses against children and, in contrast to previous legislation, places a high priority on the child's comfort. Sections 19 and 21 mandate reporting, Section 24 mandates that a woman police officer in plain clothes record statements at the child's home or another location of their choosing, and Section 28 establishes Special Courts. According to Sections 33 and 35, these courts must conduct trials in camera, make sure that the child is asked questions by the court rather than by the defense, refrain from repeatedly calling the child to testify, and finish the trial within a year. The child's identity is shielded from the media by Section 23. Sections 33(8) and 39 of the Act also provide for compensation, legal aid, and support personnel, illustrating the notion that justice does not conclude with a verdict. While the Bharatiya Nyaya Sanhita and the Bharatiya Nagarik

[9] Passed the Protection of Children from Sexual Offenses (POCSO) Act, 2012

Suraksha Sanhita, 2023[10], which replaced the IPC and CrPC, retain and strengthen provisions on offenses against children and victimsensitive procedure, the Juvenile Justice (Care and Protection of Children) Act, 2015 [11]adds a framework of Child Welfare Committees, shelter, and rehabilitation for children in need of care and protection. Through significant decisions, the judiciary has strengthened this protection. The Supreme Court permitted the use of screens and video-linked testimony in Sakshi v. Union of India (2004)[12], allowing child victims to avoid confronting the accused. The dehumanizing "twofinger test" was ruled to be a violation of the victim's dignity in Lillu v. State of Haryana (2013)[13]. In the 2017 case of Independent Thought v. Union of India, the rape law's marital exception was read down to protect girls under the age of eighteen. It was reaffirmed in Nipun Saxena v. Union of India (2018) [14]that child victims' identities should never be revealed. However, this ideal is still not fully realized in reality. There are many POCSO cases that are still pending, Special Courts are overworked, police and prosecutors are not always equipped to handle children, and rehabilitation and compensation frequently take a long time or never get to the family. Despite the promise of the law, reporting is still discouraged by social stigma, fear of the accused, and pressure from family members, particularly when the offender is a family member. Additionally, many children encounter intimidating courtrooms. Because it asks whether the criminal justice system actually fulfills its constitutional promise and provides every child with a genuine opportunity to recover, develop, and regain trust, analyzing the role of the criminal justice system in protecting child victims of crime in India is not only a legal but also a profoundly human inquiry.

SCOPE OF THE STUDY

This study tracks the child's journey through reporting and FIR registration, investigation and medical examination, statement recording, trial, rehabilitation, and compensation in order to investigate how India's criminal justice system protects children who are victims of crime. Its main concern is whether these phases are kid-friendly or result in secondary victimization due to insensitive court procedures, prolonged interrogation, or delays. It focuses mostly on the POCSO Act, 2012[15] and addresses child labor, child marriage, sexual offenses, and trafficking. Police, POCSO Special Courts, Special Public Prosecutors, Child Welfare Committees,

[10] Bharatiya Nagarik Suraksha Sanhita, 2023
[11] the Juvenile Justice (Care and Protection of Children) Act, 2015
[12] Sakshi v. Union of India (2004)
[13] Lillu v. State of Haryana (2013)
[14] Nipun Saxena v. Union of India (2018)
[15] POCSO Act, 2012

NCPCR, and State Commissions are all included in the study. Articles 15(3), 21, 21A, 23, 24, and 39(e)-(f) of the Constitution; POCSO [16](with the 2019 amendment); the Bharatiya Nyaya Sanhita, 2023[17], and Bharatiya Nagarik Suraksha Sanhita, 2023[18]; the Juvenile Justice Act, 2015[19]; related laws on child marriage, labor, and trafficking; and the UN Convention on the Rights of the Child. Child witness testimony, age determination, and compensation are examined in court rulings like

Sakshi v. Union of India, Bachpan Bachao Andolan v. Union of India[20], and Independent Thought v. Union of India. The study's temporal scope spans from 2012 to the present, and its territorial scope encompasses all of India, with state-level variations noted. Based on statutes, case law, committee reports, and NCRB data, the methodology is doctrinal. The study does not include any empirical fieldwork and does not include children in conflict with the law (apart from a brief comparison) or civil and family law remedies.

OBJECTIVES OF THE STUDY

1. To review India's constitutional, statutory, and international legal framework for safeguarding children who are victims of crime, including Articles 15(3), 21, 21A, 23, 24, and 39(e)-(f); the

POCSO Act, 2012[21]; the Bharatiya Nyaya Sanhita, 2023; the Bharatiya Nagarik Suraksha Sanhita, 2023; the Juvenile Justice Act, 2015; and the UN Convention on the Rights of the Child.

2. To examine how each step of the process—from reporting and investigation to trial and rehabilitation—is handled by the police, Special Public Prosecutors, POCSO Special Courts, Child Welfare Committees, the NCPCR, and State Commissions.

3. To analyze court rulings like Sakshi v. Union of India, Bachpan Bachao Andolan v. Union of India, and Independent Thought v. Union of India and gage the extent to which the

[16] Articles 15(3), 21, 21A, 23, 24, and 39(e)-(f) of the Constitution; POCSO
[17] Bharatiya Nyaya Sanhita, 2023
[18] Bharatiya Nagarik Suraksha Sanhita, 2023
[19] the Juvenile Justice Act, 2015
[20] Bachpan Bachao Andolan v. Union of India
[21] Articles 15(3), 21, 21A, 23, 24, and 39(e)-(f); the POCSO Act, 2012

courts have improved victim compensation, child witness testimony, and child-friendly procedures.

4. To pinpoint legal and procedural flaws that lead to secondary victimization and to recommend changes for a more efficient, kid-friendly criminal justice system.

RESEARCH GAPS

The majority of the literature currently available on child protection in India focuses on the NCRB's crime statistics and the substantive provisions of the POCSO Act, 2012, especially its penal provisions and the 2019 amendment. The entire criminal justice system from the child's point of view—from filing a formal complaint and receiving a medical examination to going to trial and receiving rehabilitation—has received far less attention. Research frequently looks at specific organizations or phases in isolation, like the police, Special Courts, or compensation, without evaluating how a lack of coordination between them leads to secondary victimization. Even though important rulings like Sakshi v. Union of India[22], Bachpan Bachao Andolan v. Union of India, and Independent Thought v. Union of India are widely discussed, little research has been done on the gap between judicial directives and how they are actually carried out in various states, such as when it comes to the availability of Special Courts, kid-friendly courtrooms, qualified support staff, and victim compensation programs. The Bharatiya Nyaya Sanhita, 2023, and the Bharatiya Nagarik Suraksha Sanhita, 2023[23], which replaced the IPC and CrPC, have also made it necessary to conduct new doctrinal research on how the new criminal codes interact with POCSO and impact child victims. Furthermore, current research on child victims is frequently dispersed across sexual offenses, child marriage, trafficking, and labor, and it seldom provides a cohesive legal evaluation. Through an integrated doctrinal analysis of the framework, institutions, and case law, this study aims to close these gaps and offer workable reforms.

LITERATURE REVIEW[24]

Four themes can be identified in the literature on child victims of crime in India: international standards, institutional and policy reports, judicial developments, and statutory and doctrinal

[22] Sakshi v. Union of India
[23] Bharatiya Nagarik Suraksha Sanhita, 2023
[24] 84th Report (1980)

commentary.

1. Writing that is doctrinal and statutory

Prior to the establishment of POCSO, early law reform organizations recognized the shortcomings of the criminal justice system for child victims. In its 84th Report (1980) [24]and 172nd Report (2000)[25] on rape and related offenses, the Law Commission of India suggested more sensitive trial procedures and broader definitions of sexual offenses. Later, the Justice J.S. Verma Committee Report (2013) [26]emphasized police accountability and the necessity of childsensitive investigations. The 2019 amendment and the penal provisions of the POCSO Act, 2012 are primarily explained in commentary, with less focus on the practical application of the procedural safeguards. The Act's impact on adolescent relationships is still up for debate, according to the 283rd Law Commission Report (2023)[27] on the age of consent under POCSO. Although it focuses on children in conflict with the law rather than child victims, Ved Kumari's work on the juvenile justice system traces India's transition from a welfare to a rights-based approach.

2. Advances in the judiciary

A key component of child protection has been case law. Sakshi v. Union of India (2004) 5 SCC 518 established protections like child witness screens. Trafficking and exploitation were discussed in Bachpan Bachao Andolan v. Union of India (2011) 5 SCC[28] In order to protect girls under the age of eighteen, Independent Thought v. Union of India (2017) 10 SCC 800 read down the marital exception in rape law. The victims' identities were protected in Nipun Saxena v. Union of India (2019) 2 SCC 703, and the "skin-to-skin contact" interpretation of sexual assault was rejected in Attorney General for India v. Satish (2022) 5 SCC 545. Few studies evaluate how consistently subordinate courts follow these rulings; instead, scholarship primarily examines these rulings on a case-by-case basis.

3. Reports on institutions and policies Human Rights Watch's Breaking the Silence

Child Sexual Abuse in India (2013)[29], the Ministry of Women and Child Development's Study

[25] 172nd Report (2000)
[26] J.S. Verma Committee Report (2013)
[27] 283rd Law Commission Report (2023)
[28] Bachpan Bachao Andolan v. Union of India (2011) 5 SCC
[29] Child Sexual Abuse in India (2013)

on Child Abuse: India (2007),[30] and reports from the NCPCR and NCRB all detail the extent of crimes, delays, low conviction rates, and the dearth of child-friendly spaces and support personnel. Pendency and inconsistent implementation across states have also been brought to light by research conducted by academic institutions and civil society organizations on the operation of POCSO Special Courts. These sources are useful, but they are primarily descriptive or data-driven and typically focus on a single institution or stage at a time.

4. Global norms

The UN Guidelines on Justice in Matters Involving Child Victims and Witnesses (ECOSOC Res. 2005/20)[31] and the UN Convention on the Rights of the Child (1989)[32] establish standards for child-friendly justice, such as the child's rights to reparation, protection from secondary victimization, and a hearing. These standards are mentioned in Indian writing, but they are rarely used in a systematic way to gage domestic practice.

LEGAL FRAMEWORK IN INDIA

1. Constitutional provisions

The Constitution gives children both protection and a special status. Article 15(3) permits the State to make special laws for children, and Article 21 guarantees life and personal liberty, which courts read to include dignity, privacy, and freedom from exploitation. Article 21A provides free and compulsory education for children aged 6 to 14, Article 23 prohibits trafficking and forced labour, and Article 24 bars the employment of children below 14 in hazardous work. The Directive Principles in Articles 39(e)-(f) and 45 direct the State to protect children from abuse and exploitation and to ensure their healthy development and early childhood care.

2. Protection of Children from Sexual Offences Act, 2012

POCSO is the central statute. It defines a child as any person below 18 and creates gender neutral offences of penetrative sexual assault, sexual assault, sexual harassment, and use of children for pornography, with aggravated forms where the abuser is in a position of authority

[30] Ministry of Women and Child Development's Study on Child Abuse: India (2007),
[31] The UN Guidelines on Justice in Matters Involving Child Victims and Witnesses (ECOSOC Res. 2005/20)
[32] UN Convention on the Rights of the Child (1989)

or trust. It also lays down child-friendly procedure: mandatory reporting (s. 19), recording of the child's statement at the child's residence or a place of choice by a woman officer not in uniform (s. 24), Special Courts and Special Public Prosecutors (ss. 28 and 32), in-camera trial, protection of the child's identity, a bar on the child coming face to face with the accused, and completion of the trial within one year (ss. 33 to 37). The Act presumes guilt for certain offences (s. 29). The 2019 amendment enhanced punishments, including the death penalty for aggravated penetrative sexual assault, and the POCSO Rules, 2020[33] provide for support persons and interim compensation.

3. General criminal law and procedure

The Bharatiya Nyaya Sanhita, 2023[34] (replacing the IPC) penalises rape and other offences against children, kidnapping, trafficking, and the procuring or selling of minors. The Bharatiya Nagarik Suraksha Sanhita, 2023 The Bharatiya Nagarik Suraksha Sanhita, 2023[35] (replacing the CrPC) governs registration of FIRs, recording of statements before a Magistrate, trial procedure, and victim compensation. POCSO overrides other laws to the extent of any inconsistency, so how these new codes interact with POCSO forms an important part of this study.

4. Allied child-protection laws

Several other statutes protect children against particular forms of harm. The Juvenile Justice (Care and Protection of Children) Act, 2015 [36]provides for the care, protection, and rehabilitation of children in need of care and protection through Child Welfare Committees and child care institutions. The Prohibition of Child Marriage Act, 2006 deals with child marriage, and the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986[37], as amended in 2016, regulates child labour. Trafficking and bondage are addressed by the Immoral Traffic (Prevention) Act, 1956 and the Bonded Labour System (Abolition) Act, 1976[38], while section 67B of the Information Technology Act, 2000[39] penalises child sexual abuse material.

[33] The POCSO Rules, 2020
[34] The Bharatiya Nyaya Sanhita, 2023
[35] The Bharatiya Nagarik Suraksha Sanhita, 2023
[36] Juvenile Justice (Care and Protection of Children) Act, 2015
[37] the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
[38] Immoral Traffic (Prevention) Act, 1956 and the Bonded Labour System (Abolition) Act, 1976
[39] section 67B of the Information Technology Act, 2000

5. Institutional framework

The Commissions for Protection of Child Rights Act, 2005[40] created the National Commission for Protection of Child Rights and State Commissions, which monitor the implementation of child rights laws, including POCSO, and can inquire into violations. Together with Special

Juvenile Police Units, Special Courts, Child Welfare Committees, and District Child Protection Units, these bodies form the machinery that carries the legal framework into practice.

6. International obligations

India ratified the UN Convention on the Rights of the Child in 1992 and acceded to its Optional Protocols on the sale of children and on children in armed conflict in 2005. Related standards include the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses (2005)[41], the Palermo Protocol on trafficking, and ILO Conventions 138 and 182 on child labour[42]. These instruments guide the interpretation of domestic law and serve as benchmarks against which this study measures Indian practice.

7. Judicial contribution

Courts have filled gaps in the statutory framework. Sakshi v. Union of Ind[43]ia laid down safeguards for child witnesses, Bachpan Bachao Andolan v. Union of India addressed trafficking and exploitation, Independent Thought v. Union of India read down the marital exception for girls under 18, Nipun Saxena v. Union of India [44]protected the identity of victims, and Attorney General for India v. Satish clarified the meaning of "touch" in sexual assault. Together, these decisions show how judicial directions have extended statutory protection to child victims.

CASE STUDY

1. Sakshi v. Union of India (2004) 5 SCC 518[45]

Facts and issue: The NGO Sakshi filed a public interest petition asking the Supreme Court to

[40] The Commissions for Protection of Child Rights Act, 2005
[41] UN Guidelines on Justice in Matters Involving Child Victims and Witnesses (2005)
[42] ILO Conventions 138 and 182 on child labour
[43] Sakshi v. Union of Ind
[44] Nipun Saxena v. Union of India
[45] Sakshi v. Union of India (2004) 5 SCC 518

widen the definition of "sexual intercourse" in the rape provision of the IPC to cover other forms of penetration, and to make trials less traumatic for child victims. Held: The Court declined to rewrite the definition, which it left to Parliament, but it issued binding directions for the recording of evidence of child victims of sexual abuse. These included screens or other arrangements so the child does not see the accused, putting questions to the child through the presiding judge, and allowing breaks during testimony. Significance: The case is the foundation of child-friendly trial procedure in India. Many of its directions were later written into POCSO.

2. Bachpan Bachao Andolan v. Union of India (2011) 5 SCC 1[46]

Facts and issue: The petition exposed the trafficking of young children, many from poor and border regions, for work and exploitation in circuses. The question was how far the State must act under Articles 21, 23, and 24 to prevent it. Held: The Court directed that children not be employed in circuses and issued guidelines for rescue, repatriation, and rehabilitation. Significance: The case shows the Court treating trafficking as a violation of fundamental rights and shifting attention from punishing offenders to rescuing and rehabilitating children.

3. Independent Thought v. Union of India (2017) 10 SCC 800[47]

Facts and issue: Exception 2 to the IPC rape provision allowed sexual intercourse with a wife aged 15 to 18, which conflicted with POCSO, the Prohibition of Child Marriage Act, and the Juvenile Justice Act, all of which treat a person under 18 as a child. Held: The Court read down the exception so that intercourse with a wife below 18 is rape. It relied on Articles 14, 15(3), and 21 and on India's obligations under the UN Convention on the Rights of the Child. Significance: The case shows the Court harmonising conflicting laws in favour of the child and giving constitutional weight to the "best interests of the child" principle.

4. Nipun Saxena v. Union of India (2019) 2 SCC 703[48]

Facts and issue: The petition concerned disclosure of the identity of victims of sexual offences in the press and on social media. Held: The Court held that a victim's name or any information that could identify them must not be published, even where the victim is dead or of unsound mind, and it extended this protection to child victims under POCSO and the Juvenile Justice

[46] Bachpan Bachao Andolan v. Union of India (2011) 5 SCC 1
[47] Independent Thought v. Union of India (2017) 10 SCC 800
[48] Nipun Saxena v. Union of India (2019) 2 SCC 703

Act. Significance: The case protects the dignity and privacy of child victims and prevents the secondary victimisation that follows public exposure.

5. Attorney General for India v. Satish (2022) 5 SCC 545[49]

Facts and issue: The Bombay High Court acquitted a man of sexual assault under POCSO on the ground that there was no "skin-to-skin" contact when he groped a minor over her clothes. The question was whether sexual intent or physical skin contact is the essence of the offence. Held: The Supreme Court reversed this, holding that touch with sexual intent amounts to sexual assault whether or not clothing intervenes, and that POCSO must be read purposively to protect children. Significance: The case shows the risk of narrow interpretation of child protection statutes and reaffirms a child-centred reading.

RESEARCH METHODOLOGY

This study is doctrinal, drawing on library and online research, and takes an analytical, critical, and reform-oriented approach. It examines constitutional protections for children under Articles 15(3), 21, 21A, 23, 24, and 39(e)–(f), alongside the POCSO Act, 2012[50], the Bharatiya Nyaya Sanhita, 2023[51], the Bharatiya Nagarik Suraksha Sanhita, 2023[52], and the Juvenile Justice Act, 2015. It also analyses Supreme Court and High Court decisions, including Sakshi v. Union of India, Bachpan Bachao Andolan v. Union of India[53], and Independent Thought v. Union of India,[54] to assess how judicial interpretation has influenced child-friendly procedures. A selective comparative analysis measures Indian law and practice against the UN Convention on the Rights of the Child and the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses.

Primary sources comprise the Constitution, legislation, rules, and judgments. Secondary materials include Law Commission and parliamentary committee reports, NCPCR publications[55], NCRB data, books, journal articles, and reports from government and civil society organizations. Sources are collected through legal databases, including SCC Online[56],

[49] Attorney General for India v. Satish (2022) 5 SCC 545
[50] POCSO Act, 2012
[51] The Bharatiya Nyaya Sanhita, 2023
[52] Bharatiya Nagarik Suraksha Sanhita, 2023
[53] Bachpan Bachao Andolan v. Union of India
[54] Independent Thought v. Union of India,
[55] NCPCR publications
[56] SCC Online

Manupatra[57], and Indian Kanoon[58], as well as official websites. The material is analysed qualitatively: statutory provisions are assessed using literal and purposive interpretation, while case law is examined for its ratio and broader trends. Findings are presented across each stage of the process, from reporting and investigation through trial and rehabilitation. Citations follow [OSCOLA/Bluebook/ILI]. The study includes no empirical fieldwork and excludes civil and family law remedies, as well as children in conflict with the law, except for brief comparison.

RECOMENDATIONS

1. Establish Special Courts in each district.

Exclusive POCSO Special Courts, supported by set deadlines and frequent oversight by High Courts, would help trials conclude within the POCSO one-year timeframe.

2. Make kid-friendly areas mandatory.

In accordance with the Sakshi guidelines[59], police stations and courts should have distinct waiting areas, centers for the deposition of vulnerable witnesses, and video-conferencing capabilities.

3. Appoint and train support persons.

According to the POCSO Rules, 2020[60], each child victim should have a trained support person from the beginning, with clear accountability and fixed compensation.

4. Offer specialized training for officials.

Child psychology, sensitive questioning, and POCSO procedure should be regularly taught to police, prosecutors, judges, doctors, and members of the Child Welfare Committee.

5. Limit repeated questioning.

To prevent the child from being forced to repeat the story, statements should be recorded once,

[57] Manupatra
[58] Indian Kanoon
[59] Sakshi guidelines
[60] The POCSO Rules, 2020

ideally using audio-video technology, and used throughout the investigation and trial.

6. Standardize medical examinations and age determination.

Uniform protocols should guarantee timely, sensitive, and consent-based examinations, as well as a clear, consistent process for determining age.

7. Strengthen victim compensation.

States should implement consistent, time-bound interim and final compensation plans, with legal services authorities guaranteeing prompt payment.

8. Enhance rehabilitation and follow-up.

Following the trial, District Child Protection Units should monitor each child's development and provide long-term counseling, education, and shelter. In order to prevent procedural conflicts from weakening protection, guidelines or amendments should clarify how the Bharatiya Nyaya Sanhita, 2023[61] and the Bharatiya Nagarik Suraksha Sanhita, 2023[62] apply to child victims.

CONCLUSION

The criminal justice system in India has made significant progress in recognising children as rights-bearing individuals who require special protection, as shown by the enactment of the POCSO Act, 2012[63], the Juvenile Justice Act, 2015[64], and landmark judicial interventions such as Sakshi v. Union of India [65]and Independent Thought v. Union of India[66]. These laws introduced child-friendly procedures, mandatory reporting, special courts and a presumption of guilt in specified offences, reflecting a clear shift from a purely punitive approach to a victim-centred one. However, this study shows that a wide gap remains between legislative intent and ground-level implementation. Delayed investigations, inadequate training of police and judicial officers, shortages of special courts and support persons, secondary victimisation during cross-examination, uneven access to compensation and weak rehabilitation mechanisms continue to

[61] the Bharatiya Nyaya Sanhita, 2023
[62] Bharatiya Nagarik Suraksha Sanhita, 2023
[63] POCSO Act, 2012
[64] Juvenile Justice Act, 2015
[65] Sakshi v. Union of India
[66] Independent Thought v. Union of India

undermine the protection that the law promises. The case studies and literature reviewed confirm that a child's experience of justice depends as much on institutional sensitivity, coordination and resources as on the strength of the statute. Protecting child victims therefore requires moving beyond law-making to effective enforcement: building child-friendly infrastructure, ensuring accountability through timelines and data transparency, investing in trauma-informed training, and treating rehabilitation as an integral part of justice rather than an afterthought. Police, prosecutors, courts, medical professionals, child welfare bodies and civil society must work as a coordinated system, with the child's best interests as the guiding principle at every stage. Ultimately, the success of the criminal justice system should be measured not only by conviction rates but by whether a child can report abuse without fear, participate in proceedings without further trauma, and rebuild their life with dignity and support. Only when this standard is met can the system be said to fulfil its constitutional and international commitments, including Articles 15(3), 21 and 39(e)-(f) of the Constitution and the UN Convention on the Rights of the Child[67].

[67] Articles 15(3), 21 and 39(e)-(f) of the Constitution and the UN Convention on the Rights of the Child

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[79] Nipun Saxena v Union of India (2019) 2 SCC 703
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