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"CRIMES AGAINST CHILDREN IN INDIA: A CRITICAL ANALYSIS OF THE EXISTING LEGAL FRAMEWORK AND ITS EFFECTIVENESS"

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Violence against children endangers not only their lives and health, but also their emotional well-being and future. Violence against children is rampant in India and a harsh reality for millions of children. More than half of the world's children have experienced severe violence, and 64 percent of this number is in South Asia. All children have the right to be safe from violence, exploitation, and abuse. Yet, millions of children worldwide, from all socioeconomic backgrounds, ages, religions, and cultures, are victims of violence, exploitation, and abuse every day. This violence can be physical, sexual, and emotional, and can also take the form of neglect. This violence can be interpersonal and the result of structures that allow and promote violent behavior. Evidence shows that violence, exploitation, and abuse are often perpetrated by someone known to the child. This includes parents, other family members, caregivers, teachers, employers, law enforcement officials, state and non-state actors, and other children.

disasters—in homes, families, schools, care and justice systems, workplaces, and communities. Many children face various forms of violence, exploitation, and abuse, including sexual abuse and exploitation, armed violence, trafficking, child labor, gender-based violence, bullying (see "UNICEF" publication, "Too Many in Silence," 2010), gang violence, female genital mutilation, child marriage, physically and emotionally violent child discipline, and other harmful practices. The increasing use of the internet has led to new dimensions of violence against children, such as cyber-harassment and online sexual exploitation. The consequences of this violence are harmful and long-term. People are hesitant to report violence, exploitation, and abuse against children. Consequently, the number of children experiencing violence remains underreported. Consequently, these crimes are under investigated, and perpetrators are held accountable.

There is significant evidence that violence, exploitation, and abuse are detrimental to a child's physical and mental health in the short and long term. Such children's learning and social integration can be impaired, with adverse consequences extending into their adult lives. Governments, policymakers, and child-focused organizations like "UNICEF" have a responsibility to create safe environments for children and protect children who are victims of violence. Governments, communities, local authorities, non-governmental organizations, religious and social organizations can all contribute to ensuring a safe environment for children.



Violence, exploitation, and abuse occur in all contexts—including conflict and natural

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Many positive experiences, not only in India but globally, demonstrate that violence prevention is the key to ending violence. Promoting personal safety in children, child protection policies in schools, and increasing parental awareness are essential to preventing child sexual abuse. Young children are even more vulnerable to self-defense. Specific measures must be adopted to strengthen the protective role of families and educational institutions.

A new report by the “National Crime Records Bureau (NCRB)” reveals a continuous increase in crimes against children in India. A total of 177,336 cases were registered in 2023. This number is approximately nine percent higher than the figures from the previous year. In 2022, a total of 162,450 cases of crimes against children were registered. According to the report, in most of these crimes, the perpetrators were known to the children. The highest number of cases were registered under kidnapping and the “Protection of Children from Sexual Offences (POCSO) Act”. Kidnapping incidents accounted for 45.06 percent of the total crimes against children. Meanwhile, 67,695 cases were registered under the POCSO Act, constituting 39 percent of the total cases. Crimes against girls were more prevalent in these cases. Uttar Pradesh, Madhya Pradesh, and Maharashtra recorded the highest crime rates.



राज्य	2021	2022	2023
मध्य प्रदेश	19,173	20,415	22,393
महाराष्ट्र	17,261	20,762	22,390
उत्तर प्रदेश	16,838	18,682	18,852
राजस्थान	7,653	9,730	10,577
असम	5,282	4,084	10,174

सोर्स- नेशनल क्राइम रिकॉर्ड्स ब्यूरो (NCRB) रिपोर्ट- 2023

HOW SERIOUS IS THE PROBLEM OF CHILD TRAFFICKING IN INDIA?

The number of crimes against children in the northeastern states was significantly lower compared

to the rest of the country. Manipur reported 85 cases, Nagaland 26, and Sikkim 139.

Surge in Kidnapping and Missing Children Cases

Kidnapping-related crimes accounted for the highest number of offenses against children, affecting 82,106 children. The abduction of minor girls for marriage was a major contributing factor. According to the report, 16,737 girls and 129 boys were abducted for forced marriage in 2023. There were also 1,858 cases of human trafficking or buying and selling of minor girls. The first 24 hours are crucial in cases of missing children. After this period, the chances of finding the child in a mentally and physically healthy condition decrease significantly. Many children are forced into begging. These children can also fall under the influence of criminals and become part of their gangs. In some cases, they are sold, or they are forced into prostitution and other illegal activities.

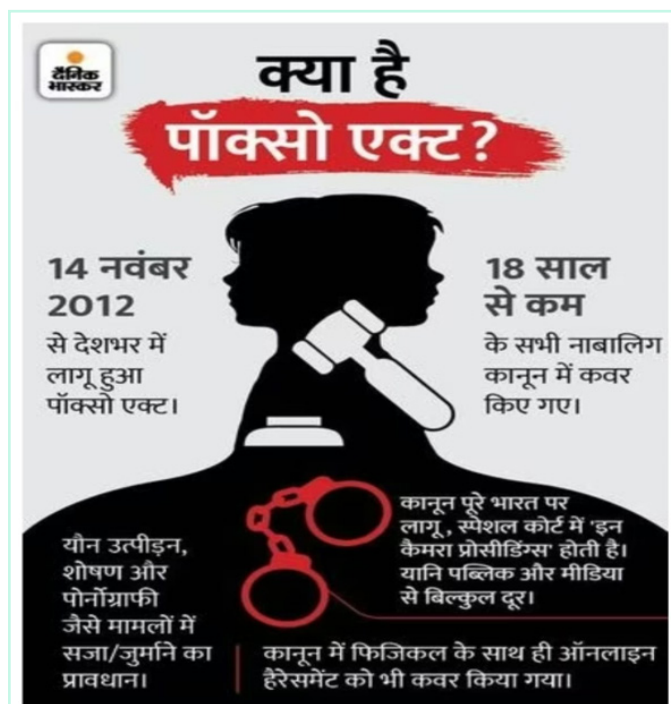
DELHI IS ALSO THE CAPITAL OF CRIMES AGAINST WOMEN.

People working in the field of child rights say that these are just statistics. There are many other reasons behind this. Children also run away from home due to domestic violence. According to a study, 79.4 percent of children are abused by their parents. Shockingly, in almost 40 percent of the cases, the mother is the one who abuses her child. In 17.3 percent of the cases, both parents together abuse the children. In some circumstances, girls also leave with someone they know. Swagata Raha, Director (Research) at Enfold Proactive Health Trust, told DW, “Our study found that sometimes teenage girls leave due to love affairs. The family does not approve of love marriages. Due to violence at home, girls leave home with someone they know. In the NCRB data, this is counted in the category of kidnapping, whereas in such cases, the girl leaves of her own free will.”

RISING CASES UNDER THE POCSO ACT

The number of cases registered under POCSO was 63,414 in 2022. A year later, in 2023, this increased to 67,694. Of these, 98 percent of the victims are girls. In 39,076 cases, the accused knew the child beforehand. Of these, 3,224 cases involved family members as the accused. In about 15,000 cases, the accused was a family friend, neighbor, or other acquaintance. Approximately 21,000 cases involved the accused

being a friend, online friend, or live-in partner who committed the crime by promising marriage. In only 1,358 cases was the accused an unknown person. The POCSO Act was implemented in India to protect children from sexual offenses. Special courts have also been established under the POCSO Act to hear cases of sexual offenses against children, so that cases can be disposed of quickly and effectively. In 2022, the law completed a decade. On this occasion, the then Chief Justice D.Y. Chandrachud had said that child sexual abuse is a sensitive issue, especially when the accused is a family member. He had suggested that families explain the difference between 'good and bad' touch to their children.



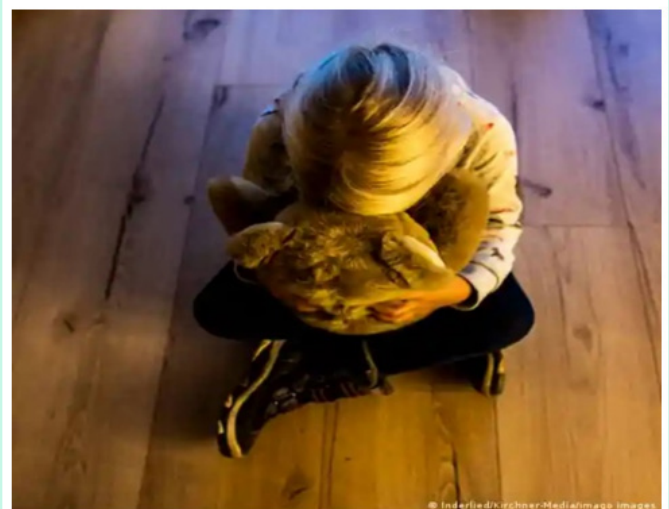
WHY ARE GIRLS IN A MORE VULNERABLE SITUATION?

There are several social reasons behind the abduction and sexual abuse of children, especially girls. According to experts, factors such as unemployment, poverty, and domestic violence put children and families in vulnerable situations. Family breakdown, lack of housing, and migration from rural to urban areas also affect their lives. Displacement due to floods, droughts, or other natural disasters is also a major contributing factor.

WORKING PARENTS RELY ON DAYCARE

As children grow older, their demands and needs increase. In most households today, both parents

work, making it difficult to raise children and provide everything they need for their development in a structured way. Daycare centers offer a solution. Raising children with the help of grandparents, especially in cities, has become very difficult. Another major issue is social isolation. While the COVID-19 pandemic was a period of widespread isolation, even generally, social interaction is decreasing in most countries. Families are becoming smaller, and people don't interact with their neighbors as much as they used to. Therefore, the responsibility of preparing children for social life largely falls on these daycare centers and preschools. The lack of siblings or other family members at home is easily compensated for at a daycare center. However, due to increasing demand, many daycare centers have opened that view it solely as a business. Many working parents look for daycare centers near their offices so they can visit their children during their lunch breaks. A 15-month-old girl was brutally beaten by a minor maid working at a daycare center in Noida. The incident was captured on CCTV footage, which shows the maid slapping the child, biting her, and hitting her with a plastic bat.



डे-केयर में 15 महीने की बच्ची के साथ हिंसा (प्रतीकात्मक तस्वीर)
तस्वीर: Inderlied/Kirchner-Media/Imago Images

INDIA: HOW TO KEEP CHILDREN SAFE IN SCHOOLS

Two girls were sexually assaulted in the toilet of a school in Badlapur, Thane, on August 12 and 13. The alleged perpetrator is Akshay Shinde, a cleaner who worked at the school. According to media reports, the accused also threatened the girls not to tell anyone. The victims' families allege that the police delayed

taking action. They claim the police registered the FIR on August 16 and only then arrested the accused. According to the complaint filed by the families, the parents were allegedly made to wait for 11 hours before the FIR was registered.

How to keep children safe at that most schools do not have separate toilets for girls. She says that there are no standard operating procedures (SOPs) for schools. Kumari tells DW, "Schools are being opened in every street and neighborhood; anyone can open a private school anywhere, children go there, and there are no proper facilities. Forget about toilets, there aren't even adequate security arrangements at these schools." If an employee is being hired at a school, a background check should be conducted before they are offered the job. He said, "Except for some large schools and government schools, most schools operate with inadequate systems."

Under the Seventh Schedule of the Constitution of India, 'Police' and 'Public Order' are State subjects. The responsibility for maintaining law and order and protecting the lives and property of citizens, including women and children, rests with the respective State Governments/Union Territory Administrations, and they are empowered to deal with such crimes under the provisions of existing laws. The Government of India attaches the highest importance to the prevention and control of crimes against women and children and makes necessary interventions through various measures, including amendments to criminal laws, development of technological and infrastructural support, conducting training programs for police personnel, providing financial assistance, and issuing advisories to States and Union Territories. These measures are detailed below:

- The Ministry of Home Affairs has provided financial assistance to all States and Union Territories to set up Women Help Desks (WHDs) in every police station, with the objective of making police stations more accessible and women-friendly.
- The Emergency Response Support System provides an all-India, single internationally recognized number (112) based system for all emergencies, facilitating computer-aided dispatch of field resources to the scene of the incident.

- Utilizing technology in smart policing and security management, the first phase of the Safe City Project is being implemented in 8 cities (Ahmedabad, Bengaluru, Chennai, Delhi, Hyderabad, Kolkata, Lucknow, and Mumbai).
- The Ministry of Home Affairs has launched the "National Database on Sexual Offenders" (NDSO) to assist law enforcement agencies in investigating and tracking sexual offenders across the country.
- The Ministry of Home Affairs has launched an online analytical tool for the police, the "Investigation Tracking System for Sexual Offences," to facilitate them in monitoring and tracking time-bound investigations in sexual assault cases as per the Criminal Law (Amendment) Act, 2018.
- To improve investigations, the Ministry of Home Affairs has taken steps to strengthen DNA analysis units in Central and State Forensic Science Laboratories. This includes the establishment of a state-of-the-art DNA analysis unit at the Central Forensic Science Laboratory in Chandigarh. Assistance has been provided to States and Union Territories under the Nirbhaya Fund to strengthen DNA forensic capabilities in State Forensic Science Laboratories (FSLs).

The Ministry of Home Affairs has notified guidelines for the collection of forensic evidence in sexual assault cases and a standard format for sexual assault evidence collection kits.

To ensure adequate human resources, training and skill development programs have been conducted for investigating officers, prosecution officers, and medical officers. To date, 35,377 investigating officers, prosecutors, and medical officers have been trained by the Bureau of Police Research and Development (BPR&D) and the LNJNI National Institute of Criminology and Forensic Science (now the Delhi Campus of the National Forensic Sciences University). The Bureau of Police Research and Development has also distributed 18,020 sexual assault evidence collection kits to the states/union territories under the training program.

Three new laws, namely the Bharatiya Nyaya Sanhita, 2023 (BNS), the Bharatiya Nagarik Suraksha Sanhita,

2023 (BNSS), and the Bharatiya Sakshya Adhiniyam, 2023 (BSA), have been implemented from July 1, 2024. The key features of these laws relating to the prevention, investigation, and prosecution of crimes against women and children are as follows:

Crimes against women and children have been given priority over all other crimes. Crimes against women and children have been consolidated under Chapter-V of the Bharatiya Nyaya Sanhita, 2023, which is the first substantive chapter of the Bharatiya Nyaya Sanhita. A new offense has also been included in the BNS for engaging in sexual intercourse under false promises of marriage, employment, promotion, etc., or by concealing one's identity. In the BNS, the age distinction for minor gang rape victims has been removed. Previously, different punishments were prescribed for gang rape of girls under 16 and under 12 years of age. This provision has been amended, and now the punishment for gang rape of a girl under eighteen years of age is life imprisonment or the death penalty. To provide greater protection to the victim and to ensure transparency in the investigation of rape cases, the victim's statement will be recorded by the police through audio-video means. In cases of certain crimes against women, the victim's statement should, as far as possible, be recorded by a female magistrate, and in her absence, by a male magistrate in the presence of a woman, to ensure sensitivity and impartiality and to create a supportive environment for the victims. Doctors have been mandated to send the medical report of a rape victim to the investigating officer within 7 days. A new offense has been included for employing, engaging, or involving a child in the commission of a crime. Additionally, the maximum punishment for buying a child for the purpose of prostitution, etc., has been increased to fourteen years, which was previously only 10 years.

Under Section 143 of the BNS, trafficking a child (defined as a person under 18 years of age) for the purpose of exploitation is punishable with rigorous imprisonment of at least 10 years, which may extend to life imprisonment, and a fine. Forcing a child to beg is also included as a form of exploitation under trafficking and is punishable under Section 143 of the BNS, 2023. Additionally, Section 144(1) punishes the sexual exploitation of trafficked children with rigorous imprisonment of at least 5 years, which may

extend to 10 years, and a fine.

The new law also provides for free first aid or medical treatment to victims of crimes against women and children at all hospitals. This provision ensures immediate access to necessary medical care, prioritizing the well-being and recovery of victims during challenging times.

The Ministry of Home Affairs released a total of ₹200 crore in the financial year 2016-17 under the Central Victim Compensation Fund (CVC), as a one-time financial assistance to States/Union Territories to encourage them to effectively implement the Victim Compensation Schemes (VCSs) notified under the provisions of Section 357A of the Code of Criminal Procedure (Section 396 of the BNSS) and continue providing financial assistance to victims of various crimes, especially sexual offences including rape, acid attacks, child abuse, human trafficking, etc.

The Department of Justice has been implementing a centrally sponsored scheme since 2019 for the establishment of Fast Track Special Courts (FTSCs), including Special Courts for Protection of Children from Sexual Offences (POCSO). These courts are dedicated to the timely trial and disposal of pending cases under the Rape and Protection of Children from Sexual Offences (POCSO) Act, 2012. According to information received from the High Courts, as of September 30, 2025, 773 FTSCs, including 400 Special Protection of Children from Sexual Offences (POCSO) Courts, are operational in 29 States/Union Territories, having disposed of 350,685 cases since the scheme's inception. To assist women and children who are victims of crime, the Ministry of Women and Child Development is implementing the One Stop Centre (OSC) scheme across the country. The One Stop Centre scheme aims to provide integrated support and assistance to women affected by violence at a single location, both in private and public settings, and facilitate immediate, emergency, and non-emergency access to various services, including police, medical, legal aid and counselling, and psychological support, to combat all forms of violence against women. 864 OSCs are operational across the country, and as of September 30, 2025, assistance has been provided to over 12.67 lakh women.

The Universalization of Women Helplines (WHL) Scheme, implemented on April 1, 2015, aims to provide immediate, 24-hour emergency and non-emergency assistance to women affected by violence across the country through a referral service. Under this scheme, women seeking assistance and information are provided with a 24-hour toll-free telecommunications service through the short code 181. Women Helplines are operational in 35 states and union territories.

The Ministry of Women and Child Development operates the Child Helpline number 1098, which is operational 24 hours a day, seven days a week, to provide assistance to missing and needy children. Railway Child Lines are also being operated on major railway platforms to assist children in need.

The Ministry of Women and Child Development also operates the “Samarthya” scheme under Mission Shakti, a component of which, Shakti Sadan, aims to provide relief and rehabilitation to women in difficult circumstances.

The Government, through the National Commission for Women (NCW) and its counterpart institutions in the States, is creating awareness among the people about the safety and security of women as well as various provisions of law and policies through seminars, workshops, audio-visuals, print and electronic media, etc. Regarding complaints lodged, the Commission takes up the matter with the stakeholders, especially the police authorities, to ensure redressal and logical conclusion of the complaints. The Ministry of Women and Child Development launched the ‘Mission Shakti Portal’ with all its functional features on January 22, 2025. The portal aims to enhance access to various government services for women, establish quality mechanisms for rescue, protection, and rehabilitation, and build the capacity of officials and stakeholders working under various schemes and laws. In addition, the Ministry of Women and Child Development and the Ministry of Home Affairs have issued advisories to states/union territories from time to time on various issues related to the safety and security of women and children.

Investing in child protection systems is crucial, from

a human rights, ethical, and economic perspective, to prevent and respond to all forms of violence against children. UNICEF works with governments and civil society to strengthen the capacity of the workforce to protect children from violence. This includes working with universities to establish or improve degree programs in social service-related fields, and incorporating child protection-specific modules into existing courses for police and the judiciary. UNICEF works with personnel in this field to ensure their continuous access to new tools and methodologies, and supports them in securing the resources to implement them.

Working with communities and families to identify violence and support practices such as positive discipline is also part of UNICEF’s program. Creating an environment where communities feel empowered to speak out against violence and report it is a crucial first step. The best way to address violence is to prevent it from happening in the first place.

RECOMMENDATIONS

- Enhancing forensic capabilities and expedited courts
- Frequent instruction for judges, prosecutors, and police
- Improved cybercrime units and digital surveillance
- School-based preventive education and community awareness
- Reforms to victim compensation and psychiatric counseling
- Data-driven audits for accountability and policy monitoring

CONCLUSION

The issue of child abuse in India highlights a significant conflict between the advancement of normative law and the realities of actual enforcement. Through laws like the Protection of Children from Sexual Offences Act, 2012, Juvenile Justice (Care and Protection of Children) Act, 2015, Prohibition of Child Marriage Act, 2006, and Child Labour (Prohibition and Regulation) Amendment Act, 2016, India has established a comparatively comprehensive child-protection framework over the last 20 years. These laws demonstrate a strong commitment to preserving children’s developmental rights, bodily

integrity, and dignity when viewed in conjunction with India's commitments under the United Nations Convention on the Rights of the Child and constitutional protections.

This study does show, however, that successful protection is not always a result of having a strong statutory framework. The intended impact of these laws is greatly diminished by low conviction rates, protracted investigations, persistent underreporting, poor forensic infrastructure, and insufficient victim rehabilitation measures. Despite procedural improvements brought about by special courts and kid-friendly measures, the criminal justice system is sometimes overworked and lacks the necessary training to deal with situations involving children. Furthermore, access to justice is still hampered by sociocultural elements like poverty, patriarchal norms, stigma, and ignorance.

In summary, India's system for protecting children is at a turning point. The effective fulfillment of the law's spirit, rather than its absence, is now the difficulty. To guarantee that legal commitments are fulfilled and that every child is treated with safety and dignity, a comprehensive, rights-based, and implementation-driven strategy is necessary.

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