

India's Child Protection Framework: Achievements, Shortcomings and Roadmap for Reform

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Abstract

India has the world's largest child population, with about 440 million children below the age of 18. These children represent not the demographic majority but are among the world's most vulnerable group. While India has ratified the United Nations Convention on the Rights of the Child (UNCRC) and has enacted various comprehensive legislations concerning the protection of children, which have been discussed in this paper such as, the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Protection of Children from Sexual Offences (POCSO) Act, 2012, the real implementation of these frameworks present alarming gaps. Child labour, institutional neglect, sexual abuse, abandonment, and child marriage persist, often masked by underreporting and inadequate data. This paper engages in a critical examination of India's child protection framework, evaluating both the achievements of its legal and policy framework, along with its structural failures. This paper draws from diverse secondary sources including legal statutes, reports, and academic literature. It uses qualitative research methodology based on doctrinal and empirical secondary data analysis to analyse India's child welfare mechanisms. The findings show persistent shortcomings such as declining budgetary allocations, a severe lack of institutional capacity, poor oversight, and a reactive rather than preventive approach to child protection. While programmes such as Mission Vatsalya have resulted in notable progress, including a fourfold rise in non-institutional care placements between 2021 and 2024, these gains, although appreciated, are insufficient to address the scale of the crisis. Less than 1% of orphaned or abandoned children are placed in formal care, and India has just over 9,500 Child Care Institutions (CCIs) to serve this vast population. Adoption in India remains contentious due to legal complexities, corruption and a disturbing gender paradox: while more girls are adopted, this reflects a higher abandonment rate rather than societal progress.

Similarly, child marriage remains an issue, more so in some places than in others. While the national rate of child marriages in India has dropped from 47% to 23% over the past two decades, states like Bihar, West Bengal and Jharkhand continue to report figures above 40%. Which is surprising since West Bengal is a state that has a relatively high literacy rate and has one of the highest child marriage rates in the country, revealing that structural gender inequality cannot be resolved by education alone. Further, the national study on child abuse conducted in 2007 found that over 53% of Indian children had faced some form of sexual abuse, affecting boys and girls almost equally. However, no comprehensive national data collection has happened ever since, leaving policymakers without a contemporary understanding of the crisis. In metropolitan cities like Mumbai, data shows a rise in reported cases of sexual harassment and POCSO-related offences, indicating awareness but not necessarily improved protection. To address these

systemic problems, this paper proposes a comprehensive reform agenda. First, it calls for increased ring-fenced child welfare budgets, with mandatory, standardised Child Budget Statements across all states. Second, it advocates for a shift from reactive to preventive care, emphasising family counselling, school-based support, and community outreach. Third, it recommends further development of non-institutional and community-based care models such as the kinship and sponsorship initiatives seen in Jalna, Maharashtra. Fourth, it stresses the urgent need for periodic, gender-inclusive national surveys on child abuse. Fifth, it argues for the simplification of adoption procedures. Lastly, it urges harmonisation across legislative and policy frameworks to ensure that laws like the JJ Act and POCSO, and policies like Mission Vatsalya, operate in coordination rather than isolation. India's legal and policy framework for child protection is conceptually sound on paper, but deeply fragmented in practice. While it has made notable progress in recognising child rights, the implementation remains uneven, underfunded and reactive. For India to truly protect its children, the system must move from symbolic legislation to enforceable accountability. Towards a child-centric and preventive framework that is supported by adequate funding and institutional commitment, which can transform child protection from a promise to a reality.

Keywords: Child Protection, JJ Act, POCSO Act, Child Sexual Abuse, Mission Vatsalya, Non-institutional Care

I. INTRODUCTION

While India is home to the largest child population and this demographic represents the country's future, it also includes one of its most vulnerable groups, often being subjected to abuse, neglect, exploitation and systemic marginalisation. However, it cannot be denied that over the years India has shown a legal and policy-based commitment to protect its children through various legislations such as the JJ Act, 2015, the POCSO Act, 2012, and the Prohibition of Child Marriage Act, 2006, among others. These are supplemented by policy initiatives such as Mission Vatsalya and the National Policy for Children. Despite these measures in place, the practical implementation of child protection mechanisms remains conflicted because of structural, financial, and institutional challenges. Issues such as declining budgetary allocations, underdeveloped non-institutional care systems, bureaucratic inefficiencies and the absence of updated national data continue to undermine the protection and well-being of children. Furthermore, entrenched social attitudes, regional disparities, and gendered vulnerabilities exacerbate the issue, making child protection not only a legal obligation but a complex socio-political challenge.

This paper aims to evaluate the achievements and shortcomings of India's child protection framework through a critical analysis of existing laws, policies and ground-level realities. Drawing from diverse secondary sources, it seeks to propose a forward-looking reform agenda that prioritises accountability, prevention and child-centric justice.

II. MATERIALS AND METHODS

This paper adopts a qualitative research methodology based on doctrinal and secondary data analysis. The aim is to evaluate the evolution, implementation and efficacy of child protection laws in India with a specific focus on showcasing achievements, gaps in systems and future course for reform. The paper relies exclusively on secondary sources, which include the following: -

- Legislative texts such as the JJ Act, 2015, POCSO Act, 2012 (and its 2019 amendment), and the PCMA, 2006.

- Policy documents and schemes such as Mission Vatsalya, the National Policy for Children (2013), and the Child Budget Statement (CBS).
- International treaties to which India is a signatory, specifically the UNCRC, to which India is a signatory.
- Government reports and data portals such as the MWCD, the NCRB, and the Union Budget archives.
- Studies, surveys and data by reputable organisations such as UNICEF, Save the Children, Prayas, and India Child Protection (ICP)
- News reports and investigative journalism, such as data from The Times of India, Press Trust of India (PTI), The Borgen Project and The Economic Times.
- Research papers regarding legal, sociological and budgetary aspects of child protection in India.

The methodology for this paper is limited by its reliance on only existing facts and reviews collected from various publications visible in last fifteen years. However, the use of diverse, credible and recent sources ensures a comprehensive and contextually relevant understanding of the issue covered in this paper.

III. RESULTS AND DISCUSSION

A. Magnitude of Child Vulnerability in India

40% of India's population is comprised of children between the ages of 0-18. India is a signatory to the UNCRC (Kapur, Pandey & Sharma, 2025). India has the world's largest population of children, comprising approximately 440 million individuals under the age of 18 (UNICEF, 2022). Despite the massive population, the state of child welfare and protection raises serious concerns (Majumdar & Sarkar, 2025). Around 12.9 million children aged 5 to 17 are engaged in child labour (Majumdar & Sarkar, 2025). Earlier, child labour was more prevalent in rural regions of India; however, recent studies show a rise in urban areas as well (Majumdar & Sarkar, 2025). Given this scale of vulnerability, it becomes imperative to assess the legal and policy frameworks India has put in place to safeguard its children.

B. The legal and policy frameworks

India became a signatory to the United Nations Convention on the Rights of children in 1992, committing to protect children from all forms of harm, exploitation and abuse (Majumdar & Sarkar, 2025). On ratification, the UNCRC obligated its signatories to bring into effect legislative, administrative, social and educational measures for child protection and mandates that care institutions comply with safety and staffing standards.

Within India, Child protection is stipulated but not limited to these legislations, which constitute the main components of Mission Vatsalya (Majumdar & Sarkar, 2025):

1. The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act), this legislation accounts for children in conflict with the law as well as children in need of care and protection (CNCP). It emphasises non-institutional, rehabilitative care and establishes Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs).
2. The POCSO Act, 2012, provides for child-friendly procedures in reporting, investigation and trial of cases of child sexual abuse.

Additionally, the National Policy for Children (2012) and the Mission Vatsalya scheme promote sponsorship, kinship care, and foster care while discouraging institutionalisation as the last resort.

a) Mission Vatsalya

Mission Vatsalya is a centrally sponsored programme for child protection by the MWCD in India. Mission Vatsalya, launched in 2022, Mission Vatsalya focuses on family-based care for one-fifth of the children in

the world (Majumdar & Sarkar, 2025). Its mission is to provide children with a wholesome childhood with a view to “Leave No Child Behind” (Chakraborty et al., 2024). To achieve this objective, Mission Vatsalya employs various ways, such as providing direct financial aid for children (Majumdar & Sarkar, 2025). Mission Vatsalya is derived from two main legislations, the JJ Act, 2015 and the POCSO Act, 2012 (Majumdar & Sarkar, 2025). Therefore, in order to fully comprehend Mission Vatsalya, it becomes imperative to examine the legislative frameworks that inform its design and implementation.

b) JJ Act, 2015

The Juvenile Justice Act, 2015, gives a holistic framework for child care, protection, and rehabilitation. It classifies children into two categories, the first being Children in Conflict with the Law (CCL), referring to minors accused of offences under the Bharatiya Nyaya Sanhita, 2023 (formerly the Indian Penal Code, 1860) or other laws. The Act prioritises reformative and rehabilitative measures over punishment, with Juvenile Justice Boards (JJBs) ensuring child-friendly proceedings (Majumdar & Sarkar, 2025).

Second, Children in Need of Care and Protection (CNCP) include those who are abandoned, orphaned, abused, living on the streets, or impacted by disasters and trafficking. For this group, the JJ Act provides for shelter, counselling, education, and placement through adoption or foster care (Majumdar & Sarkar, 2025).

Similar to Mission Vatsalya, the JJ Act intends to further non-institutional care for children at risk and those transitioning out of care (Majumdar & Sarkar, 2025). The JJ Act goes as far as to say that family responsibility and institutionalisation are kept as the last option, taking into account the foundational principles of child protection under the Act. While the act aims to keep institutionalisation as the last option, it is often resorted to, as the underlying causes of child protection are rarely recognised (Jain, 2023). The JJ Act does not mention some crimes against which children need protection explicitly, such as trafficking, unlike the Mission Vatsalya guidelines. Still, it has provisions that provide punishments for individuals who may have trafficked children for forced labour or to trade them for monetary benefits (Jain, 2023). However, considering its comprehensive character on paper, the JJ Act has been observed to have presented many difficulties in its implementation, including bureaucratic delays in adoption procedures, insufficient supervision of Child Care Institutions (CCIs) and limited financial resources. Additionally, corruption within adoption agencies and overly complex legal procedures further obstruct orphaned children from finding suitable homes. To ensure the efficacy of the Act, it is pertinent to strengthen accountability mechanisms and streamline the adoption process (Srivastava & Bharti, 2025).

c) POCSO

The Indian Penal Code, now the Bharatiya Nyaya Sanhita, had only three sections dedicated to sexual offences against children. However, these were not specific to those under 18 years of age, i.e. children and were only aimed at the protection of female children; there were no laws for the protection of male and non-binary children. Therefore, as a result of pressure from social activists, NGOs, and the MWCD, POCSO was implemented in 2012 (Pattath et al., 2023).

POCSO is India’s first gender-neutral law addressing child sexual violence. It criminalises a wide range of offences such as sexual harassment, the use of children in pornography and many others. This act showcases a shift and recognises the need for gender neutrality and addresses various forms of sexual abuse (Pattath et al., 2023).

While the POCSO Act provided a robust legal framework, its implementation has revealed both progress and persistent challenges. This section evaluates recent trends in reporting and enforcement. The POCSO Act was amended in 2019 and introduced stricter penalties for sexual crimes against children, signalling

a policy shift toward greater accountability (UNICEF). There is not any recent official data as of 2025 reporting of such crimes however the times of India reported that in Mumbai, Crimes targeting minors have risen, with total cases increasing from 2,625 in 2023 to 2,570 in 2023, sexual harassment cases involving minors rose by 75%, molestation cases rose by 37% (Times of India, 2025) and POCSO related cases saw a jump to 21% in 2024 in Mumbai (Yadav, 2025), a city regarded as being relatively safer than other Indian cities for women and children. Child rape and penetrative assault cases increased to 38,911 in 2022 from 36,381 in the previous year, which indicates increased public willingness to engage with the judicial system (Harvard T.H. Chan School of Public Health, 2023). While these laws and policies demonstrate commendable intent, their practical implementation reveals systemic gaps and ground-level challenges that undermine their effectiveness.

C. Systemic Gaps and Ground-Level Realities

a) Budgetary Commitments and Shortfalls: A Case of Underinvestment

Adequate investment is essential for the practical realisation of laws, programmes and policies. However, children's issues often remain overlooked in national planning and budgeting (Kapur, Pandey & Sharma, 2025). A significant move to address this gap came in the Financial Year 2008–09, when the MWCD introduced the Child Budget Statement (CBS) in the Union Budget. This initiative aimed to track government spending on children's welfare. As of now, 13 states also publish their own CBS documents, although the depth and quality of these statements vary. Despite this progress, the budgets frequently fail to adequately meet children's needs. India's spending on its large child population has historically been low. In 2005–06, just 3.86% of the Union Budget was allocated to child-related sectors like health, education, development, and protection. This rose slightly to 4.91% in 2006–07, but child protection received a mere 0.034% (Kapur, Pandey & Sharma, 2025).

These concerns remain pressing. The share of the Union Budget allocated to children dropped from 4.5% in 2014–15 to only 2.4% in 2022–23, far below the 5% benchmark recommended in the 2016 National Plan of Action for Children (Kapur, Pandey & Sharma, 2025). Between 2017–18 and 2024–25 (BE), child-focused expenditure as a percentage of total Union spending declined from 3.2% to an estimated 2.3%, hitting a record low of 1.9% in 2021–22. Looking solely at allocations, which reflect the government's intent and prioritisation, the decline is even starker, from 4.5% in 2014–15 (BE) to just 2.3% in 2024–25 (BE) (Kapur, Pandey & Sharma, 2025). Measured against GDP, the Union government's spending on children has remained consistently under 1%, falling from 0.41% in 2017–18 to an estimated 0.32% in 2024–25 (Kapur, Pandey & Sharma, 2025).

Table:1

Year	Total POCSO Cases Registered	Child Rape / Penetrative Assault Cases
2017	32,608	32,559
2018	39,827	33,356
2019	47,335	38,105
2020	43,414	28,238
2021	53,874	36,381
2022	59,220	38,911

Source: NCRB Report, 2023.

b) Institutional challenges

India's current child protection system relies on a more reactive approach than a preventive one. Instead of focusing on early intervention, family strengthening or psychosocial support, it focuses more on post-incident response, such as rescue and prosecution (UNICEF), rather than focusing on early intervention, family strengthening, or psychosocial support (UNICEF).

54,988 children were put in homes for CNCP (Kaur et al., 2023). Institutional care remains the cornerstone of India's child welfare strategy, yet its capacity falls woefully short of demand. With only 9,589 Child Care Institutions (CCIs) across the country, and just 370,000 children in institutions (Kaur et al., 2023). This means that over 99% of India's orphaned and abandoned children remain outside the formal child protection net (Kaur et al., 2023). Foster care, a widely practised alternative in the West, remains underdeveloped in India due to stigma, insufficient government incentives, and a lack of awareness (Kaur et al., 2023). The JJ Act, 2015 and the Mission Vatsalya Scheme 2022's objectives reflect a commitment towards non-institutional care for children in adverse circumstances and aftercare to support children who are leaving care (Kaur et al., 2023). However, as of 2025, a shift towards non-institutional care (Press Trust of India, 2025) has become apparent. Official data shows that placements in non-institutional care, including sponsorship, foster care, and aftercare, expanded almost fourfold from 2021–22 to 2023–24 (Press Trust of India, 2025). The MWCD attributes the growth to Mission Vatsalya, which extends monthly grants to promote sponsorship and foster care (Press Trust of India).

While data shows encouraging movement toward non-institutional care, the implementation of such alternatives still faces logistical, financial, and cultural hurdles. However, models like the Kinship and Community-Based Care Programme in Jalna showcase the potential of locally adapted solutions in bridging this gap (Press Trust of India, 2025). Despite these shortcomings, certain emerging trends and innovative practices offer promising models that could strengthen India's child protection framework if scaled and institutionalised.

D. Emerging Trends and Best Practices**a) Case Study: Kinship and Community-Based Care in Jalna, Maharashtra**

In the drought-prone regions of Maharashtra, especially Jalna, economic hardship compels many families to migrate in search of work at sugarcane fields, brick kilns, and construction sites. This cyclical migration often disrupts children's lives, pulling them out of school and exposing them to unsafe living and working conditions.

Recognising the negative impact this caused to children's well-being, UNICEF, in collaboration with local district authorities and NGOs, has implemented the kinship and Community-Based Care Programme in Jalna (Press Trust of India, 2025). This initiative is an example of India's larger policy shift away from institutional care and toward family and community-oriented solutions (Press Trust of India, 2025).

i) Objectives and Strategy

This programme intends to reduce child separation during seasonal migration by keeping children in their villages under the care of their extended families or community caregivers. It empowers local communities to protect children and reflects a broader shift towards non-institutional care such as sponsorships, foster care, and aftercare, which has grown fourfold in two years, from 29,331 children in 2021–22 to 1,21,861 in 2023–24 (Press Trust of India, 2025). This surge is largely attributed to government schemes under the Vatsalya Mission, which provides financial incentives and infrastructure to support alternatives to institutionalisation.

ii) Takeaways from this programme

Localised care models such as the one being run in Jalna offer culturally grounded, cost-effective, emotionally stable alternatives to traditional orphanages. However, while promising, these initiatives require consistent monitoring, financial support and community engagement to scale sustainably. However, these best practices coexist with persistent issues such as child sexual abuse, child marriage, and adoption paradoxes, which continue to hinder comprehensive protection.

E. Persistent Issues**a) Child Sexual Abuse**

Despite legislative advances and growing awareness, as illustrated by Mission Vatsalya and the gender neutrality apparent in the POCSO Act, systemic issues remain deeply entrenched. This section addresses the enduring prevalence of child sexual abuse and the gaps in national monitoring and response. The last comprehensive national study on child abuse was conducted in 2007 by the MWCD, with support from UNICEF, Save the Children, and Prayas. It revealed that 53.22% of children had experienced some form of sexual abuse, including 52.94% of boys and 47.06% of girls (Srinivasa Subramaniyan et al., 2017). Of the 69% of children who experienced physical abuse across 13 sample states, 54.68% were boys. Notably, 88.6% of these cases involved physical abuse by the children's own parents (Srinivasa Subramaniyan et al., 2017). 65% of children attending school reported facing corporal punishment; more than half of the children (50.2%) were engaged in work every day of the week and never disclosed their experiences of abuse to anyone. The highest rates of sexual assault were reported among children living on the streets, those engaged in labour, and those residing in institutional care (Srinivasa Subramaniyan et al., 2017). This study shows the critical reality that India has yet as of 2025 not undertaken a study at the National level on Child sexual abuse (Majumdar & Sarkar, 2025).

b) Child Marriage: Regional Disparities and Root Causes

Although child marriage has decreased in India, a study reveals that one in five girls and nearly one in six boys across the country are still married before reaching adulthood (Harvard T.H. Chan School of Public Health, 2023). Also, according to official data by NCRB, the number of cases registered under the PCMA, 2006 of the years from 2017 - 2021 it shows a gradual increases from 395 in 2017 to 1050 in 2021, which makes it appear as if India is performing worse as the years pass by however, this indicates that the rise in registered cases reflects improved reporting rather than an actual increase in child marriages, likely driven by greater public awareness (Ministry of Women and Child Development, 2023).

Even though the number of cases being reported by NCRB has increased, data comparison of the national average of women married before the age of 18 has dropped from 47% (2005-06) to 23% (2019-21) (Majumdar & Sarkar, 2025). However, this masks severe regional disparities. States such as West Bengal, Bihar and Jharkhand continue to report child marriage rates above 40% (Majumdar & Sarkar, 2025). Even though states such as Kerala and Goa have lower child marriage rates (at 10%), the rates are often attributed to their higher female literacy rates (Majumdar and Sarkar) which seems logically plausible but falls apart when looking at West Bengal, which presents as very much an antithesis to this notion, as despite having a relatively satisfactory literacy rate of 77% child marriage rates have been recorded to be less than ideal coming at 42% (Child Marriage Free India, 2024).

Table-2

Year	Cases Registered Under PCMA, 2006
2017	395
2018	501
2019	523
2020	785
2021	1,050

Source: Ministry of Women and Child Development (2023), Press Information Bureau.

c) The Gender Paradox in Adoption: More Girls Adopted, More Girls Abandoned

Nine out of ten of India's 11 million abandoned children are girls (Pledge A Smile Foundation, 2022). However, data from the last two years indicates a positive trend in terms of gender parity as couples under the HAMA, 1956, showed a preference for adopting a girl child, with Punjab leading (The Economic Times, 2024). Adoptive parents preferred to adopt 9,474 girls as against adopting 6,012 boys (The Economic Times, 2024). However, this may at first sight appear to be a positive trend, but closer inspection reveals that girls are being adopted more because they are being abandoned at a higher rate (Kumar, 2024). Adoptive parents are adopting girls at a higher rate because the adoption pool consists of more girls than boys.

Drawing on the persistent challenges, systemic shortcomings, and promising best practices discussed above, the following section outlines recommendations to transform India's child protection framework into one that is preventive, accountable, and child centric.

IV. Recommendations

To achieve realistic child protection in India, a holistic reform agenda addressing systemic downfalls is needed. Based on the findings of this paper, the following recommendations are proposed:

1. Institutionalise and Increase child-focused Budgetary allocations

The declining share of the child budget statement should be addressed and changed. A minimum baseline of 5% of the total union budget, as has been set by the National Plan of Action for Children (2016) (Ministry of Women and Child Development 2016), should be mandated. Budgetary allocations must be ring-fenced and reported through uniform, standardised CBS formats across all states, ensuring transparency and accountability in the distribution of resources for child protection and welfare.

2. Usher a shift from reactive to preventive protection frameworks

Policies and laws in place are largely reactive and are based on taking action only after harm occurs (UNICEF). A shift is needed toward preventive care through early interventions such as family strengthening programmes, school-based counselling, mental health services for children, and community outreach.

3. Strengthen and expand non-institutional care models

Building on the early success of kinship and community-based care models as seen in the programme conducted in Jalna, state governments should expand sponsorship, foster care, and aftercare systems. These models must be supported with consistent financial aid, legal recognition and social sensitisation.

4. Introduce a comprehensive Child Protection Code

The Code on Social Security, 2020, consolidated labour laws for smoother application. Similarly, India

needs a unified legislative framework for child protection. A proposed Child Protection Code could harmonise existing laws, such as the JJ Act, 2015; HAMA, 1956; POCSO Act, 2012; PCMA, 2006; and CARA Guidelines, into a single, child-centric code. This would remove jurisdictional overlaps, simplify procedures, ensure uniform implementation, and strengthen coordination among key stakeholders, including the MWCD, CARA, judiciary, police, and child welfare bodies.

6. Conduct regular and periodic, gender-inclusive national surveys on child abuse

The absence of updated data on child abuse hampers effective and informed policymaking. A comprehensive national study must be commissioned at least every five years, which should account for children from or of different genders, castes, classes and regions. These surveys should be supplemented with continuous state-level data collection mechanisms to ensure responsiveness to current challenges.

7. Address regional and structural disparities in child marriage and abuse

Targeted interventions are needed in states with persistently high child marriage rates, such as in West Bengal, Bihar and Jharkhand. These interventions must go beyond education to include economic support for girls and families, and legal literacy campaigns targeting both rural and urban populations.

8. Invest in monitoring, training and capacity building

Implementation gaps persist due to a shortage of trained personnel and ineffective oversight mechanisms. There is a need for regular training of Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs), and other duty-bearers. Evaluation frameworks should consider both qualitative and quantitative indicators that accurately represent the lived experiences of children. Taken together, these recommendations underscore the urgent need for harmonisation, accountability, and investment to translate India's child protection commitments into lived realities.

V. Conclusion

India's child protection laws, though sound on paper, have not translated into effective implementation. While notable achievements have been observed, such as an increased awareness of child sexual abuse, a shift towards non-institutional care, the system largely has remained reactive, underfunded and fragmented. Declining child welfare budgets, outdated data, bureaucratic hurdles in adoption and uneven implementation of child protective laws across states indicate a deep-rooted structural inadequacy. In order to make the soundness of policies and legislation a reality, India must adopt a harmonised approach. This requires institutionalised budgetary commitments, preventive interventions, streamlined adoption processes, periodic and comprehensive national surveys and the integration of fragmented legal frameworks into a unified child protection code. The vision must be to create a comprehensive child protection ecosystem that is practically accessible, community-responsive, and centres the lived realities of children, along with being legally robust. India cannot afford to leave its children behind. A just and sustainable future depends on how well the nation protects those who are least capable of protecting themselves today.

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