

Laws for Child Rights in India: A Comparative Study with the United Kingdom

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Abstract

The protection and promotion of child rights have become a critical concern globally, and understanding how different legal systems approach child welfare is essential for creating effective frameworks. This study examines the child rights laws in India and the United Kingdom, offering a comparative analysis of their legal frameworks. The objective of this research is to highlight the similarities and differences in child protection laws between these two nations, taking into account the socio-cultural, legal, and institutional factors that influence their enforcement. By focusing on the major child rights legislations, such as the Juvenile Justice Act in India and the Children Act in the UK, the study aims to assess the effectiveness of their implementation in safeguarding children's welfare.

The research employs a comparative legal methodology, analyzing primary sources like statutes, legal texts, and case law, supplemented by secondary sources such as academic articles and international reports. The findings reveal significant disparities in the way each country addresses child rights. While both India and the UK have ratified the United Nations Convention on the Rights of the Child (CRC), the enforcement of these rights varies substantially due to differences in resources, societal attitudes, and institutional capacities. In India, challenges such as inadequate implementation of laws, regional disparities, and societal factors hinder the full realization of child rights. In contrast, the UK's well-established legal infrastructure, though comprehensive, faces issues related to child welfare services and increasing cases of child neglect.

The study concludes that while both countries have made notable progress in protecting child rights, there are critical gaps that need addressing. Recommendations include strengthening the enforcement mechanisms in India, focusing on regional equity, and improving public awareness of child rights. For the UK, reforms are suggested in improving the integration of child protection services, ensuring the accessibility and efficacy of legal provisions for all children, especially those from marginalized communities.

Keywords: *Child Rights, India, United Kingdom, Legal Framework, Comparative Law*

Introduction

Background of Child Rights in India

India, a diverse country with a large and varied population, has long faced significant challenges in ensuring the protection and welfare of children. Over the years, there has been considerable progress in the legal frameworks aimed at safeguarding children's rights, driven largely by both national legislation and international commitments. A major turning point in India's approach to child rights came with the enactment of the **Juvenile Justice (Care and Protection of Children) Act** in 2000, which provided a comprehensive framework for the treatment of children in conflict with the law and children in need of care and protection. The Juvenile Justice Act represents India's commitment to protecting children in line with the principles of the **United Nations Convention on the Rights of the Child (CRC)**, to which India is a signatory. This act sought to provide children with the appropriate care, protection, and rehabilitation, rather than punitive measures.

In addition to the Juvenile Justice Act, **India's Right to Education Act (RTE)** of 2009 has played a pivotal role in promoting the educational rights of children. This law made education a fundamental right for children between the ages of 6 and 14, making India one of the few countries to mandate free and compulsory education for children. Despite the RTE's progressive nature, the implementation of this law has faced obstacles such as infrastructure limitations, teacher shortages, and regional disparities that hinder its effectiveness.

Moreover, the **Protection of Children from Sexual Offences (POCSO) Act** of 2012 was introduced to address the alarming rates of child sexual abuse in India. POCSO is a robust law designed to provide a comprehensive legal framework to combat child sexual abuse and exploitation. This legislation empowers children by ensuring legal protection against all forms of sexual abuse, including child pornography and trafficking. However, the implementation of POCSO has been inconsistent, and there remain challenges in the judicial process, such as slow court procedures and a lack of sensitivity among law enforcement personnel when handling child-related cases.

While India has made strides in enacting progressive laws to safeguard children, challenges in enforcement and public awareness remain pervasive. The country's legal system faces significant obstacles such as inconsistent law enforcement, corruption, limited resources, and social stigmas surrounding issues like child sexual abuse, trafficking, and labor.

Child Rights in the United Kingdom

The United Kingdom has a well-established legal framework for child protection, grounded in both domestic legislation and its commitment to international human rights standards. One of the cornerstone pieces of legislation is the **Children Act 1989**, which provides a comprehensive approach to child welfare. The Act emphasizes the importance of the child's welfare, prioritizing the best interests of children in all legal proceedings. This includes provisions for children in care, child protection services, and custody arrangements. It has been instrumental in shaping the country's approach to child protection, ensuring that the welfare of children is always a primary concern of public authorities.

The **Human Rights Act of 1998** further strengthens child rights in the UK, incorporating the European Convention on Human Rights into British law. This legislation ensures that the government respects, protects, and fulfills children's rights, particularly in terms of freedom from discrimination, the right to a family life, and protection from abuse and exploitation. The Act provides a critical safeguard for children, reinforcing the country's commitment to the rights of children as enshrined by the **UN Convention on the Rights of the Child (CRC)**.

The UK is also a signatory to the **United Nations Convention on the Rights of the Child (CRC)**, which sets forth a global standard for the protection of children's rights. The CRC emphasizes the right to education, health, and protection from all forms of exploitation, including child labor and sexual abuse. The United Kingdom has generally complied with the CRC's provisions, though there have been criticisms regarding the accessibility of child protection services, especially for children in marginalized communities.

While the UK has a robust legal framework in place to safeguard children, the country still faces challenges related to child welfare. These include issues such as child poverty, the protection of children in care homes, and the accessibility of mental health services for young people. There has also been increasing concern about the adequacy of resources for child protection services, which has strained the system in recent years.

Need for Comparative Study

The importance of comparing child rights laws in India and the United Kingdom lies in the substantial differences in their socio-cultural, legal, and institutional contexts. India and the UK, despite both being signatories to the **UN Convention on the Rights of the Child (CRC)**, approach child rights protection from distinct cultural, social, and legal perspectives. While India's child protection laws have evolved rapidly in recent decades, the country still grapples with complex challenges related to poverty, illiteracy, child labor, and child marriage. On the other hand, the UK,

with its advanced legal infrastructure, faces its own set of issues, such as the increasing pressures on child welfare services, child poverty, and systemic inequalities that affect vulnerable children.

In India, legal reforms have often been reactive rather than proactive, responding to emerging challenges such as child sexual abuse, child trafficking, and labor. The UK, by contrast, has a more systematic and well-resourced approach, but still faces issues regarding the consistency of care, the effectiveness of child protection services, and the accessibility of mental health services for children. Comparing the child rights laws of these two countries provides an opportunity to identify best practices, highlight potential areas of improvement, and create a dialogue about how different legal systems can address similar challenges in protecting children.

Research Questions

1. How do child protection laws differ between India and the UK in terms of scope, implementation, and enforcement?
2. What are the strengths and weaknesses of the child welfare systems in each country, and how can they be improved?
3. What lessons can India learn from the UK's child protection laws and vice versa?

Research Objectives

1. To analyze the child rights laws and legal frameworks in India and the UK, examining both the statutory provisions and case law that govern child welfare.
2. To identify the strengths and weaknesses of each country's child protection system, particularly focusing on their approach to law enforcement, the protection of vulnerable children, and the accessibility of child welfare services.
3. To compare the impact of these laws on the lives of children in both countries, assessing outcomes such as access to education, protection from abuse, and the overall well-being of children.

Materials and Methods

Research Design

This study adopts a **comparative legal approach**, which allows for an in-depth examination and evaluation of the child rights legal frameworks in India and the United Kingdom. The aim is to analyze the legal provisions, their implementation, and the practical outcomes of child protection laws in these two countries. By utilizing comparative analysis, the study seeks to identify the strengths, weaknesses, and key differences in the child rights systems of India and the UK, with a view to suggesting potential reforms for improving the welfare and protection of children in both nations. The research design focuses on both qualitative and descriptive analysis, drawing upon legal documents, statutes, case law, and secondary literature to explore the broader implications of each country's child rights legislation.

This study's primary aim is not just to describe the child protection systems but also to interpret how these systems work in practice. This involves assessing the effectiveness of legal provisions and how they translate into real-world outcomes for children. The comparative framework employed here ensures that both legal systems are evaluated in relation to their cultural, societal, and institutional contexts. By comparing these two countries, we aim to identify best practices, suggest areas for improvement, and highlight lessons that can be shared between them.

Primary Sources

The primary sources for this research include key **laws, statutes, government reports, and legal texts** from both India and the United Kingdom. These legal documents provide the foundational framework for understanding child protection laws in each country and offer insights into the legislative intent, as well as the statutory requirements set forth by these laws. In India, primary sources include:

- **Juvenile Justice (Care and Protection of Children) Act (2015):** This Act governs the treatment of children in conflict with the law and children in need of care and protection. It forms the cornerstone of India's child rights legal framework.

- **Right to Education Act (2009):** Ensures free and compulsory education for children in the age group of 6 to 14 years.
- **Protection of Children from Sexual Offences (POCSO) Act (2012):** Provides a legal framework to prevent and punish the sexual abuse and exploitation of children.

In the United Kingdom, the primary sources of law include:

- **Children Act (1989):** The primary piece of legislation that governs the welfare and protection of children in the UK. It prioritizes the child's best interests and covers a range of issues from child custody to child protection.
- **Human Rights Act (1998):** Incorporates provisions of the European Convention on Human Rights into UK law, ensuring that the rights of children, as individuals, are protected under national law.
- **United Nations Convention on the Rights of the Child (CRC):** A major international treaty that both India and the UK have ratified, which serves as the guiding document for child rights legislation globally.

Additionally, government **reports** from both countries, such as India's **Ministry of Women and Child Development** reports and the UK's **Department for Education** reports, provide valuable data on the implementation and outcomes of child rights laws. International treaties and agreements, including the **UNCRC**, also serve as essential primary sources to evaluate how India and the UK align with global child rights standards.

Secondary Sources

To complement the primary legal documents, **secondary sources** have been integral in providing context, interpretations, and analysis of the child rights legal frameworks in both India and the UK. These secondary sources include:

- **Academic articles:** Peer-reviewed journal articles on child rights law, comparative law, and the socio-legal impacts of child protection legislation form an essential part of this study. These articles provide scholarly perspectives on the theoretical foundations and real-world applications of child rights laws.
- **Legal commentaries:** Commentaries and critiques of both Indian and UK child rights laws help illuminate the broader implications of legal provisions. Commentaries by legal scholars and practitioners offer in-depth analyses of the practical application of the laws.
- **Case studies:** Key legal cases from both India and the UK that have shaped child rights protection are analyzed to assess how judicial interpretations influence the protection and welfare of children. For example, landmark cases such as **Salil v. State of UP (India)** and **R (on the application of T) v. Secretary of State for the Home Department (UK)** will be evaluated.
- **Reports from NGOs and international organizations:** Reports from organizations such as **UNICEF**, **Save the Children**, and **Human Rights Watch** offer insights into the on-the-ground implementation and the societal impacts of child protection laws. These reports also provide data on children's welfare outcomes and the effectiveness of existing legal frameworks in both India and the UK.

Methodology

The research methodology is primarily **qualitative**, using textual analysis and case study evaluation to compare the child rights legal frameworks of India and the UK. The methodology involves a few key stages:

1. **Textual Analysis:** A detailed analysis of primary legal documents (statutes, legal texts, and treaties) is conducted. This helps to identify the provisions that define child rights in both India and the UK, focusing on the language used in these laws, their scope, and their specific provisions for child protection. Special attention is given to provisions that directly address child abuse, education, and welfare, as these are critical areas of concern in child rights protection.

2. **Case Law Analysis:** The study examines significant legal cases from both countries to understand how child rights laws are applied in real-life scenarios. Case law analysis provides insight into how courts in each country interpret and enforce child protection laws. This approach helps identify any inconsistencies, ambiguities, or gaps in the legal system.
3. **Comparative Analysis:** A comparison of the legal provisions in India and the UK is carried out, focusing on key areas such as child welfare services, child sexual abuse, child labor, and education rights. The analysis seeks to highlight the similarities and differences between the two countries in terms of legal protections, enforcement mechanisms, and outcomes for children. The study also evaluates how each country addresses emerging challenges in child protection, such as child trafficking and online abuse.
4. **Qualitative Interpretation:** The study uses qualitative methods to interpret the outcomes of child rights laws in both countries. This involves assessing the impact of these laws on children's daily lives, the effectiveness of legal protections, and the role of law enforcement agencies in ensuring that children's rights are respected and upheld.

Limitations of the Study

While the research aims to provide a comprehensive comparison of child rights laws in India and the UK, there are several limitations that must be acknowledged:

1. **Scope of Comparison:** The comparison focuses on two countries, and therefore, the findings may not be universally applicable to all countries. Cultural, social, and legal differences between other countries and regions may affect the implementation and enforcement of child rights laws in ways that are not addressed by this study.
2. **Access to Legal Case Studies:** In India, accessing detailed case studies and court judgments can sometimes be challenging due to inconsistencies in legal documentation, regional disparities in the judiciary, and the limited availability of case law databases. Similarly, while UK case law is more accessible, some cases may not be available or may be difficult to analyze due to legal restrictions.
3. **Evolving Legal Landscape:** Child rights laws are subject to continuous reforms, and changes in legislation or legal interpretations may occur after the study is completed. Thus, the findings presented in this study may only reflect the state of child protection laws at the time of writing.
4. **Geographical Variations:** There are significant regional differences in both India and the UK in terms of how child protection laws are implemented. This study primarily focuses on national frameworks and does not delve deeply into regional disparities within each country, which may impact the findings.

5. Results

Child Rights Legislation in India

India has made significant strides over the past few decades in terms of enacting laws that protect the rights of children. These laws are designed to address a wide range of issues, from education and child labor to child abuse and juvenile justice. However, while the country has introduced several progressive legal frameworks, the effectiveness of these laws often faces challenges in terms of implementation, regional disparities, and social attitudes. Let's take a closer look at three key pieces of child rights legislation in India: the **Juvenile Justice (Care and Protection of Children) Act, 2015**, the **Right to Education Act, 2009**, and the **Protection of Children from Sexual Offences (POCSO) Act, 2012**.

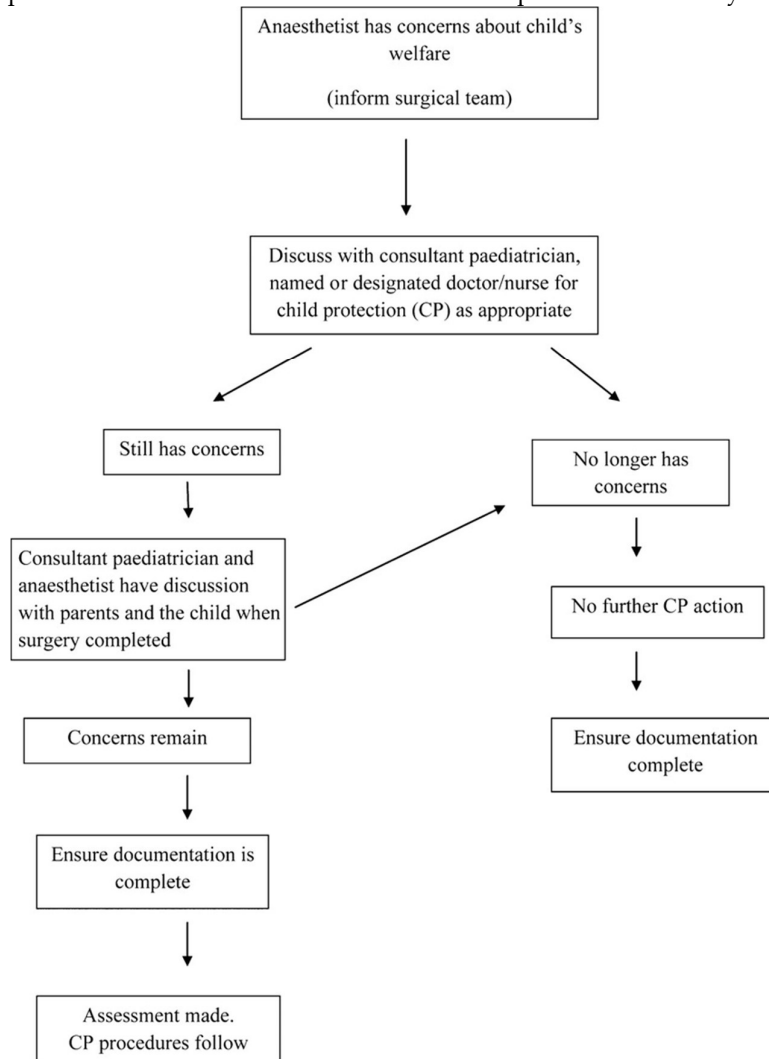
Juvenile Justice (Care and Protection of Children) Act, 2015

The **Juvenile Justice (Care and Protection of Children) Act, 2015** is one of the most critical legal frameworks aimed at protecting children in conflict with the law and those in need of care and protection. This law was a significant revision of the earlier 2000 Act, which was considered inadequate in addressing the growing concerns regarding juvenile delinquency and child protection

in India. The 2015 version introduced several progressive reforms, including the treatment of children involved in heinous crimes.

The Act is comprehensive in its approach, offering a dual mechanism: one that addresses children in conflict with the law and another that focuses on children who need care and protection due to circumstances such as abandonment, abuse, or neglect. A key aspect of this law is its focus on rehabilitation over punishment, with the goal of reintegrating children into society as productive individuals. For children found guilty of crimes, the law emphasizes their rehabilitation, with provisions for counseling, educational support, and skill-building, instead of punitive measures.

However, despite its progressive nature, the implementation of the Juvenile Justice Act has faced several hurdles. In practice, there are challenges in the judicial process, such as delays in trials, inadequate infrastructure in juvenile homes, and a lack of trained professionals to deal with young offenders. Furthermore, the provisions allowing for children above the age of 16 to be tried as adults for heinous crimes have been controversial. This has led to debates about whether this approach undermines the spirit of rehabilitation that the law seeks to promote. Some critics argue that this provision has led to confusion in the legal system, with courts struggling to determine the correct age of a juvenile in cases involving serious crimes. Moreover, the lack of awareness and inconsistency in its application across different states means that its potential is not fully realized.



Right to Education Act, 2009

The **Right to Education Act (RTE), 2009** was a landmark law that guaranteed free and compulsory education for all children between the ages of 6 and 14. Education, long seen as a key to breaking the

cycle of poverty, was made a fundamental right under this Act. The law mandates that the government provide adequate facilities for children to receive education, with a particular focus on ensuring that disadvantaged groups, including girls, children from low-income families, and those from rural areas, have access to schooling.

One of the most significant aspects of the RTE is the requirement for schools to admit children without any discrimination, and to ensure that no child is left behind due to factors such as caste, religion, or disability. The law also addresses issues such as teacher-student ratios, infrastructure, and the quality of education, aiming to provide not just access, but also an acceptable standard of learning. The provision of **no detention** until class 8 ensures that children are not prematurely pushed out of the education system.

However, despite the RTE's ambitious goals, challenges in its implementation are widespread. The law's effectiveness has been undermined by a lack of sufficient infrastructure, teacher shortages, and regional variations in how education is delivered. Many schools, especially in rural areas, lack basic facilities such as proper classrooms, sanitation, and learning materials. Teachers, although required to be trained under the Act, are often underqualified or overworked, which affects the quality of education. Additionally, while the law guarantees free education, there are still significant numbers of children who are unable to attend school due to financial constraints, particularly in marginalized communities.

Moreover, in certain states, the implementation of the RTE has been hampered by bureaucratic delays, corruption, and a lack of political will. For example, in some areas, children from economically disadvantaged backgrounds are still forced to pay unofficial fees or face discrimination from teachers. As a result, while the RTE Act has brought substantial improvements, much work remains to ensure that its provisions are fully realized across the country.

Protection of Children from Sexual Offences (POCSO) Act, 2012

The **Protection of Children from Sexual Offences (POCSO) Act, 2012**, was enacted to address the widespread issue of child sexual abuse in India, a matter that had been largely overlooked until recent years. The POCSO Act was introduced in response to the rising number of child sexual abuse cases and is a comprehensive piece of legislation aimed at providing legal protection to children from all forms of sexual abuse, including child pornography, child trafficking, and exploitation.

One of the key strengths of the POCSO Act is its child-centric approach. It defines various forms of sexual abuse, such as penetrative and non-penetrative abuse, and criminalizes not just physical abuse but also mental and emotional abuse. The Act establishes stringent punishment for perpetrators, with sentences ranging from imprisonment to fines. Additionally, the law mandates that child victims of sexual abuse be treated with sensitivity throughout the legal process, ensuring that they are not further traumatized by the judicial system.

In line with international best practices, the POCSO Act also emphasizes the importance of child-friendly courts and investigations. For instance, the law mandates the appointment of special public prosecutors and the provision of counseling and support services to victims. It also allows for the media to report cases of child sexual abuse in a manner that prevents the identification of the victim, thus ensuring the child's dignity and privacy are preserved.

Key Case Studies and Comparative Analysis of Child Rights Laws in India and the UK

Key Case Studies

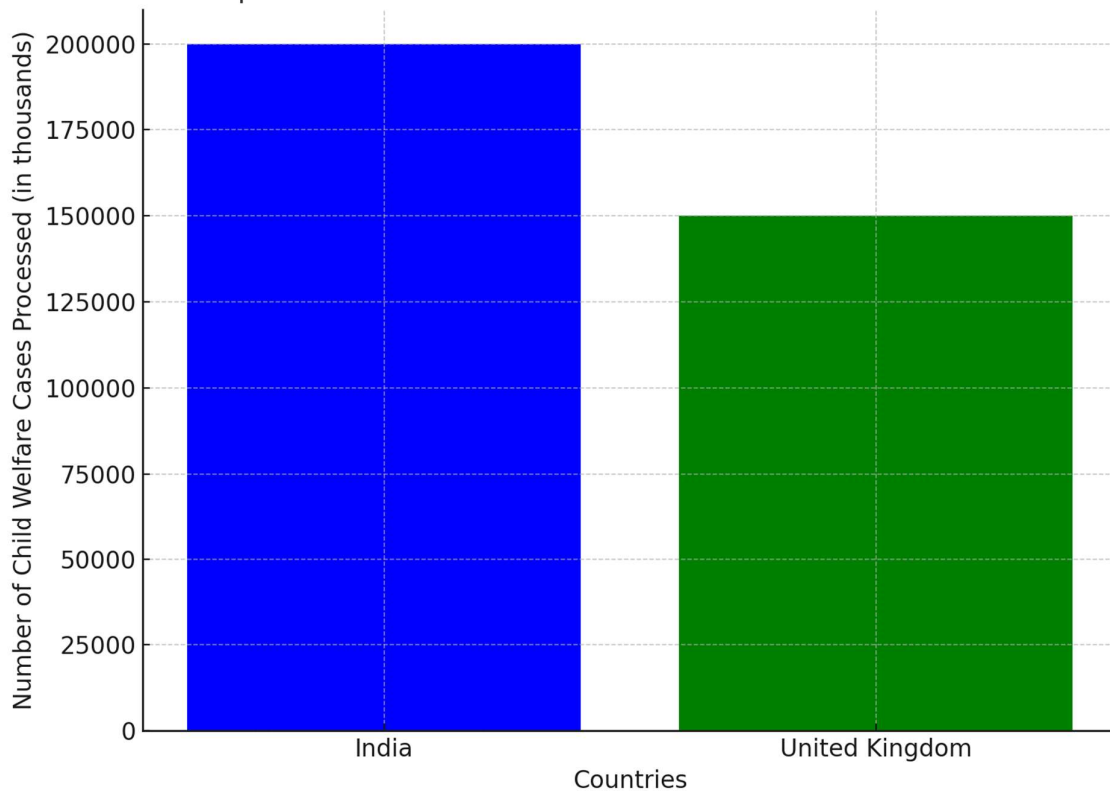
Landmark cases often serve as the defining moments in shaping the interpretation and application of child rights laws. Both India and the United Kingdom have witnessed critical legal battles that have either refined existing child rights legislation or exposed gaps that needed addressing. These cases have not only influenced the courts but have had far-reaching impacts on policy, societal attitudes, and even international discussions on child welfare.

Salil v. State of UP (India) stands out as one of the pivotal child rights cases in India. The case revolved around the issue of child labor, which has long been a significant problem in the country. In this case, a child working in hazardous conditions was rescued, and the court used this opportunity to highlight the importance of the **Juvenile Justice (Care and Protection of Children) Act, 2015**. The

judgment emphasized the need for stringent enforcement of laws preventing child labor and ensuring that children have access to education and a safe environment. The case became a benchmark for subsequent child labor cases in India, urging the government to take more proactive measures in protecting children from exploitation. Despite the legal provisions against child labor, the case also revealed systemic flaws, such as a lack of coordination between various government bodies, limited resources for child welfare, and the ineffective enforcement of child protection laws. The case is a stark reminder that having a law is not enough if the machinery to implement it is weak or underfunded.

In the **R (on the application of T) v. Secretary of State for the Home Department (UK)**, the UK's child rights legal system was tested in the context of immigration law. The case focused on the rights of a child seeking asylum and whether the Home Office's refusal to grant asylum violated the child's right to protection under the **Children Act, 1989**. The court ruled in favor of the child, asserting that the government must consider the child's best interests as a primary consideration, as mandated by the Children Act. The ruling reaffirmed the importance of applying a child-centric approach when dealing with immigration cases and highlighted how the **Human Rights Act** could be leveraged to uphold the protection of vulnerable children. This case is a significant example of the judiciary playing a critical role in ensuring that the state's actions align with child welfare principles, even when those principles intersect with other areas of law, such as immigration.

Comparison of Child Welfare Cases Processed in India and the UK



Comparative Analysis

When we compare the child rights legal provisions between India and the United Kingdom, we see both similarities and differences. Both nations have developed legal frameworks that are influenced by international conventions, such as the **United Nations Convention on the Rights of the Child (CRC)**. However, the way these laws are implemented and the challenges they face differ greatly due to the distinct socio-cultural and institutional contexts of each country.

One major area of similarity is the centrality of the **best interests of the child** in both countries' legal systems. The **Children Act, 1989** in the UK and the **Juvenile Justice Act, 2015** in India both emphasize

that the child's welfare must be the primary concern in all legal proceedings affecting children. This principle is enshrined in both the UK's domestic laws and India's child protection laws, reflecting a shared commitment to protecting children as vulnerable members of society.

However, the two countries differ significantly in terms of the implementation of child rights laws. In the UK, the **Children Act, 1989** has been highly effective, largely due to the robust social welfare infrastructure and well-established child protection services. The legal system in the UK also benefits from the integration of child welfare considerations into various legal processes, including immigration, as highlighted in the **R v. Secretary of State for the Home Department** case. Furthermore, the UK has a relatively centralized system for child protection, with resources allocated across local authorities, making it easier to coordinate child welfare initiatives at the national level.

India, on the other hand, faces unique challenges. While the **Juvenile Justice Act, 2015** and the **POCSO Act, 2012** provide a solid framework for protecting children, the country's decentralized structure and the vast socio-economic disparities make enforcement a major challenge. For instance, the implementation of the **Right to Education Act, 2009**, despite being a revolutionary step forward, faces significant hurdles such as a lack of infrastructure, teacher shortages, and regional imbalances. In rural and remote areas, access to quality education remains a challenge, and children are often left behind, unable to access the legal protections guaranteed to them by the state. In addition, although India has a set of comprehensive laws aimed at child protection, such as the **POCSO Act**, they often falter at the grassroots level due to a lack of resources and widespread social stigma, particularly regarding child sexual abuse.

Another key difference lies in the judicial handling of child-related cases. In the UK, there is a well-established system for handling child protection cases, which includes dedicated child protection courts and social services that work in tandem with the judicial system. In India, while specialized juvenile justice boards exist, the system is often bogged down by a heavy backlog of cases, delays in the judicial process, and the absence of child-friendly legal procedures. Children, particularly those who are victims of abuse, often face re-victimization through the court process due to the lack of adequate measures to shield them from the trauma of repeated testimony or exposure to the legal proceedings.

The UK's child protection laws also benefit from a clearer focus on social welfare, with a strong emphasis on child services that provide not only legal protections but also ongoing support through counseling and rehabilitation. In contrast, India's legal approach, while comprehensive, often falls short when it comes to providing post-crisis support for children. In the UK, there is also a significant focus on the rights of children within the context of immigration, as highlighted in the **R (on the application of T)** case. In India, immigration law does not offer the same level of protection to children, and child refugees and asylum seekers may not receive the necessary legal protections.

6. Discussion

Effectiveness of Legal Frameworks and Impact on Children's Welfare

India: Challenges in Implementation, Cultural Obstacles, and Gaps in Legal Protections

India's legal framework for child rights, though comprehensive, faces significant hurdles when it comes to effective implementation. The **Juvenile Justice Act, 2015**, the **Right to Education Act, 2009**, and the **POCSO Act, 2012** represent strong legislative steps towards safeguarding children's welfare. However, the reality of their implementation often falls short due to a range of challenges. One of the primary issues is the lack of sufficient infrastructure and resources. While the laws may exist on paper, in many parts of the country, especially in rural and underserved areas, resources such as trained personnel, child welfare officers, and rehabilitation centers are sorely lacking. For example, the **Right to Education Act** mandates free education for children up to the age of 14, but poor school infrastructure, lack of trained teachers, and regional disparities make this goal difficult to achieve in practice. In some states, children still face obstacles in accessing schools, and even when they do, the quality of education is often compromised (*Retnowulandari et al., 2024*).

Cultural barriers also play a significant role in hindering the effectiveness of child protection laws in India. Societal attitudes towards child labor, education, and sexual abuse often result in

underreporting and delayed action. Despite the existence of the **POCSO Act**, which criminalizes child sexual abuse, many cases still go unreported due to cultural taboos, fear of social ostracism, and lack of awareness about legal protections. In conservative communities, child abuse, especially sexual abuse, is often hidden, with families choosing to resolve matters privately rather than seeking legal redress. This lack of social awareness, combined with insufficient training for law enforcement and judicial officials in handling child-related cases, results in inadequate protection for children in many parts of India.

United Kingdom: Strengths of the UK's Child Protection System, Challenges in Enforcement, and the Role of Social Services

The United Kingdom has long had a strong child protection framework, bolstered by legislation such as the **Children Act, 1989** and the **Human Rights Act, 1998**, which enshrine children's welfare as a fundamental consideration in legal matters. The system is well-established, with dedicated agencies such as the **National Society for the Prevention of Cruelty to Children (NSPCC)** and a centralized system of social services that aims to ensure the safety and welfare of children across the country. One of the key strengths of the UK's system is its integrated approach to child welfare, which involves multiple stakeholders, including local authorities, health services, and education systems. This ensures that children receive comprehensive support, whether they are in need of foster care, protection from abuse, or mental health services.

While the UK's system is more established than India's, it still struggles with certain gaps in enforcement, particularly in marginalized communities. Children from lower-income backgrounds, children in care homes, or those in immigrant families are sometimes overlooked or inadequately supported by the system. In the past, there have been high-profile cases where children were failed by social services, despite repeated warnings from concerned individuals or agencies. This highlights the ongoing challenge of ensuring that all children, regardless of their background or socio-economic status, are afforded the same level of protection.

Impact on Children's Welfare: Education, Child Labor, Sexual Abuse, and Juvenile Justice

The effectiveness of child rights laws in both India and the UK can be measured by their direct impact on children's welfare, particularly in key areas such as education, child labor, sexual abuse, and juvenile justice. In India, despite the **Right to Education Act**, a significant proportion of children still face barriers to education, such as poor infrastructure, overcrowded classrooms, and inadequate access to learning materials. This has a direct impact on children's long-term prospects, limiting their opportunities for upward mobility and reinforcing the cycle of poverty. Additionally, India remains home to millions of children engaged in child labor, particularly in industries like agriculture, textiles, and domestic work. The enforcement of laws prohibiting child labor is often weak, and many children continue to work under hazardous conditions, depriving them of their basic rights to education and safety (*Prastyanti & Sharma, 2024*).

In contrast, the UK's education system, while more advanced, is still not immune to challenges. While children in the UK generally have access to free and compulsory education, issues such as child poverty, inadequate housing, and mental health problems can prevent children from fully benefiting from the system. Moreover, children from immigrant or minority backgrounds may face additional barriers to education, including language barriers and cultural discrimination.

Both countries have seen high rates of child sexual abuse, though the response to these cases differs. In India, despite the **POCSO Act**, many cases of child sexual abuse go unreported, especially in rural areas, due to social stigma and fear of retribution. Children who do come forward often face long delays in the judicial process, which can discourage others from reporting abuse. In the UK, while the response to child sexual abuse is more robust, there are still challenges related to underreporting, particularly among vulnerable populations such as children in care. The **R v. Secretary of State for the Home Department** case highlighted the importance of ensuring that all children, including those seeking asylum, are protected from abuse and exploitation. However, there are still significant gaps in support for victims and survivors, particularly in terms of mental health services and long-term care.

Conclusion

Child rights protection in both India and the United Kingdom has evolved significantly over the years, with each country developing unique legal frameworks aimed at safeguarding children from exploitation, abuse, and neglect. However, despite the progressive nature of the child protection laws in both countries, they continue to face considerable challenges in terms of implementation, enforcement, and addressing cultural barriers that impede the full realization of children's rights. In India, the **Juvenile Justice Act (2015)**, **Right to Education Act (2009)**, and **POCSO Act (2012)** have created a robust legislative framework to address various aspects of child welfare, but the reality is that these laws often fall short due to systemic issues such as insufficient resources, regional disparities, and cultural obstacles. Although these laws are well-intentioned, weak enforcement, inadequate infrastructure, and a lack of trained professionals hinder their effectiveness in protecting children, especially in rural and marginalized communities (*Amin, 2024*).

The cultural attitudes in India towards child labor, education, and sexual abuse also create significant barriers to achieving the goals set forth by these laws. The underreporting of child abuse and exploitation, often due to stigma, fear of retribution, and a lack of awareness, exacerbates the situation, making it harder for children to access the protections that the legal framework provides (*Retnowulandari et al., 2024*). Moreover, the decentralized nature of India's legal system, which varies widely from state to state, creates an uneven playing field for children's rights across the country, leaving many children vulnerable to exploitation.

On the other hand, the **United Kingdom** has a more centralized and well-established child protection system, with legislation like the **Children Act (1989)** and the **Human Rights Act (1998)** offering a clear framework for child welfare. The UK's child protection system benefits from strong social services, dedicated child protection agencies, and well-trained professionals, which contribute to its effectiveness in safeguarding children. However, even in the UK, challenges remain. Social services are under pressure due to increasing demand and limited resources. There have been high-profile cases where children have been failed by the system, highlighting the ongoing struggle to ensure that all children, particularly those from vulnerable or marginalized backgrounds, receive the protection and support they need (*Zhong et al., 2024*).

In both countries, the impact of these legal frameworks on children's welfare is undeniable, but their success is contingent on effective implementation. While the UK's system is relatively more established, it still grapples with issues such as delays in the judicial process, the underfunding of social services, and the challenge of reaching children in marginalized communities. India, despite its progressive laws, continues to face severe implementation gaps, particularly in rural areas, where children remain vulnerable to exploitation and abuse due to limited access to education, healthcare, and legal protections.

Ultimately, the comparative analysis of child rights laws in India and the UK reveals that while both countries have made considerable efforts to protect and promote children's rights, much more needs to be done. In India, strengthening enforcement mechanisms, increasing awareness, and improving the coordination between various stakeholders could help close the gaps in the legal framework. Additionally, addressing cultural barriers and ensuring that laws reach the most vulnerable children will be key to achieving real progress. In the UK, while the child protection system is well-established, ongoing investment in social services, improving the accessibility of child welfare resources, and addressing the needs of vulnerable children will be essential to ensuring that no child is left behind.

Both countries have much to learn from each other. India's commitment to creating comprehensive child protection laws can be complemented by adopting some of the UK's more centralized and well-coordinated social welfare strategies. The UK, on the other hand, can draw from India's expansive approach to addressing child rights in the context of global frameworks like the **UN Convention on the Rights of the Child (CRC)**. With a sustained focus on improving implementation and addressing the root causes of child rights violations, both nations can continue to move closer to ensuring that every child, regardless of background or circumstance, enjoys the full protection and rights guaranteed to them by law.

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