

## Dharma and Child Rights: A Value-Based Approach to Child Protection

**Mrs. Barsa Rani**

Ph.D. Scholar (Law), Carrer Point University, Hamirpur, Himachal Pradesh, India

### ABSTRACT:

In the Indian classical and legal-ethical tradition, Dharma signifies duty, righteousness and moral responsibility. It offers a solid moral foundation that underpins the effective protection and realization of child rights. This paper examines Dharma as a value-based ethical framework and its relevance to strengthening child rights in modern society. Despite the existence of comprehensive statutory and constitutional safeguards for children, issues such as child abuse, neglect, exploitation and inadequate care continue to endure. The objective of this study is to analyse the relevance of Dharma in promoting ethical responsibility towards children and in reinforcing the moral dimension of child protection alongside formal legal mechanisms. It further explores how Dharma can complement the principles of survival, protection, development and participation guaranteed under child rights frameworks. The study also involves interpretative analysis of child rights principles under national and international legal frameworks. It strengthens the ethical responsibility of individuals, families, institutions and the State towards children. The paper concludes that Dharma can serve as a supportive ethical framework alongside legal provisions for child protection. Its doctrinal interpretation highlights its continued relevance in enhancing the moral and legal commitment to safeguarding child rights in modern society.

**Key words:** Dharma, Child Protection, Social Order, Child Abuse, Human Rights.

### Introduction:

Dharma, derived from the Sanskrit root *dhṛ* meaning “to uphold” or “to sustain,” represents a universal framework of moral and ethical order that governs individual conduct, social relationships and the harmony of the universe. It is rooted in principles such as duty, justice, responsibility and righteousness, guiding individuals towards value-based and disciplined fundamentally distinct in scope and meaning. The term Dharma varies across Indian religious traditions but consistently emphasises ethical behaviour, moral accountability and virtuous living. In Hinduism, Dharma signifies righteous duty and moral responsibilities toward oneself, family, society and the universe. Buddhism views Dharma as the Buddha's teachings, which encourage compassion, wisdom, non-violence and liberation from suffering. Jainism associates Dharma mainly with Ahinsa (non-violence), truthfulness, self-discipline and respect for all

\*Corresponding Author Email: [barsahathakur773@gmail.com](mailto:barsahathakur773@gmail.com)

Published: 14 September 2026

DOI: <https://doi.org/10.70558/IJMRS.2026.v2.i3.301189>

Copyright © 2026 The Author(s). This work is licensed under a Creative Commons Attribution 4.0 International License (CC BY 4.0).

living beings. Although these interpretations differ, all three traditions see Dharma as a moral and ethical framework that fosters human dignity, social harmony and accountable conduct. These common principles are especially important for safeguarding children and advancing their rights in modern society. This study examines Dharma as a moral and ethical framework for promoting children's rights, welfare, dignity, and protection. It seeks to understand, from a Dharmic perspective, the duties and responsibilities of parents toward children and the corresponding responsibilities of children toward their parents, family, and society. The study further aims to explore how values such as compassion, non-violence, truthfulness, responsibility, self-discipline, respect, and care for others can contribute to creating a safe and supportive environment for children. It also seeks to analyse the relationship between traditional Dharmic principles and the contemporary legal framework concerning child protection, particularly in the context of preventing abuse, neglect, exploitation, and other forms of harm against children. Finally, the study intends to identify ways in which ethical values derived from Dharmic traditions may complement existing legal and institutional mechanisms for strengthening child protection and promoting the overall well-being of children in contemporary Indian society.

### **Methodology**

For the present research paper the Doctrinal methodology has been adopted. For this purpose, various statute, journals, books, commentaries, reports, magazines, newspapers, websites etc. have been consulted and refereed.

### **Concept and Philosophical Foundation of Dharma**

In modern Indian society, the influence of Dharma concept is gradually diminishing in daily life. Many people prioritise material wealth over moral duties and ethics, leading to a decline in values like compassion, respect, honesty and responsibility. This moral erosion has serious consequences for children's safety. The 2023 Crime in India report by the National Crime Records Bureau (NCRB) States that 177,335 crimes against children were recorded in 2023, a 9.2% rise from 162,449 cases in 2022. Of these, 79,884 cases (45%) involved kidnapping and abduction and 67,694 cases (38.2%) were reported under the Protection of Children from Sexual Offences (POCSO) Act. Furthermore the NCRB Crime in India Report 2024 reveals a 5.9% rise in crimes against children, amounting to nearly 1.8 lakh cases nationwide. The majority involved kidnapping and offences under the POCSO Act, underscoring children's on-going vulnerability and the urgent requirement for enhanced legal and ethical protections. The overall crime rate against children increased from 36.6 to 39.9 per lakh children. These figures show that, despite comprehensive legal safeguards, children still face abuse, exploitation, and neglect, often even within their own homes. Such incidents highlight not only flaws in law enforcement but also a decline in the ethical values embodied in Dharma. Therefore, it is crucial to educate children about their Dharma towards their parents, family, and society, while also reminding parents and adults of their moral duty to protect, nurture, and respect every child. Promoting the principles of Dharma, along with effective legal enforcement can help build a safer, more ethical and child-friendly society.

## History of Dharma As a Framework of Value Based Living

The concept of Dharma has profound historical roots in Indian philosophy and is prominently addressed in ancient texts such as the Vedas, Upanishads and Mahabharata. Initially, Dharma was associated with cosmic order and the natural law governing the universe. Over the centuries it evolved to encompass social and ethical dimensions, guiding individual behavior and societal norms. In the Vedic period, Dharma was mainly linked to ritual duties and responsibilities, emphasizing the importance of fulfilling one's obligations to maintain cosmic harmony. As society evolved, the Bhagavad Gita articulated Dharma in terms of righteous action, emphasizing the moral choices individuals must make in their lives.

In the course of the Maurya and Gupta empires, Dharma became integral to governance, influencing laws and policies that promoted social welfare and justice. Ancient philosophers like Kautilya in the Arthashastra discussed the role of Dharma in statecraft and ethical leadership. In contemporary times, the relevance of Dharma continues as it addresses contemporary ethical dilemmas and social issues, urging individuals to act responsibly within their families and communities. This historical approach highlights Dharma's adaptability and enduring significance in shaping moral frameworks across generations. Each individual has a Dharma towards society, which includes respecting the rights and dignity of others, promoting justice, compassion and non-violence and contributing to social harmony. The decline of these ethical responsibilities has led to increasing social challenges, including crimes against children. Consequently reviving the principles of Dharma through value-based education can be crucial in addressing these issues. Value based education can strengthen family relationships, promote moral accountability and complement legal mechanisms designed to protect children, ultimately fostering the creation of a just and compassionate society.

## Types and Dimensions of Dharma

Dharma is a wide concept that involves moral, social, familial and legal responsibilities. It is not limited to religion but serves as a framework for ethical conduct and responsible living. In contemporary society, the concepts of Dharma and religion are often used interchangeably; however, they are fundamentally different. Religion is generally associated with faith, beliefs, rituals and modes of worship, whereas Dharma fundamentally refers to righteousness, moral, justice, responsibility, compassion and the fulfilment of duties towards oneself, family, society and humanity. The true fundamental aspect of Dharma lies in practising ethical values rather than merely performing religious rituals. When Dharma is understood only in terms of religious identity or ritual observance, its ethical and social dimensions may be undervalued. Subsequently reviving the original principles of Dharma is essential for strengthening moral responsibility, promoting family values and protecting the rights and dignity of children.

The perspective of Dharma may be understood through its different types and dimensions. Sādhārama Dharma indicates to universal values such as truth, compassion, non-violence, honesty and justice, which apply to all individuals. Sadharama denotes the duties and responsibilities associated with an individual's role in life. Kuladharmā signifies family responsibilities, where parents have the moral duty to provide love, care, education, protection and guidance to their children, while children have a duty to respect, support and care for their

parents. Samāja Dharma focuses on duties towards society, including respecting the rights and dignity of others, promoting equality, and protecting vulnerable groups, especially children. Rājadharmā denotes to the responsibility of the State to ensure justice, safeguard children's rights and create a safe environment for their holistic development. When taken as a whole these dimensions demonstrate that Dharma is not merely a religious concept but a comprehensive ethical framework that promotes value-based living, social harmony, responsible citizenship and child protection.

### **Dharma as a Social Order**

Dharma acts as a social framework by guiding individuals to fulfil their duties and responsibilities towards family, community and society. It promotes values such as justice, compassion, respect, honesty, equality and mutual responsibility which are essential for maintaining social harmony. In the Indian custom every individual has a social duty to respect the dignity and rights of others, particularly children, women and other vulnerable groups. The principles of Dharma encourage parents to provide care, love education and protection to their children, while society has a collective responsibility to ensure that every child grows up in a safe, supportive and non-violence environment. The State also has a duty to uphold justice and protect children's rights through effective and policies and laws. In modern society, where incidents of child abuse, neglect and exploitation continue to increase, the ethical principles of Dharma can complement legal safeguards by promoting moral responsibility, social accountability and respect for human dignity. For this reasons Dharma functions not only as a personal moral code but also as a social framework for building a just, compassionate and child-friendly society.

### **Relevance of Dharma in Modern Education**

Despite rapid social, economic and technological advancements, the principles of Dharma remain highly relevant in contemporary society. Increasing incidents of child abuse, domestic violence, corruption, discrimination and other social problems highlight the need for a stronger ethical foundation alongside legal regulation. Dharma, understood as righteousness, moral responsibility, justice, compassion and respect for human dignity, provides such a foundation. It encourages individuals to fulfil their duties towards their families, society and the State while respecting the rights of others. In the context of child protection, Dharma reminds parents of their responsibility to provide love, care, education and protection to their children, while children are encouraged to respect and care for their parents. It also places a moral obligation on society to safeguard children from abuse, neglect and exploitation. Although Constitutions play a crucial role in protecting children's rights but legal measures alone cannot eliminate child abuse without the support of ethical values. The Indian Constitution contains several provisions that recognise and protect the rights and welfare of children. These constitutional safeguards provide a comprehensive framework for ensuring the protection, development and dignity of children. Article 14 guarantees equality before the law and equal protection of laws, Article 15(3) empowers the State to make special provisions for children, Article 21 protects the right to life and personal liberty, Article 21A provides the right to education, Article 23 prohibits trafficking and forced labour, Article 24 prohibits the employment of children in hazardous occupations, Article 39(e) and 39(f) direct the State to protect children against abuse and

exploitation and ensure opportunities for their healthy development, Article 45 emphasises early childhood care and education, and Article 47 focuses on improving public health and nutrition. These constitutional provisions represent significant and progressive initiatives towards the protection and promotion of child rights in India. However, despite the existence of these legal safeguards, effective child protection requires not only awareness of constitutional rights but also the development of moral, ethical, and cultural values among children. Along with educating children about their constitutional rights, it is equally important to provide them with knowledge of Dharma, which has been an integral part of India's cultural heritage and value system.

In the contemporary era, children are gaining extensive knowledge through modern education and technological advancement; however, many are becoming increasingly disconnected from their cultural traditions, values and ethical foundations. Modern education often focuses on intellectual and professional development, but equal emphasis should also be placed on value-based education that nurtures character, compassion, responsibility and respect for others. The principles of Dharma and cultural values have the potential to promote self-discipline, empathy, moral responsibility and respect for human dignity. Such values can contribute towards preventing various forms of child abuse, including physical, sexual, and emotional abuse, by developing a positive and responsible mind-set. The integration of constitutional awareness with moral and cultural education can provide a holistic approach to child protection, enabling children not only to understand their rights but also to develop a sense of duties and responsibilities.

Therefore, providing children with knowledge of their constitutional rights along with ethical and cultural education can contribute towards creating a safer and more harmonious society. It is essential to nurture children as responsible, compassionate and value-oriented individuals for the protection of their interests and the welfare of future generations. Therefore, integrating the principles of Dharma into value-based education and public awareness can strengthen moral responsibility, reinforce family values and contribute to the creation of a just, compassionate and child-friendly society.

In ancient Indian philosophy, sex education was considered a part of the study of Dharma, which emphasises righteousness, duty and moral responsibility. It was understood within the framework of the Purusharthas, the four aims of human life. The first aim is Dharma, which refers to righteousness, moral duty and ethical conduct. The second aim is Artha, which means the ethical pursuit of wealth and material prosperity. The third aim is Kama, which refers to human desires, love, affection and pleasure, to be pursued responsibly and in accordance with Dharma. The fourth aim is Moksha, which signifies spiritual liberation and freedom from the cycle of birth and death. Human life was also organised according to the Ashrama system, which consists of four stages. The first stage is Brahmacharya, the period of education, discipline and celibacy. The second stage is Grihastha, the stage of marriage, family life, and social responsibility. The third stage is Vanaprastha, during which an individual gradually withdraws from worldly responsibilities. The fourth stage is Sannyasa, the stage of renunciation and spiritual pursuit. Within this framework, Kama was regarded as a natural aspect of human life but was guided by Dharma to ensure moral conduct, self-control, and

social harmony. As individuals progressed from Brahmacharya to Grihastha, they were expected to acquire knowledge about marriage, intimacy, family responsibilities, and emotional well-being, preparing them for responsible family life.

### **International Legal Framework for Child Right: A Dharma Based Ethical Perspective**

India ratified the United Nations Convention on the Rights of the Child (UNCRC) on 11 December 1992, thereby accepting an international legal obligation to respect, protect, and fulfil the rights of every child. The Convention is based on the principle that children are independent rights-holders and that their survival, development, protection and participation must be ensured without discrimination. Although the UNCRC does not explicitly refer to the concept of Dharma or use the phrase "moral duty," its provisions embody several ethical responsibilities that closely align with the principles of Dharma. Article 3 states that the best interests of the child shall be a primary consideration in all actions concerning children, thereby imposing a moral and legal obligation on parents, guardians, institutions, and the State to prioritize the child's welfare. Article 5 recognizes the responsibilities, rights, and duties of parents and the extended family to provide appropriate guidance consistent with the child's evolving capacities, while Article 18 affirms that parents bear the primary responsibility for the upbringing and development of the child and that the State must support them in fulfilling these responsibilities. Furthermore, Article 27 recognizes every child's right to an adequate standard of living necessary for physical, mental, spiritual, moral and social development, placing corresponding responsibilities on parents and public authorities. Article 29 states that education should foster the child's personality, talents, moral values and respect for human rights, cultural identity and a sense of responsibility towards others. Collectively, these provisions demonstrate that the UNCRC extends beyond legal protection by promoting ethical values, parental responsibility, and social accountability.

These principles are closely related to the Indian idea of Dharma, which emphasises compassion, justice, responsibility and the duty of individuals, families, society and the State to protect the dignity, welfare and overall development of every child. Although the UNCRC and Dharma come from different legal and philosophical backgrounds, they both agree that protecting children effectively depends on more than just legal measures- it also requires strong moral and ethical dedication.

### **Challenges and Limitation of Application of Dharma**

While Dharma provides a comprehensive ethical framework for promoting righteousness, moral responsibility but its practical application in contemporary society faces several challenges. The changing social environment, increasing materialism, weakening family values and misconceptions about the concept of Dharma have reduced its impacts on individual and social conduct. As a result, ethical responsibilities are often neglected despite the existence of constitutional and legal safeguards. These challenges limit the effectiveness of Dharma in addressing contemporary social issues, including the protection of children's rights. The major challenges and limitations are discussed below.

### **Misinterpretation of Dharma**

In modern society, Dharma is often mis as being limited to religion, rituals, or religious identity. However, its broader meaning includes righteousness, ethical conduct, justice, compassion and the fulfilment of duties towards oneself, family, society and humanity. This misunderstanding limits its practical application in everyday life.

### **Decline of Moral and Ethical Values**

Rapid social and economic changes, materialism and consumerism have weakened traditional moral values. Many individuals prioritise personal success over ethical responsibilities, resulting in a decline in compassion, honesty, respect and social responsibility. This moral decline has contributed to social problems, including child abuse, domestic violence, neglect and exploitation.

### **Lack of Value-Based Education**

The existing education system places greater emphasis on academic achievement and professional success rather than on moral and ethical development. As a result many children are not adequately educated about values such as empathy, respect, responsibility and Dharma, which are essential for responsible citizenship and the protection of human dignity.

### **Evolving Family Structure**

Growth of urban areas, relocation and changing family structures have reduced the transmission of moral values within families. Parents often have limited time to guide their children regarding ethical responsibilities, leading to weakened family relationships and reduced awareness of duties towards one another.

### **Limited Legal Enforceability**

In contrast to statutory law, Dharma is primarily an ethical principle and cannot be enforced through legal sanctions. Its effectiveness depends upon the voluntary acceptance and commitment of individuals. Therefore, Dharma should complement legal mechanisms rather than replace them.

### **Contemporary Social Challenges**

Increasing incidents of child abuse, cybercrime, domestic violence, substance abuse and social intolerance indicate that legal measures alone are insufficient to address these issues. These challenges highlight the need to strengthen ethical values alongside constitutional and statutory protections.

### **Need for Integration with Constitutional Values**

The application of Dharma in a democratic and pluralistic society should be consistent with constitutional principles such as equality, justice, dignity, secularism and human rights. Interpreting Dharma in harmony with these values can make it more relevant, inclusive and effective in contemporary society.

## **Incorporating Age-Appropriate Sex Education through the Ethical Principles of Dharma**

Age-appropriate sex education should be introduced in schools by integrating the ethical principles of Dharma, such as self-discipline, respect, responsibility, dignity and compassion. Such education should help children understand personal safety, bodily autonomy, consent, healthy relationships and respect for others in a manner suitable to their age and level of maturity. Combining scientific knowledge with ethical values can empower children to protect themselves from abuse, promote responsible behaviour and contribute to the effective realization of child rights.

### **Conclusion**

Dharma is a comprehensive ethical framework that extends beyond religion and provides guidance for social responsibility, moral conduct and the fulfilment of duties towards oneself, family, society and the State. It promotes values such as justice, compassion, honesty, respect and human dignity which are essential for building a peaceful and value-based society. The principles of Dharma emphasise the moral responsibility of parents to provide love, care, education and protection to their children while encouraging children to respect and support their parents. Similarly, society and the State share a collective duty to safeguard the rights, dignity and holistic development of every child. These ethical principles complement constitutional values and human rights by strengthening responsibility, accountability and social harmony.

The growing incidence of child abuse, neglect, violence and the erosion of moral values demonstrates that legal measures alone cannot ensure the effective protection of children. Although the application of Dharma faces challenges such as misinterpretation, materialism, changing family structures and the decline of value-based education, its relevance remains significant in contemporary society. Integrating the principles of Dharma with constitutional values, human rights and value-based education can strengthen ethical awareness, reinforce legal protections and promote a culture of respect, compassion and responsibility. Such an approach can contribute to the creation of a just, inclusive and child-friendly society where every child is protected, respected and able to realise their full potential.

### **References**

- Sarmah, M and Sarmah P (2026) Safeguarding the Future: The Evolution of International Child Rights and the Indian Context” International Journal for Multidisciplinary Research, 8(1).
- Children rights in India: legal protection every student should know, available at <https://www.lloydlawcollege.edu.in/blog/children-rights-india-legal-protections.htm>
- The Hindu. (2025). NCRB Report: Crime against Children Records 9.2% rise in 2023 NCRB, available in <https://www.thehindu.com/news/national/ncrb-report-crime-against-children-risein-2023/article-children-rise-in-2023>.
- Freeman, M. (2016), The Future Of Children’s Rights. Martinus Nijhoff Publishers.

- Gopal Krishna, International Perspective On Human Rights Of Children: A Study of International Laws Related To Protection of Human Rights to Children” (2019).
- Ray M., & Deb S, “Child Abuse and Neglect in India, Risk Factors And Protective Measures” (2022).
- Singh,S., & Raj N, (2024) “Value- Based Education In NEP 2020: Fostering Ethical And Moral Growth Through Dharma, (2024), Asian Education And Development Studies, 13 (4) 579-597.
- Roy C D, (2025) “Pedagogy Of Dharma: Revisiting Gurukula Learning System For 21<sup>st</sup> Century Education, (2025) Indian Knowledge System (IKS).
- Sarma D.,G, “Protecting The Future: Upholding Child Rights In India”(2024)Volume 2 Issue 2.
- Johnson C,(2023).Child Rights In India Comprehensive Analysis Of Legal Framework And Implementation Challenges, (2023) International Journal Of Law Management And Humanities 2(2).
- Korbin, J.E(Ed) (2013) Child Abuse and Neglect: Cross-Cultural Perspective (2<sup>nd</sup> ed.). University of California Press.
- khanna Varun, Living Dharma in the 21st century, (1994) ebook Edition, books go.