



INDIAN JOURNAL OF LEGAL AFFAIRS AND RESEARCH

Peer-reviewed, open-access, refereed journal

IJLAR

+91 70421 48991
editor@ijlar.com
www.ijlar.com

DISCLAIMER

The views and opinions expressed in the articles published in the Indian Journal of Legal Affairs and Research are those of the respective authors and do not necessarily reflect the official policy or position of the IJLAR, its editorial board, or its affiliated institutions. The IJLAR assumes no responsibility for any errors or omissions in the content of the journal. The information provided in this journal is for general informational purposes only and should not be construed as legal advice. Readers are encouraged to seek professional legal counsel for specific legal issues. The IJLAR and its affiliates shall not be liable for any loss or damage arising from the use of the information contained in this journal.

IJLAR

Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

IJAR

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

IJLAR

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

IJLAR

VIOLENCE AGAINST CHILDREN AND YOUNG ADULTS DUE TO PARENTAL DISAGREEMENT: A CRIMINAL LAW AND HUMAN RIGHTS STUDY

AUTHORED BY - MS. ANUSHA K,
LL.M. Student, Department of Law,
Sathyabama Institute of Science and Technology- School of Law, Chennai, India.

CO-AUTHOR - MS. JANVI ASHIKA G,
Assistant Professor,
Sathyabama Institute of Science and Technology- School of Law, Chennai, India.

ABSTRACT

Violence by parents against their own children and young adults over disagreements on love relationships, education, or personal choices is a serious issue that deserves more study. While the primary focus of existing research is on child abuse and homicide due to mental health issues, postpartum disorders, step-parent violence, family conflict, and honour-based killings, there are very few studies examining the impact of parental violence on children and young adults when parents disagree about the youth's personal choices. However, there has been relatively less attention to everyday violence by parents arising from disagreement about children's personal choices.

This paper examines violence from the perspectives of criminal law and human rights. Reports from various regions in India reveal that conflicts over relationships, education, career choices, and other personal matters can sometimes escalate into parental violence, raising concerns about whether the existing legal framework provides adequate protection. The Bharatiya Nyaya Sanhita, 2023 establishes criminal liability for violent acts, while the Juvenile Justice (Care and Protection of Children) Act, 2015 enhances child protection and welfare, aligning with the principles of the United Nations Convention on the Rights of the Child.

INTRODUCTION:

Abuse and violence by parents against their children, especially during conflicts regarding their choices of love interest and freedom, is another issue that requires further exploration. Thus, the

following essay considers such issues within the scope of criminal law and human rights. While there is no dearth of literature dealing with various forms of child abuse, filicide associated with mental problems, spousal murder of children, and honour killings,¹ much less effort has been made towards understanding the violent actions of the parents towards their independent children. Therefore, this work attempts to cover this gap.

Generally, parents intent to love, care for and protect their children. However, once their children start showing signs of growing up and choosing what they like in life, including choosing their education, career, relationship, and marriage. In certain situations, disagreements regarding personal choices have resulted in acts of violence within families. One such reported incident occurred in Krishnagiri district of Tamil Nadu in January 2024.² Indeed, according to media reports, a 16-year-old girl from Krishnagiri district was allegedly killed by her parents due to their opposition to her relationship with a young man. The case got wide media coverage and highlighted the problem of parental violence connected to personal relationships.

Various Indian laws provide several safeguards for protecting children and young adults from violence. Section 101 of Bharatiya Nyaya Sanhita, 2023 corresponding to the offence of murder under section 302 of the Indian penal code 1860, provides for the offence of causing death intentionally. Also, the Juvenile Justice (care and protection of children) Act, 2015³ is an important legislation that provides protection for the children's rights. Additionally, India is committed to the UN convention on the rights of the child,⁴ which protects the rights of every child to life, dignity, and development. However, parental violence cases still continue to happen despite these legal protections, which is a matter of concern about the effectiveness of the existing legal protections. In this paper, the existing laws, need for parental awareness, various cases and comparison with other countries will be discussed. The study seeks to analyse the legal and social dimensions of parental violence and explore measures that may contribute to its prevention.

¹ Phillip J. Resnick, Child Murder by Parents: A Psychiatric Review of Filicide, 126 Am. J. Psychiatry 325 (1969).

² Parents arrested for killing minor who fell in love with a youth, The Hindu, Mar. 18, 2024, <https://www.thehindu.com/news/national/tamil-nadu/parents-arrested-for-killing-minor-who-fell-in-love-with-a-youth/article67961476.ece>.

³ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016 (India).

⁴ Convention on the Rights of the Child arts. 3, 6 & 19, Nov. 20, 1989, 1577 U.N.T.S. 3.

LEGAL FRAMEWORK AND SAFEGUARDS FOR CHILD PROTECTION IN INDIA:

Protecting the children and young adults from violence is regarded as one of the constitutional, statutory and human rights obligation. India has adopted certain laws in order to protect children and young adults from any kind of violence and ill treatment in the society. It is done in order to ensure not only the physical safety but also the dignity and development of individuals in society.

Constitutional safeguards-

The Indian Constitution has certain provisions that relate to the protection of children and young adults. According to Article 14 of the Indian Constitution, all persons are equal before law and are entitled to equal protection under the law. Article 21 of the Constitution grants the right to life and liberty of an individual. The right to life has been judicially construed to mean the right to live with dignity, security and freedom. Article 15(3) grants the power to the state to make special provisions for children whereas Article 39(f) obligates the state to provide opportunities for the healthy development of children and protect them from exploitation and moral abandonment.⁵

Protection of children under Statutory Law-

Minors below the age of eighteen are entitled to further protection through statutory laws. Juvenile Justice (Care and Protection of Children) Act, 2015 establishes guidelines on how minors can be protected, rehabilitated and cared for.⁶ The Act acknowledges that minors are vulnerable and hence need to be protected from harm and any forms of mistreatment such as abuse, abandonment, neglect and exploitation. Child Welfare Committee (CWC), established under the Act, plays a significant role in helping to protect children who are at risk due to harmful conditions around them.

Criminal Law Protection under the Bharatiya Nyaya Sanhita, 2023-

Violent offences against child and young adults are criminally liable under Bharatiya Nyaya Sanhita, 2023. Some of these offences include murder, culpable homicide, hurt, grievous hurt,

⁵ INDIA CONST. arts. 14, 15(3), 21 & 39(f).

⁶ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016 (India).

wrongful confinement and criminal intimidation regardless of the relationship between the perpetrator and the victim. Section 101 of Bharatiya Nyaya Sanhita, 2023 provides for the crime of murder and punishes offenders who have been convicted of killing another person.⁷ Consequently, parenthood cannot serve as a defence in crimes involving violence against child or young adults.

The Legal Protection of Young Adults-

As per Article 21 of our Constitution, young people who have reached their majority in India will continue to enjoy full legal and constitutional protections. These legal and constitutional protections include all of the fundamental rights outlined in the Constitution including the most fundamental rights: the right to life; the right to liberty; and the right to make individual decisions about education, employment, marriage, and relationships. The Supreme Court has repeatedly said that people have the right to make their own personal choices about marriage and relationships under section 21 of the Constitution. In *Lata Singh v. state of Uttar Pradesh* (2006), the supreme court held that all adults have the right to choose their life partner and condemned the acts of violence and harassment committed by the family members against such individuals. Similarly, In *Shafin Jahan v. Asokan K.M.*, (2018) the Supreme Court has held that the right to choose one's life partner is significant to the right to life and personal liberty under Article 21 of the Constitution. The Court emphasized that an adult has the freedom to make choices about his or her personal life without any unlawful interference from family members or society. The Supreme Court also stated in its recent decision, *Shakti Vahini v. Union of India* (2018), that no individual or family has the right to interfere with the decision of two consenting adults and directed state authorities to take steps to prevent honour-related violence. While this study considers other types of non-honour killings, the principles articulated by the court provide constitutional protection for individual autonomy and personal liberty.

International Human Rights Law-

The United Nations Convention on the Rights of the Child (UNCRC) is a multilateral agreement that has been ratified by India regarding the rights of children with respect to their life, survival,

⁷ Bharatiya Nyaya Sanhita, No. 45 of 2023, § 101 (India).

development, and protection from abuse and violence. Article 3 states that the child's best interests shall always be the primary consideration in all actions concerning children. Article 6 defines each child's inherent right to life, survival and development, while Article 19 requires states to take action to protect children from physical and emotional abuse.

Furthermore, Article 3 of the Universal Declaration of Human Rights, 1948 guarantees the right to life, liberty, and security of person while Article 5 prohibits any form of cruel, inhuman or degrading treatment. Similarly, the International Covenant on Civil and Political Rights, 1966 protects the right to life and the right to freedom from cruel, inhuman and degrading treatment under Articles 6 and 7 respectively.

Despite such legal protection, there have been reports of such cases of parental abuse. This is why it is important to not only consider the current legal system but also the other social, cultural and family factors that play a role in such violent behaviour towards children and young people.

CASE STUDIES OF PARENTAL VIOLENCE STEMMING FROM DISAGREEMENTS:

- **Krishnagiri Case, Tamil Nadu (2024)**

A reported incident from Krishnagiri district of Tamil Nadu involved the alleged murder of 16-year-old daughter by her parents for having chosen a relationship with a young man without their consent. After murdering the victim, her parents attempted to hide her body to hide their crime from police. There were many media accounts about this case that led to the parents being charged with a crime.

The case illustrates the extent to which parents can disapprove of a child's personal choices and highlights the need for early intervention, family therapy and prevention.

- **Meerut Case, Uttar Pradesh (2025)**

A disturbing case from Meerut, Uttar Pradesh occurred recently, where a mother was arrested for killing her daughter due to the objection of the daughter about her telephone calls with her boyfriend. As per the investigation, the mother allegedly objected against her daughter's relationship and chose to resort to violence rather than communicate with her daughter to resolve their problem. This incident illustrates how disagreements between parents about their children's personal choices can escalate from a simple disagreement into a serious criminal violence when

resolved through force rather than communication. Concerns regarding the rights of children in their home have increased due to the rise in parental violence that stem from disagreement over personal relations. This case highlights the importance of seeing this type of incident as a violation of the child's right to life, dignity and personal autonomy.

- **Banda, Uttar Pradesh, (2026)**

In Banda, Uttar Pradesh, a 19-year-old girl had been murdered by her father for refusing to break up with a partner of her own choice. The girl made it clear to her family that she intended to continue the relationship in defiance of their objections. As a result of the incident, criminal proceedings were initiated against the father for alleged offence of murder.

This case has raised the question of how much interference the family can impose upon the choice of adult children with respect to personal rights and individual autonomy. This incident highlights important issues concerning the constitutional right to liberty and the interference of the family members into the matters of adult children.

Critical Analysis-

The three case studies reveal a common pattern in which parental authority transforms into violence when children exercise their autonomy in matters of relationships. Each incident, while different in factual circumstances, reflects a denial of the independence decisions of the children and young adults. The criminal law on the statute book punishes offences after the event; but they do little prevent such violence within the family. This shows a need for further parental awareness, counselling, mechanisms and community-based intervention alongside criminal sanctions.

COMPARATIVE PERSPECTIVE ON FILICIDE AND PARENTAL VIOLENCE: INDIA, THE UNITED KINGDOM AND THE UNITED STATES.:

Meaning of Filicide-

Filicide refers to the intentional killing of a child by his or her own parent. The existing literatures view the concept through various lenses of psychology, psychiatry and criminology. It indicates psychological traits such as mental illness, postpartum depression, family disturbance, economical

strain and child abuse including filicide.^{8,9} However, not many researches have addressed the situation when a parent resorts to violence due to differences in opinions regarding the upbringing of a child. That includes matters concerning relationships, education, career, and marriage. The purpose of this research is to examine incidents of filicide from a criminal law and a human rights perspective instead of analyzing these incidents based only on psychological reasons.

Legal Position in India-

Filicide is not a separate crime in India in legal terms. A parent who causes the death of their child is prosecuted under the applicable laws of the Bharatiya Nyaya Sanhita (BNS), 2023,¹⁰ including murder and other offenses, depending on the circumstances of the case. Whereas, Children are protected under the Juvenile Justice (Care and Protection of Children) Act, 2015,¹¹ which sets up pathways for their care, protection, and welfare. However, the Act does not establish a specific punishment for parental killings. As a result, cases of parental violence are handled under the general laws related to homicide.

Legal Position in United Kingdom-

In the United Kingdom, a mother who kills her child as a result of being mentally ill and suffering as a result of childbirth may be prosecuted under the Infanticide Act 1938¹² for infanticide, rather than murder. In general, parents who kill their children are prosecuted for murder, unless they are in the situations set out above. Additionally, the United Kingdom has a large number of agencies and regulations to protect children and prevent child abuse (including those used by social services and child protection agencies) through early intervention, in order to reduce the likelihood of violence occurring in families.

The Sara Sharif case (2023) in the United Kingdom highlighted serious concerns regarding child abuse, parental violence, and also the extent and severity of child protection failures, as well as the

⁸ Phillip J. Resnick, Child Murder by Parents: A Psychiatric Review of Filicide, 126 Am. J. Psychiatry 325 (1969).

⁹ Debra A. Pinals & James L. Knoll IV, Filicide: Classification and Psychiatric Perspectives, Current Psychiatry, Vol. 22, No. 6 (2023), <https://cdn.mdedge.com/files/s3fs-public/CP02206012.pdf>.

¹⁰ Bharatiya Nyaya Sanhita, No. 45 of 2023, § 101 (India).

¹¹ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016 (India).

¹² Infanticide Act 1938, 1 & 2 Geo. 6 c.36 (U.K.).

need to improve responses to child welfare matters.¹³ While Parental violence is not limited to cases such as the case of Sara Sharif, however, this research will focus on instances of parental violence arising due to disagreement over the decision made by children and young adults about their individualised aspects of life (including relationships, education, occupation and marriage). In contrast, the Sara Sharif case was one of lengthy physical and emotional abuse within a family. This case illustrates the devastating consequences of parental violence and need for effective child protection systems and early intervention.

Legal Position in United States-

In the United States, no separate law specifically addresses filicide. In general, state homicide laws will be applied to parents who intentionally kill their child. In addition, the Child Abuse Prevention and Treatment Act¹⁴ will be used to provide a formal process for preventing violence from occurring to children and for enhancing child protection systems. The United States system emphasizes early reporting, counselling services, and intervention for families with children at risk.

The Andrea Yates case (2001) is one of the most significant cases of maternal filicide in United States.¹⁵ Andrea Yates suffered from postpartum psychosis and drowned all five children in Texas. A major component of the case involved the relationship between postpartum mental disorders and interpersonal liability, as well as the lack of adequate maternal mental health treatment and support in caring for an ill child after pregnancy. Unlike the present study, the killings were not due to the disagreements over the children's personal choices, but were associated with severe postpartum psychosis. The Andrea Yates case therefore highlights the importance of timely mental health intervention, family support, and effective child protection systems to preventing extreme forms of parental violence connected with severe mental illness.

Comparative Analysis-

A comparison of legal frameworks in India, the United Kingdom, and the United States shows that there are three variations of how these countries handle parental violation. In India, violations that

¹³ BBC News, Sara Sharif: Father and Stepmother Convicted of Murdering 10-Year-Old Girl (Dec. 11, 2024), <https://www.bbc.com/news/world-asia-66245194>.

¹⁴ Child Abuse Prevention and Treatment Act, 42 U.S.C. §§ 5101–5119 (United States).

¹⁵ Phillip J. Resnick, The Andrea Yates Case: Insanity on Trial, 55 Clev. St. L. Rev. 385 (2007).

occurred because of a disagreement about relationships, education, marriage, career, etc., will be prosecuted as crimes under the Bharatiya Nyaya Sanhita (2023) but there will not be a distinct law for these types of offence. The United Kingdom has a limited statutory defence for mothers who suffer from mental illness as a result of giving birth (the Infanticide Act 1938). The United States does not have specific laws regarding parental murders; instead, will use state criminal statutes and child protection statutes to prosecute such murders.

International studies show that various causes of parental violence exist, including postpartum psychological disorders, long-term child abuse, and family conflicts. However, it is evident that most of the existing international publications focus exclusively on filicide and infanticide caused by mental illness. There is noticeably little literature that looks into other causes of parental violence such as the parents' disagreement over their child's right to choose their own path through its education, career, and marriage. Thus, the existing literature proves that there is a lack of important information in the literature on parental violence.

Thus, criminal punishment alone is not sufficiently deterring parental violence from occurring. In addition to legal penalties, greater emphasis needs to be placed on family counselling programs, mental health services and supports for parents, parental education programs, early intervention programs and stronger child protection laws to ensure the protection, dignity and autonomy of children and young adults.

PARENTAL AWARENESS, COMMUNICATION, AND THE NEED FOR CHANGE:

Importance of Parental Awareness-

Parents play an important role in raising and developing their children. It is their duty to ensure children are safe and make sure they are protected by parents from harm. However, parents must avoid abusing parental authority in ways that violate the constitutional rights and freedom of their children.¹⁶ As children mature, they learn how to make independent decisions about their education, career, relationships, and even marriages.¹⁷ Respecting the decisions of children is very important for purposes of maintaining the dignity and freedom of children. Parental knowledge of

¹⁶ India Const. arts. 14, 21 & 39(f).

¹⁷ Lata Singh v. State of Uttar Pradesh, (2006) 5 SCC 475; Shafin Jahan v. Asokan K.M., (2018) 16 SCC 368.

their children's legal rights and emotional well-being is important in creating good relationships between parents and children and in preventing misunderstandings from escalating into violence.¹⁸

Role of Communication and Family Counselling-

Parental violence is associated with the absence of effective communication in families. Parents must learn to handle differences effectively through communication, respect, and understanding. Open family dialogue can help avert violence as people communicate their differences. Family counselling, psychological counselling, mediation, and psychological support are good strategies to help solve disputes before they escalate into violence.¹⁹ Schools, community and social organization must also implement awareness programs which encourage effective and positive parenting.

Need for Legal and Social Awareness-

Even though India has implemented various legal provisions such as Bharatiya Nyaya Sanhita 2023,²⁰ Juvenile Justice (Care and Protection of Children) Act 2015²¹ and constitutional protections under Articles 14, 15(3), 21 and 39(f), legal protection alone cannot put an end to parental abuse. There is a need for greater awareness about children's rights, constitutional protection and the available resources for the same. Awareness campaigns and parenting education programmes can lead to early reporting of violence and a stronger implementation of child protection mechanisms, thus preventing such instances and ensuring development and security of children and youngsters.²²

Need for further legal and social Research-

In current studies on parental violence, review has been dominated by the study of violence occurring in relation to mental disorders, postpartum conditions, child maltreatment, violence perpetuated by step-parents, conflicts within a family and honour killings.^{23, 24} Meanwhile, there

¹⁸ Convention on the Rights of the Child arts. 3, 6 & 19, Nov. 20, 1989, 1577 U.N.T.S. 3.

¹⁹ Child Rights and You (CRY), Child Protection Policy, <https://www.cry.org/blog/child-protection-policies/>.

²⁰ Bharatiya Nyaya Sanhita, No. 45 of 2023 (India).

²¹ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016 (India).

²² Child Rights and You (CRY), Child Protection Policy, <https://www.cry.org/blog/child-protection-policies/>.

²³ Phillip J. Resnick, Child Murder by Parents: A Psychiatric Review of Filicide, 126 Am. J. Psychiatry 325 (1969).

²⁴ Debra A. Pinals & James L. Knoll IV, Filicide: Classification and Psychiatric Perspectives, Current Psychiatry, Vol. 22, No. 6, at 12–19 (2023), <https://cdn.mdedge.com/files/s3fs-public/CP02206012.pdf>.

is a lack of legal studies on parental violence in connection to misunderstanding between parents and adults regarding their relationship choices, education and profession, and marriage. This research aims at studying such a situation in respect to crime and human rights perspective. It is also expected that the outcomes of this work may inspire new studies on this matter and help develop legal and social instruments to prevent similar cases of parental violence.

CONCLUSION AND RECOMMENDATIONS:

This study analysed the different forms of violence against children within the family, education, career, marriage-related choices, by their parents in reaction to their marriage related choices. Most of the literature is about honour killings, child abuse, stepparent violence and killing due to mental health issues and postpartum disorders, not violence by parents in relation to conflict on children's decisions. Thus, through new case analysis and legal framework, the paper indicates that this type of violence is important not only as a criminal act, but as a serious violation of the Constitution and as one of the human rights violations recognized by international law.

The study also finds that even though children and young adults are legally protected under the Bharatiya Nyaya Sanhita, 2023, the Juvenile Justice (Care and Protection of Children) Act, 2015, and international human rights instruments, criminal punishment alone is not an effective deterrent for parental violence. Equally important is a preventive approach based on parental awareness, effective communication, family counselling, mental health support and timely intervention. Educational institutions, Child Welfare Committees, law enforcement agencies and community organisations should work together to promote awareness on children's rights and peaceful ways of resolving family conflicts.

This study also emphasizes the need for more legal and policy focus on parental violence as a result of disputes over children's personal choices. More interdisciplinary research should be encouraged to understand the causes, prevalence, and legal implications of such incidents and to develop effective preventive strategies. Much more can be done to prevent such violence and create a safer family environment by strengthening mechanisms of child protection, promoting positive parenting practices and ensuring respect for the dignity, autonomy and constitutional rights of children and young adults.