

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

BEST INTEREST OF THE CHILD: JUDICIAL STANDARDS VS PRACTICAL OUTCOMES

AUTHORED BY - UTKARSH BHARDWAJ
4TH Semester, Amity University

CO-AUTHOR - DR. ARVIND KUMAR SINGH

Acknowledgement

A heartfelt thank you to my research guide for their invaluable mentorship and unwavering support throughout this research. Their guidance has been instrumental in shaping this study. Gratitude to the academic institution for providing the resources and environment conducive to this study, enabling comprehensive research and analysis. Special thanks to individuals and organizations for their contributions and insights that enriched this research.

Abstract

The principle of the “best interest of the child” has emerged as a cornerstone in modern legal systems, particularly in matters relating to custody, adoption, guardianship, and child welfare. It is widely recognized as a guiding standard intended to ensure that all decisions affecting children prioritize their well-being, development, and overall welfare. In India, as well as globally, courts frequently rely on this principle while adjudicating disputes involving children. However, despite its universal acceptance, a significant gap exists between judicial standards and practical outcomes. While courts emphasize factors such as emotional well-being, education, stability, and moral upbringing, the actual implementation of these decisions often falls short due to systemic limitations, socio-economic disparities, and administrative inefficiencies.

This research paper critically examines the concept of the best interest of the child, focusing on how it is interpreted and applied by the judiciary, and how it translates into real-world outcomes. It explores constitutional provisions, statutory frameworks, and landmark judicial decisions that have shaped this principle in India.

The paper further analyzes the challenges faced in implementing child-centric decisions,

including delays in legal proceedings, lack of child-sensitive infrastructure, and insufficient monitoring mechanisms. It also highlights how vulnerable children, particularly those from disadvantaged backgrounds, are disproportionately affected.

By comparing India's approach with international standards such as the UN Convention on the Rights of the Child (UNCRC), the paper offers a broader perspective on the issue. Finally, it proposes reforms aimed at bridging the gap between judicial intent and practical reality, ensuring that the best interest of the child is not merely a theoretical standard but a lived reality.

Table of Contents

1. Introduction
2. Executive summary
3. Conceptual Framework
 - 3.1 Meaning of best interest of child
 - 3.2 Evolution of the principle
 - 3.3 Key Elements
4. Constitutional Framework and Legal Framework
 - 4.1 Article 21
 - 4.2 Article 14
 - 4.3 Directive Principle
5. Judicial Standards in Child Welfare
 - 5.1 Custody Matters
 - 5.2 Adoption and Guardianship
 - 5.3 Criminalisation under Special Statutes
 - 5.4 Juvenile Justice
6. JPractical Outcomes and Ground Realities
7. Landmark Cases
8. Case Study
9. Socio-Economic Impact
10. Comparative Perspective
11. Challenges and Limitations
12. Reforms and Recommendations
13. Conclusion
14. Bibliography

Introduction

The concept of the “best interest of the child” occupies a central position in family law and child protection jurisprudence. It represents a shift from traditional legal approaches, where children were often treated as passive subjects of parental authority, to a more progressive framework that recognizes children as individuals with rights, needs, and interests of their own. In India, this principle is frequently invoked in cases involving child custody, adoption, guardianship, and welfare. Courts consistently emphasize that the welfare of the child must be the paramount consideration, overriding even the legal rights of parents. This reflects a child-centric approach aimed at ensuring that decisions are made with the child’s overall development in mind.

However, while judicial pronouncements strongly advocate for the best interest standard, the actual outcomes on the ground often fail to align with these ideals. Factors such as prolonged litigation, lack of psychological assessment, limited institutional support, and socio-economic inequalities significantly affect the implementation of judicial decisions.

For instance, custody battles may continue for years, leaving children caught in emotional distress. Similarly, children placed in institutional care may not receive adequate attention, despite court orders emphasizing their welfare. These discrepancies raise an important question:

Is the best interest of the child truly being served in practice, or is it largely confined to judicial reasoning? This paper seeks to explore this critical gap between judicial standards and practical outcomes, analyzing both the strengths and limitations of the current system.

Executive Summary

The principle of the **best interest of the child** occupies a central position in both Indian legal jurisprudence and international human rights law. It is firmly embedded in instruments such as the Constitution of India and the United Nations Convention on the Rights of the Child (UNCRC), which India has ratified. This principle mandates that in all actions concerning children whether undertaken by courts, administrative authorities, or legislative bodies—the child’s welfare, dignity, and holistic development must be the paramount consideration.

At the judicial level, Indian courts, particularly the Supreme Court of India and various High Courts, have consistently interpreted this principle in a progressive and child-centric manner.

Landmark rulings in custody disputes, adoption cases, juvenile justice matters, and child protection proceedings emphasize factors such as emotional security, educational continuity, psychological well-being, moral upbringing, and the overall stability of the child's environment. Courts have moved beyond rigid legal formalism and have adopted a more welfare-oriented approach, recognizing that children are not merely subjects of legal rights but individuals with evolving capacities and unique needs.

Despite this strong doctrinal foundation, the study highlights a significant gap between **judicial ideals and ground-level realities**. While the courts articulate comprehensive standards, their effective implementation is often undermined by systemic inefficiencies. One of the most pressing issues is **judicial delay**, which prolongs disputes involving children—particularly in custody and adoption cases—thereby exposing them to prolonged uncertainty and emotional distress. Justice delayed in such cases often translates into irreversible harm to a child's development.

Another major challenge lies in the **lack of institutional capacity and monitoring mechanisms**. Even when courts pass well-reasoned and welfare-oriented orders, there is often inadequate follow-up to ensure compliance. Child Welfare Committees, Juvenile Justice Boards, and other implementing agencies frequently suffer from understaffing, lack of training, and insufficient resources. This weakens the practical realization of judicial directives and reduces the effectiveness of legal safeguards.

Furthermore, judicial decisions, though broad and inclusive in theory, often rely on **generalized criteria** such as “best environment” or “emotional welfare” without standardized assessment tools. The absence of uniform guidelines or structured evaluation frameworks leads to inconsistencies in decision-making. Different courts may interpret the “best interest” standard differently, resulting in unpredictability and potential subjectivity.

The impact of these shortcomings is disproportionately borne by **vulnerable children**, especially those from economically weaker sections, marginalized communities, or broken families. Such children often lack access to quality legal representation, psychological support, and rehabilitation services. In many cases, poverty, social stigma, and administrative apathy intersect to deny them the very protections that the law seeks to guarantee.

Additionally, there is a critical shortage of **trained professionals**, including child psychologists, social workers, and legal aid providers, who play a vital role in assisting courts and authorities in making informed decisions. Without expert input, the determination of a child's best interests may remain superficial or incomplete. Infrastructure gaps—such as inadequate shelter homes, poor adoption systems, and insufficient child protection services—further aggravate the situation.

In conclusion, while the legal and constitutional framework governing the best interest of the child in India is **comprehensive and progressive in theory**, its practical implementation remains inconsistent and often inadequate. To bridge this gap, there is an urgent need for **systemic reforms**, including the establishment of uniform guidelines, capacity building of institutions, timely adjudication of cases, and robust monitoring mechanisms. Strengthening child welfare infrastructure and ensuring the active involvement of trained professionals are equally essential.

Only through such multi-dimensional reforms can the principle of the best interest of the child move beyond a **normative ideal** and become a **tangible reality**, ensuring that every child in India is able to grow, develop, and thrive in a safe and supportive environment.

Conceptual Framework

3.1 Meaning of Best Interest of the Child

The “best interest of the child” refers to a legal and ethical standard used to determine what will most effectively promote a child's well-being, development, and happiness. It encompasses physical, emotional, educational, and psychological aspects of a child's life.

3.2 Evolution of the Principle

Historically, children were considered the property of their parents, with limited recognition of their individual rights. Over time, this perspective evolved, particularly with the adoption of international conventions emphasizing child rights.

The principle gained prominence through global instruments such as the UN Convention on the Rights of the Child, which mandates that the best interests of the child shall be a primary consideration in all actions concerning children.

3.3 Key Elements

The principle includes several important factors:

- Emotional and psychological well-being
- Physical safety and health
- Educational opportunities
- Stability and continuity
- Child's preferences (depending on age and maturity)

Constitutional Framework

4.1 Article 21 – Right to Life and Dignity

Article 21 of the Constitution of India guarantees a life of dignity, not mere survival. For children, it includes the right to **care, protection, education, health, and overall development**. The Supreme Court of India has interpreted it to ensure that every decision affecting a child must prioritize their well-being and long-term growth.

4.2 Article 14 – Equality Before Law

Article 14 of the Constitution of India ensures that all children are treated equally and protected from discrimination based on caste, gender, religion, or economic status. It also allows special protections for children to ensure **fair and just outcomes**.

4.3 Directive Principles

Article 39(e) of the Constitution of India and Article 39(f) of the Constitution of India direct the State to protect children from exploitation and ensure their **healthy and dignified development**. Though not enforceable, they guide laws and policies on child welfare.

Judicial Standards in Child Welfare

5.1 Custody Matters

In custody disputes, Indian courts consistently place the **welfare of the child above the rights of parents**. The guiding principle is not who has a legal claim, but what arrangement best serves the child's overall well-being. The Supreme Court of India has repeatedly emphasized that custody decisions must be based on factors such as emotional bonding between the child and parent, the ability to provide a stable and secure environment, financial capacity, moral upbringing, and the child's educational and psychological needs. Courts may also consider the child's preference, depending on age and maturity. This approach ensures that custody is

determined in a manner that promotes the child’s happiness, security, and development rather than parental entitlement.

5.2 Adoption and Guardianship

In matters of adoption and guardianship, the primary objective is to ensure that the child is placed in a **safe, stable, and nurturing family environment**. Laws governing adoption in India focus on the long-term welfare of the child, ensuring that adoptive parents are capable of providing emotional support, financial security, and proper upbringing. The legal process involves thorough scrutiny of prospective parents, including background checks and home studies, to safeguard the child’s interests. Guardianship laws similarly emphasize responsibility and care, ensuring that the guardian acts in the best interest of the child. Overall, the system seeks to replace uncertainty or vulnerability in a child’s life with permanency, love, and protection.

5.3 Juvenile Justice

The juvenile justice system in India is based on a **reformatory and rehabilitative approach** rather than a punitive one. Under laws such as the Juvenile Justice (Care and Protection of Children) Act, 2015, children in conflict with the law are treated as individuals in need of care, guidance, and correction, rather than as criminals. The focus is on their reintegration into society through education, counseling, skill development, and rehabilitation programs. Special institutions like Juvenile Justice Boards and Child Care Institutions are established to handle such cases in a child-friendly manner. This approach reflects the understanding that children are capable of change and deserve opportunities for reform and a better future.

Practical Outcomes and Ground Realities

While Indian law strongly upholds the “best interest of the child,” the reality on the ground often presents a far more complex and challenging picture. There exists a **significant gap between legal ideals and actual outcomes**, where children do not always benefit from the protections that the law intends to provide.

One of the most critical issues is the **delay in legal proceedings**. Matters such as custody disputes, adoption processes, and child protection cases frequently take an extended period to conclude due to overburdened courts, procedural complexities, and administrative inefficiencies. For a child, this delay is not merely procedural—it directly affects their

emotional and psychological well-being. Prolonged litigation can create a sense of instability, as the child may be uncertain about where they belong or who will care for them. In custody disputes, children are often caught in the middle of parental conflict, which can lead to anxiety, confusion, divided loyalties, and even long-term trauma. Their formative years, which are crucial for emotional development, are spent in an environment of stress rather than security. Another major concern is the **ineffective functioning of child welfare institutions.** Bodies such as Child Care Institutions, shelter homes, and welfare agencies are essential for implementing court orders and safeguarding children's rights. However, many of these institutions face serious structural and operational challenges. A key issue is the **lack of trained professionals,** including child psychologists, counselors, and social workers, who are crucial for assessing children's needs and providing emotional support. Without expert guidance, decisions regarding a child's welfare may lack depth and sensitivity.

Additionally, there are significant problems related to **inadequate funding and poor infrastructure.** Many institutions operate with limited financial resources, resulting in overcrowded facilities, insufficient basic amenities, and lack of access to quality education and healthcare. Such conditions are far from the nurturing environment that the law envisions for children.

Equally concerning is the **absence of effective monitoring and accountability mechanisms.** Even when courts—particularly the Supreme Court of India—issue well-reasoned and child-centric directions, there is often little follow-up to ensure that these orders are properly implemented. Inspections may be irregular, reporting systems weak, and responsibility diffused across multiple agencies. This leads to a situation where **legal protections exist on paper but are diluted in practice.**

As a result of these combined challenges, the implementation of judicial decisions remains **incomplete and inconsistent.** Children may not receive the level of care, protection, and rehabilitation that the judiciary intends. Emotional support systems are often missing, rehabilitation programs may be ineffective, and long-term development needs are overlooked. In essence, while the legal framework in India reflects a strong commitment to child welfare, the ground reality highlights the urgent need for **systemic reforms, better resource allocation, professional training, and robust monitoring mechanisms.** Without addressing these

practical barriers, the principle of the best interest of the child risks remaining more of an **aspirational ideal than a lived reality**.

Landmark Cases and Judicial Approach

Indian courts have played a crucial role in shaping the “**best interest of the child**” principle through progressive and welfare-oriented judgments. The Supreme Court of India, in particular, has consistently emphasized that children are not merely subjects of legal disputes but individuals whose **well-being, dignity, and future development must be the central concern**.

One of the most significant cases is **Gaurav Nagpal v. Sumedha Nagpal**. In this case, the Court firmly held that in custody matters, the **welfare of the child is of paramount importance** and must override the legal rights of parents. The judgment clarified that custody decisions cannot be based solely on statutory provisions or parental claims; instead, courts must consider the child’s emotional needs, stability, comfort, and overall development. The ruling reinforced that a child’s happiness and security are more important than strict legal entitlements.

In Roxann Sharma v. Arun Sharma, the Court highlighted the **importance of maternal care**, particularly for young children. It recognized that during early childhood, a mother’s presence plays a vital role in emotional bonding, nurturing, and psychological development. While the Court did not establish an absolute rule, it emphasized that, in most cases involving infants or very young children, custody with the mother would better serve the child’s welfare unless there are compelling reasons to decide otherwise. This case reflects the Court’s sensitivity to the **developmental needs of children**.

Another landmark judgment is **Lakshmi Kant Pandey v. Union of India**, which dealt with the issue of inter-country adoption. The Court took a proactive stance to **protect children from trafficking and exploitation** under the guise of adoption. It laid down detailed guidelines to regulate the process, including proper scrutiny of adoptive parents, involvement of recognized agencies, and safeguards to ensure that adoption truly serves the child’s best interests. The judgment also stressed the importance of giving preference to domestic adoption before considering foreign placements, thereby ensuring that children remain connected to their cultural and social environment wherever possible.

Together, these cases demonstrate that the Supreme Court has adopted a **deeply child-centric and humane approach**. The judiciary has moved beyond rigid legal formalism and instead focused on **practical realities, emotional well-being, and long-term welfare** of children. These judgments not only guide lower courts but also influence legislation and policy, strengthening the protection framework for children in India.

Case Studies

1. Custody Disputes

In real-life situations, custody battles are rarely calm or child-friendly—they often become **emotionally intense conflicts between parents**, and the child ends up at the center of it all. Frequent court visits, legal discussions, and parental disagreements expose the child to an environment of **stress and tension**. Instead of feeling safe and cared for, the child may feel like an object of dispute—someone being “chosen” rather than heard.

Many children experience **confusion and divided loyalty**, feeling pressured to take sides or please one parent over the other. This can lead to guilt, anxiety, and a sense of insecurity about their future. Over time, such experiences may impact their **emotional stability, academic performance, and ability to form healthy relationships**. What the law intends as protection can, in practice, feel overwhelming and distressing for the child.

2. Adoption Delays

Adoption is meant to give children a **permanent, loving family**, but in reality, the process is often slow and complex. Lengthy verification procedures, administrative formalities, and legal approvals can delay placement for months or even years. For young children, this delay is critical because early childhood is the most important phase for **emotional bonding and development**.

Many children spend these formative years in institutions, waiting for a family that may take a long time to arrive. During this period, they may miss out on **individual attention, affection, and a sense of belonging** that only a family environment can provide. As they grow older, their chances of adoption may also decrease, further prolonging their stay in institutional care. This delay is not just procedural—it can shape the child’s **emotional growth, attachment patterns, and future well-being**.

3. Institutional Care

For children living in orphanages or shelter homes, daily life often depends on the quality of

the institution. While some facilities provide adequate care, many struggle with **overcrowding, limited staff, and insufficient resources**. In such environments, it becomes difficult to give each child the **individual attention and emotional support** they need.

Children may grow up without consistent caregivers, which affects their ability to form **secure emotional attachments**. Basic needs like education, healthcare, and nutrition may be met at a minimum level, but deeper needs—such as affection, guidance, and personal encouragement—are often lacking. This can lead to **low self-esteem, difficulty in trusting others, and challenges in social interaction** later in life.

Moreover, without proper monitoring and accountability, some institutions may fail to meet even basic standards, leaving children vulnerable despite existing legal safeguards.

Socio-Economic Impact

The gap between legal protections and actual outcomes is felt most deeply by children from **economically weaker sections**. For these children, access to justice is often limited—not because the law does not exist, but because **reaching the law itself becomes difficult**. Many families cannot afford experienced legal representation, counseling support, or the time and resources required to pursue long legal battles.

As a result, children from disadvantaged backgrounds are more likely to remain stuck in **prolonged custody disputes, delayed adoption processes, or under-resourced institutions**. They may not receive timely interventions, proper education, or emotional care. This creates a cycle where **poverty and vulnerability reinforce each other**, limiting the child's chances of growth and upward mobility. Instead of acting as an equalizer, the system sometimes unintentionally **deepens existing inequalities**, leaving the most vulnerable children further behind.

Comparative Perspective

In countries like the United Kingdom and Canada, the “best interest of the child” principle is not only recognized in law but is **deeply embedded in practice through structured systems and accountability mechanisms**. These countries have well-organized child protection frameworks supported by **specialized agencies**, such as local child welfare services, which work in coordination with courts.

A key strength of these systems is the **presence of trained professionals** including child psychologists, social workers, and family counselors—who actively assist in decision-making. Their expert assessments help courts understand the child’s emotional needs, family dynamics, and long-term welfare, making decisions more informed and child-sensitive.

Moreover, these countries emphasize **continuous monitoring and follow-up**. Decisions are not treated as final once passed; instead, authorities conduct regular home visits, welfare checks, and progress reviews to ensure that the child is actually benefiting from the arrangement. Another important feature is **child participation**—children, depending on their age and maturity, are given a voice in decisions that affect their lives, making the process more inclusive and respectful of their autonomy.

In contrast, India has a **strong and progressive legal framework** that clearly recognizes the best interest of the child as a guiding principle. However, the challenge lies in **translating this principle into consistent practice**. Implementation often varies due to differences in institutional capacity across regions, lack of coordination between agencies, and uneven availability of trained professionals.

The **absence of standardized procedures** for assessing a child’s best interests can lead to subjective interpretations, where outcomes differ from one case to another. Additionally, **limited resources and infrastructure constraints** make it difficult to conduct regular follow-ups or provide individualized care. Monitoring mechanisms are often weak, which means that even well-intentioned judicial decisions may not be effectively enforced.

As a result, while children in India are legally entitled to protection and welfare, their actual experience may depend heavily on **local conditions, administrative efficiency, and access to support systems**. This creates inconsistency, where the promise of the law does not always translate into reality.

Overall, the comparison highlights that India does not lack legal recognition but needs stronger **institutional support, uniform guidelines, professional training, and effective monitoring systems** to ensure that every child consistently benefits from the “best interest” principle in practice.

Reforms and Recommendations

To bridge the gap between legal ideals and real-world outcomes, a more **child-centric and practical approach** is needed:

- **Establish dedicated child welfare monitoring authorities:** Independent bodies should regularly inspect institutions and ensure compliance with court orders.
- **Speed up family court proceedings:** Fast-track mechanisms and simplified procedures can reduce delays in custody and adoption cases.
- **Training in child psychology:** Judges, lawyers, and welfare officials should be trained to understand children's emotional and developmental needs.
- **Strengthen legal aid for children:** Free and accessible legal support must be expanded, especially for economically weaker sections.
- **Promote alternative dispute resolution (ADR):** Mediation and counseling in custody disputes can reduce conflict and create more child-friendly outcomes.

Conclusion

The principle of the **best interest of the child** represents one of the most progressive and humane developments in modern legal systems. It reflects a deep commitment to recognizing children not merely as dependents, but as individuals with **independent rights, needs, and dignity**. By placing the child at the center of decision-making, the law seeks to ensure that every choice—whether related to custody, adoption, or protection is guided by what will truly support the child's **growth, happiness, and future**.

However, the reality reveals a persistent and concerning gap between **judicial vision and lived experience**. Courts—especially the Supreme Court of India—have laid down thoughtful and comprehensive principles that prioritize emotional well-being, stability, and development. Yet, for many children, these principles do not fully translate into practice. Delays in legal processes, lack of resources, weak institutional mechanisms, and socio-economic inequalities often stand in the way of effective implementation.

For a child, this gap is not abstract—it is deeply personal. It may mean **growing up in uncertainty during a prolonged custody battle, waiting years for adoption, or living in institutions that cannot fully meet emotional needs**. The law promises protection and care, but without strong systems to support it, that promise can feel distant.

To truly uphold the best interest principle, there must be a shift from **recognition to realization**. This requires a coordinated and sustained effort from all stakeholders:

- The judiciary must continue to adopt a sensitive and child-centric approach.
- The legislature must create clear, uniform, and practical frameworks.
- Administrative bodies must ensure efficient implementation, proper monitoring, and accountability.

Equally important is investing in **trained professionals, better infrastructure, and accessible support systems**, especially for children from vulnerable backgrounds. Children must also be given a voice in decisions affecting their lives, making the process more inclusive and respectful.

Ultimately, the success of this principle does not lie only in well-written judgments or legal provisions. It lies in whether a child feels **safe, heard, supported, and cared for in their everyday life**. The true measure of justice is not what is declared in courtrooms, but what is experienced by children in their homes, schools, and communities. Only when the law's intent is reflected in a child's reality can we say that the **best interest of the child** has been genuinely achieved.

Bibliography

Primary Sources

- Constitution of India, 1950
- Juvenile Justice (Care and Protection of Children) Act, 2015
- Guardians and Wards Act, 1890

Judicial Decisions

- Gaurav Nagpal v. Sumedha Nagpal
- Roxann Sharma v. Arun Sharma
- Lakshmi Kant Pandey v. Union of India

Secondary Sources

- Law Commission Reports
- NCRB Reports
- Academic journals on child rights and welfare
- Research papers on child protection laws