

Bullying in Indian Schools: Lacuna in Child Protection Laws and the Need for Legislative Reforms

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ABSTRACT:

One of the major fast-growing matter of concern in the domain of child protection in India is peer bullying in schools. It has been documented to range from 18% to 70% across regional studies, and is linked to depression, anxiety, academic failure, social withdrawal, and suicidal ideation among victim children. In spite of the presence of a convincing empirical evidence, India has no statute addressing this issue at the school level or otherwise. This also includes the failure to define bullying, and to categorise bullying as a criminal offence. Neither does the framework establishes an enforceable accountability mechanism for perpetrators or institutions. The Central Board of Secondary Education's (CBSE) Anti-Bullying Guidelines (2015) and the University Grants Commission (UGC) Regulations on Curbing the Menace of Ragging in Higher Educational Institutions (2009) are the only policy response to this matter. But, neither of them is a primary legislation, nor creates any criminal liability, and most importantly, they are not entirely applicable on India's school system. This article undertakes a socio-legal analysis of this legislative gap. The absence of a statutory definition of school bullying, the non-binding nature of existing school-level regulatory instruments, and the structural inadequacy of current provisions to address cumulative peer psychological abuse, all make up a systemic failure of India's child protection framework. Drawing on comparative analysis of the United Kingdom's Education and Inspections Act 2006 and the Department for Education's statutory guidance framework, the article proposes legislative reforms and recommendations suitable to the Indian institutional context.

Keywords: School bullying, peer victimisation, psychological abuse, Child protection law, India, legislative reforms, CBSE guidelines, mental health.

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Introduction

Bullying among school children is defined as a repeated aggressive behaviour intended to harm or intimidate, involving an imbalance of power between the perpetrator and victim.¹ It is significantly prevalent and bearing consequences

in India. Researches have documented that between 18% and 70% of Indian school children experience some form of bullying, victimisation, with substantial number reporting verbal, physical, relational, and increasing forms of cyberbullying.² Victims experience elevated rates

¹ Dan Olweus, *Bullying at School: What We Know and What We Can Do* (Blackwell 1993) 9.

² Amit Kumar Mital and others, 'The Relationship of Bullying and Peer Victimization to Emotional and

of depression, anxiety disorders, post-traumatic stress symptoms, and suicidal tendencies compared to their non-bullied peers are few of the well documented psychological consequences of bullying.³ Clinically, bullying has been defined as a form of psychological maltreatment, which includes repeated conduct that deliberately harms a child's emotional and social development through patterned, cumulative abuse of power.⁴

Yet India's has no primary legislations to combat this documented harm at the school level. There is no statute that defines school bullying, no criminal offence of school bullying applicable to child perpetrators, no mandatory reporting obligations triggered by a bullying incident at the school level, and no enforceable institutional accountability mechanism applying to all schools. Instead, India has the CBSE's Anti-Bullying Guidelines of 2015 and the UGC Regulations of 2009. Both of which are administrative instruments without statutory enforcement. The CBSE Guidelines applies to only CBSE affiliated schools which roughly constitutes about 2% of India's schools; the latter is confined to higher educational institutions like colleges and

Bullying as a form of psychological maltreatment is well documented across developmental psychology and child protection studies. Olweus has defined bullying as a situation in which "a student is exposed, repeatedly and over time, to negative actions on the part of one or more other students," which involves intentional infliction of harm and a power imbalance between the bully and the victim.⁵ This definition of repeated, intentional, and characterised by power asymmetry, coincides directly onto the clinical definition of psychological maltreatment, which

universities and does not reach school-age children.

Through this article, the author argues that this legislative gap contributes to a structural failure of India's child protection framework. It leaves children experiencing repeated psychological harm of peer abuse without legal recognition, institutional protection, or meaningful accountability. The argument proceeds in five sections. Section 2 creates the clinical and legal case for treating school bullying as psychological maltreatment which needs legal intervention. Section 3 examines the existing legislative and regulatory framework in India, showcasing its gaps. Section 4 is a comparative analysis of United Kingdom, where a statutory framework imposes enforceable anti-bullying obligations on schools. Finally, section 5 proposes legislative reforms and social work practice recommendations, followed by conclusion.

2. School Bullying as Psychological Maltreatment: The Need for Legal Intervention.

2.1 Defining Bullying and Its Psychological Impact

Brassard and Donovan characterises as inherently patterned and cumulative, often involving conduct that impairs a child's emotional development through certain acts including terrorising, isolating, degrading, and rejecting.⁶

The fact that school bullying causes psychological harm has been empirically established across multiple scholarship. Victims have been reported to have experienced significantly elevated rates of depression, anxiety disorders, post-traumatic

Behavioral Aspects of Mental Health among School-Going Adolescents in India' (2025) *Journal of Health Management*

<https://doi.org/10.1177/09731342241310570>

accessed 16 March 2026; N Thakkar, M van Geel and P Vedder, 'A Systematic Review of Bullying and Victimization among Adolescents in India' (2021) 3 *International Journal of Bullying Prevention* 253.

³ D Wolke and ST Lereya, 'Long-Term Effects of Bullying' (2015) 100(9) *Archives of Disease in Childhood* 879.

⁴ Marla R Brassard and Kelly L Donovan, 'Defining Psychological Maltreatment' in Margaret M Feerick and others (eds), *Child Abuse and Neglect: Definitions, Classifications, and a Framework for Research* (Paul H Brookes 2006) 151, 163.

⁵ Olweus (n 1) 9

⁶ Brassard and Donovan (n 4) 158

stress symptoms, and suicidal ideation compared to non-bullied peers.⁷ Coming to the Indian context specifically, Srisiva, Thirumoorthi, and Sujatha found that 27% of bullying victims in Indian schools reported suicidal tendencies, while other studies have documented school absenteeism, academic deterioration, compromised self-esteem, and social withdrawal resulting from peer victimisation.⁸ The landmark Adverse Childhood Experiences (ACE) Study framework established by Felitti and others has identified peer victimisation as a significant adverse childhood experience often contributing to long-term negative health impact, further confirming that the harm caused by bullying lasts beyond the school years and well into adult physical and mental health.⁹

Mital and others, in a cross-sectional study of school-going adolescents in India, found that bullying victims were at an increased risk for emotional symptoms, conduct problems, and hyperactivity.¹⁰ A large-scale school-based survey in Himachal Pradesh involving 7,563 adolescents found that 18.41% reported involvement in physical or cyberbullying and 15.60% identified as victims. These figures also pointed towards hindrance of reporting such trauma. This included fear of retaliation, shame, and the absence of trusted reporting mechanisms in most Indian schools.¹¹

2.2. Treating Bullying as Actionable Psychological Harm- The Legal Argument

The argument that school bullying is a cause for legal intervention rather than treating it as a disciplinary action, is based on three pillars.

Firstly, the harm is serious and documented to have long lasting psychological consequences as a result of sustained bullying. They are equivalent to other forms of psychological maltreatment that other legal systems in comparable jurisdictions have recognised as actionable. Reijntjes and others have shown in their meta-analysis of longitudinal studies that peer victimisation is a substantial independent predictor of internalising problems in children which include depression and anxiety, the effects of which, persist into their adulthood.¹² The fact that the perpetrator is another minor instead of an adult does not minimise the gravity of the psychological harm. Peer relationships are considered to be among the most significant relationships during the developmental years of childhood, and harm inflicted within those year and by one's peers, carries heightened long-term consequence.

Secondly, the harm is mostly preventable through institutional intervention. Unlike some forms of child maltreatment, school bullying occurs within the institutional setting where duty of care relationships already in place, a setting where surveillance is possible, and where institutional responses have been empirically shown to reduce prevalence. Systematic reviews consistently find that well-designed anti-bullying programmes reduce bullying perpetration by 19%–20% and victimisation by 15%–16%.¹³ This preventability

⁷ Vincent J Felitti and others, 'Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study' (1998) 14(4) *American Journal of Preventive Medicine* 245.

⁸ R Srisiva, R Thirumoorthi and S Sujatha, 'A Study to Explore Bullying and Its Impact on the Psychosocial Wellbeing among High School Students of Udupi District, Karnataka' (2013) 3(4) *Asian Journal of Nursing Education and Research* 219, 221.

⁹ Vincent J Felitti and others, 'Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study' (1998) 14(4) *American Journal of Preventive Medicine* 245.

(1998) 14(4) *American Journal of Preventive Medicine* 245.

¹⁰ Mital and others (n 2).

¹¹ 'Bullying among Students: Ecological Insights from a School-Based Adolescent Health Survey, Himachal Pradesh, India' (2026) *PubMed* <https://pubmed.ncbi.nlm.nih.gov/41926510/> accessed 16 March 2026.

¹² A Reijntjes and others, 'Peer Victimization and Internalizing Problems in Children: A Meta-Analysis of Longitudinal Studies' (2010) 34(4) *Child Abuse and Neglect* 244, 248

¹³ PK Smith, 'Research on Cyberbullying: Strengths and Limitations' in H Vandeboosch and L Green

grounds a legal duty on schools and, by extension, a legislative obligation on the state to require institutional prevention and response.

Third, the United Nations Convention on the Rights of the Child (UNCRC), which has been ratified by India in 1992, imposes an obligation on the state parties under Article 19 to protect children from "all forms of physical or mental violence, injury or abuse."¹⁴ The Committee on the Rights of the Child's General Comment No. 13 (2011) has explicitly identified peer-to-peer violence and bullying in educational settings to fall within the scope of this obligation.¹⁵ India has fallen short of translating this obligation into statutory form at the school level, hence constituting a breach of its international commitments.

3. The Indian Child Protection Framework- Underlining the Gap

3.1 Lack of Statutory Definition or Prohibition of School Bullying

India has no legislation be it central or state, that defines "bullying" in a school context, or any legislation that creates an offence of school bullying, or establishes a mandatory institutional response mechanism applicable to all schools. The Centre for Child and Youth Justice (CCYJ) at NALSAR University of Law has confirmed that "bullying is not technically illegal" in India and that "many students face bullying or ragging in schools, yet there is no robust legal framework to protect them."¹⁶ The existing legislative instruments invoked by school bullying are the Indian Penal Code 1860 (now the Bharatiya Nyaya Sanhita 2023, BNS), the Protection of

Children from Sexual Offences Act 2012 (POCSO), the Juvenile Justice (Care and Protection of Children) Act 2015 (JJ Act), and the Right of Children to Free and Compulsory Education Act 2009 (RTE Act) All of which fail to address school bullying as a distinct, cognisable category of harm for reasons stated below.

3.2 The IPC/BNS: General Provisions Without Specifying Bullying.

The Indian Penal Code 1860 and the Bharatiya Nyaya Sanhita 2023 has provisions on hurt,¹⁷ wrongful confinement,¹⁸ criminal intimidation,¹⁹ and abetment of suicide.²⁰ In principle be applied to individual instances of bullying causing physical injury, unlawful restraint, or death. However, these provisions are fragmented and inadequate for three reasons.

First, they only address individual, distinct acts of violence rather than the cumulative, patterned conduct which characterises bullying. For example, a child who has been verbally degraded, socially excluded, and psychologically humiliated over months does not fall within any IPC/BNS provision unless specific acts of physical injury or explicit criminal intimidation can be proved. One of the most essential characters of bullying is its repetition, pattern, and cumulative psychological effect, which is legally invisible within this framework.

Secondly, no provisions of the IPC/BNS addresses the institutional dimension of bullying. The Juvenile Justice Act 2015's framework leaves the school as an institution entirely outside the accountability framework regardless of how

(eds), *Narratives in Research and Interventions on Cyberbullying among Young People* (Springer 2019) 9, 18.

¹⁴ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, art 19(1).

¹⁵ Committee on the Rights of the Child, *General Comment No. 13: The Right of the Child to Freedom from All Forms of Violence*, CRC/C/GC/13 (United Nations 2011) para 21.

¹⁶ Centre for Child and Youth Justice, 'Call for Change: The Need to Address Bullying and Ragging

in Schools' (NALSAR University of Law 2024)

<https://ccyj.nalsar.ac.in> accessed 16 March 2026

¹⁷ Indian Penal Code 1860, ss 319–325; Bharatiya Nyaya Sanhita 2023, ss 114–117

¹⁸ Indian Penal Code 1860, s 340; Bharatiya Nyaya Sanhita 2023, s 126.

¹⁹ Indian Penal Code 1860, s 503; Bharatiya Nyaya Sanhita 2023, s 351.

²⁰ Indian Penal Code 1860, s 306; Bharatiya Nyaya Sanhita 2023, s 108.

inadequate its supervision or response may have been.²¹

Third, in cases where bullying contributes to a victim's suicide, the accused bully may in principle be liable for abetment of suicide under Section 306 IPC (Section 108 BNS), and courts have confirmed this possibility.²² The proximate cause requirement that governs abetment which is, demanding proof of a direct act of instigation with sufficient causal relation between mens rea and the death serves a legitimate purpose of fairness to accused persons, including child perpetrators, ensuring that criminal liability is attached only where the causal link to the outcome is established beyond reasonable doubt.²³ However, this standard was designed for a different fact pattern, identifiable acts of incitement between individuals. It is structurally different from the cumulative, diffused manner through which bullying causes suicidal ideation caused by the gradual destruction of a child's sense of self-worth, and capacity for hope through months of repeated peer victimisation.²⁴ Here the legal argument of proximity fails because most typical bullying-related suicide are caused by chronic accumulation rather than one single final act. The problem is not the fairness of the proximate cause, which is standard within its own domain but the issue is the absence of any alternative legal instrument capable of addressing the cumulative harm of peer bullying before a fatal outcome.

²¹ Juvenile Justice (Care and Protection of Children) Act 2015, Ch IV (providing for Juvenile Justice Boards and the treatment of children in conflict with law through a child-friendly rehabilitative process rather than punitive prosecution).

²² Centre for Child and Youth Justice (n 16).

²³ *Chitresh Kumar Chopra v State (Govt of NCT of Delhi)* (2009) 16 SCC 605, para 14 (Supreme Court of India), where the Court emphasised that the word "instigate" requires the accused to have played an active role with a mens rea to bring about the death, and that the causal link between the accused's conduct and the deceased's decision to die must be established

3.3. POCSO- Only Limited to Sexual Offences.

The Protection of Children from Sexual Offences Act 2012, as described in its own preamble and definitional provisions, is confined exclusively to sexual offences against children.²⁵ Psychological harm caused by non-sexual peer bullying is completely out of its ambit. The most operationally significant child protection provision in Indian law is the POCSO's mandatory reporting obligation under Section 19, which applies only to offences under that Act and therefore creates a lack of reporting obligation in respect of a bullying incident that does not involve sexual misconduct.²⁶

3.4 The JJ Act 2015- A Flawed Partial Response.

The Juvenile Justice (Care and Protection of Children) Act 2015 contains two provisions which is potentially relevant to school bullying. Section 75 penalises any person having actual charge or control over a child who assaults, abuses, or wilfully neglects the child in a manner likely to cause unnecessary suffering or injury to health, including mental disorder or disability.²⁷ However, when read carefully, as established in the literature, "mental disorder" in Section 75 is described as a consequence of physical conduct rather than as a description of psychologically abusive behaviour in itself, and the lack of definition for the term "abuse" in the Act, makes its application to peer psychological conduct doctrinally difficult.²⁸ As far as reported cases are

²⁴ Thomas Joiner, *Why People Die by Suicide* (Harvard University Press 2005) 47, establishing that suicidality in the context of chronic victimisation develops through the gradual accumulation of thwarted belongingness and perceived burdensomeness rather than through a single precipitating event.

²⁵ Protection of Children from Sexual Offences Act 2012, Preamble and s 2.

²⁶ *ibid* s 19(1)

²⁷ Juvenile Justice (Care and Protection of Children) Act 2015, s 75.

²⁸ Prakash Sachdev, 'Psychological Abuse of Children: Toward a Legal Definition' (2018) 60(3) *Journal of the Indian Law Institute* 312, 320.

concerned, Section 75 has not been successfully invoked for peer bullying conduct.

Section 2(14) of the JJ Act defines a "child in need of care and protection" to include a child who is "being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts."²⁹ This provision does not extend to peer psychological abuse like bullying, as it is neither sexual abuse nor an illegal act in the current statutory framework. This creates a void in the legal framework, caused by a lack of definitional provision in the current statute.

3.5. RTE Act- Its Structural Limits.

Section 17 of the Right of Children to Free and Compulsory Education Act 2009 provides that "no child shall be subjected to physical punishment or mental harassment under any circumstances," making infringement a disciplinary offence under service rules.³⁰ This is the most relevant statutory provision for the school context, but it's not short of structural limitations.

First, Section 17 only applies to persons employed in a school. The section operates in the context of adult-to-child conduct by teachers and staff and was not formulated to address child-to-child bullying. Its disciplinary consequence under service rules has no application whatsoever to student perpetrators.³¹

Secondly, "mental harassment" is not defined under the RTE Act or its Rules, this makes its application to any specific incident entirely based upon institutional discretion. There is no definition, no threshold, no procedure, and no

external reference point for what "mental harassment" means in practice.³²

Third is its efficacy. Section 17's sole consequence is disciplinary action under service rules. Which is probably the weakest sanction in any child protection instrument. It generates no criminal liability, no civil remedy, neither any obligation to report the incident to any external authority. End Corporal Punishment's monitoring report has confirmed that Section 17 remains mostly unenforced, with no reported successful prosecution under this provision.³³

3.6 The CBSE Guidelines 2015: A Non-Binding Administrative Instrument.

The Central Board of Secondary Education's Circular No. Acad.-17/2015, dated 9 March 2015, provides one of the most detailed answer to school bullying in India's regulatory landscape. It requires CBSE-affiliated schools to constitute Anti-Bullying Committees, develop Bullying Prevention Plans, employ counsellors for different school levels, and respond to reported incidents through counselling, sanctions, and parental interventions.³⁴ The circular however has a fundamental limitation.

Since it is an administrative circular issued by an examination board and not really a statute, neither a statutory rule, nor a subordinate legislative instrument enacted under parliamentary authority. It has no legal binding effect and generates no enforceable obligation on any school. It basically applies only to CBSE-affiliated schools. As of 2024, CBSE-affiliated schools are approximately 27,000 out of India's estimated 1.5 million schools meaning, it

²⁹ Juvenile Justice (Care and Protection of Children) Act 2015, s 2(14)(vi).

³⁰ Right of Children to Free and Compulsory Education Act 2009, s 17.

³¹ End Corporal Punishment, *Corporal Punishment of Children in India* (End Corporal Punishment, January 2024) 4
<https://endcorporalpunishment.org/wp-content/uploads/2024/02/India.pdf> accessed 16 March 2026.

³² *ibid* 3. See also National Commission for Protection of Child Rights, *Report of the Working Group on Eliminating Corporal Punishment in Schools* (NCPCR 2012) 5, which observes that the absence of a definition of "mental harassment" in Section 17 is a critical drafting deficiency.

³³ End Corporal Punishment (n 30) 3.

³⁴ Central Board of Secondary Education, *Guidelines for Prevention of Bullying and Ragging in Schools*, Circular No Acad-17/2015 (Ministry of Human Resource Development 9 March 2015).

amounts to less than 2% of all schools.³⁵ State board schools, private unaided schools, minority schools, unrecognised schools, and the vast majority of rural and semi-urban schools are entirely left out of its ambit.

Central Board of Secondary Education, *Guidelines for Prevention of Bullying and Ragging in Schools*, Circular No Acad-17/2015 (Ministry of Human Resource Development, 9 March 2015). The circular contains not explicit provisions of penalties for non-compliance, no obligations to report to any external authority, and no mechanism for external verification or audit. Thus, making it an aspirational administrative instrument without much of a legal force

3.7 The UGC Regulations 2009: An Important Precedent With Critical Limitations.

The UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions 2009, which was enacted in conformity with the Supreme Court directions in *University of Kerala v. Council, Principals, Colleges and Others*,³⁶ is the most significant regulatory development when it comes to addressing the psychological dimension of peer abuse in India. Section 3 of the Regulations defines ragging to include "any disorderly conduct whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness a fresher or any other student... which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof."³⁷ This is a significant milestone in acknowledging psychological harm as a basic element of prohibited peer conduct. This demonstrates that the Indian regulatory framework is capable of recognising and

articulating the psychological dimension of peer abuse when there is a political will.

But the downside is that the UGC Regulations have three structural limitations which does not make them suitable to serve as a model for school-level child protection. First, they are not primary legislation. They are in fact, subordinate regulations issued under Section 26(1)(g) of the UGC Act 1956³⁸ and is only applicable on the higher education system i.e, colleges and universities. They do not create any criminal offence independently actionable in court and no civil remedy for victim children.

Secondly, and the most significant to this article, they only apply exclusively to "Higher Educational Institutions" universities, deemed universities, and colleges.³⁹ They are not applicable to the 1.5 million schools that constitute India's primary and secondary education system, nor to the subject of this article, which is school age children.

Thirdly, the definition of ragging just addresses a specific senior-to-junior perpetrator-victim relationship within an institutional hierarchy.⁴⁰ It does not cover bullying among same-year peers, group-based psychological exclusion, or cyberbullying, the forms which are most prevalent among school-age children as documented by Mital and others (2025) and Thakkar and others (2021).

3.8 The Cumulative Effect: A School-Level Legislative Void.

The analysis above shows a legislative void at the school level. India's child protection framework addresses child sexual abuse (POCSO), parental physical abuse (Section 75 JJ Act, partially), corporal punishment by teachers (Section 17

³⁵ Central Board of Secondary Education, 'About CBSE: Affiliated Schools' (CBSE 2024) <https://www.cbse.gov.in> accessed 16 March 2026.

³⁶ *University of Kerala v Council, Principals, Colleges and Others*, SLP No 24295 of 2006 (Supreme Court of India, 16 May 2007).

³⁷ University Grants Commission, *UGC Regulations on Curbing the Menace of Ragging in Higher*

Educational Institutions, 2009, s 3 (UGC 17 June 2009).

³⁸ University Grants Commission Act 1956, s 26(1)(g).

³⁹ UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009, s 13.

⁴⁰ Ibid s 3

RTE Act, inadequately), and ragging in higher education (UGC Regulations, partially) but peer bullying amounting to psychological abuse in schools is left completely unaddressed by any statutory rule, or any regulatory instrument of universal application. A child who has been systematically humiliated, socially excluded, verbally degraded, and psychologically harmed by peers in an Indian school has no statute to invoke, no institution legally required to respond, no mandatory reporting pathway, and no remedy beyond the school's own internal policy.

4. The Comparative Experience: United Kingdom.

The United Kingdom's statutory framework addressing school bullying provides the most directly relevant comparative model for India, provided the shared common law heritage and a similar structure of a central-local education relationship.

Section 89 of the Education and Inspections Act 2006 requires the headteacher of every maintained school to regulate measures that aim to "encourage good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying amongst pupils."⁴¹ These measures should then be published in a written document known as the anti-bullying policy and must be communicated to all pupils, school staff, and parents. This duty is statutory and is applicable to all maintained schools, is legally enforceable, and any breach of said regulations is capable of generating accountability through Ofsted inspection findings and judicial review.

According to Sec. 175 of The Education Act 2002, a legal duty is placed on the maintained schools and local authorities for promoting and safeguarding children's welfare by creating a

specific roadmap for treating serious bullying as a child protection concern. An incident of bullying must be addressed as an issue of child protection under the Children Act 1989 where there is "reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm."⁴² This connection between bullying and child protection is a critical structural feature meaning, serious sustained bullying can trigger mandatory reporting to local authority children's social services, not merely be kept a school's internal matter.

The Education and Inspection Act 2006 which was amended by The Education Act 2011, permitted electronic devices, such as mobile phones, to be seized by staff members to investigate whether an act of cyberbullying has been taking place, without any parental consent where there is risk of serious harm.⁴³ Smith and others, in a content analysis of 200 school anti-bullying policies in England, concluded that policy coverage improved significantly between 2008 and 2022, notably for cyberbullying and bias-based bullying, suggesting that the statutory duty and inspection accountability has produced a considerable improvement in institutional response over time.⁴⁴

Three features of the UK model are directly transferable to the Indian context. First and foremost the statutory duty is universal which means, its applicable to all maintained schools, not merely those affiliated with a particular examination board. Second, it creates accountability for the school as an entity, the headteacher is personally liable for the implementation of anti-bullying policy and the school's performance on bullying prevention is externally monitored through Ofsted inspection. Third, it integrates bullying with the child protection framework. Serious bullying is treated as the same as other forms of child maltreatment

⁴¹ Education and Inspections Act 2006 (UK), s 89.

⁴² Education Act 2002 (UK), s 175; Children Act 1989 (UK), s 47.

⁴³ Education Act 2011 (UK), s 85, amending Education and Inspections Act 2006 (UK), s 89

⁴⁴ PK Smith, AL Palermi and S Robinson, 'A Content Analysis of School Anti-Bullying Policies in England: Signs of Progress' (2023) 39(4) *Educational Psychology in Practice* <https://doi.org/10.1080/02667363.2023.2250258> accessed 16 March 2026.

invoking mandatory reporting. This particular feature is the most significant for the Indian context, and yet is the biggest gap in the current legal framework.

School counsellors, teachers, and administrative staff should be made mandatory reporters under a broadened reporting provision. This is modelled on POCSO's Section 19 but extended to cover psychological harm caused by peer bullying where there is reasonable belief 5.

Recommendations: Legislative Reform and Social Work Practice.

5.1. Legislative Recommendations.

Recommendation 1: A Statutory Definition for School Bullying.

Parliament should enact a statutory definition for school bullying as a part of a dedicated provision for child protection in schools. Which can either be introduced via an amendment to the JJ Act 2015 or through a standalone statute. The definition should capture three essential elements repetition, intentionality, and power imbalance including but not limited to verbal, physical and cyberbullying as cognisable forms of bullying. Drawing on the CBSE's own circular and the UNCRC Committee's General Comment No. 13, a definition in the following terms would be appropriate:

"Bullying means repeated conduct by one or more pupils that causes or is likely to cause physical, psychological, emotional, or social harm to another pupil, where there exists an actual or perceived imbalance of power between the perpetrator and the victim, and includes verbal abuse, physical intimidation, social exclusion, relational

*aggression, and conduct carried out through electronic means."*⁴⁵

Recommendation 2: A Uniform Statutory Anti- Bullying Duty on Schools.

The legislation should be imposed on every school irrespective of board affiliation, management type, funding status, or location, a mandatory duty to do the following: (i) maintain and publish an anti-bullying policy; (ii) constitute an anti-bullying committee with defined membership; (iii) maintain records of reported bullying incidents; (iv) respond to reported incidents within a specified timeframe; and (v) report repeated or serious incidents to the District Child Protection Unit (DCPU) under the JJ Act framework.⁴⁶ This duty must be universal, which would end the current coverage gap that leaves more than 98% of Indian schools without any enforceable anti-bullying obligation.

Recommendation 3: integration with Child Protection Framework.

Serious or sustained bullying should be explicitly integrated into the JJ Act's definition of "child in need of care and protection." This would trigger mandatory referral to the Child Welfare Committee, a child who is suffering or is at risk of suffering significant psychological harm through peer bullying.⁴⁷ This reflects the UK model of treating serious bullying as a child protection concern and would invoke the CWC's welfare jurisdiction in the most severe cases, without criminalising everyday peer conflict.

Recommendation 4: Mandatory Reporting for School Staff.

incidents to DCPUs would integrate school bullying with the existing child protection architecture without requiring the creation of new institutional machinery.

⁴⁷ This would require an amendment to Juvenile Justice (Care and Protection of Children) Act 2015, s 2(14), to add a further category: "a child who is suffering or is likely to suffer significant psychological harm as a result of repeated peer bullying or victimisation."

⁴⁵ This definition is proposed by the authors, drawing on the formulation in CBSE Circular No Acad-17/2015 (n 33) and the definitional criteria established by Olweus (n 1) and the Committee on the Rights of the Child (n 15) para 21.

⁴⁶ Juvenile Justice (Care and Protection of Children) Act 2015, s 106 and the JJ Model Rules 2016 establish DCPUs at the district level as the primary institutional mechanism for coordinating child protection responses. Routing serious bullying

that a child is experiencing significant harm.⁴⁸ This would extend the mandatory reporting system beyond sexual offences and cover the form of peer abuse most prevalent in school settings.

Recommendation 5: Institutional Accountability and Monitoring.

Monitoring authority should be given to the National Commission for Protection of Child Rights (NCPCR) and State Commissions for Protection of Child Rights (SCPCRs) in respect of school anti-bullying policy compliance. They should also be authorised to inspect schools, receive complaints, and recommend consequences for non-compliance to the relevant regulatory authority.⁴⁹ This would be a replica of the accountability function of the Ofsted in the UK framework and would create the external monitoring authority which is currently entirely absent from India's school-level child protection framework.

5.2. Social Work Practice Recommendations.

Legislative changes alone will not be sufficient to bring out the desired change. It has to be accompanied by social work practices at school level. The following are a few recommendations for social work practices:

Recommendation 1: Training School Social Workers in Bullying Recognition and Response.

Social workers and counsellors working in or associated with schools require specific training in the recognition and documentation of bullying as a form of psychological maltreatment, and appropriate response protocols for victim children. Roy and Madiki document that current social work practice in India does not include

bullying-specific aptitudes, and that practitioners generally lack the conceptual framework to distinguish bullying from ordinary peer conflict or from single-incident misconduct.⁵⁰ Developing competent standards for school-based social workers in bullying recognition, assessment, and referral which will be modelled on the UK's practice guidance framework, would make a significant improvement in early detection of at-risk children.

Recommendation 2: Creating Safe and Accessible Reporting Pathways.

One of the biggest barriers to reporting bullying victimisation in Indian schools is the absence of a trusted, confidential reporting mechanism. Social workers should take lead in the development of an anonymous reporting systems, which would include a helpline number alongside awareness campaigns to reduce the stigma associated with disclosure. Social work practitioners can also help in developing a peer led Anti-Bullying Committee as suggested by the CBSE's circular which would make disclosure of bullying incidents easier on the victims.

6. Conclusion.

School bullying is precisely absent as a matter of primary concern in any legislation applicable to schools in India. While the UGC Regulations 2009 demonstrate that India's regulatory body is capable of recognising the psychological harm caused by peer conduct and by providing a definition of ragging that expressly encompasses psychological well as physical harm. However, this recognition is only confined to higher educational institutions, addresses a specific perpetrator-victim i.e., senior to junior relationship, and lacks the enforcement characteristics of primary legislation. Majority of

⁴⁸ Protection of Children from Sexual Offences Act 2012, s 19, as a legislative model. The extension proposed here would not be an amendment to POCSO whose scope is confined to sexual offences, but a parallel provision in either the JJ Act or the proposed standalone legislation

⁴⁹ The NCPCR currently has jurisdiction under the Commissions for Protection of Child Rights Act 2005, s 13, to inquire into complaints of

deprivation of child rights. An explicit mandate in respect of anti-bullying compliance would extend this jurisdiction to proactive monitoring of school practices rather than merely reactive complaint investigation.

⁵⁰ B Roy and S Madiki, 'Child Abuse: Is India Well-Equipped for the Challenge?' (2020) 7 *Indian Journal of Pure Applied Sciences* 112, 117.

peer bullying affecting children are at the school level, where developmental vulnerability is at its highest, there is no statute defining bullying, no enforceable duty requiring schools to prevent or respond to it, and no mandatory reporting obligation or child protection framework exists.

The absence of a legislation for bullying is not trivial matter. It has been well documented how bullying causes serious and most importantly, preventable psychological harm to children. It has been linked to depression, anxiety, school failure, and suicidal ideation in the Indian population. The UNCRC's General Comment No. 13 explicitly recognises peer-to-peer violence, including bullying, as a form of violence against children and that state parties are obligated to address through specific legislative and institutional measures.⁵¹ India has failed to do so. The UGC Regulations' recognition of psychological harm in higher education, compared against the complete absence of a

corresponding recognition for schools, makes this failure more than just a mere gap but an inconsistency that demands immediate rectification.

The reforms proposed in this article which includes a statutory definition of bullying, a universal institutional responsibility on schools, integration with the existing child protection framework, mandatory reporting, and NCPCR monitoring signify the minimum standard already running in comparable jurisdictions. The UK's framework shows that statutory obligations on schools, combined with external monitoring, prove affective in producing improvements in institutional response. The UGC Regulations' own model demonstrates that even within India's regulatory tradition, a definition of peer psychological harm is achievable when there is a legislative will. Extending equivalent recognition and protection to school-age children is hence legally achievable and constitutionally required.

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⁵¹ Committee on the Rights of the Child para 21

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