

JUVENILE JUSTICE IN INDIA: EXPLORING THE CONCEPT, CONTRIBUTING FACTORS, AND CHALLENGES

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Abstract— The juvenile justice system constitutes a separate branch of criminal law, based upon the idea that since children are innocent and they are incapable of developing criminal intent like that of adult citizens. The theory of juvenile justice developed on the belief that the problem of juvenile delinquency cannot be met by existing criminal justice system. The Indian Juvenile Justice System is a significant system that protects legal rights and rehabilitates children in conflict with law. The term "juveniles" or "child" refers to a person who has not reached the age of eighteen.

India is a developing nation, and with this growth, juvenile delinquency is becoming a common issue. In 1986, Parliament enacted the Juvenile Justice Act for child offenders and their protection. The Juvenile Justice Act, 1986 was revoked and the new Juvenile Justice Act was enacted in the year 2000. After this the present legislature came into picture in the year 2015.

The primary focus of these laws is the rehabilitation of the offenders and giving aid to vulnerable children. To the greatest possible degree, a child should be rehabilitated and reunited with the family. The Indian law on juveniles is facing many issues related to rehabilitation of juvenile offenders and their welfare, making them vulnerable. This article outlines the main factors that contribute to the juvenile delinquency and proceeds to analyse the present challenges faced by our society in dealing with these challenges, also highlight the prospective area of improvement.

Keywords— Juvenile, Delinquency, Justice, Rehabilitation, Criminal Liability

I. INTRODUCTION

India is known as a country in which children are considered an asset to their parents and an asset to the nation. This viewpoint underlines that both parents and the government is equally responsible in protecting youth. Their responsibilities are critical for ensuring a safe environment for young individuals. It is the crucial duty of every society to enhance the opportunity for children and to ensure that every child has access to the right of better health, education, and protection. The future of a nation hinges on its commitment to investing in the betterment and development of its youth as they are the leaders of tomorrow.

Individual is not inherently a criminal. Rather, the person's experiences throughout their life and the factors like upbringing, environment, and relationships can influence their decisions. So, there is a need for a deeper understanding of the reasons for juvenile delinquency. A delinquent juvenile cannot be sentenced to imprisonment because they are still developing and have the potential to change. Instead of punishment, it's important to focus on rehabilitation and support.

In India has been observed an increased concern regarding juvenile delinquency, as the crimes committed by the juveniles have gained prominence. The reasons for these crimes are not only a reflection of individual actions but also highlight broader societal issues, such as poverty, poor education, and weak rehabilitation systems. Addressing these issues requires significant upgrades to the juvenile justice framework to create a more effective and equitable system.

Reconciling the necessity for justice with the corrective treatment of young offenders is a considerable difficulty for policymakers in India. Particularly when public opinion calls for more severe penalties for egregious crimes committed by juveniles, as was the case in *Nirbhaya* (Mukesh & Anr vs State For Nct Of Delhi & Ors AIR 2017 SUPREME COURT 2161). This research seeks to examine these challenges thoroughly and suggest practical solutions.

This study uniquely integrates an in-depth examination of current juvenile justice policies, and it also explores the socio-economic factors affecting juvenile behaviour. By doing the analysis of both legal and social perspectives, this research aims to provide a comprehensive approach

that focuses on reforming the juvenile justice system in India. Furthermore, this research aims to offer recommendations that are both legislative and practical. These will help improve the rehabilitation and integration of juvenile offenders into society.

II. CONCEPT OF JUVENILE JUSTICE

Juvenile Defined:

A child is defined as any person under the age of 18 (United Nations, 1989). A "juvenile" is a young adult who has the characteristics and qualities of child.

Delinquency Defined:

The term 'Delinquency' implies a 'failure to adhere to societal norms or an omission of responsibility, involving crime or wrongful acts.' The expression "juvenile delinquency" denotes the "violation of criminal laws and/or the engagement in behaviours that are not suitable for children and young adolescents. Therefore, in the realm of juvenile delinquency, both age and behavioural offenses defined by law are important.¹ In 1981, Coleman described delinquency as "the behaviour of those under 18 years of age that is considered unacceptable by society," stressing the intimate connection between delinquency and societal progress in contemporary contexts. This behaviour is a by-product of the social setting and a manifestation of aggression aimed at destroying, disrupting, or altering the environment.² Juvenile delinquency refers to conduct by a young person that is against the society and is beyond parental authority and, therefore, liable to legal action.³

However, in contrast to other wealthy and underdeveloped countries, developing nations experience a notably lower number of such incidents. In examining the situation in India, the number of juveniles involved in conflict is lower compared to some other nations; however, a recent review of NCRB statistics indicate that the percentage of juveniles committing crimes has risen in recent years.⁴

Juvenile Justice System:

The term 'Justice' refers to 'a commitment to fairness, equity, and concern for peace and genuine respect for individuals. This system is implemented for young individuals who are not yet considered responsible for criminal actions. It serves as a corrective approach to juvenile delinquency. This reflects moral rightness in the pursuit of fairness against unjust behaviour. The objective this System is "to deliver preventive treatment services for youth and, subsequently, rehabilitation and improved

social integration".⁵ This system represents one of the reforms initiated by the government to fulfil the Indian Constitution's vision regarding the welfare and care of children. Article 15(3), Article 21-A, Article 24, Article 39(e) and (f), and under Article 45, the Constitution grants children a distinct constitutional recognition.

III. EVOLUTION AND DEVELOPMENT OF JUVENILE JUSTICE IN INDIA

Pre-Independence Period

The background with respect to juvenile justice in India begins during the era of British colonization in India. Despite the underlying legal system for dealing with criminal law in India, as exemplified pursuant to the Indian Penal Code, 1860, and the Code of Criminal Procedure of 1898, indirectly addresses young offenders but the unique needs were not recognized. For instance, the I.P.C. states that children below the age of seven years are not subject to penal consequences⁶ and accords conditional immunity to children between seven and twelve years on the premise that they are found to be lacking in sufficient maturity of understanding.⁷

After 1850, the Apprentices Act was enacted; It was a significant legislative development concerning juvenile offenders. This Act focussed on reforming and rehabilitating young convicts through vocational training and reintegrate into society.⁸ The Act focused on treating the children who had committed petty offences as apprentices to be sent to reformatory schools rather than sentencing them to prison. Madras, Bengal and Bombay enacted their own laws on children named as the Madras the Children Act of 1920, the Bengal Children Acts of 1922 and the Bombay 1924. All these Acts had one common intention of distancing children from the criminal justice system that deals with an adult offender and for these separate children's courts were established. The statutes encompassed provisions to establish a dedicated juvenile justice system.

Post-Independence Legislation

After India gained independence, the Constitution laid down provisions for the protection and promotion of the welfare of children under the direction principles of state policy and fundamental rights. In line with these constitutional directives, the Government of India passed the Children Act of 1960. The Act introduced schemes for the trial of delinquent children in the Union territories along with provisions for their care, maintenance, protection, welfare, and rehabilitation of children

¹ Reckless, W. (1956). *Handbook of practical suggestions for the treatment of adult and juvenile offenders*. Government of India.

² Belwal, A., & others. (2016). Juvenile delinquency in India. *Bharti Law Review*, (Oct–Dec).

³ Merriam-Webster. (2014). *Merriam-Webster collegiate dictionary* (11th ed.).

⁴ Abhishek, R., & Balamurugan, J. (2024). Factors and patterns associated with juvenile delinquency with reference to juvenile crimes in India. *Revista de Gestão Social e Ambiental*, 18(1), 1–17.

⁵ United Nations. (1981). *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, Venezuela, 25 August–5 September 1980: Report (Prepared by the Secretariat)*. United Nations Digital Library System.

⁶ Indian Penal Code, § 82, Act No. 45 of 1860 (India).

⁷ Indian Penal Code, § 83, Act No. 45 of 1860 (India).

⁸ Apprentices Act, Act No. 19 of 1850 (India).

exhibiting delinquent behaviour and those lacking proper care.⁹

Enacted in 1986, the Juvenile Justice Act was India's pioneering legislation to provide a specialized justice system for juveniles, reflecting the principles of child rights recognized internationally in 1959's United Nations declaration of the child.¹⁰ The major objective of this Act was to ensure differential treatment to juvenile offenders for that to adult offenders by focusing on the rehabilitation instead of retribution. This Act introduced special mechanisms such as Juvenile welfare boards and Juvenile courts. However, the Act was intended to be progressive in nature, but it received criticism for gaps in its implementation at ground level, such as poor infrastructure and limited resources in many states. Additionally, it allowed punitive measures in serious offenses which compromised its rehabilitative nature, and the need of juvenile reform were felt. Following these the India's government enacted the Juvenile Justice (Care and Protection of Children) Act, 2000.¹¹

In 2000, the Juvenile Justice (Care and Protection of Children) Act reformed previous laws to align with international standards, particularly the UN Convention on the Rights of the Child (UNCRC). It reduced ambiguity compared to previous legislation of 2000 by definitions of terms such as "juvenile" and "child". The Act established special police units to handle juvenile cases, ensuring a sensitive and appropriate approach and Child Welfare Committees were set up to assess and address the needs of children requiring care and protection, promoting their welfare and rehabilitation. The Act categorized juveniles into two groups: those in conflict with the law and those in need of care and protection. A key feature was the creation of Juvenile Justice Boards (JJBs) to oversee cases and Child Welfare Committees (CWCs). These works at the district level to ensure the sensitive and timely resolution of juvenile cases. Rehabilitation programs such as foster care, adoption, and sponsorship, were strengthened. But despite these reforms the Act faced challenges including inadequate funding and a shortage of trained personnel.

Reforms in 2015

In response to public outcry over increasing heinous crimes by juveniles and the need for a system balancing deterrence and reform, the Juvenile Justice (Care and Protection of Children) Act, 2015 was enacted with substantial reforms. It included new definition such as abandoned, orphaned, and surrendered children. The Act also sets timelines for inquiry by the Juvenile Justice Board (JJB) and streamlined the procedures of adoption and mandatory registration of Child Care Institutions and includes new offences against children.¹² The most

debatable provision of this legislation was to subject the juveniles aged 16 to 18 accused of heinous crimes can be tried as adults after assessment by the Juvenile Justice Board.¹³ Critics argued it weakened the rehabilitative focus of juvenile justice and risked exposing young offenders to abuse and hardened criminals in adult prisons.¹⁴

IV. CONTRIBUTING FACTORS TO JUVENILE DELINQUENCY

Delinquency can stem from one specific path, yet the presence of various risk factors frequently increases a youth's probability of criminal activity. Even though behaviours can begin as early as infancy, recognizing any behaviour during this time is difficult. As a young person matures and faces the realities of life, their behaviour patterns may frequently change, and various situations can contribute to delinquent behaviour. Below are some potential causes of delinquency that have been extensively examined:

1. Psychological contributors

A range of mental health issues is understood to contribute to misbehaviour in adolescents. And it is essential to understand that some types of mental illnesses, especially personality disorders, may not be identifiable in youth. However, these disorders have early signs that can be identified in childhood and later manifest as delinquent behaviour. Furthermore, children who have experienced sexual assault or any form of unwanted physical violence in infancy may develop negative thoughts and behaviours. At this stage, individuals may begin to feel the urge to explore sexual experiences. Boys who encounter excessive sexual variation may become involved in crimes such as kidnapping and rape. Conduct disorder is described as an absence of empathy and a failure to respect societal norms.¹⁵

2. Economic and social contributors

Due to poverty and adverse economic conditions, parents and guardians struggle to fulfil their children's needs, causing children to seek out ways to satisfy their desires at all costs. However, when their desires are fulfilled, children may start stealing from their homes or from other parents. This leads to the development of a stealing habit, which contributes to widespread theft.

3. Urbanization process

¹³ Sharma, S. (2021). Juvenile justice system, reforms and policing system in India: Origin, dialectics, comparisons, and way forward. *International Annals of Criminology*, 59(2), 179–199.

¹⁴ Rubin, S. (1949). The legal character of juvenile delinquency. *The Annals of the American Academy of Political and Social Science*, 261(1), 1–8.

¹⁵ Lewis, G. (1996). DSM-IV. Diagnostic and Statistical Manual of Mental Disorders, 4th edn. By the American Psychiatric Association. (Pp. 886;£ 34.95.) APA: Washington, DC. 1994. *Psychological Medicine*, 26(3), 651–652.

⁹ The Children Act, Act No. 60 of 1960 (India).

¹⁰ United Nations General Assembly. (1989). *Convention on the Rights of the Child*.

¹¹ Kumari, V. (2010). *The juvenile justice system in India* (2nd ed.). Oxford University Press.

¹² Bajpai, A. (2018). The Juvenile Justice (Care and Protection of Children) Act 2015: An analysis. *Indian Law Review*, 2(2), 191–203.

As societal trends shift rapidly and modern lifestyles change, children and teens often find it challenging to adjust to new living conditions. They face several cultural challenges and struggle to distinguish between right and wrong. This could provoke them to commit offenses. India's industrial growth and economic expansion have led to urbanization, creating new challenges like housing shortages, slum development, overcrowding, insufficient parental supervision, and family breakdowns.¹⁶ As a result of the elevated cost of living in cities, women are increasingly required to work outside the home to provide for their families, which often leaves their children neglected and unsupervised at home. Additionally, the appeal of modern amenities encourages young people to resort to illegal means to fulfil their desires. All these factors have led to a significant rise in juvenile delinquency in urban areas.

4. Family dynamics

Other major causes of increasing rates of teenage delinquency include family dissolution and inadequate parental supervision. Common factors contributing to juvenile misconduct are parental separation, loss of parental control, and lack of emotional support. Family structure of the family significantly influences children's personalities. A well-functioning family fosters growth, self-confidence, openness, and the ability to face reality. A significant number of delinquents come from unstable family environments.¹⁷ When parents disregard legal and societal standards, their children are more prone to do the same.

5. Peer pressure

An individual's decision to participate in criminal acts is greatly determined by their peers. Juveniles who fail to meet academic benchmarks or who do not take part in sports or social activities may sometimes lag their peers. Children from families that cannot afford proper housing, and essentials may also become victims of this situation. Many experts suggest that, since joining a gang offers a sense of respect and status in a distinct manner, these youths may opt to leave their school friends to join criminal organizations. Gangs confer respect and street cred as a reward for engaging in criminal and disruptive activities.¹⁸

6. Immigration and emigration

Destitute teenage boys who relocate to slum areas become vulnerable to anti-social elements involved in illegal activities like prostitution and drug trafficking. These types of activities attract young people, who may engage in them and become major contributors to juvenile delinquency.

¹⁶ Paranjape, N. V. (2017). *Criminology, penology and victimology* (17th ed.). Central Law Publication.

¹⁷ Mwangangi, R. K. (2019). The role of family in dealing with juvenile delinquency. *Open Journal of Social Sciences*, 7(3), 52.

¹⁸ Wood, J. L. (2014). Understanding gang membership: The significance of group processes. *Group Processes & Intergroup Relations*, 17(6), 710–729.

V. OBSTACLES IN APPLYING JUVENILE OFFENDER LAWS IN INDIA

India's juvenile justice law aims to protect juvenile offenders' rights and reintegrate them into society. However, its effective implementation faces challenges. This analysis highlights these challenges and suggests possible solutions.

1. Lack of Adequate Infrastructure and Resources

In India, a key obstacle to implementing juvenile justice laws is the lack of adequate infrastructure and resources. Some juvenile justice institutions, like rehab centres, observation homes, and juvenile justice boards (JJBs), frequently struggle with issues like inadequate staffing, insufficient facilities, and overcrowding. A further issue contributing to the problem is the lack of trained staff, such as social workers, counsellors, and probation officers, making it challenging to offer high-quality services to juvenile offenders.¹⁹

2. Gaps in Access to Justice

Gaps in access to justice create substantial obstacles to the effective enforcement of juvenile justice statutes in different geographic and socioeconomic situations. The scarcity of infrastructure and resources to aid juvenile justice initiatives is frequently seen in rural areas and marginalized communities, resulting in disparities in treatment and outcomes for juvenile offenders. Due to insufficient knowledge about their legal rights and entitlements, juveniles struggle to assert their rights and seek legal assistance.

3. Delayed Justice and Backlog of Cases

A backlog in the Juvenile Justice Boards (JJBs) often leads to delays in resolving juvenile justice cases and affects timely adjudication. The objectives of prompt justice and rehabilitation face challenges due to the lengthy legal proceedings. Administrative bottlenecks procedural delays and the lack of specialized juvenile justice tribunals add to this problem. Young offenders entangled in the legal system experience prolonged periods of uncertainty and difficulty. This impedes their ability to heal and reintegrate into society.²⁰

4. Inadequate Rehabilitation and Reintegration Programs

The Juvenile Justice (Care and Protection of Children) Act, 2015 aims to support the recovery and social reintegration of young offenders. However, the enforcement of these measures has been largely insufficient. Most rehabilitation centres lack proper resources and trained personnel to provide a complete range of services, such as life skills

¹⁹ Nithya, S., & Shankar, P. (2018, April). Gaps and challenges in implementing Juvenile Justice (Care and Protection of Children) Act 2015: A critical analysis. *Shanlax International Journal of Arts, Science and Humanities*, 5(Special Issue 7). ISSN: 2321-788X.

²⁰ HAQ: Centre for Child Rights. (2023, July 27). Juvenile justice. *HAQ: Centre for Child Rights*.

training, counselling, vocational training, and education. Lacking community-based programs and supportive services is one of the biggest hurdles to successful reintegration of juvenile offenders into their communities.

5. Societal Stigma and Discrimination

For juvenile offenders, a major challenge in rehabilitation and reintegration is facing stigma and discrimination. Juveniles often face bias and social exclusion. This makes it difficult for them to be accepted in communities. It occurs despite the reformatory justice goals in juvenile justice laws. When people hold negative opinions, it strengthens punitive attitudes and blocks efforts for restorative justice and social inclusion. This is often due to the stereotypes and false beliefs about juvenile delinquency that are spread around.

6. Lack of Coordination and Collaboration

It's hard to effectively implement youth offender legal framework in India because the system is broken up. There's also not enough coordination and teamwork among the different groups involved. When connections between Juvenile Justice Boards (JJBs) and child welfare committees are weak, it leads to gaps in services. Law enforcement and other relevant organizations also contribute to this issue.²¹ The absence of a cohesive strategy makes it difficult to fully address the multifaceted needs of young offenders. This hampers efforts to provide an effective response.

VI. FUTURE DIRECTIONS AND RECOMMENDATIONS FOR IMPROVING THE JUVENILE JUSTICE

System in India

India's juvenile justice system has seen significant growth in recent years. This improvement is due to the adoption of progressive laws. Even with the progress that has been made, there are still several areas that need improvement. We need to focus on these areas to truly protect juvenile rights and promote reformatory justice. This research paper focuses on key areas such as infrastructure development, capacity-building, policy reforms, and community participation. It explores potential future strategies and suggestions for enhancing India's juvenile justice system.

1. Infrastructure Development:

Building better infrastructure is important for making India's juvenile justice system function more effectively. It is essential to improve the overall efficiency of the system. This requires establishing observation homes, rehabilitation centres, and counselling offices that are equipped with dedicated juvenile justice facilities. Additionally, these institutions should have all the necessary resources for supporting young offenders' rehabilitation and reintegration into society. It's very important for juvenile offenders to have access to safe and

supportive environments. These spaces can help to promote their growth and overall well-being and improving infrastructure is crucial to make this happen.

2. Capacity-Building:

Capacity-building initiatives are crucial for enhancing the skills and knowledge of professionals in the juvenile justice system. This includes probation officers, judges, attorneys, social workers, and counsellors. It's essential for training programs to emphasize specialized topics. These topics should include child psychology, trauma-informed care, restorative justice procedures, and rehabilitation techniques tailored for juvenile offenders. Efforts to enhance capacity will help juvenile offenders by giving them the knowledge and skills necessary for success. This ultimately results in more positive outcomes.

3. Policy Reforms:

To effectively close the gaps in the juvenile offender system in India we need more policy changes. These changes are essential for improvement. Improving juvenile rights protections means we need to conform to international norms. This involves analysing and updating existing legislation to foster restorative justice and rehabilitation. The best interests of the child should be the top priority in policy reforms process. Additionally, the tailored interventions to meet the unique needs of juveniles along with diversionary tactics, and alternatives to incarceration for young offenders are crucial. Moreover, we should focus on initiatives that enhance coordination and collaboration among stakeholders. It's also important to expedite judicial proceedings and tackle systemic barriers to accessing justice.

4. Community Engagement:

To boost the public knowledge and involvement in the juvenile justice system, community engagement is essential. It plays an important role in gaining positive support from the community. Building trust and promoting social cohesion are key benefits of community-based programs. When these juvenile justice programs requires the engagement of the local communities, NGOs, religious leaders, and other stakeholders it results in lower recidivism rates. Efforts for community engagement need to centre on advocating for youth rights. It's equally important to combat discrimination and stigma, and to create forums for discussion and collective action. By utilizing the community's strengths and resources, these programs can support and strengthen the juvenile justice system.

Recommendations for Future Action

- Increasing investment in infrastructure development is crucial. This will strengthen the capability and efficacy of the juvenile justice system.
- Focusing on capacity-building initiatives is essential. This emphasis will strengthen the knowledge and skills of those employed in the juvenile justice system.

²¹ Bateman, T. (2020). *The state of youth justice 2020: An overview of trends and developments*. National Association for Youth Justice.

- Incorporating changes in policy is necessary to protect the rights of the juveniles in current scenario. These revisions can also promote restorative justice and address systemic barriers in the legal system.
- Starting campaigns can help promote the community involvement. This will boost public awareness, encourage discussion, and rally support for reform in the juvenile justice system.

VII. RESULTS & DISCUSSION

This study shows about how efficiently the India's juvenile justice system works. It mainly looks at the changes that happened after the Juvenile Justice Act of 2015 was introduced. One important finding shows that there are laws in place to protect the rights of young offenders. However, these laws are not being implemented well due to inadequate infrastructure and a lack of trained personnel. This agrees with past studies that show similar issues in juvenile justice systems globally. The gap between laws and real-life practices often leads to ineffective rehabilitation.²² In addition, our research reveals that factors such as poverty and family instability greatly contribute to juvenile crime as these are the socio-economic conditions that are important to consider. These findings support what has already been published, showing that children from less advantaged backgrounds are more likely to get involved in crime. This is often due to their limited access to resources and support systems.²³

Even with these challenges, the research points out encouraging programs focused on community engagement and capacity-building. These initiatives have shown potential in reducing repeat offenses. By encouraging teamwork among stakeholders like NGOs, local communities, and educational institutions, we can create a path to better rehabilitation and support for young offenders.

VIII. CONCLUSIONS

India's juvenile justice system provides a special opportunity to uphold the rights and dignity of juvenile offenders. It can also deal with the numerous issues such individuals face. This study has brought out the intricacy of Child justice system in India and the necessity of comprehensive reforms. The Juvenile Justice (Care and Protection of Children) Act, 2015 is a significant step forward. Nevertheless, the study reveals that strict enforcement of this legislation remains a problem, being hindered by infrastructural deficiencies and socio-economic issues. It's vital for future efforts to focus on improving the training of juvenile justice professionals. Increasing community involvement and reducing the stigma around juvenile delinquency are key. Public

awareness, advocacy, and community programs are essential efforts. They help foster a culture of compassion and inclusion, challenge stigma, and gather support. By collaborating, stakeholders can achieve significant change and create a more supportive environment for young offenders. By taking these steps, we can work towards a system that holds these offenders accountable. At the same time, we can prioritize their rehabilitation and reintegration into society, which will benefit both the individuals and their communities.

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