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An Analysis of the Juvenile Justice System and Order in India

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ABSTRACT

This research looks at India's juvenile justice system from every angle possible, including its history, current structure, effects, socioeconomic considerations, compliance with international human rights standards, foreign comparisons, and most recent advancements and reforms. The Indian juvenile justice system (JJS) has evolved to prioritize rehabilitative measures above punitive ones. When it comes to protecting the rights and welfare of juvenile offenders, the Juvenile Justice Acts of 1986, 2000, and 2015 stand out as major pieces of legislation. The new laws represent a compromise between rehabilitation and responsibility, and they are designed to protect the child's best interests. Poverty, a lack of education, and a lack of employment opportunities are only some of the structural challenges that contribute to the rise in juvenile delinquency. Per international human rights laws and the UNCRC in particular, India's juvenile justice system is founded on concepts like the child's best interests, nondiscrimination, and rehabilitation. By contrasting their practices with those of the United States and the United Kingdom, India's unique approach stands out. New data on juvenile delinquency emphasizes the importance of data-driven policymaking and points to practical methods for rehabilitating and reintegrating young people at the state level. Finding a middle ground between these three aims in India's juvenile justice system is challenging. India may be able to build a more equitable society for its young offenders by prioritising information, providing funding for education, and supporting human rights principles.

Keywords: *Juveniles, Juvenile Delinquency, Crime, Justice.*

I. INTRODUCTION

For young individuals entangled in the tangled web of the law, the Indian JJS offers a beacon of light and reform. The Indian juvenile justice system is essential, and it will continue to be so in the future. Juvenile offenders' destinies are shaped by this system, which in turn establishes the boundaries of justice, equality, and progress in our society. By delving into its complicated history, significance, and position within the greater American legal system, we hope to obtain

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a firmer grasp of this cornerstone institution².

Established in the early 20th century, India's JJS has been praised as a model of fairness and kindness ever since. The program has come a long way since its inception because to persistent efforts to improve and a better grasp of the nuances of dealing with juvenile offenders³. The focus is now on rehabilitation and safety for ex-offenders rather than punishment. The adoption of this measure demonstrates India's commitment to the safety of its youngest inhabitants⁴.

The fundamental motivation for this research is to better understand the intricate workings of India's JJS⁵. We hope that by shedding light on its historical trajectory, the outcomes of legal reforms, the influence of socioeconomic factors on the prevalence of juvenile delinquency, compliance with international human rights standards, lessons learned from international comparisons, and the current status of reform efforts, we can better understand the problem and how best to address it. Investigating these questions may help us learn more about the system's potential strengths and development avenues.

(A) Research Methodology

Research methodology reflects the method used to conduct the research. Depending upon the study's objective, there are different ways through which an inevitable conclusion is deemed to be obtained., the paper comprises doctrinal research. It has been carried out with the help of secondary data, books, articles, research papers, websites, etc.

The researcher has explored the internet to get more information and clearly understand the topic to accomplish the study.

(B) Research Objective

1. To understand the evolution of the juvenile justice system in India.
2. To highlight the legal framework and legislative reforms concerning juvenile delinquency.
3. To understand the socio-economic factors contributing to juvenile delinquency.
4. To understand the International human rights standards related to juvenile justice.
5. To do a comparative analysis of the juvenile justice system of different countries.

² Agarwal, D. (2018). Juvenile delinquency in India—Latest trends and entailing amendments in Juvenile Justice Act. *People: International Journal of Social Sciences*, 3(3), 1365-1383.

³ Kumari, V. (2015). Juvenile justice in India. *Juvenile justice in global perspective*, 145-197.

⁴ 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.

⁵ Dutta, N., Jana, D., & Kar, S. (2020). Does state-level per capita income affect juvenile delinquency? An empirical analysis for Indian states. *Economic Modelling*, 87, 109-120.

(C) Literature Review

- **Historical Evolution of Juvenile Justice in India**

Some historical context is helpful for understanding the modern JJS in India. Here we see how the treatment of young offenders has changed over time. The foundation for India's JJS was set in the early 20th century by the British colonial administration⁶. Two early instances of legislation addressing the treatment of juvenile offenders are the 1920s' Madras Children Act and the 1922 Bengal Children Act. These rules were established to protect juvenile offenders from receiving the same sentences as adult offenders.

After India's independence in 1947, people started realising how crucial it was to provide individualised punishment for young offenders. The Probation of Offenders Act, passed in 1958, was a significant step in this direction. This legislation authorised the use of probation and other diversionary measures in lieu of jail for minor offenders.

The landmark development of India's JJS occurred in 1986 with the passage of the Juvenile Justice Act. This statute created a special juvenile court system that prioritises the welfare of children. There was a shift in focus from punishing juvenile criminals to safeguarding them through the creation of Juvenile Welfare Boards and Juvenile Courts⁷.

Respect for international human rights standards has been crucial to the development of India's JJS. In 1992, India acknowledged the importance of protecting the rights of children who find themselves in legal problems by adopting the United Nations Convention on the Rights of the Child (UNCRC). Because of this, more changes and revisions were made to the juvenile justice legislation so that it conformed to the principles of the UNCRC⁸.

India's Juvenile Justice Act of 2000 expanded the original 1986 law. The best interests of the child are prioritized and a child-friendly legal process is guaranteed thanks to the incorporation of contemporary child welfare ideas into this legislation. It also defined and categorized children as either "Children Needing Care and Protection" (CNCP) or "Children in Conflict with the Law" (CCL)⁹.

With the passing of the Juvenile Justice (Care and Protection of Children) Act in 2015, India's juvenile justice system reached its most recent and pivotal point in its long and winding history.

⁶ Kumar, S. (2019). Shifting epistemology of juvenile justice in India. *Contexto Internacional*, 41, 113-140.

⁷ Singh, A., & Gupta, M. K. (2022). Juvenile Justice System-India and the West: A Critical Legal Study. *Issue 2 Indian JL & Legal Resch.*, 4, 1.

⁸ Hansaria, V. (2023). Juvenile justice system in India. *Issue 1 Indian JL & Legal Rsch.*, 5, 1.

⁹ Azam, S. B. M., Bakar, S. H. A., Yusoff, J. Z. M., & Rauf, S. H. A. (2021). A case study on academic and vocational training for child offenders undergoing a multisystemic therapy-based rehabilitation order in Malaysia. *Children and Youth Services Review*, 122, 105911.

By decreasing the juvenile age for some severe offences from 18 to 16, this statute introduced a careful balance between rehabilitation and accountability. As a reflection of shifting society norms, this decision has been the subject of extensive discussion and criticism¹⁰.

The development of India's JJS over time illustrates a shift from punitive to child-focused and rehabilitative practices. Colonial legacies, post-independence reforms, international norms, and shifting social attitudes have all impacted the current system¹¹. This background information prepares the ground for investigating the current state of juvenile justice in India.

- **Legal Framework and Legislative Reforms**

The rights, treatment, and rehabilitation of juvenile offenders in India are governed by a comprehensive legislative framework. The Juvenile Justice (Care and Protection of Children) Act, 2015 serves as the cornerstone of this system, which is complemented by additional laws and regulations¹².

This law forms the basis of India's JJS. It lays out the processes and concepts that govern how lawbreaker juveniles are dealt with. Key authorities responsible for adjudication and decision-making in juvenile cases are Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs), both of which are established by the JJ Act¹³.

Although not aimed solely at minors, this law permits the release of convicts, including juvenile offenders, on probation, placing a premium on rehabilitative rather than punitive measures. It's indicative of a broader movement towards reformist strategies in India's judicial system.

Some provisions of the IPC are also applicable to juvenile offenders. When dealing with juvenile offenders, however, the JJ Act supersedes the IPC. This highlights the necessity for specialized care for young criminals¹⁴.

As Indian society and international human rights norms have evolved, so too have the laws governing the country's juvenile justice system. These changes have been crucial in moulding the way the system deals with young offenders.

¹⁰ Singh, P. (2020). An Analysis of Juvenile Justice System of India. *Supremo Amicus*, 17, 326.

¹¹ Mwangangi, R. K. (2019). The role of family in dealing with juvenile delinquency. *Open Journal of Social Sciences*, 7(3), 52-63.

¹² Nanjunda, D. C. (2019). Juvenile delinquents and the juvenile justice system in India: A perception after the fact. *Humanities, Arts and Social Sciences Studies (FORMER NAME SILPAKORN UNIVERSITY JOURNAL OF SOCIAL SCIENCES, HUMANITIES, AND ARTS)*, 256-270.

¹³ . Watson, J., Bryce, I., Phillips, T. M., Sanders, T., & Brömdal, A. (2023). Transgender Youth, Challenges, Responses, and the Juvenile Justice System: A Systematic Literature Review of an Emerging Literature. *Youth Justice*, 14732254231167344

¹⁴ Baidawi, S., & Sheehan, R. (2019). 'Crossover ' Children in the Youth Justice and Child Protection Systems. Routledge.

For India's JJS, this bill was a turning point. It ushered in a new method targeted specifically at helping troubled youth and keeping them out of adult prisons. It was with this goal in mind that Juvenile Welfare Boards and Juvenile Courts were created¹⁵.

The legal framework for juvenile justice was tightened even more by this act, which built upon the basis created by the 1986 Act. It integrated child rights themes like making the judicial system more kid-friendly and placing greater weight on the child's best interests. Separate interventions can be implemented depending on whether the child is a "Child in Need of Care and Protection" (CNCP) or a "Child in Conflict with the Law" (CCL).

The Juvenile Justice Act of 2015 constituted a substantial reform with the goal of achieving a balance between rehabilitation and accountability for young offenders. It decreased the age from 18 to 16 at which children could be tried as adults for specific serious crimes. There was a lot of backlash and scrutiny directed at this reform because of the changing social norms surrounding the responsibility of adolescents and young adults.

The Indian juvenile justice system has been significantly impacted by these new laws. They have tried to find a middle ground between protecting society from dangerous juveniles and allowing them a second chance at life. The JJ Act's legal framework emphasizes the country's dedication to protecting the rights and safety of children who find themselves in legal trouble. However, the ongoing dispute over what constitutes a juvenile offence and what constitutes an adult offence exemplifies the dynamic and adaptable nature of this legal structure.

II. SOCIOECONOMIC FACTORS AND JUVENILE DELINQUENCY

Studying how economic status correlates with juvenile delinquency is intricate and vital. There is strong empirical evidence that diverse socioeconomic circumstances have a significant impact on whether or not young people engage in delinquent behavior. This section explores these connections, giving pertinent empirical research and examining the effects of economic disadvantage, lack of education, and lack of work on young criminals.

(A) Impact of Poverty

The correlation between low-income and youth offending has been well shown¹⁶. Poor youth are more likely to face challenges like homelessness, inadequate healthcare, and interpersonal violence. Delinquent behavior may emerge as a strategy for coping with or escaping these

¹⁵ Bajpai, A. (2018). The juvenile justice (care and protection of children) act 2015: An analysis. *Indian Law Review*, 2(2), 191-203.

¹⁶ Raha, S. (2019). Treatment of Children as Adults under India's Juvenile Justice (Care and Protection of Children) Act, 2015: A Retreat from International Human Rights Law. *The International Journal of Children's Rights*, 27(4), 757-795.

stresses.

There is a correlation between low income and teen criminal activity, according to studies undertaken in different parts of India. A higher rate of criminal behavior, for example, has been documented in low-income areas where resources like food and education are scarce.

(B) Impact of Education

Having a good education is a shield against juvenile crime. Young people who have access to high-quality education are less likely to engage in criminal behavior because they are better prepared for adulthood.

Consistently, research in India shows that higher levels of education lead to lower rates of youth offending¹⁷. Juvenile crime tends to be less prevalent in regions where more people have access to and participate in formal education. Conversely, places with less access to education tend to have more criminal activity.

(C) Impact of Employment Opportunities

Providing young people with sufficient employment possibilities is critical in preventing them from engaging in criminal behavior. Stable income, meaning in one's life, and a positive way to spend one's time are all benefits of working.

Juvenile delinquency tends to be lower in areas where more people, young and old, have access to stable employment, according to a study by¹⁸. On the flip side, regions with high young unemployment tend to have more youth crime.

Juvenile crime rates in India are strongly influenced by poverty, lack of education, and lack of career possibilities. The negative effects of poverty and lack of educational opportunity on criminal behaviour are repeatedly highlighted by empirical research. In contrast, adolescent crime tends to decrease where there are more opportunities for education and work. For effective intervention and prevention measures to be developed that target the underlying socioeconomic drivers of juvenile delinquency and promote good youth development, an awareness of these connections is essential.

III. INTERNATIONAL HUMAN RIGHTS STANDARDS

To determine whether or not India's juvenile justice system is just and efficient, it must be evaluated in light of international human rights criteria for treating juvenile offenders. In this

¹⁷ . Bijjala, D. (2023). Juvenile Justice System in India, US and UK. Issue 1 Indian JL & Legal Rsch., 5, 1

¹⁸ Shah, M. G. (2020). Children of conflict: an analysis of the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013. *Indian Law Review*, 4(1), 105-119.

section, we analyze how international norms of the treatment of juvenile offenders have influenced Indian law and policy.

(A) United Nations Convention on the Rights of the Child (UNCRC)

India has committed to defending children's rights worldwide by signing the UNCRC of the Child in 1992. The best interests of the child, equality, and the right to life, survival, and growth are only a few of the cornerstone values enshrined in the UNCRC¹⁹.

The UNCRC has had a significant effect on juvenile justice laws in India. The child's best interests are emphasized, which is a core principle of the Juvenile Justice (Care and Protection of Children) Act, 2015. Juvenile Justice Boards and Child Welfare Committees use this approach to make decisions that put the child's well-being and rehabilitation first.

(B) International Covenant on Civil and Political Rights (ICCPR)

Civil and political rights are protected under the ICCPR, to which India is a signatory. However, this does not apply to juvenile offenders. Article 10, which addresses the treatment of young offenders, is, however, subject to a reservation. India has indicated its desire to keep its juvenile justice system distinct by reserving its right to be unaffected by the terms of this article²⁰.

India's juvenile justice system now includes various reforms inspired by the Beijing Rules. These guidelines encourage the use of alternatives to detention and shorten the length of time that detention is necessary. These tenets are consistent with the reformative goals of the Indian JJS.

(C) The Riyadh Guidelines (United Nations Guidelines for the Prevention of Juvenile Delinquency)

India's strategy for treating the core causes of juvenile crime has been influenced by the Riyadh Guidelines, which place an emphasis on preventive approaches for juvenile delinquency. The Indian government understands the importance of addressing poverty, education, and family stability in reducing juvenile crime.

India's determination to protecting the rights and welfare of juvenile offenders is evidenced by the country's adherence to international human rights norms, as seen by its ratification of the UNCRC and its adoption of essential principles from international recommendations²¹.

¹⁹ Krishna, G. (2021). 'Tough Act Approach 'towards Juveniles for Commission of Heinous Crimes-Indian Context: Through a Critical Analysis of Dr. Subramanian Swamy & Ors vs. Raju, the Member Juvenile Justice Board & Anr Case. *Indian JL & Legal Rsch.*, 2, 1.

²⁰ Jain, V., & Sharma, V. (2022). A Critical Study on the Juvenile Justice Act, 2015. Issue 3 *Indian JL & Legal Rsch.*, 4, 1.

²¹ Schmidt, E. P., Rap, S. E., & Liefwaard, T. (2021). Young adults in the justice system: The interplay between

Although India has kept its juvenile justice system outside from the ICCPR's rules for adult offenders, the UNCRC, notably the best interests of the child, has had a major impact on Indian law and policy. This worldwide framework ensures that juvenile offenders in India are given the care and attention they deserve within the juvenile justice system, with an emphasis on rehabilitation and a focus on the needs of the child.

IV. COMPARATIVE STUDIES

Juvenile justice systems in various countries might be studied for insights into the variety of methods and practices that exist in this field. In this article, we compare India's juvenile justice system to those of the United States and the United Kingdom.

(A) India vs. United States

The minimum age for criminal culpability varies from state to state in the United States, but it can be as low as 6 years old. In India, the age of criminal liability is 7. Different people of different ages have different ideas about how responsible children should be.

For particularly egregious crimes, juvenile offenders in India may be transferred to the adult criminal court system under the Juvenile Court Act of 2015. In contrast, a disproportionate number of American adolescents end up in the adult justice system because of transfers to adult courts.

India's approach to juvenile justice prioritizes the child's needs and rehabilitation over punishment. Punitive measures, such as confinement in adult facilities, are more common in the United States, especially in some states.

(B) India vs. United Kingdom

The Criminal Responsibility Age in the United Kingdom is 10, making India's system a lower alternative. The United Kingdom sets a higher age because of society's value placed on protecting infants and toddlers.

Like India's approach, the United Kingdom's judicial system for juvenile offenders emphasizes rehabilitation and reintegration rather than punishment. Both nations work hard to ensure that minors aren't tried as adults.

Programs that divert young people away from the criminal justice system are a priority in both India and the United Kingdom.

V. RECENT TRENDS AND REFORMS

scientific insights, legal reform and implementation in practice in the Netherlands. *Youth Justice*, 21(2), 172-191.

Evaluation of India's current juvenile justice system requires an understanding of recent trends in juvenile criminality. These tendencies and the associated reforms are discussed in this section.

Recent statistics show that adolescent delinquency rates in India vary widely between different areas and states. The importance of collecting more recent and thorough data to guide policy and practice is becoming more widely acknowledged.

Several Indian states have implemented reforms to improve their juvenile justice systems in response to recent social shifts. Improvements to rehabilitation facilities, expanded diversion programs, and enhanced funding for youth education and training are all examples of these changes.

Case studies from several states highlight new methods for dealing with adolescent offenders. For example, to aid in reintegrating juvenile offenders into society, the state of Kerala has implemented community-based programs that emphasize skill development and education.

The age of criminal responsibility in India is lower than in the United States and the United Kingdom, and the country's juvenile justice system prioritizes rehabilitation over punishment. By examining the current juvenile delinquency in India, we can see the pressing need for continuous reforms that align with international norms and put the kids' needs first. These studies and changes provide instructive examples for the current state of the JJS in India.

VI. CONCLUSION

The voyage through India's juvenile justice system has shown a complex terrain, molded by historical history, legislative reforms, socioeconomic variables, international norms, cross-national comparisons, and current trends and reforms. In this final section, we synthesize the most important findings and insights from our research, putting special emphasis on the crucial implications for policy, practice, and the long-term development of the juvenile justice system in India.

Changes across Time: Over time, India's JJS has shifted its focus from punishment to rehabilitation. The Juvenile Justice Acts of 1986, 2000, and 2015 are watershed moments in the evolution of the system because they demonstrate the nation's dedication to protecting the rights and well-being of juvenile offenders.

Reforms to the Legal System and Current Laws: The Juvenile Justice (Care and Protection of Children) Act, 2015 forms the backbone of India's comprehensive legal system governing juvenile justice. Legislative changes have been made that emphasize the child's best interests

while also finding a middle ground between rehabilitation and accountability.

The impact of socioeconomic factors on adolescent delinquency has been bolstered by empirical research. The importance of socioeconomic factors in perpetuating criminal behavior is underlined by the requirement for comprehensive interventions that tackle these issues head-on.

Juvenile justice in India is focused on children because of the country's commitment to international human rights norms, most notably the UN Convention on the Rights of the Child. India's approach to juvenile offenders is guided by the concepts of rehabilitation, non-discrimination, and the child's best interests.

JJS worldwide vary in important respects, including the minimum age of criminal culpability and the relative weight given to rehabilitation and punishment.

Recent Shifts & Changes: Trends in juvenile delinquency and related changes in India during the past few years highlight the importance of using statistics to inform policy decisions. Different state case studies and reforms illustrate cutting-edge methods of recovery and readjustment.

These results show that the JJS in India is struggling to balance the needs of reform, public scrutiny, and the protection of young people. The country must prioritize data gathering and analysis to inform policies and initiatives based on evidence. It is essential to provide at-risk adolescents with opportunities for education, vocational training, and social assistance if we are to succeed in rescuing them from a life of crime.

A firm dedication to international human rights standards, the best interests of the child, and a comprehensive grasp of socioeconomic variables will lead the way as we negotiate the intricacies of juvenile justice in India. India can help develop its youth offenders into productive members of society by encouraging a rehabilitative and inclusive approach.

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