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JUVENILE DELINQUENCY: AN INTROSPECTIVE STUDY

Abstract

It is saddening to note that as per the data available, this decade has witnessed a shocking rise in all Crimes, especially the juvenile crimes. However, the question is about the correctional facilities and the moral values parents and society are inculcating in young minds, whether it is a boon or a bane? Where are they lagging? The molding part of a child rests in the hands of parents and educational institutions as they spend most of the time either with the educational institution or with the family. Are they doing their molding part properly? And correctional institutions that are supposed to protect, rehabilitate, and restore the life of a juvenile delinquent sometimes are becoming a nightmare for them. Juveniles are the ones who are being victimized in all walks of life. Many are subjected to physical and sexual exploitation and mental trauma and the prime intention behind the creation of such correctional facilities are defeated. Considering a country where the young ones form part of 1/3rd of its total population, one would wonder whether they are capable enough to deal with juvenile delinquents. With this question starts the blaming game where parents, educational institutions and correctional institutions try to shift the baton to one another for the increased crime rate. The plight of juveniles is that in spite of these many facilities, they still are the victims of anomalies. It is a shame they are directly victimized because of the

faulty system. As the juvenile crime rate rises, it alarms the society to foresee the future nation and it is time for action instead of reaction. This paper here is an introspection of the flaws of family, society and institutions and suggestions to improve the conditions in existence.

Key words: Victimization, Juvenile Delinquency, Rehabilitation, Protection, Institutional flaws, Child in need of care & protection.

Introduction:

“Child is the incarnation of divinity. Its innocence and smile are its greatest and enchanted virtues which can dazzle and hypnotize even a person endowed with a heart of stone” [1]. Statistics show that about 19% of the world's children live in India [2]. In a country that views children as future workers, juvenile delinquency is a major concern. This issue, affecting societies globally, highlights the need for extensive care. Despite protective measures, children’s vulnerability can still lead to deviant behavior [3].

JUVENILE CRIME RATE IN TAMILNADU:

According to NCRB’s **CRIME IN INDIA 2020** report, there were 5,974 cases registered /filed against juveniles for which 7,475 juveniles were detained. Among those 7,475 juveniles detained, 6,774 were detained under IPC and 701 under SLL cases in 2020 and totally 5,644 juveniles which means 75.5% belong to the age group of 16-18. When we consider the states in India that has highest charge sheeting rate under IPC crimes, Tamil Nadu is in third place with 91.7% and in metropolitan cities Coimbatore is in the second place with 96.6% [4].

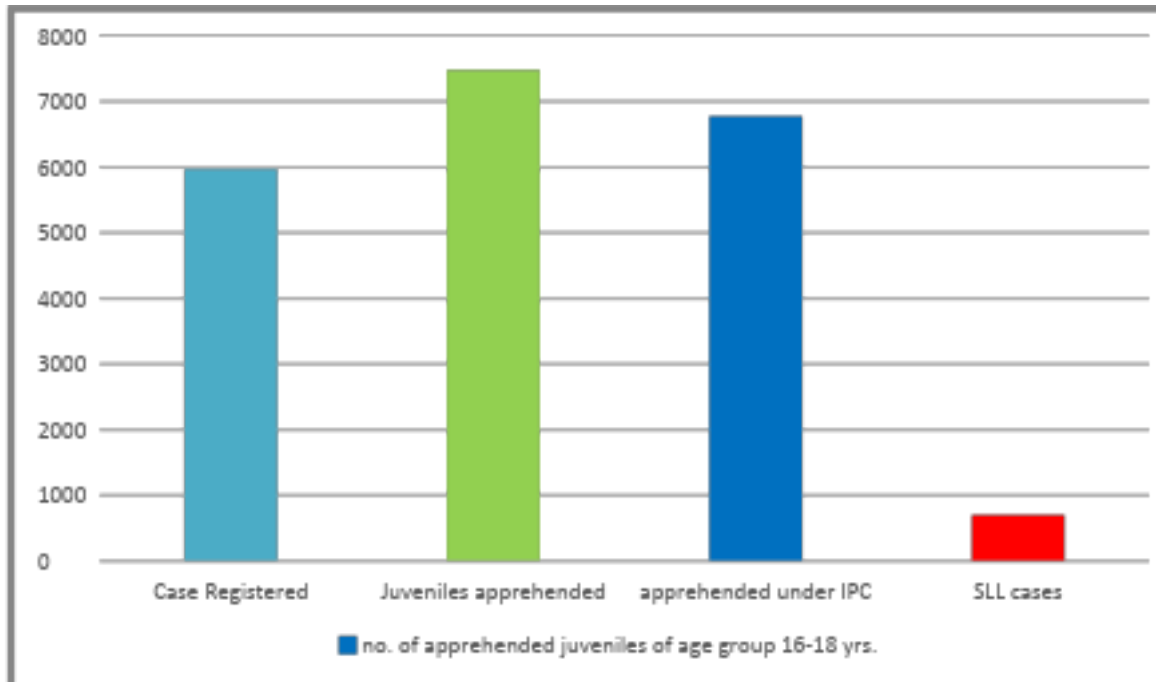


Figure 1: Juveniles of age group 16-18 yrs detained in 2020

LITERACY RATE OF CHILDREN IN CONFLICT WITH LAW:

In TamilNadu of 3,843 juveniles detained only 60 are illiterates, whereas 712 juveniles had up to primary education, 2339 juveniles had up to matric education, 487 had education above matric and 245 studied above higher secondary. This statistics clearly shows that almost 99% of juveniles had at least up to matric level education that questions the moral and value education being taught in the schools [4].

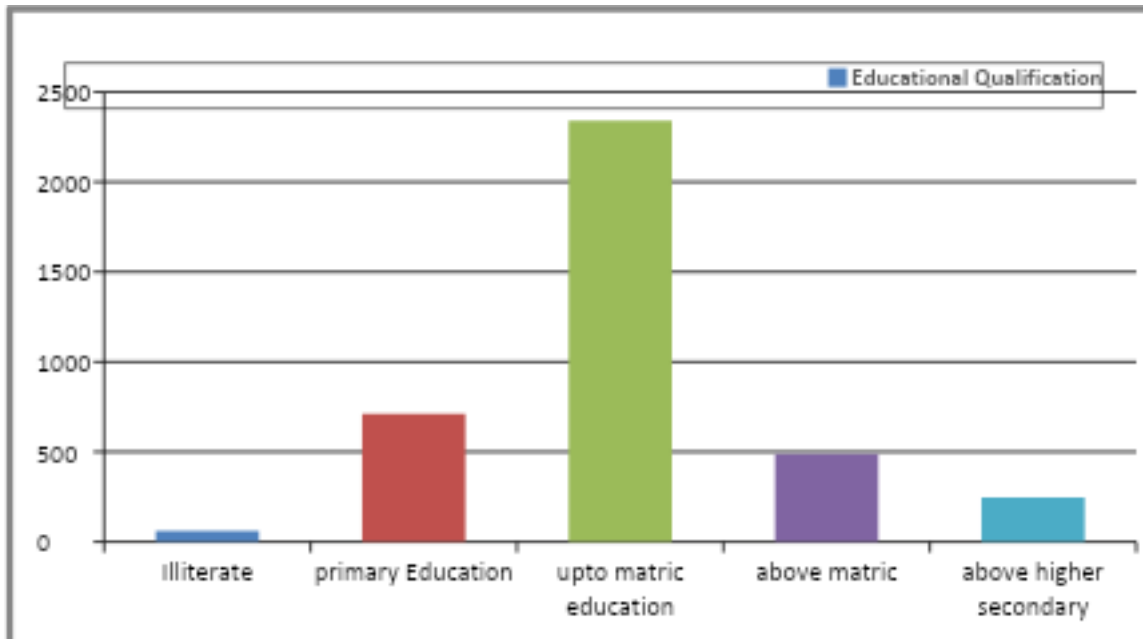


Figure 2 : Literacy rate of Juvenile delinquents

FAMILY BACKGROUND OF JUVENILE DELINQUENTS:

Again if we take into consideration the family background of those 3,843 juveniles, 3,588 were living with their parents, 170 were living with their guardian and only 85 were homeless. These data depicts the listlessness of parents towards their off springs [4].

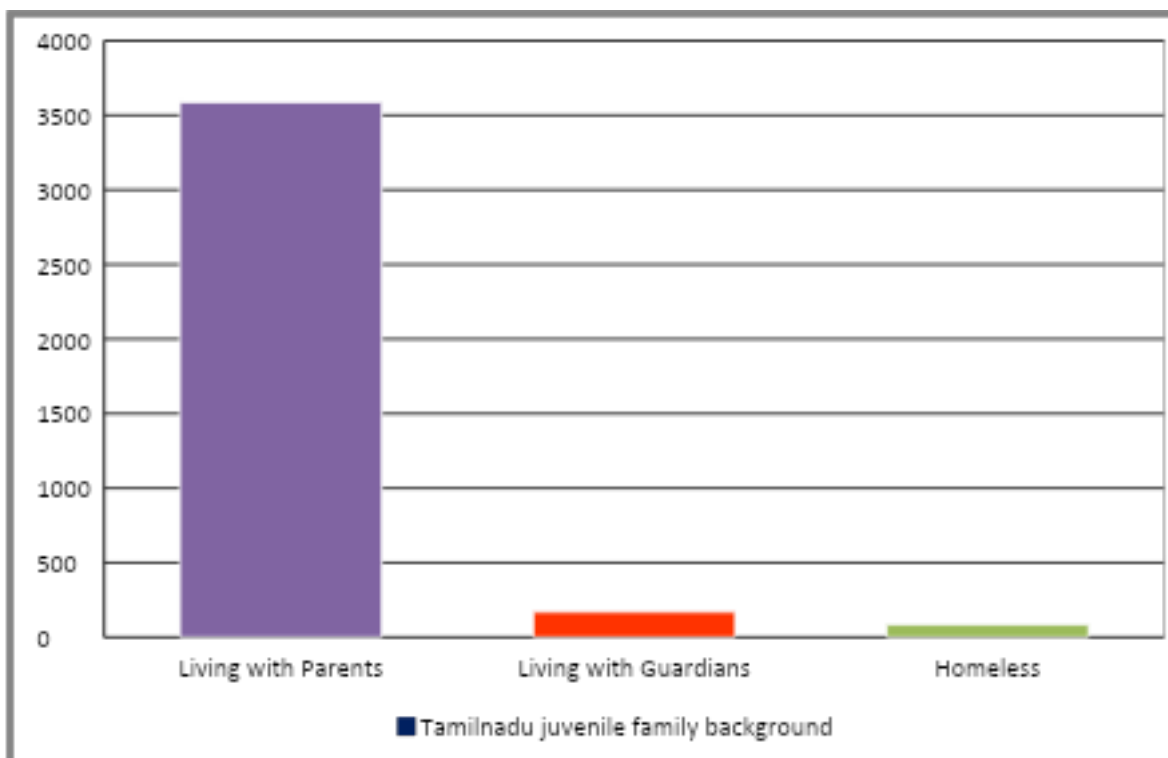


Figure 3 : Family Background of Juvenile delinquents

REVIEW OF LITERATURE:

- 1) A Hindustan Times article from December 19, 2023, notes that about 40% of young offenders live in conditions as harsh as, or worse than, adult prisons. A committee led by Judge Madan B Lokur, appointed by the Supreme Court, found similar poor conditions in government facilities, highlighting inadequate resources and accountability. [5].
- 2) **Pushpender & Sabharwal.D (2023) [6]** in their study titled, “Juvenile Delinquency in India : A Sociological study” discusses about the hike in rate of juvenile delinquency in India where they furthermore opines that providing education alone cannot reduce crime rate among juveniles as most of the young ones detained were educated [6].
- 3) **Dr. Bhardwaj, Ramesh kumar & Neeraj (2021)** in their study “**Juvenile Delinquency in India- a study**”, aims at studying the prevalence and the incidence of juvenile delinquency, the family background of those juveniles and their literacy rate in the states of India, especially in Haryana[7].
- 4) This piece of article in **the swaddle** dated December 14, 2021 discusses the flaws in India’s juvenile system where children are criminalized for their circumstances[8].
- 5) This article in **Bharat Times** dated September 27, 2021 talks about the double the rate of murder with minors in 5 years in Tamil Nadu [9].
- 6) One of the news article in **Times of India** dated 15-03-2021 reports about the escape of six juvenile offenders from the observation home, Coimbatore [10].
- 7) **J.Jayabharath & Mrs. V.Udayavani (2018)** in their study, “**Case study on juvenile homes**”, focuses on the impact of media, peer pressure, financial profile and the lack of socialization on the behaviour of 50 juveniles in the government observation home at Rourkela sub jail, Odisha through case study method [11].
- 8) **Feroze ahmed (2016)** in his study, “**To study the juveniles of observation homes in Chennai – a case study**”, explains about the impact of observation homes in the lives of juvenile delinquents, the administrative challenges faced by them and the role of society in educating and controlling them [12].

- 9) **Devarmani (2016)** in his research work “**Institutional treatment for juveniles in India**” discusses the prominence and the availability of institutional and non institutional correctional forums for juveniles as the need of the hour [13].
- 10) In this piece of article in **The Hindustan Times** dated July 11, 2016 was published the incident of escape of 33 juvenile inmates from Chennai observation home [14].
- 11) One of the news article in **India.com** dated September 16, 2016 talks about the instances where harassment took place in juvenile shelter homes in India [15].
- 12) **Kunjana Mittal (2015)** in her study “**Juvenile delinquency in India**”, discusses about the hike in juvenile crime rate in India, the laws pertaining to juvenile justice and also the changes in the Juvenile Justice (care and protection) Act 2000 [16].

EVOLUTION OF JUVENILE JUSTICE LAW IN INDIA

Historically, there was no specific age limit for juvenile delinquents. However, significant changes occurred when India faced widespread destruction and industry collapse due to British administrative failures. This turmoil led to a sharp rise in juvenile crime, prompting urgent reform.

In response to petitions from Jai Krishna Chandra Goshal and Jai Narayan Ghoshal, the Governor-General of India established a juvenile home in Kolkata in 1843. Seven years later, the Apprentices Act of 1850 was amended to include children aged 10-18 in the legal system, mandating correctional facilities that provided vocational training and moral guidance for convicted juveniles.

Further advancements came with the Reformatory School Acts of 1876 and 1897, which allowed courts to confine juvenile delinquents, under 18 years old, in correctional facilities for 2-7 years. The laws were later updated to include separate legal procedures for those under 15. Significant improvements in correctional facilities began with The Bombay Children Act of 1924, and the establishment of the Children's Aid Society the same year.

In 1986, the Juvenile Justice Act reformed existing laws, though its implementation faced delays

due to infrastructure issues. The Juvenile Justice (Care and Protection of Children) Act, 2000, and its 2001 amendment raised the age limit for juveniles from 16 to 18 and introduced a National Level Advisory Board for better guidance.

By 2015, recognizing the evolving nature of juvenile crime, the Juvenile Justice (Care and Protection of Children) Act, 2015, was enacted, allowing 16-18-year-olds to be tried as adults for severe crimes [17].

JUVENILE JUSTICE ACT, 2015

The Juvenile Justice Act of 2000 (Care and Protection) [17] is distinctive in clearly delineating between vulnerable children and those in conflict with the law. This differentiation was specifically introduced to address the growing number of violent children. Contrary to labeling them as offenders, the act characterizes these children as individuals struggling to adhere to the law. Consequently, the Juvenile Justice Board, rather than a Juvenile Court, is established under this act. Additionally, the legislation introduces a juvenile police unit, mandating each police station to designate at least one child-friendly officer capable of handling children in conflict with the law.

Previously overlooked, the act now includes children who are victims of armed conflict, civil unrest, and natural disasters in the category of those in need of care and protection.

The act classifies offenses into three categories: petty, serious, and heinous. Petty offenses are those punishable with imprisonment of up to three years, serious offenses involve punishments of 3 to 7 years, and heinous offenses encompass crimes punishable with seven or more years.

In essence, the act pertains to the apprehension, detention, prosecution, penalty, rehabilitation, and social reintegration of children facing challenges in complying with the law.

NOTABLE AMENDMENT TO THE JUVENILE JUSTICE ACT 2015

- Heinous crimes will be called serious crimes if it's done by juveniles. The new amendment to the **Juvenile Justice Act, 2015** also stated that the district child protection unit will be under the power of district magistrates. CINOCAP is further defined into juveniles who are subjected to drug abuse, trafficking, desertion by guardians, and those who are rescued from child labor. Eligibility criteria of the Child Welfare Committee are

also further defined in the new inclusion.

- Union Minister for Women and Child Development Smriti Irani put forward a bill to increase the role of District Magistrates and Additional District Magistrates. The amendment will increase their power to authorize the adoption and the appeal towards it can be directed towards a divisional commissioner. This bill also eradicates difficulties regarding the categorization of offenses.

CHALLENGES OF JUVENILE JUSTICE ACT 2015

Nirbhaya's case was a shock to the Indian society as well as a wakeup call to the judicial system in India. As a result, the justice system of India implemented new laws to tackle heinous crimes done by juveniles in India. If you examine the crime, the most dreadful act to Nirbhaya was done by a 17 year old juvenile who later on was set free after a few years of imprisonment which sparked fury among people across the country.

- The power of the Juvenile justice board is still confusing. The JJ Act does not clearly specify the types of cases that have to be dealt in an adult court. In short, the Juvenile justice board uses their discretion in passing orders.
- The power of the Juvenile Justice Act 2015 is asserted by special authorities who might not have knowledge about the psychological aspects of a juvenile delinquent
- The presence of social workers in courts has to be done mandatorily.
- The juvenile justice board has sole authority over those under 16, seeking expert help to assess their mental state and crime context. After evaluation, the board decides if the individual qualifies as a juvenile, though issues arise if reassessed in court.
- A legislative flaw is the lack of fixed imprisonment duration. If a child turns 21 during their sentence, they are assessed and may be transferred to an adult prison if deemed unsuccessful. [18].

JUVENILE JUSTICE ACT- A BOON

The Juvenile Justice Act of 1986 was devised to offer care, rehabilitation, protection, mental health treatment, and cognitive skill development for juvenile delinquents. In line with these goals, both government and private NGOs have established correctional facilities. Juveniles arrested for crimes are typically placed in these centers following a legal review. However, these

facilities often fail to address the root causes of delinquency, focusing instead on the crime itself and applying a generic approach common worldwide for punitive measures.

In India, juveniles are categorized as either "Child In Need Of Care And Protection" or "Children In Conflict With Law," both under 18 years old. Those in conflict with the law require correctional interventions to ensure a safer future. These facilities aim to hold youth accountable, meet court verdicts, and provide rehabilitative support to prevent reoffending. [19]

Despite robust laws, there is a lack of necessary infrastructure and effective action plans. Even with well-trained counselors and psychiatrists, both government and private facilities struggle to achieve optimal results due to various challenges. This paper evaluates current practices, methods, and laws related to juvenile delinquents.

JUVENILE DELINQUENCY:

Being a part of society has become a mandatory thing to exist in the modern era. Apart from the oneness and warmth it provides there are certain unwritten laws that have to be abided by the people who are a part of it. Any obstruction in the confined set of rules can cause tension, discomfort, trauma to the people who dwell. When a child is the main reason for such issues they are called delinquent. Delinquents often try to mimic adults in doing crime and they commit themselves to ill doing. Hormonal and influential factors play a cardinal role in driving them to crime. It's not possible or even practical to keep a child away from such factors. However, righteousness can be imparted to them by parents or people who are close to them. Lack of such factors is the main issue of juvenile delinquency [21].

WHAT CAUSES JUVENILE DELINQUENCY?

Juveniles are now indulging in heinous crimes like rape, murder, dacoity, theft, robbery. There can be numerous reasons for them to think and later act twisted. However, we can broadly classify them as biological and environmental causes. If we go into details the reason can be explained as follows:

INDIVIDUAL FACTORS:

Lower intelligence, mental health issues, physical disabilities, inadequate education, parental

problems, and past trauma can lead to violent, impulsive behaviors in individuals. Studies show that delinquents generally have lower intelligence, academic performance, and school attendance, with poor early cognitive development linked to delinquency and potential uncontrollable aggression [22][23].

FAMILY FACTORS:

Neglect is a primary factor in juvenile delinquency. Issues like parental neglect, abuse, divorce, and a dysfunctional environment can lead to frustration, which delinquents often express through their behavior. Offenses result from various individual and external factors, including parental neglect, peer pressure, and poor financial conditions [10].

ECONOMICAL FACTOR:

Be it any sort of crime, money acquires the major share as a motivation factor and same is the story of Juvenile Delinquents. And also, there is a flip side to the issue: Many Indian parents do not have time to care for their children as they are equipped in running behind money. Children often feel left behind and they seek attention from outside which lands them in trouble [24].

ENVIRONMENTAL FACTORS:

Environmental factors, including a child's surroundings and peer pressure, significantly influence juvenile delinquency. Studies show that family structure and the child's environment play crucial roles in delinquency, emphasizing the need for community attention to prevent such issues. [25, 26, and 27]

DRUG ABUSE:

Children today are trapped by the drug mafia, becoming addicted to harmful drugs at a young age. Substance abuse is closely linked to criminal behavior, with increased drug use leading to more severe violence and crime. Rising juvenile offenses like rape, murder, and burglary are often associated with drug use, such as cannabis with murder, inhalants with rape, and opioids with snatching crimes. [28].

CULTURAL CONFLICTS:

Urbanization and its spread are beyond imagination. Even though the merits are in plenty, there are demerits that can't be avoided. The conflict of being pushed away has brought in cultural conflicts in the youngling and they mainly express it through aggression

TYPES OF CORRECTIONAL FACILITIES IN INDIA

- **Juvenile courts:** Juvenile courts are designed to handle young offenders separately from adults, with specialized facilities and judges. Juveniles are not tried in regular courts but in these dedicated courts, or alternative courts at different times. Officers must not bring them in uniform, and they do not need legal representation. This approach aims to positively influence young offenders.
- **Remand Homes / observation Homes :** When a child is arrested under the Act, they must be brought before a magistrate within 24 hours and placed in a remand home until the case is resolved. Convicted individuals may also be briefly held in these homes before release. These homes are usually managed by private welfare agencies with government support.
- **Special training schools:** Specialized training institutions are essential for reforming juvenile delinquents, offering basic education and technical training. They are supported financially by government, public, and local authorities.
- **Foster Homes:** Voluntary organizations operate foster homes to provide care for individuals under the age of 19 who are convicts and cannot be sent to certified schools. The government acknowledges and supports their commendable efforts by providing annual or monthly grants.
- **Auxiliary Homes -** Auxiliary Homes, similar to remand homes, are affiliated with Certified Schools. Such homes serve as environments where social workers can assess juvenile delinquents. Following the evaluation, the authorities make a decision on whether to send the young offenders to a regular school based on their behavior and attitude.
- **Reformatory Schools -** In states lacking well-defined juvenile justice systems, they often turn to schools that offer vocational training for juvenile delinquents, aiming to facilitate their reintegration into regular life.
- **Shelter Homes -** Children experiencing distress due to parental issues, trauma, drug, and sexual abuse will be directed to these facilities, where they will receive the necessary support to transition back to a normal life.

A recent study by Asian Centre for Human Rights (ACHR) [29] has revealed that 11 out of 39 juvenile cases are reported from government-run juvenile justice homes and the rest from NGO-run private organizations. So something is fundamentally wrong with these correctional facilities.

ISSUES WITH JUVENILE CORRECTIONAL FACILITIES:

- Many state juvenile correctional facilities are in poor condition, with reports of sexual abuse. Instead of addressing issues emotionally or mentally, physical abuse is used to control juveniles.
- Juveniles have to interact with many people in these correctional facilities which itself is a daunting task. Since victims and perpetrators have to interact with the same people the shadow of one can surpass another and can affect the interaction gravely.
- The police are the initial point of contact for any juvenile. Police are not trained to handle such situations. We have often heard about abuses that juveniles had to face at the hands of police. They treat juveniles as adults after weighing the crime using their conscience.
- Juvenile correctional facilities are often overcrowded. Lack of proper resources, trained staff, and lack of a goal and vision is plaguing these correctional facilities.
- Even though psychological care was prescribed in the juvenile justice act, many institutions do not provide it.
- Many places lack mandatory vocational training owing to the corruption of easiness of the officials.
- Juveniles, usually nearing 18 years of age are often subjected to physical torture in the police station. Police often treat juveniles like adult criminals owing to their inexperience and lack of proper training.
- Despite having a clear distinction between CINOCAP and CICWL both have to mingle with each other owing to issues in space.
- Most of the time crime becomes the centre of focus rather than the juvenile. So often children are subjected to harsh treatments.
- Even Though funds are allocated every year infrastructures of many institutions are beyond apprehension. Strict monitoring and budget implementation has to take place.
- Officials are equally petrified by the nature of juveniles at some places. So, there

should be professional intervention at all times.

- Vocational training subjects are often outdated and they do not help them at all in leading a normal outside life.
- Outburst is a daily routine in such institutions. Instead of replying with physical force there should be people present all the time who can address this situation in a peaceful manner. However, certain scenarios require physical apprehension.

SUGGESTIONS TO IMPROVE CONDITIONS OF THIS HOME:

- Most of the issues with juveniles in these facilities can be sorted out if there is regular visit to these facilities and strict periodical mental evaluation.
- With the help of experts, schools should redesign their entire framework in a way that inhabitants should feel their importance and worth as human beings.
- Percentage of children dropping out of schools is alarmingly high. Policies such as the mid-day meal program should be strictly implemented across the country.
- Influential people must be brought-in to share inspirational stories and it has to be used as a content that can be used as a tool for their transformation.
- Proper drug abuse awareness should be spread among the local community to curb the juvenile delinquent issues in the budding stage itself.
- Inhabitants of juvenile correctional facilities should be allowed to express themselves about their circumstances confidentially. There should always be a person available in these facilities with whom they can communicate and interact openly.
- The idea of getting through a trial in a normal court in front of a crowd itself is devastating and daunting. Special child-friendly courts should replace the existing ones.
- All the people associated with juvenile justice have to be trained as per JJ Act. Even though provisions are still there it's still in papers strict implementation of training has to be assured.
- Though strict action is needed for heinous juvenile crimes, a welfare model focusing on rehabilitation could significantly reduce future crime rates.
- Case records should be digitally stored for future analysis.
- Social workers associated with juvenile justice must possess appropriate education and experience.
- Not only social workers but psychiatrists, NGOs, government officials and advocates

should be present there in every district to ensure transparency and implementation.

- Once all the possible data about the juvenile is collected and arranged appropriately a background investigation must take place to know the real trouble he/she is going through.
- Frequent family visits should be allowed and mandatory advice should be given to parents to talk about incidents that incite the child's interest.
- Games offer excellent mental and physical relaxation. Indoor games should be promoted extensively across juvenile homes in the country.
- Colours are motivation to live. Make their life colourful with celebrations.
- Competition that does not have vengeance as aftermath has to be introduced to juvenile life. Healthy competition can give them another perspective about competition.
- Once released from these institutions must carry out proper follow-up programs to make sure that the juvenile is on the right track.
- English has become a mandatory skill in acquiring a job. So extensive spoken english training must be given to the wards to fill confidence in them
- Weekly cultural gathering will create a sense of oneness among the children
- As per sec.39 of JJ Act every juvenile must be given independent care for better rehabilitation and social integration. Individual care is always effective in betterment.
- Since money is one of the reason for creating juvenile delinquents, professional courses will equip them to earn job better
- Juveniles are often vulnerable to sexual attacks even in juvenile homes. Weekly/monthly intervention by the officials and routine psychological evaluation must be made mandatory.
- Routine medical checkup must be performed on juveniles to assure good health.

SUGGESTIONS TO IMPROVE CONDITIONS IN FAMILY AND INSTITUTIONS:

- Positive and negative reinforcements should be properly done whenever needed.
- Positive environmental conditions to live and grow should be ensured.
- Over exposure to things such as violence and immoral things should be avoided.
- Parents should be a role model as the children will be in the psycho sexual stages of development and will be learning from them.
- In schools and educational institutions children with deviant behavior should be identified and should be given proper counseling at the early stage itself.

- School drop outs, absenteeism, late coming should be taken as a serious note by educational institutions as these indicators may end up in juvenile crime.
- A counselor should be appointed full time in schools so that their psychological and behavioral issues may be addressed properly.
- Children should be encouraged to indulge in book reading, indoor and outdoor games and hobbies to engage themselves which in turn prevents them from deviance.
- Children should be taught goal setting right from the childhood so that they will not have identity issues which many a time leads to crime.

CONCLUSION:

PREVENTION IS BETTER THAN CURE:

Even after establishing these many correctional setups there is something lagging in these facilities that contribute to the increased crime rate as well as recidivism rate among juveniles. If we take into consideration the crime rate of juvenile according to the report of NCRB “CRIME IN INDIA 2020”, [4] it shows that as of December 31, 2020, the largest proportion of inmates (215,418 individuals, accounting for 44.1%) fell within the age range of 18-30 years. The next significant age group was 30-50 years, comprising 209,400 inmates (42.9%), while 63,687 individuals (13.0%) were above the age of 50. The age group of 16-18 years had only six inmates. Out of the 82,353 convicts admitted in the year 2020, 3,908 (constituting 4.7% of the admitted convicts) were identified as habitual offenders.

It is startling that juveniles living with their parents (3,588) commit more crimes than homeless children (85). Additionally, many juvenile offenders have at least a basic education. This questions the standard of family and educational systems in fostering positive moral development. These statistics suggest that correctional facilities mainly address recidivism rather than preventing crime. Effective prevention of juvenile delinquency can safeguard young lives, avoid future criminal behavior, and reduce societal crime burdens. Thus, a comprehensive approach involving family and education is crucial for effective correction. There is a saying, ‘WHAT YOU SOW, SO YOU REAP’ and **it is much true in case of juveniles where we as a family, society and institutions are responsible for sowing morality and good things in young minds.**

Change doesn't happen over a fortnight! It's a slow process however, if it creates a better

tomorrow for children of India. It has to be given utmost importance since they are the future of any country. Necessary intervention by government and NGOs should be facilitated so that reformed juveniles can adapt better into society

Formal and informal social networks must work hand-to-hand to make it happen. Most importantly, after care should be innovative and should not be in a way that would make the juvenile feel that they are being constricted.

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