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Research Article

Rehabilitation as a Pathway to Viksit Bharat @2047: Strengthening Juvenile Justice for Inclusive and Sustainable Development in Assam

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Abstract

The Viksit Bharat @2047 vision requires developing India as a developed country through inclusive, sustainable and people-centric development. To realize this dream, it is not enough to pursue only economic goals. Strengthening social institutions that prioritize the needs of the most vulnerable groups, including children in conflict with the law, is essential for Viksit Bharat @2047. The Juvenile Justice (Care and Protection of Children) Act, 2015 focuses on rehabilitating and protecting juveniles by emphasizing social re-integration, education, counselling, and skill development. This approach is designed to reduce re-offending and promote Viksit Bharat @2047's values, including social justice and human development.

The current paper explores the connection between juvenile rehabilitation and Viksit Bharat @2047 through the eyes of Assam. The study highlights the importance of rehabilitating juveniles by considering their rehabilitation as an investment in future human resources. The paper aims to demonstrate that juveniles should be regarded as assets to society and that their delinquent behavior should be addressed accordingly. The research has a qualitative nature and relies on secondary data, such as legal, policy, and scholarly literature, and the researcher's observations in Jorhat, Assam's juvenile justice system institutions. The study discovers the shortcomings of the current juvenile justice system in Assam and proposes several recommendations for improving rehabilitative services. The findings suggest that the rehabilitation of juveniles should be promoted to ensure Viksit Bharat @2047's principles in Assam.

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INTRODUCTION

The vision of Viksit Bharat @2047 is India's dream of becoming a developed country by the centenary of its independence, not only in terms of economic growth and advancements in technology but also in terms of social justice, human development, and institutional integrity. A developed country is one that has an average income level higher than developing countries and provides equal opportunity, welfare, and access to vulnerable groups, children, and people with disabilities. A country that focuses on developing and rehabilitating its juvenile justice system will have developed human capital with proper skills and abilities to contribute to the country's growth and development (NITI Aayog, 2023).

The main objective of juvenile justice in India is to cater to the needs of children in conflict with the law who come from vulnerable groups, such as lower-class families, single-parent families, and those without access to basic necessities like education and shelter. Other factors include peer groups, abuse, and societal expectations, among others. Juvenile justice systems in different countries vary depending on the needs of the society but with rehabilitation as their primary aim since children have a greater chance of reformation than adults. The principles upon which juvenile justice in India is based include reformation and social rehabilitation according to the Juvenile Justice (Care and Protection of Children) Act, 2015 (Juvenile Justice (Care and Protection of Children) Act, 2015).

India's initiative in establishing the Juvenile Justice (Care and Protection of Children) Act, 2015 is an embodiment of the country's commitment to social justice and protection of children's rights under the United Nations Convention on the Rights of the Child, 1989. The 2015 Act provides for the rehabilitation and social reintegration of children in need of care and protection and those who are in conflict with the law through institutional and non-institutional care. Institutional care includes education, vocational training, counseling, family-based care, foster care, sponsorship, and aftercare while non-institutional includes adoption, fostering, and sponsorship (Juvenile Justice (Care and Protection of Children) Act, 2015; United Nations, 1989).

The rehabilitation and re-integration of juveniles in society offer various benefits to individuals, society, the economy, and the country at large. Juvenile rehabilitation programs are designed to reduce recidivism among released ex-juveniles, help them get quality education and employment while providing support and guidance to their families. Thus, it is a form of an investment in human capital that will yield significant dividends to the economy and lead to sustainable development in the long run. In addition to promoting social justice, juvenile rehabilitation also supports the attainment of most of the sustainable goals (SDGs), including quality education, decent work, reduced inequality, and peaceful and just societies (United Nations, 2015).

Juvenile justice systems require resources and adequate funding for them to serve their intended purpose. However, there are still many challenges and shortcomings in juvenile justice rehabilitation and institutional care in India, which is reflected in the state of juvenile justice in Assam. Therefore, understanding the role of juvenile justice, especially rehabilitation, in Viksit Bharat @2047 will give meaning to their rehabilitation in Assam. And so the paper focuses on exploring the role of juvenile justice, with an emphasis on rehabilitation, through secondary literature review and observation of juvenile justice in Jorhat.

This paper will contribute to the discussion on Viksit Bharat @2047 by demonstrating the importance of juvenile justice, especially rehabilitation programs, in the development of Assam and India as a whole. It will argue that juvenile justice plays a critical role in the development of a democratic and socialistic country such as India. Most of the arguments will be based on secondary literature, including various documents and papers regarding juvenile justice in Assam. To a lesser extent, the paper will rely on observation and interaction with juvenile justice institutions in the Jorhat locality.

Conceptual Framework

The ideas of juvenile justice, rehabilitating, an inclusive development and sustainable development are the main concepts of this paper. This is essential to understand the contribution of juvenile justice to Viksit Bharat @2047 through children rehabilitation.

Juvenile justice is a concept that implies a particular set of measures directed at children involved in offences. Compared to the ordinary law enforcement system, juvenile justice is more focused on the child's perspective, and its main goal is to protect and ensure the development of the child. The Juvenile Justice (Care and Protection of Children) Act, 2015 "aims at achieving the best interest of children in conflict with law through various child-friendly rehabilitative measures" (Government of India, 2015).

The concept of rehabilitation implies a complex of measures aimed at restoring the child's physical, mental, emotional, and social health and providing him or her with the means to live independently and contribute to society. At the same time, the rehabilitation process covers not only the child's life but also his or her family life and social functioning. There is also juvenile justice system rehabilitation which helps the child return to society (Bajpai, 2017).

The concept of an inclusive development is closely related to the idea of social justice. It implies meeting the needs of all vulnerable groups in society, including children from families with low income, those without parental care, or those who have dropped out of school for various reasons. Children in conflicts with the law often come from socially vulnerable families, and their rehabilitation is one of the ways of social

justice that contributes to the overall development of society (United Nations Development Programme [UNDP], 2022).

The idea of sustainable development is about supporting sustainable economic, social, and environmental policies that will benefit the country both now and in the future. “The 2030 Agenda recognizes peace, justice, and strong institutions, as well as quality education and reduced inequalities, as key entry points for achieving sustainable development” (United Nations, 2015). Juvenile justice system rehabilitation fits in perfectly with this concept because it helps to maintain and ensure a child’s development and support future generations.

In the context of Viksit Bharat @2047, children’s rehabilitation should be seen as an investment in the future. If the country wants to achieve Viksit Bharat @2047, its people must play an active role in the development of the country. Those who have received help and support from society, especially children from socially vulnerable families, will pay this back by making the country better and stronger. Therefore, juvenile justice rehabilitation is essential for achieving Viksit Bharat @2047, and it should be promoted constantly and reinforced continually.

Juvenile Justice and Rehabilitation in India

The juvenile justice system in India has evolved from being welfare-oriented to a rights-based one for the rehabilitation and re-integration of children in conflict with laws through several legislative reforms over time. It recognizes that children committing crimes are vulnerable to negative social-economic factors and should be guided, nurtured, and given opportunities for reform rather than punished (Bajpai, 2017).

Juvenile justice laws in India were initiated through the Juvenile Justice Act, 1986, with a primary objective of providing a uniform system of care, protection, and treatment for juveniles. The Juvenile Justice (Care and Protection of Children) Act, 2000 was introduced to give effect to the UN Convention on the Rights of the Child (UNCRC), 1989 (Government of India, 2015). The Government of India reformed the juvenile justice system and launched the Juvenile Justice (Care and Protection of Children) Act, 2015, which is currently operational. The Act was developed to address the shortcomings in the juvenile justice system and provide better child-care and protection services in accordance with the standards set by the UNCRC, 1989 (Government of India, 2015).

The Juvenile Justice (Care and Protection of Children) Act, 2015, is guided by the principles of the best interest of the child, the child’s innocence, dignity, and worth, family responsibility, institutionalisation as an option, and rehabilitation and re-integration into society. It gives directions on how to deal with children in a child-friendly manner to safeguard their physical and mental well-being during the trial and serve as a basis for their re-entry into society (Government of India, 2015).

Rehabilitation and re-integration are the core functions of the juvenile justice system. The Juvenile Justice (Care and Protection of Children) Act, 2015, obliges the juvenile justice boards to provide aftercare and rehabilitation services to every child in need of restoration and re-integration into society upon their release from observation homes. The provisions also apply to children placed in special homes or places of safety. The Juvenile Justice (Care and Protection of Children) Act, 2015, defines institutional and non-institutional rehabilitative measures. Institutionalisation includes education, training, counseling, and behavioral treatment in observation homes, special homes, and places of safety. Non-institutional rehabilitative measures include adoption, fostering, sponsorship, and aftercare restoration to families where applicable (Government of India, 2015). The juvenile justice system uses various mechanisms for rehabilitation and re-integration of children in conflict with the law. Juvenile Justice Boards (JJB) are responsible for trying cases involving children in conflict with laws and ensuring children-friendly proceedings. Observation Homes offer temporary shelter, education, counseling, and vocational training to children. Aftercare programs provide support to children leaving observation homes and help them settle back into society (Ministry of Women and Child Development [MWCD], 2021).

The rehabilitation process faces several challenges in India, hindering the successful re-entry of juveniles into society. Most juvenile homes lack qualified counselors, psychologists, social workers, and vocational training. The lack of institutional structures, coordination, and post-release support affects the rate at which children exiting observation homes are re-integrated into society (NCRB, 2024).

Juvenile justice reform has contributed immensely to making India a rights-based and rehabilitative society instead of a punitive one. Rehabilitating juveniles are critical for reducing juvenile crime, rehabilitating law-abiding and responsible citizens, and achieving Viksit Bharat @2047.

Juvenile Rehabilitation as a Pathway to Viksit Bharat @2047

The vision of Viksit Bharat @2047 is that of a developed India which is prosperous, equitable, technologically advanced, and institutionally strong. Although economic development is an important component of this vision, social development is no less important in achieving this goal. This is because social development is a critical determinant of the level of human capital that will contribute to India’s growth trajectory. In this regard, juvenile rehabilitation assumes significance as it will enable India to develop responsible citizens who will, in turn, make India strong (NITI Aayog, 2023).

Children are one of a nation’s most critical assets. Children who are in conflict with the law, however, are particularly vulnerable to a set of interlocking disadvantages including poverty, family breakdown, educational deprivation, substance

abuse, unemployment, social exclusion, and mental health problems. These disadvantages, if left unaddressed, could lead to a cycle of re-offending, unemployment, and social exclusion. Juvenile rehabilitation, therefore, must be seen as not just a social but a developmental priority for India (Bajpai, 2017).

The Juvenile Justice (Care and Protection of Children) Act, 2015 explicitly recognizes rehabilitation and social re-integration as the objectives of juvenile justice. By providing for education, vocational training, counseling, restoration of family ties, sponsorship, and aftercare, the Juvenile Justice (Care and Protection of Children) Act, 2015 seeks to enable every child in conflict with the law to acquire the skills and knowledge necessary to become a law-abiding citizen (Government of India, 2015). In this regard, juvenile rehabilitation measures are consistent with the United Nations Sustainable Development Goals (SDGs). Specifically, SDG 4 (Quality Education), which calls for inclusive and equitable education for all, and SDG 8 (Decent Work and Economic Growth), which emphasizes the importance of productive employment and skill development, are pertinent to juvenile rehabilitation. Additionally, SDG 10 (Reduced Inequalities) and SDG 16 (Peace, Justice, and Strong Institutions) are also relevant to juvenile rehabilitation as they emphasize the need to promote social inclusion and access to justice for all (United Nations, 2015). By contributing to these goals, juvenile rehabilitation will enable India to achieve Viksit Bharat @2047. Juvenile rehabilitation also aligns with India's key social and economic development initiatives including the National Education Policy, Skill India Mission, Digital India, and Atmanirbhar Bharat initiatives. These programs are aimed at making India a global leader in education, skill development, and technology by 2047. Juvenile rehabilitation, by providing children in conflict with the law with education and skills, will enable them to make meaningful contributions to these programs. Juvenile rehabilitation, therefore, has the potential to be a force multiplier in India's development journey (Ministry of Education, 2020).

From an economic standpoint as well, juvenile rehabilitation makes good sense. Rehabilitation is a cost-effective measure compared to the costs incurred in enforcing the law and punishing offenders. Counseling, education, and vocational training provided to the juveniles are a one-time expenditure, whereas the costs of crime have to be borne repeatedly by the government and society. There is therefore a need for the government to invest more in juvenile rehabilitation programs to reap rich dividends in terms of reduced crime and social development (United Nations Office on Drugs and Crime [UNODC], 2013).

Finally, juvenile rehabilitation promotes social cohesion by reducing the stigma often associated with crimes. By rehabilitating these children and helping them reintegrate into society, the government can foster a more inclusive and tolerant society. Family support, community-based care, and education

and employment opportunities for these children are particularly effective in promoting social cohesion and reducing recidivism. Juvenile rehabilitation, therefore, has the potential to promote Viksit Bharat @2047 by making India inclusive, cohesive, and strong.

Juvenile Justice and Rehabilitation in Assam: Current Status and Emerging Concerns

The State of Assam has put in place institutional frameworks mandated by the Juvenile Justice (Care and Protection of Children) Act, 2015 to care for and protect children in conflict with law. These include the Juvenile Justice Boards (JJBs), Child Welfare Committees (CWC), Observation Homes, Special Homes and District Child Protection Units (DCPUs), under the administrative control of the Assam State Child Protection Society (ASCPS) and the Department of Women and Child Development, Government of Assam (Government of Assam, 2023). These agencies are responsible for providing legal aid, counsellors, education and rehabilitation to children in conflict with law in consonance with the objectives of the Juvenile Justice Act 2015.

The rehabilitation of children in conflict with law in Assam is guided by the philosophy that institutionalisation is a measure of last resort, wherein restoration, re-integration and rehabilitation are achieved through education, training, counselling and family support (Government of India, 2015). Accordingly, the Juvenile Justice Act 2015 mandates the Observation Homes to provide a befitting and congenial environment for the child, including continuation of his/her education, extra-curricular activities in addition to providing psychological counselling during the period of inquiry.

However, based on the scoping study, it appears that the rehabilitation of children in conflict with law faces various institutional and administrative challenges. Researchers have noted that juvenile justice institutions face a lack of trained counsellors, psychologists, probation officers and social workers in India, which adversely affects the quality of after-care provided to the children (Bajpai, 2017; Kumar, 2022). Similarly, challenges in capacity building of juvenile justice institutions have been noted in the context of Assam as well (Government of Assam, 2023). Vocational training for children in conflict with law is integral to their rehabilitation as it enables them to secure gainful employment post-release from the observation home. The Juvenile Justice Act 2015 promotes vocational training of children in conflict with law to achieve sustainable rehabilitation and economic independence (Government of India, 2015). However, the availability of resources, trainers and funding are critical factors for successful vocational training, which require to be prioritised to reduce recidivism.

The role of families in the rehabilitation of children in conflict with law cannot be underestimated. In fact, children who receive moral support from their family and community are

found to adjust better in society than those who are rejected or stigmatised by their family (UNODC, 2013). Therefore, it is important that counsellors also provide guidance to the family members of the child in conflict with law to ensure positive social re-integration of the child.

The role of community members including schools, voluntary organisations, businesses and communities is pivotal for the rehabilitation of children in conflict with law. In particular, community members may provide support to such children in terms of education, skills and social support to ensure their re-integration. Restorative justice approaches, which promote healing, reconciliation and social re-integration of offenders are recommended for children in conflict with law (United Nations, 1985).

The preliminary review of the Jorhat Observation Home, in addition to discussion with the Juvenile Justice Board, Jorhat, as part of the preparatory study for the current study, suggests that rehabilitation of children in conflict with law continues to be the focus of the Juvenile Justice Board. Educational opportunities, counselling and recreation facilities are provided as part of the services in the observation home. At the same time, Juvenile Justice Board officials also noted several gaps, which include the need for improved infrastructure, trained human resources and vocational training for after-care rehabilitation of children in conflict with law. It must be noted that these insights pertained to only the Jorhat district and cannot be generalised for the State as a whole, as the current study is yet to cover other districts.

To conclude, the State of Assam has made commendable efforts in building the juvenile justice institutional framework mandated by the Juvenile Justice Act 2015. However, for effective rehabilitation of children in conflict with law, there is a need for increased allocation of funds for infrastructure development, recruitment of trained staff, convergence of services and community participation for sustainable rehabilitation for Viksit Bharat@2047.

Challenges in Achieving Effective Juvenile Rehabilitation

Despite the progressive provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, India, including Assam, is facing several challenges in the effective implementation of rehabilitation measures. These challenges hinder juvenile justice institutions' ability to achieve the goal of social re-integration of children in conflict with the law.

One of the primary challenges is the lack of trained human resources. Juvenile justice requires a multi-disciplinary approach to juvenile justice, including psychologists, counsellors, probation officers, social workers, and vocational trainers. However, juvenile justice institutions often face a shortage of trained professionals, impacting rehabilitation's quality and children's social re-integration (Bajpai, 2017; Ministry of Women and Child Development [MWCD], 2021).

Another challenge is the inadequate infrastructure and insufficient funds for the smooth functioning of Observation Homes. Observation Homes need conducive environments, including educational institutions, play areas, and vocational training centres, to rehabilitate children in conflict with the law. The absence of adequate resources impacts the quality of services, affecting children's social re-integration (Government of India, 2015).

The social stigma associated with being a child in conflict with the law also affects the social re-integration of these children. Even after rehabilitation, children in conflict with the law face social discrimination, impacting their prospects and social lives (United Nations Office on Drugs and Crime [UNODC], 2013). Social stigma increases the likelihood of these children becoming socially isolated and economically disadvantaged, affecting their social re-integration.

Another challenge is the inadequate vocational education and training programmes. Juvenile justice institutions provide vocational education and training to children in conflict with the law. However, the vocational education and training lack market relevance, impacting children's ability to secure jobs after release. Enhancing the market relevance of vocational education and training will increase the likelihood of children being socially re-integrated into society (Government of India, 2015).

Post-release support services are also inadequate to help former inmates re-integrate into society smoothly. Juvenile justice institutions should provide aftercare support services, including education, employment, and family support, to former inmates. Inadequate aftercare support services affect the ex-inmates' social re-integration (MWCD, 2021). Lastly, collaboration and coordination among agencies involved in juvenile justice, including juvenile justice boards, district child protection units, educational institutions, police, civil society, and communities, are often inadequate. Coordinated efforts among stakeholders will enhance the likelihood of achieving positive rehabilitation outcomes and promoting the social re-integration of children in conflict with the law.

The challenges hindering juvenile justice institutions in India, including Assam, from promoting the social re-integration of children in conflict with the law need to be addressed. Addressing the challenges will enhance the chances of achieving India's Viksit Bharat @2047 vision.

Policy Recommendations

Achieving the dream of Viksit Bharat @2047 demands that India must have a juvenile justice system that protects children and enables them to re-enter society as reformed members. Despite having progressive laws for juvenile justice, India needs to make a greater effort to make rehabilitation effective. Some of the recommendations that will be helpful in making rehabilitation more effective and for achieving India's vision of Viksit Bharat @2047 include:

First, there is a need to develop institutional infrastructure in the existing Observation Homes and other institutions. Child-friendly residential, class, recreational, vocational resources, and hostels should be developed and maintained to provide wholesome development to the children. There is a need to ensure funds from the Central and State Governments for maintaining and developing infrastructure (Government of India, 2015).

Secondly, appointment policies should focus more on recruiting probation officers, psychologists, counsellors, social workers, and vocational mentors. Juvenile justice personnel should receive recurrent training on child-rearing and modern rehabilitation processes (Ministry of Women and Child Development [MWCD], 2021).

Thirdly, education and skills training should be given more priority. Courses should be designed based on the local demand in the employment sector. The Skill Development Mission, Industrial Training Institutes (ITIs), and private industries could be involved in providing vocational training to the children. This ensures that they obtain market skills and become economically productive upon release (Ministry of Skill Development and Entrepreneurship, 2015).

Community-based rehabilitation should be prioritized in juvenile justice policy. Parents and guardians should be involved in counselling in cases where reformation is amenable. Awareness campaigns should be held to educate communities on juvenile justice and dispel negative perceptions about children in conflict with the law. Social work and community involvement are critical elements in rehabilitation since they promote re-integration into society (UNODC, 2013).

Juvenile justice policies should also emphasize post-release support services. Aftercare services such as educational, vocational, and economic support should be made available so that released children can settle back into society. Juvenile justice boards and district child protection units can collaborate with local authorities and community-based organizations to offer this much-needed support. This will ensure that the released children do not return to prison (Government of India, 2015).

Lastly, juvenile justice policy needs to make evidence-based decisions. It is important to conduct regular studies to evaluate the juvenile justice system and make the necessary changes for optimal performance. This will require generating and analyzing data on the operations of institutions and juvenile justice to inform decision-making. Concurrently, there is a need to promote academic research on juvenile justice reforms to facilitate policy improvements. Policymakers should take these considerations into account to make the juvenile justice system more responsive to the needs of the children and achieve Viksit Bharat @2047.

India can realize its dream of Viksit Bharat @2047 by ensuring that rehabilitation is effective. This will ensure that children are reformed and reintegrated into society as law-abiding citizens.

Investment in juvenile justice will bear fruits in years to come as the reformed children will be self-sufficient and productive members of society.

CONCLUSION

The Viksit Bharat 2047 development blueprint focuses on envisioning a developed and inclusive India, with an emphasis on social justice and the well-being of all its citizens. To achieve this goal, it is crucial to invest in and improve institutions and policies related to the rehabilitation and protection of the most vulnerable groups such as children in conflict with law. Thus, juvenile justice rehabilitation is an integral part of Viksit Bharat 2047.

The Juvenile Justice (Care and Protection of Children) Act, 2015 is a progressive act that promotes the rights of children to education, counseling, vocational training, family re-establishment and restoration, and aftercare. By focusing on rehabilitation and reintegration of children into families and society, it emphasizes restoration and prevention of future crime while promoting human capital development and supporting Viksit Bharat 2047's goals of socio-economic development and welfare state.

As discussed in this paper, although India has made strides in developing a juvenile justice system that supports child rehabilitation, there are several challenges that hinder effective implementation of juvenile justice rehabilitation in Assam. Inadequate human resources, infrastructure, vocational support, aftercare support, and social stigma present barriers to effective rehabilitation. Preliminary findings from Jorhat can be used as a basis for recommending strategies for scaling up juvenile justice reforms and expanding rehabilitation services in Assam. However, there is a need for more research to establish the extent to which these issues affect juvenile justice rehabilitation across Assam.

As India works towards Viksit Bharat 2047, juvenile justice rehabilitation needs to be considered as an opportunity to invest in the country's future human capital. By providing children with access to education and vocational training, juvenile justice rehabilitation opens the door to their productive contribution to India's economy and society. Improving juvenile justice rehabilitation will not only promote children's well-being but also support Viksit Bharat 2047's vision of an inclusive and prosperous India for all. In fact, by giving every child a chance to lead a dignified life, India can achieve Viksit Bharat 2047's dream of an inclusive and harmonious nation.

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