

# Rehabilitation & Social Re-Integration of Child In Conflict With Law & Child In Need of Care & Protection

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**Abstract:** Children are our nation's most valuable resource, and everyone has a duty to make sure kids live in a safe environment. Though, in a developing nation like India, the rate of juvenile crime has significantly increased during the past ten years. In our society today, juvenile crime is like a sickness. India's criminal justice system treats certain offences differently and accords some exclusions and tolerance to particular classes of people. A specific law has also been created for them. In several acts, the term "juvenile" has been defined differently; nonetheless, the most recent act. But does "Rehabilitation" actually result in a child's reformation in light of the current situation? Despite the existence of juvenile welfare legislation, there is an increase of juvenile criminals across the nation. The goal of sending juveniles to the rehabilitation facility is to improve their future. In order to provide these children with extra care and safety and the expectation that they will return as a transformed individual, rehabilitation centres are created specifically for this reason.

**Keywords:** Child, Rehabilitation, Social Re-Integration, Law.

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## I. MAIN TEXT

A child in trouble with the law is given the subsequent rights under the Child Rights Convention: rehabilitation, no physical discipline while in custody, disconnection from adult criminals in jail or prison, connectivity to legal counsel, bail and discharge on recognisance, secrecy, distraction (education, skills enhancement, sports, etc.), correspondingly judged (age courteous decision), the least amount individual liberty limitations possible, automatic suspended of the sentence, and others. Redeeming people is based on the notion that no one is born a criminal and that everyone deserves a chance to reintegrate into community. It also stops kids from growing up to be

violent criminals. Through education or therapy, rehabilitation tries to effect change in young people who have run afoul of the law instead of pursuing them as offenders. A further requirement of the law is that any child who turns 18 and leaves a child care facility receives financial support to aid in their reintegration into society. Change and healing, not punishment, are the main tenets of "the Juvenile Justice (Care and Protection of Children) Act, 2015." According to the JJ Act, children who require carefulness and security and those who are in conflict with the law should have their basic needs met through appropriate care, therapy, social rehabilitation, and child-friendly acceptance. Each child that engages with the criminal justice system

is an underprivileged child who has, at some time, gotten lost and been destitute of the chance to develop in a harmless and unchanging environment. When confronted with difficult circumstances, it is important to treat children in legal trouble as children and focus the criminal justice system's intervention on finding a solution.

Juveniles or children are used in judicial proceedings to refer to those under the age of eighteen who are charged with participating in or engaging in illegal activity. Children who break the law can only be apprehended by police; they cannot be detained. Only young people who committed serious crimes between the ages of sixteen and eighteen are eligible to receive adult treatment and legal proceedings. The Juvenile Justice Board's social services are there to care for the child and manage him or her with future outcomes in mind.

The main goal of holding a child who has broken the law in custody is to help him or her come to terms with what was done and to ask forgiveness. The youngster may be released on probation following the Juvenile Justice Board's prescribed incarceration. The juvenile must be reintegrated into society with extreme caution. The restoration of a kid in trouble with the law must take into account the child's age, mental capacity, and physiological make-up. To facilitate the child's effective reintroduction into the society from which he or she was previously excluded, social workers and

probation or parole authorities conduct frequent checks on the child.

### *1.1. Structure*

Involving children in the rehabilitation process rather than viewing them as merely “problem children” or “troublemakers” in need of punishment is the most effective way to find solutions that are both positive and legal for the participation of children in events that infringe the regulation. Recognizing and upholding their rights as children and as people is a crucial initial step in the right direction. In acknowledgment of the negative consequences of relationship with adult criminals and the higher chance of rehabilitation for children due to their developmental abilities, juvenile justice has diverged from the criminal justice model of penalty.

Juvenile Justice adopted the approach of reforming juvenile offenders through a range of community-based corrective and restorative initiatives, with implementation utilized as a very last option and for as little time as feasible until appropriate community-based substitutions are found for them. Reintegration into society for survivors/victims and kids involved in legal issues is a vital step in preventing recidivism. Without continuing to monitor their socioeconomic and educational standing, this cannot be finished.

These include peer, familial, and socio

psychological effects. Children in conflict with laws require sponsorship, foster care, and aftercare in order to be rehabilitated and reintegrated into society. By signing up to be a party to the CRC, India has voluntarily agreed to put in place suitable diversionary measures for young offenders and to ensure that these measures comply with a number of minimal standards. It will be useful at this point to comprehend the significance of restorative justice in the process of rehabilitation.

The concept of restorative justice, which seeks to right the wrongs created by crime or violence rather than only penalizing those guilty, provides the foundation for rehabilitation children who have broken the law. It involves taking accountability for making an effort to make things right, both literally and figuratively. Doing wrong creates obligations, and taking accountability for those responsibilities is the first step in true responsibility, as our forefathers knew well. It stands for the values that a lot of us were raised with. In restorative justice, criminals are expected to acknowledge the harm they have caused and claim control of it.

Communities play essential roles and dialogue, whether direct or indirect, is encouraged. The premise of restorative justice is that justice may and ought to encourage healing on both an individual and communal level. The criminal must therefore be prepared to re-join society once they have completed all or part of their sentence. Ex-offenders

have long been shunned by the general public. Ex-offenders must therefore psychologically get ready for their careers and perhaps pick up some new abilities. The various steps could be incorporated into rehabilitation programmes at monitoring residences and special residences as part of the daily schedule: Through structured programs, discipline in young people shapes them into responsible members of society. The youngsters learn discipline as a result of the rigid and regulated schedule. Yoga is beneficial for a child's physical and mental development. A frequent practitioner of meditation can benefit much from it. Teenagers who meditate can benefit from reduced stress, improved concentration, increased immunity, increased metabolism, improved brain function, improved emotional stability, and more. In the morning, soft music should be played. Children who regularly practice silence and meditation are calm and joyful throughout the day. All attempts should be made to inspire the youngsters to combine their aspirations and advance, and the child must have faith in himself and think that he can improve his life. The development of the young people's personalities and moral principles should be pursued through numerous awareness campaigns and educational classes on a variety of topics. Developing a young person's sense of self-worth and teaching them to avoid harmful influences develops their personality. The young people should receive regular counseling from qualified counselors. Counseling is essential for kids to alter their mental health. It is absolutely necessary to boost their self-esteem and get rid of the stigma and other things

that have a depressing impact on their mental health. In this fast-paced world, we rely entirely on computers. All types of labour require the use of computers. Young people have the opportunity to improve their technical expertise through computer education. Children may unwind, feel a sense of accomplishment, discover pride, enhance their motor skills, establish a fulfilling and lifelong pastime, keep their minds sharp, and more through art and craft activities. Children in facilities are required to get regular training from qualified trainers. There should be an introduction to various art forms in the household, such as music, dance, and painting, as these activities are proven to have therapeutic benefits. All released youngsters should have regular follow-up programmes from the institution to make sure they don't end up in a problematic circumstance again. Institutions should have meetings every half year to hear from young people about their circumstances and determine what additional steps are needed for their successful recovery.

### *1.2. Construction of references*

Rehabilitation and Social Reintegration: Children's rehabilitation and social integration are carried out in accordance with the Act based on their unique care plan. The most effective approach to do this is through family-based treatment, such as adoption or foster care, or by going back into the family or guardians, either with or without guidance or assistance. When family members are placed in organizational or non-institutional care, every effort should be made to keep them around each other. In violation of the law, children's observation homes employ the rehabilitation and social integration

approach. Children who need protection and care and who are not maintained with their families for any cause whatever may be lodged temporarily or permanently in an organization designated for such children or with an authorized person or facilities, in accordance with Section 39. The method of social integration and reintegration must be carried out anywhere the youngster is assigned. When they turn 18, individuals in need of help and care who live in institutions, special housing, or secure locations may receive financial aid, as mentioned in Section 46. Their rehabilitation into community will benefit from this.

### **Rehabilitating a youngster requiring safeguards and attention**

The main objectives of every child's home, specialised adoptive family, and open shelter are to protect and repair a child. When a kid is placed into their guardianship and care while being temporarily or permanently removed from their family environment, a Children's Family, Specialist Adoption Agency, or Open House must provide all necessary protection and care. In accordance with Section 40, the appropriate government may, in its discretion, restore any children in need of protection and care to their guardians, parents, or other appropriate people after determining whether they are able to care for the child. Additionally, the committee can give them the proper guidance for anything regarding the child. Restore to parents,

adoptive parents, foster parents, guardians, or any suitable adult is referred to as “restoration and security of a child.”

### **Registration of childcare institutions**

All organisations, whether operated by a State Government or by non-profit or non-governmental organisations, are expected to provide care and security for children, regardless of what is specified in any other existing legislation. These organisations must register in compliance with the act within six months of the legislation's start date, whether or not they receive grants from the Central or State Government.

The Juvenile Justice Act requires that these establishments be properly registered. The state government must assess and record the institution's capabilities and functions before registering it as a children's home, open shelters, specialist adoptive family, observing residence, special residence, or place of safety.

The State Government may grant a provisional registration for a maximum of six months following the acceptance of a request for registration from a new or existing organisation housing children in need of protection and safety. The government must authorize such an organization within a month of the day it accepts the request in order to bring it under the purview of this Act.

The temporary registration will be withdrawn if the

specified organization is unable to comply with the registration conditions. A registration for an organization must be updated every five years in accordance with Section 41.

When an institution does not offer the restoration and convalescence facilities detailed in Section 53, the State Government may cancel or withhold the institution's registration, and the State Government is responsible for managing the institution until its registration is renewed or restored.

Some organization that houses children, even one that is not registered, may be subject to inspection by the inspection committee constituted in accordance with Section 54 in order to determine whether or not such an institution houses children who require carefulness and safety.

### **Penalty for non-registration**

According to Section 42, anyone in charge of a facility that shelters children who are in need of care and who are breaking the law will be penalised with a year in jail, a fine of at least one lakh rupees, or both if they violate the terms of Subsection (1) of Section 41. Due to the fact that each 30 day delay in registration is considered a new crime.

### **Open shelter**

The State Government may, independently or with the aid of non-profit or non-governmental organisations, create and maintain as many exposed

accommodations as may be necessary in compliance with Section 43. According to the rules, these open shelters must be registered as such. For children in need of residential care, the open shelters act as a temporary, neighbourhood-based facility with the intent of saving them away from violence or off the streets.

### **Foster care**

Foster care, including community care, may be used for children who require safety and assistance, by order of the Committee and in accordance with any suggested protocol in this regard, particularly in a family that excludes either the child's own or genetic family, or in a separate household that the State Government has determined is suitable for this purpose.

The responsible authorities may do this in accordance with Section 44 for a brief period of time or for a prolonged period of time. The choice of the foster family is primarily dependent on their ability, competence, and expertise in caring for children.

The District Child Protection Unit receives monthly financial support from the State Government as well as regular inspections to ensure the children's welfare. The parents of a child who was placed in foster care because the committee determined that their parents were incapable or unsuitable may visit their child frequently unless the committee

determines that such contacts are not in the child's best interests.

The child's education, safety, and nutritional needs are provided for by the foster parents, and they are also in charge of maintaining the child's overall wellbeing in the manner specified. The State Government may establish laws governing the manner, circumstances, and process by which foster care services for children must be provided.

To ensure the wellbeing of the children, the Committee will inspect foster homes once a month. Children will be removed from one foster home and placed in another if it is decided that the foster family is not providing proper child care.

### **Sponsorship**

The State Government may create regulations to enable the implementation of various programmes for the sponsoring of kids, such as private, public, or neighbourhood sponsoring, as indicated in Section 45. In order to better the children's wellbeing, the sponsorship will enable families, children's homes, and special homes with the financial means to satisfy the healthcare, dietary, academic, and other requirements of children.

Conditions for sponsorship include:

- The children must be orphans and live with the mother's entire family; the mother must be widowed, divorce, or deserted by the

family.

- When one or both parents are suffering from a fatal sickness;
- When the parents are incapable to care for the kids both physically and economically because of injuries sustained in an accident.

### **Observation homes**

For the temporary admission, treatment, and recovery of any kid, "The State Government may establish and manage surveillance houses as stipulated in Section 47, possibly by itself or by volunteer or non-governmental organizations." within every district or group of districts who is asserted to have broken the law, while the investigation is on-going.

If the State Government considers that the institution is suitable for the temporary reception of a child, it may be registered as a monitoring home, provided that it is not a home founded or maintained. According to this JJ Act, "the State Government must develop regulations for the administration and supervision of observation homes, including the requirements and different services that must be offered there for a child's recovery and social integration. Youngsters who are not given to parents or other guardians and transferred to an observation home are split according to gender and age after a rigorous assessment of the child's mental and physical health

as well as the gravity of the offence committed."

### **Special homes**

According to Section 48, "either independently or through non-profit or nongovernmental organisations, in any district or set of districts, the State Government shall create and maintain special homes registration for the rehabilitation of persons who have been detained there in accordance with a Juvenile Justice Board ruling after being found guilty of an offense."

### **Place of safety**

"To locate a suspect above the age of 18 or a young person between the ages of 17 and 18 or proven to have committed a heinous crime, the State Government is required by Section 49 to establish at least one place of protection in a State listed under Section 41." For these children or persons to live in during the course of the inquiry as well as for those who are found guilty of an offence, every place of safety must offer a variety of accommodations and amenities. The type of locations that may be authorised as a place of security, in addition to any facilities and services that may be offered there may be specified by the state government.

### **Fit facility**

"Upon carefully evaluating the appropriateness of the facility and the child care agency as described in the Regulations, the Board or the Committee may

accept a facility run by a governmental institution or a charitable or non-profit entity licensed under any statute as being capable of temporarily taking on the responsibility of a child for the special reason Section 51.”

### **Managing Directors**

“Every organization must have a management board, which must be created in line with Section 53, to oversee the institution's operations and track each child's development. Every facility that houses children older than six years old has an official in charge who encourages the formation of children's committees to participate in any activity that may be specified for the health and well-being of the children there.”

### **Inspection of registered institutions**

Such assessment panels must examine all child-housing facilities in the specified region on a regular basis, at least once every three months. There must be a minimum of three members on each committee, one of whom must be a woman and one of whom must be a medical officer. Within a week of the visit, the committee must report on the visit to the “District Child Protection Units.” The District Child Protection Unit must take the necessary action within one month of the inspection committee's report submission, and a compliance report must be provided to “the State Government.”

### **Orders regarding child in conflict with law**

Following an investigation into a child's violation of the law, the juvenile justice board may issue the following orders depending on the gravity of the violation:

- Request that the youngster participate in group therapy sessions.
- Request that the youngster perform community work.
- After counseling, permit the youngster to return home.
- Request payment from the child's parents or legal guardians.
- Can be transported to a special home or other safe location
- Can be discharged on probation for a maximum of three years under the conditions of “fit person/fit institution.”
- Up until the age of 18, any youngster shall be deemed blameless of some “criminal purpose or mala fide. This idea presumes that everything a child does or does against the law was done by a youngster with good faith and without malicious intent. This rule is in effect from the beginning of the proceedings until the end of the aftercare programme.
- All people must be treated equally and with

respect for their rights. This concept requires the JJ Act's participating agencies to treat children with dignity and respect, and to refrain from labelling, stigmatizing, or discriminating against them. Additionally, it requires that the authorities respect the child's personal identification and any other matters linked to them from the time of the child's first detention until the completion of the aftercare. Every child has the right to be heard, to take part in choices that concern him, and to have their opinions taken into consideration while giving proper respect to the child's age and maturity.

- Children's emotional and intellectual demands, as well as their physical and psychological growth, set them apart from adults. These variations serve as the foundation for children's reduced responsibility in legal disputes. When it comes to dealing with child offenders, for instance, the protection of the kid's best interests means that restorative justice and rehabilitation goals must take precedence over traditional criminal justice goals like repression and punishment.
- While the child is in contact with “the care and protection system” and afterward, every effort must be made to keep them safe and prevent any harm, abuse, or maltreatment.

Additionally, it forbids the state from taking any restrictive actions in the name of a child's safety.

- The goal of the Principle is to enable the child to create their own personal identity and to give them the tools they need to succeed in all processes related to their personal development.
- Every child must receive equal access to, and access to, opportunities and treatment under this idea.
- Every child has the right to be protected from prying eyes and to remain anonymous at all times and throughout the legal procedure.
- Depriving a child of their freedom has a severe impact on their healthy development and seriously hinders their ability to reintegrate into society. The idea of a fresh start denotes a new phase in a child's life that is in legal trouble.
- All individuals or organizations operating in a judicial capacity under this Act shall uphold fundamental procedural norms of fairness, such as the right to a fair trial, the rule against prejudice in judgments, and the right to review.

### **Child welfare committee**

- A minimum of one woman must make up at least one of the five members of the CWC committee, which has a chairperson. Incidents involving the care, security, rehabilitation, growth, and reintegration of children who require care and safeguards may be decided by the Committee.
- “The District Magistrate” is the committee's grievance redressed authority; membership may be terminated by the State Government for abuse of power, conviction of an offence, failure to attend three consecutive months of proceedings without good cause, or failure to attend 3/4 of the proceedings in a year.
- Every month, the Committee must convene for at least 20 days. “If the Committee is not available or it is soon in the day, one person may hear a case of a kid in need of care and security.”

### **Juvenile Justice Board**

The State Government shall establish one or more Juvenile Justice Boards for each district to carry out the “responsibilities and use the authority granted by this Act towards children in contravention of the law. The three people who make up this bench each have the same power as a "Metropolitan Magistrate under the Code of Criminal Procedure, 1973," which is what each bench is known as.

### **Social worker**

If a social worker has not actively participated in children's welfare, education, or benefits and privileges for at least seven years, they cannot be chosen to serve on the Board unless they are working professionals with a degree in childhood development, psychology, sociologists, or law.

### **Bail of juvenile**

No matter what is stated in “Any individual arrested for a crime that is clearly a juvenile must be granted bail with or without bond, be put under the supervision of a probation officer, or be cared for by a suitable adult, according to the Code of Criminal Procedure, 1973, or any other legislation now in force.”

### **Role of Judiciary**

“The Supreme Court and different High Courts” in India have played a significant part in the growth of the juvenile justice system in that country. Lower courts handle juvenile delinquent cases in the initial stages, but the decisions of “the Hon'ble Supreme Court and other High Courts” represent trends in the legal response to a child who is in trouble with the law. The courts and Juvenile Justice Board have a legal and constitutional obligation to deal with young people who have broken the law.

In *Sheela Barse & Orsv. Union of India &Ors.* The Supreme Court has criticised and discouraged the

imprisonment of children under the age of 16 in jail since the environment there could harm the child's mentality and alienate him from society.

In *Jabar Singh v. Dinesh & Anr.* It was noted “that Section 49 requires enquiries into claims of juvenility, and that the inclusion of Section 7(A) in the Act demonstrates the legislature's intention to preserve the court's authority to rule on such claims.”

In *Ravinder Singh Gorkhi v. State of Uttar Pradesh*, it was noted that “based on the information in the files and the unique events and circumstances of each case, in a way prescribed by law when determining a person's date of birth in front of a court of law, whether in a criminal or civil case process.” In order to ensure that the victim is not treated unfairly, it will be the responsibility of the legal system to grant a juvenile the benefit.

In *Sanjay Suri & Ors. v. Delhi Administration*, The idea of protecting a youngster from the harmful effects of a prison environment would be completely defeated if a child were sent to jail, it was underlined. Because mixing with adult convicts might expose the teenager to harmful influences that could prevent their proper recovery, they must be housed in a separate ward.”

### **Role of Police**

- A police officer is required to have thorough knowledge about the CWC, including its

location, the days it meetings, and the participants' names, addresses, and contact information. If the child needs care and protection, the police must bring the child before the Child Welfare Committee.

- The police must, wherever feasible, conduct themselves in civilian clothes when meeting with minors.
- Supplying food and other essentials up until the child is brought before the Committee.
- Supply immediate medical aid if needed.
- A list of government hospitals with pediatric units should be available to police officers who deal with children who need attention and safety so that the child in custody can receive the appropriate medical care.
- If a child is missing, freed from child labour, victimized by sexual abuse, freed from trafficking, victimized by child marriage, or saved from child marriage, conduct a proper investigation in accordance with the law.

### **The National Policy for Children 2013**

The Policy encompasses all children residing in the nation's territory and under its legal authority and recognises anyone under the age of eighteen as a child. It acknowledges that protecting children's rights calls for a multifaceted, multi sectorial approach. The four key focus areas were identified

by the Policy for particular attentions are: “security and participation; learning and development; and surviving, health, and nourishment. Because children's needs are multifaceted, The Policy encourages intentional convergence and collaboration across all domains of influence and levels of government since they are interrelated and need cooperative action.”

The Indian government affirms its dedication to protecting, educating, embracing, empowering, and taking care of all children within its borders and under its control, both as an individual and as a resource for the country. All laws, policies, strategies, and programmes impacting children should be guided and informed by this Policy.

## II CONCLUSION

When confronted with difficult circumstances, it is important to treat children in legal trouble as children and focus the criminal justice system's intervention on finding a solution.

Control procedures are also necessary in adoption and foster care situations. Social workers' jobs are especially crucial since children require on-going care even after they have recovered. Finding each adoptable child a loving and nurturing home should be the main goal, and it should always be kept in mind to act in the child's “best interests.” It is urgent to take action to improve the dilapidated state of juvenile justice boards and observation houses. To

ensure that every child has access to housing, sanitation, health care, and education, the nation must go on strike. In addition to the numerous regulations that regulate children, there are numerous more issues that affect ordinary people. Children that have been neglected frequently cannot be housed in government-sponsored children's homes. Even children are occasionally housed in jails. Each district should have more Juvenile Justice Boards established, and the government should also build correspondingly enough dwellings. If a society is sincere about fighting crime, internal transformation should be the first step. Rehabilitating the alienated young minds to return to the righteous path is the first step in doing this.

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counsellors, and other professionals who work tirelessly to provide essential support and services to these children. Their commitment to helping children heal and thrive is truly inspiring. Their advocacy and efforts to promote the rights and well-being of children are critical in creating a more just and equitable society. Finally, I would like to express my appreciation for the families and caregivers who provide love, care, and support to these children, and who play an essential role in their rehabilitation and social reintegration.

Together, these individuals and organizations are making a significant difference in the lives of children in conflict with the law and children in need of care and protection, and I am grateful for their contributions.

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