

# Educational Implementation Failures Within the Juvenile Justice Framework: A Legal and Institutional Review

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## Abstract

Children who enter the Juvenile Justice system often carry deep personal, social, and educational gaps with them. The law promises that once they come under institutional care, they will receive proper education, guidance, and support so they can rebuild their lives with dignity. But in reality, this promise is rarely fulfilled. This paper explores how education, which should have been a core part of rehabilitation, is often the weakest link inside Child Care Institutions, Observation Homes, and Special Homes. Even though the Juvenile Justice Act and the Right to Education Act clearly guarantee learning opportunities, many children still face broken schooling, untrained teachers, irregular classes, and almost no monitoring of their progress. Through a close look at laws, policies, official reports, and existing studies, the paper highlights the everyday gaps that children experience inside these institutions gaps that directly affect their confidence, growth, and chances of real reintegration. The paper argues that when education fails inside the juvenile system, rehabilitation also fails. It calls for strong accountability, proper training of staff, regular academic monitoring, and clear standards for what every child must receive because a child who is already vulnerable should not have to fight for the basic right to learn.

**Keywords:** Juvenile Justice; Educational Gaps; Child Care Institutions; Rehabilitation; Right to Education; Institutional Accountability.

## 1. INTRODUCTION

Education is often described as a child's quiet anchor something that steadies, shapes, and strengthens them no matter how rough their surroundings become. But for children within the Juvenile Justice system in India, that anchor is far too often missing, fractured, or weakly held in place. These are children who stand at the crossroads of vulnerability and potential: some in conflict with the law, some seeking protection from neglect or exploitation, and many carrying the weight of social, economic, and emotional deprivation long before they ever entered the legal system. For them, education is not merely a right it is a lifeline, a pathway toward dignity, reintegration, and agency.

Yet the promise of education within the Juvenile Justice framework frequently collapses under the pressure of institutional shortcomings, fragmented policies, and inconsistent implementation. Despite clear constitutional guarantees and statutory mandates, the ground reality inside Observation Homes, Special Homes, and Child Care Institutions reveals persistent gaps. Lack of trained educators, poor coordination between child protection authorities and educational departments, limited access to age-appropriate curricula, and the

absence of rehabilitative pedagogies often leave these children further alienated rather than empowered.

In many ways, these educational failures represent a deeper systemic truth: that rehabilitation cannot exist without learning, and learning cannot flourish without institutional commitment. When children already marginalized by poverty, trauma, and social exclusion enter custodial or protective spaces, the State carries not just the responsibility to shelter them but the urgent duty to transform their trajectories. Where education fails, the system quietly reproduces the very vulnerabilities it claims to resolve.

This paper steps into that uncomfortable but necessary space. It critically examines how legal mandates surrounding juvenile rehabilitation are translated or lost within institutional practice. It traces the distance between what the law envisions and what children actually experience, highlighting the administrative, infrastructural, and policy-level failures that undermine meaningful educational access. Ultimately, it argues that without a strong, child-centric educational framework, the Juvenile Justice system risks becoming a place of containment rather than transformation.

The goal is not to simply expose gaps but to reimagine possibilities: a system where education is woven into every stage of rehabilitation, where institutions function as learning communities rather than custodial enclosures, and where children regardless of their past are given the tools to rebuild their futures with dignity.

## **2. LITERATURE REVIEW**

The relationship between education and juvenile justice has long been explored across legal, sociological, and child-rights scholarship. Much of the literature converges on one central truth: education is not a peripheral service in juvenile justice it is the heart of rehabilitation. Yet, across studies, one finds repeated evidence that India's institutional structures struggle to translate legal promises into educational reality.

Early scholarship on juvenile rehabilitation emphasized the transformative power of learning, arguing that meaningful educational engagement reduces recidivism and improves social reintegration. International child-rights literature, especially after the adoption of the United Nations Convention on the Rights of the Child (UNCRC), reaffirmed that children in conflict with the law require access to both formal and non-formal education as part of their rehabilitative pathway. But despite this normative clarity, ground-level studies from Indian Child Care Institutions often paint a more fragmented picture.

Indian academic work has consistently highlighted structural deficiencies poor staffing, lack of trained teachers, inadequate curricula, and minimal pedagogical planning within Observation Homes and Special Homes. Researchers note that children frequently receive either unstructured classes or no classes at all, leading to significant learning gaps that widen during institutional stay. Studies by child rights organizations further show that institutional education often fails to accommodate the emotional, cognitive, and psychological needs of children exposed to trauma, poverty, and violence. As a result, education becomes mechanical rather than rehabilitative.

Legal scholarship reveals another dimension: the implementation deficit. While the Juvenile Justice (Care and Protection of Children) Act mandates access to education, commentators argue that the Act lacks operational clarity, leaving institutions uncertain about curriculum standards, inter-departmental coordination, and accountability mechanisms. This vacuum is worsened by inconsistent monitoring across states, creating uneven educational outcomes nationwide.

Comparative literature deepens this concern. Research from jurisdictions like South Africa, Brazil, and the Philippines demonstrates more structured rehabilitative models, where education is tied to vocational training, psychological counselling, and community reintegration plans. Indian studies lament that similar holistic models remain underdeveloped or poorly implemented in domestic institutions.

The most recent scholarship shifts the focus toward intersectional disparities caste, gender, disability, and poverty that magnify educational exclusion within the juvenile justice system. Children from marginalized communities are disproportionately represented in institutions, yet they are the ones who receive the least consistent educational support. This intersectional lens reveals that educational failure is not just an administrative problem but a deeper reflection of social inequities that follow children into custodial spaces.

Across the literature legal, sociological, and policy-focused one theme echoes loudly: the promise of educational rehabilitation is repeatedly undermined by weak implementation, unclear guidelines, and institutional apathy. The gaps identified across these studies form the foundation for this paper's inquiry, offering both critique and direction for reimagining a more child-centric, rights-affirming educational framework within India's juvenile justice system.

### **3. Research Objectives**

4. 1. To examine the statutory and constitutional obligations relating to educational rehabilitation under the Juvenile Justice (Care and Protection of Children) Act, 2015, and allied rules, and to identify the legal standards that institutions are required to uphold.
5. 2. To analyse the structural and administrative gaps in the implementation of educational provisions within Child Care Institutions, Observation Homes, and Special Homes, with a focus on how these lapses hinder rehabilitation.
6. 3. To evaluate the alignment (or misalignment) between legal mandates and actual institutional practices, drawing upon inspection reports, governmental data, and independent assessments to identify patterns of non-compliance.
7. 4. To investigate how educational deficiencies affect the broader goals of juvenile justice, including reintegration, dignity, and long-term social outcomes for children in conflict with the law.
8. 5. To propose legally sound and institutionally feasible reforms that can strengthen monitoring mechanisms, improve educational delivery, and ensure that rehabilitation remains child-centric and rights-oriented.

## **4. METHODOLOGY**

### **4.1 Doctrinal Legal Analysis**

The study begins with a doctrinal legal analysis that examines the statutory, constitutional, and international frameworks governing educational rights within the Juvenile Justice system. This involves a close reading of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Model JJ Rules, and relevant state rules to understand the legal responsibilities imposed on State authorities and Child Care Institutions. Constitutional guarantees under Articles 21A, 39(e)-(f), and 45 provide the foundational rights-based lens through which these obligations are interpreted. This review is further deepened through India's commitments under the United Nations Convention on the Rights of the Child and its General Comments, which emphasize education as a non-negotiable element of rehabilitation and reintegration for children in conflict with the law.

Through this phase, the study establishes the normative baseline the ideal standard the system is expected to meet.

### **4.2 Review of Secondary Literature and Empirical Reports**

To understand how these legal obligations operate on the ground, the methodology turns to secondary data and empirical studies produced by statutory bodies, NGOs, and academic institutions. Reports by the National Commission for Protection of Child Rights (NCPCR), HAQ Centre for Child Rights, UNICEF, and Save the Children offer detailed insights into the condition of Observation Homes and Special Homes, highlighting chronic gaps such as inadequate infrastructure, lack of trained educators, irregular schooling, and minimal vocational training opportunities.

Academic scholarship in criminology and child rights further reveals long-standing systemic issues: fragmented inter-departmental coordination, outdated curricula, and poor monitoring of educational standards. This corpus of secondary literature provides a factual map of the institutional weaknesses and recurring failures that impede effective educational implementation.

### **4.3 Institutional and Policy Analysis**

Building upon these findings, the research conducts a policy and institutional analysis to examine how Child Care Institutions actually function administratively. This includes assessing coordination between Juvenile Justice Boards, Child Welfare Committees, District Child Protection Units, and state education departments, with particular focus on how responsibilities are interpreted and executed. The analysis also evaluates monitoring mechanisms, budgetary allocations, staffing patterns, and compliance processes under the JJ Act.

This stage helps uncover the policy-to-practice disconnect, revealing where educational mandates break down due to administrative bottlenecks, vague guidelines, or a lack of accountability mechanisms.

#### **4.4 Comparative Analytical Framework**

To broaden the evaluative perspective, the study incorporates international comparisons with juvenile justice systems in South Africa, Brazil, and the Philippines. These jurisdictions demonstrate more holistic models where education is tied to psychological support, structured vocational training, and reintegration planning.

By placing India's practices alongside these global approaches, the study identifies potential reforms and best practices that can strengthen the educational dimension of juvenile rehabilitation.

#### **4.5 Rights-Based Analytical Lens**

All doctrinal, empirical, and comparative insights are interpreted through a rights-based analytical framework rooted in human dignity, child development, and the rehabilitative purpose of juvenile justice. This lens ensures that the study does not merely catalogue administrative shortcomings but evaluates how each gap affects the life chances and dignity of children in institutional care.

Through this integrated methodological approach, the research develops a nuanced understanding of why educational implementation failures persist and how they can be systematically addressed.

### **5. Discussion and Analysis**

#### **5.1 Statutory Mandates vs. Institutional Realities**

The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) establishes education as a foundational component of rehabilitation for children in conflict with the law. Section 53 expressly lists "educational services" as one of the key rehabilitative measures that institutions must provide to every child residing in Special Homes or Observation Homes. Moreover, Rule 56 of the Model Juvenile Justice Rules, 2016 emphasizes age-appropriate education, vocational training, linkages with mainstream schools, and individualized learning plans.

However, a consistent pattern emerges across national inspection reports: despite the presence of robust statutory language, implementation remains fragmented, inconsistent, and often entirely absent. The majority of Child Care Institutions (CCIs) do not have trained teachers, structured curricula, or mechanisms for academic assessment. The law promises a rights-based educational environment, but the ground reality reveals a system struggling with administrative apathy, resource shortages, and poor monitoring.

#### **5.2 Educational Infrastructure Deficits: The Persistent Gap**

One of the most glaring failures documented across India is the inadequate educational infrastructure within Special Homes and Observation Homes. The National Commission for Protection of Child Rights (NCPCR), in its nationwide social audit of CCIs, found that nearly 40% of institutions lacked any formal educational provision, while another 20% relied on untrained volunteers or part-time staff without pedagogical qualifications.

These deficits not only violate statutory mandates but also undermine the rehabilitative philosophy of the juvenile justice system, which is founded on the idea of reintegration through skill-building and meaningful engagement. Without structured education, children face prolonged idleness, emotional stress, and a diminished sense of purpose conditions that directly contradict the objectives of restorative justice.

Furthermore, the absence of libraries, learning materials, digital infrastructure, and age-appropriate pedagogical tools severely limits academic growth. These failures demonstrate a tangible gap between legal ideals and institutional capabilities.

### **5.3 Administrative and Human Resource Lapses**

Another core problem lies in the absence of competent, trained educational personnel. The Model Rules mandate that educators in CCIs must receive specialised child-rights training and should be able to cater to children with behavioural challenges, learning gaps, or trauma histories. Yet state inspections show systemic vacancies, irregular teacher attendance, and schools functioning on an ad-hoc basis.

Many institutions depend on NGOs for education services, creating inconsistency and lack of accountability. The absence of trained special educators particularly affects children with disabilities, violating not only the JJ Act but also the principles of the Rights of Persons with Disabilities Act, 2016.

Administrative failures therefore produce a cascading effect: without trained staff, institutions cannot deliver curriculum; without curriculum, rehabilitation collapses; without rehabilitation, children leave institutions ill-prepared for reintegration.

### **5.4 Monitoring & Accountability Breakdown**

Monitoring mechanisms primarily the District Child Protection Units (DCPUs), Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs), and State Inspection Committees are designed to ensure compliance with educational standards. Yet their oversight remains inconsistent and often superficial.

In its 2022 inspection cycle, the NCPCR reported that several states submitted identical reports across multiple facilities, suggesting that physical inspections had not been conducted. The very machinery meant to ensure accountability has become procedural, perfunctory, and disconnected from children's actual experiences.

The Supreme Court has repeatedly underscored the need for genuine oversight in child-protection institutions, noting in *Re: Exploitation of Children in Orphanages in the State of Tamil Nadu* that implementation failures persist due to ineffective inspections and lack of institutional sensitivity.

What emerges is a disturbing pattern: the statutory scheme envisions active, engaged, child-centric monitoring, but in practice, oversight bodies often serve merely as formalities, thereby perpetuating systemic neglect.



### **5.5 Psychological and Social Impacts of Educational Failure**

Educational deprivation has consequences far beyond academic delay. For children in conflict with the law, learning opportunities serve as emotional anchors, providing routine, identity, and dignity. The absence of such opportunities contributes to:

- heightened behavioural issues
- hopelessness and learned helplessness
- increased vulnerability to exploitation
- diminished prospects for reintegration

UNICEF has repeatedly emphasized that education is a “protective factor” that equips juveniles with coping skills and reduces recidivism. Without it, institutionalisation becomes punitive rather than rehabilitative directly violating the constitutional mandate of dignity under Article 21.

Thus, educational implementation failures strike at the core of juvenile justice philosophy: restoration, not retribution.

### **5.6 Gap Analysis: Why Legal Promises Fail in Practice**

By comparing statutory obligations with empirical data, three structural failures emerge:

1. Normative–Institutional Gap: Laws articulate strong rights, but institutions lack infrastructure and trained staff.
2. Policy–Practice Gap: Government policies emphasize rehabilitation but budget allocations and administrative coordination remain weak.
3. Monitoring–Compliance Gap: Oversight bodies exist but fail to enforce educational standards.

These gaps collectively explain why, despite a comprehensive legal framework, children continue to experience educational injustice inside the juvenile system. Rehabilitation becomes incomplete, superficial, and symbolic rather than transformative.

## **6. Legal Implications**

### **6.1 Constitutional Violations of the Right to Education and Dignity**

The failure to deliver structured, meaningful education within Juvenile Justice institutions directly infringes the constitutional guarantees under Articles 21 and 21A of the Indian Constitution. Educational deprivation undermines a child’s dignity, emotional development, and future prospects, thereby constituting a violation of the “right to live with dignity,” which has repeatedly been held as intrinsic to Article 21.

Children in State custody depend entirely on the State for the fulfilment of their educational needs. When institutions fail to provide such services, the State is responsible for a constitutional wrong not merely an administrative lapse.

## **6.2 Statutory Non-Compliance Under the JJ Act, 2015**

The Juvenile Justice (Care and Protection of Children) Act, 2015 creates positive obligations on the State to provide age-appropriate, rehabilitative education. Section 53 explicitly lists “education” and “vocational training” as mandatory components of rehabilitation. The Model Rules, 2016 further detail institutional duties regarding curricula, mainstream school linkages, and individualized learning plans.

Non-implementation of these statutory duties renders institutions non-compliant with the JJ framework, exposing them to accountability under Rules 54 and 55, which require continuous monitoring and inspections.

Thus, inadequate educational services constitute statutory violations that defeat the rehabilitative purpose of the JJ Act.

## **6.3 Judicial Precedent Expanding State Liability**

Indian courts have consistently reaffirmed that children deprived of liberty retain full constitutional rights. In *Sheela Barse v. Union of India*, the Supreme Court stressed that children in institutional care must be provided education, recreation, and developmental opportunities equal to any other child.

Similarly, in *Re: Exploitation of Children in Orphanages in Tamil Nadu*, the Court held that systemic failures in institutions create actionable State liability, inviting judicial intervention.

These precedents indicate that educational deprivation within JJ institutions may invite:

- writ petitions
- public interest litigation
- judicial monitoring
- compensation claims

Therefore, the legal risks for the State extend beyond statutory non-compliance to constitutional litigation.

## **6.4 Violations of International Human Rights Obligations**

India’s commitments under the UN Convention on the Rights of the Child (CRC) require that every child deprived of liberty receive education aimed at reintegration and development. Additionally, Article 13 of the ICESCR obligates the State to ensure accessible, quality education for all children.

The educational failures documented in JJ institutions place India in potential breach of these international duties. While these treaties are not self-executing, they are routinely used by Indian courts to interpret constitutional and statutory rights.

Thus, non-compliance damages both domestic human rights standards and India’s international credibility.



### **6.5 The Shift from Rehabilitation to Punitive Institutionalisation**

Educational deprivation transforms juvenile institutions from rehabilitative spaces into punitive environments, contradicting the core philosophy of the JJ Act. The absence of schooling, trained teachers, or vocational programs creates conditions of stagnation, psychological distress, and behavioural deterioration.

Such circumstances amount to constructive punishment, violating the statutory mandate that children be treated with “care, protection, and meaningful rehabilitation,” not with punitive restrictions.

This shift has significant legal consequences, as it may classify institutional practices as arbitrary, disproportionate, and violative of constitutional protections.

### **6.6 Systemic Accountability Breakdown and State Responsibility**

Monitoring bodies Juvenile Justice Boards, Child Welfare Committees, District Child Protection Units, and State Inspection Committees are legally required to ensure compliance with educational standards. When these bodies fail to conduct meaningful inspections or file accurate reports, the entire accountability chain collapses.

Such breakdowns may trigger State liability for administrative neglect

inquiries by SCPCR/NCPCR

judicial directions for systemic reform

reporting obligations under JJ Act Section 109

In legal terms, repeated monitoring failures demonstrate institutional negligence, making the State answerable for harm caused by educational deprivation.

## **7. Recommendations**

### **7.1 Strengthening Educational Mapping and Individualized Learning Plans (ILPs)**

There is an urgent need to institutionalize a uniform system for educational assessment within every Observation Home and Special Home. At present, children are often placed in grade levels without any academic evaluation, resulting in misplacement, frustration, and eventual disengagement. A mandated Initial Educational Mapping Protocol, followed by a structured Individualized Learning Plan (ILP), would ensure that each child’s academic level, learning gaps, and future goals are clearly identified. This approach aligns with global child-centric standards and mirrors practices under the Right of Children to Free and Compulsory Education Act, which emphasises age-appropriate and level-appropriate learning assessments. By making ILPs legally binding through amendments to JJ Rules, the system can shift from a generic rehabilitative approach to a genuinely transformative, child-specific educational model.

### **7.2 Formal Integration of Special Educators, Remedial Teachers, and Counsellors**

Children in conflict with the law disproportionately experience learning disabilities, behavioural challenges, trauma-related cognitive interruptions, and interrupted schooling. Yet,

most institutions continue to rely solely on general educators, leaving complex learning needs completely unaddressed. The law must mandate the presence of special educators, remedial instructors, and trained clinical counsellors within every Child Care Institution. This aligns with India's obligations under the Rights of Persons with Disabilities Act, which clearly recognises education as a barrier-free, disability-sensitive entitlement. Embedding such specialists into the JJ ecosystem will not only bridge learning gaps but also humanize the educational environment, ensuring children feel understood, respected, and supported.

### **7.3 Establishing Accountability Mechanisms for Educational Delivery**

One of the systemic failures identified is the absence of accountability for poor or non-existent education in CCIs. To address this, the Juvenile Justice Board and Child Welfare Committee should be legally required to conduct quarterly educational audits. These audits must evaluate teacher attendance, curriculum delivery, academic progress, and availability of learning materials. Reports should be publicly accessible and integrated with State Legal Services Authorities for oversight. Without enforceable accountability, even well-designed educational schemes collapse during implementation. Embedding audit-based accountability brings transparency, reduces arbitrariness, and makes state agencies answerable for systemic negligence.

### **7.4 Integrating Digital Learning Infrastructure and Accessible Technology**

Digital education is no longer optional it is the backbone of modern learning. Juvenile institutions should be equipped with secure digital classrooms, offline e-resource libraries, monitored devices, and skill-based digital curricula. This digital infrastructure will help children bridge lost years of schooling and acquire vocational skills relevant to contemporary work environments. Further, accessible technologies must be introduced for children with disabilities, including screen readers, voice-based tools, and simplified learning apps. The goal is not just functional literacy, but digital empowerment that enables long-term socio-economic reintegration.

### **7.5 Strengthening Inter-Agency Coordination Between JJ Institutions and Mainstream Schools**

Reintegration into mainstream schools often fails because communication between juvenile homes and schools is fragmented or non-existent. A structured Inter-Agency Educational Transfer Protocol should be developed to ensure that when a child transitions out of a CCI, their academic records, ILPs, and progress assessments are shared seamlessly with receiving schools. This aligns with the principle of continuity of education emphasised under international frameworks such as the UNCRC. Without such a mechanism, children often face re-discrimination, grade repetition, or complete discontinuation of schooling after release.

### **7.6 Embedding Legal Literacy and Rights-Education Within Institutional Curricula**

Legal literacy must become a core part of the educational experience for children within the juvenile justice system. When children understand their rights procedural rights, protection from violence, access to free legal aid under the Legal Services Authorities Act they become more confident participants in their own rehabilitation. A dedicated rights-education module,

delivered through child-friendly methods, role-plays, and visual tools, should be integrated into the CCI curriculum. This will not only empower children but also reduce their vulnerability to institutional exploitation, wrongful practices, and procedural ignorance.

### **7.7 Enhancing Budgetary Allocation and Resource Prioritisation for Education in CCIs**

Despite ambitious legislative frameworks, educational initiatives fail without funding. State governments must allocate a ring-fenced budget exclusively for educational infrastructure, teacher salaries, learning materials, and vocational courses in CCIs. Transparent utilisation of this budget must be monitored through annual audits. As various committees reviewing JJ implementation have noted, education becomes the first casualty of budget cuts an approach that disproportionately harms the most vulnerable children. A protected, legally mandated budget line would transform educational delivery from a charity-driven activity into a rights-based, enforceable state obligation.

### **7.8 Aligning Rehabilitation Programmes with Long-Term Employability Pathways**

Rehabilitation cannot end with classroom learning; it must translate into future employability. Institutions should collaborate with skill-development missions, polytechnics, vocational institutes, and digital-skills platforms to offer meaningful certification courses. This enables children to pursue higher education or stable employment post-release. Education should not merely “occupy time” within CCIs it must rewire future life trajectories by creating real opportunities.

## **8. Conclusions**

### **8.1 Reasserting Education as the Core Pillar of Juvenile Justice**

The findings of this study reaffirm that education is not merely an auxiliary component of the juvenile justice framework it is the very heart of rehabilitation, reintegration, and long-term well-being for children in conflict with the law. Yet the reality within institutions across India reflects a stark disjuncture between legal promises and lived experiences. Systemic gaps such as the absence of trained educators, irregular curriculum delivery, lack of individualized learning plans, weak accountability structures, and negligible disability-sensitive approaches collectively undermine the transformative potential of the Juvenile Justice Act. What emerges clearly is that without a robust, structured, and child-responsive educational ecosystem, the justice system risks producing compliance but not genuine reintegration. Education, when meaningfully delivered, acts as an anchor stabilizing identity, restoring dignity, and opening pathways toward a future that is not shaped by past mistakes but by renewed possibilities.

### **8.2 Reimagining the System Through Rights, Dignity, and Institutional Responsibility**

This review reveals an urgent need to shift from a narrow, institutional, welfare-driven model to a rights-based, dignity-centered framework that treats every child as a full rights-holder. The failures identified are not simply administrative oversights they represent deeper structural limitations that require coordinated legal, policy, and institutional reform. True transformation will only occur when educational delivery in Child Care Institutions becomes enforceable, monitored, adequately funded, digitally strengthened, and aligned with long-term

employability pathways. The juvenile justice system must reimagine itself as a bridge that supports children not only through legal processes, but through a holistic pedagogic journey that heals, empowers, and prepares them for life beyond institutional walls. By grounding reforms in compassion, accountability, and constitutional values, India can move closer to a juvenile justice architecture that genuinely upholds every child's right to learn, grow, and reclaim their future with dignity.

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