



Sonargaon University (SU)

Research Monograph

“A Study on Juvenile Justice System in Bangladesh : A Critical Overview”.

Research Monograph Submitted for the partial fulfilment of the award of
the degree in
LL.B. (Honours)
Department of Law
Sonargaon University (SU)

Submitted by
Kamal Barai
ID No. LLB2103024028
Program: LL.B. (Honours)
Department of Law
Sonargaon University (SU)

Submitted To:
Joydeep Chowdhury
Lecturer
Department of Law
Sonargaon University (SU)



Sonargaon University (SU)

Research Monograph

“A Study on Juvenile Justice System in Bangladesh : A Critical Overview”.

Research Monograph Submitted for the partial fulfilment of the award of
the degree in
LL.B. (Honours)
Department of Law
Sonargaon University (SU)

Submitted by

Kamal Barai
ID No. LLB2103024028
Program: LL.B. (Honours)
Department of Law
Sonargaon University (SU)

Submitted To

Joydeep Chowdhury
Lecturer
Department of Law
Sonargaon University (SU)

Letter of Transmittal

To
Joydeep Chowdhury
Lecturer
Department of Law
Sonargaon University (SU)

Subject: Submission of Research Monograph on “A Study on Juvenile Justice System in Bangladesh : A Critical Overview”.

Sir,

This is a great pleasure to submit the Research Monograph on “A Study on Juvenile Justice System in Bangladesh : A Critical Overview”. as a partial requirement for the fulfillment of my LL.B. (Honours) course under the Department of Law of the Sonargaon University (SU).

I have given due efforts to make this Research Monograph as fruitful one and to make it as informative as possible. I hope that this paper will not be the formality of academic course completion rather it will be a source of information for other purpose on this topic.

Sincerely yours,

Kamal Barai
ID No. LLB2103024028
Program: LL.B. (Honours)
Department of Law
Sonargaon University (SU)

DECLARATION

I hereby do solemnly declare that the work presented in this thesis has been carried out by me and has not been previously submitted to any other institution. The work I have presented does not breach any copyright.

I further undertake to indemnify the university against any loss or damage arising from breach of the forgoing obligations.



Certification by the Supervisor

This is to certify that the work presented in this dissertation is based on the work, carried out by the author herself under my supervision in Department of Law, Sonargaon University (SU).

It is also certifying that the work presented here is original and suitable for submission as the style and contents, for fulfillment of LL.B. (Honours) program.

Joydeep Chowdhury
Lecturer
Department of Law
Sonargaon University (SU)

Acknowledgement

"In the name of Allah, the Beneficent, the Merciful". Praise by Allah & thanks to Allah for patronizing me to finish this Research Monograph. I am very happy to finish it. It is a great Research of my life. It is a long cherished hope of my life to become a great lawyer. That's why I have admitted in the Department of Law in Sonargaon University (SU) to fulfill my dream. But through my whole study life in this field, I did not get much more opportunities to examine and show my knowledge and skill in this wide field. Lastly I have got a great chance to make my study meaningful when I got the chance to prepare a Research Monograph on "A Study on Juvenile Justice System in Bangladesh : A Critical Overview".

I acknowledge my grateful to respected course teacher Joydeep Chowdhury for instructing me how to prepare a Research Monograph and his famous Books lectures on this subject help me to complete my task sincerely.

I am also thankful to my classmate as they help me to complete the Research Monograph. I am extremely paying my solitude to all the authors and writers whose works help me to draft this original Research Monograph.

We are indeed thanks to everyone who inspired us to write this Research Monograph.

Kamal Barai
ID No. LLB2103024028
Program: LL.B. (Honours)
Department of Law
Sonargaon University (SU)

Abstract

The juvenile justice system in Bangladesh has undergone significant legal and institutional reforms over the past decades, particularly with the enactment of the Children Act 2013, which replaced the outdated Children Act 1974. Despite the legislative advancements aimed at aligning national laws with international standards such as the United Nations Convention on the Rights of the Child (UNCRC), the practical implementation of juvenile justice remains fraught with challenges. This thesis critically examines the legal framework, institutional mechanisms, and socio-legal dynamics that shape the juvenile justice system in Bangladesh. It explores the extent to which the current system adheres to principles of child protection, restorative justice, and due process, while highlighting persistent issues such as arbitrary detention, lack of specialized juvenile courts, inadequate legal representation, and poor rehabilitation facilities.

Drawing on a combination of doctrinal legal analysis and empirical findings from reports, case studies, and judicial decisions, this study identifies gaps between law and practice. It further investigates the roles of law enforcement agencies, judiciary, and non-governmental organizations in safeguarding the rights of children in conflict with the law. The thesis also assesses the socio-economic factors contributing to juvenile delinquency and critiques the often punitive rather than rehabilitative approach in dealing with young offenders.

Ultimately, this research argues for a more child-centric and rights-based approach to juvenile justice, emphasizing capacity building, legal awareness, diversion programs, and stronger monitoring mechanisms. The findings aim to inform policymakers, legal professionals, and human rights advocates about the reforms needed to ensure a fair, effective, and humane juvenile justice system in Bangladesh.

Table of Contents

Chapter 1	
1.1 Introduction	1
1.2 Background and Rationale	3
1.3 Objectives of the Study	4
1.4 Research Question	4
1.5 Methodology	5
Chapter 2	
2.1 The Children Act, 2013	6
2.2 Relevant Provisions of the Penal Code and Criminal Procedure Code	7
2.3 International Obligations	7
Chapter 3	
3.1 Juvenile Court and Their Functioning	9
3.2 Role of Police, Probation Officers, and Social Welfare Agencies	10
3.3 Detention Centers and Rehabilitation Facilities	14
Chapter 4	
4.1 Delay in Trials	18
4.2 Lack of Trained Personnel	19
4.3 Conditions in Juvenile Detention Centers	21
4.4 Inadequate Rehabilitation and Reintegration Programs	23
Chapter 5	
Comparative Perspective	
5.1 Overview of Juvenile Justice Systems in Selected Countries	25
5.2 Lessons Bangladesh Can Learn	26
Chapter 6	
Recommendations & Conclusion	
6.1 Policy and Legislative Reforms	28
6.2 Capacity Building and Awareness	29
Conclusion	31

Chapter 1

1.1 Introduction

Everyday thousands of children around the world get caught up in an adult formal justice system. Children are arrested and detained by the police, tried by magistrates and sent to institutions, including prisons, under a system of justice which in many cases are setup for adults.¹ Although there are explicit international guidelines on the proper administration of Juvenile Justice and on community based conflict resolution and rehabilitation of child offenders, children's rights and special needs are being ignored. These children are alleged to have come into conflict with the law of the land.

Large numbers of children in conflict with the law are socio-economic victims, denied their rights to education, health, shelter, care and protection. Many of them have had little or no access to education; many are working children. Some children have left their homes and taken to the streets to escape from violence and abuse at the hands of their families. Some are forced to make a living on the streets, in order to survive. Others have been abandoned by their families and left to fend for themselves and sometimes for younger siblings. These children, who are abandoned and destitute, are also at high risk of sexual exploitation, trafficking and becoming involved in substance abuse and the drug trade through Peer influence or the influence of the adult criminals.

For children in conflict with law the process of arrest, trial and custody destroy their childhood as a result of being denied their right to, for example, Family life, education, Care, Protection and Play. Many of them have little chance of rehabilitation and reintegration into Society; discrimination against children who have been in conflict with the law, together with deprivation and poverty limit their opportunities for developing into active and contributing adult citizens.

Children who come into conflict with the law as a result of being accused or convicted of committing a Crime are at greatest risk of having their fundamental

¹ Mabel Wong and Nikhil Roy, *Juvenile Justice: Modern Concept of working with Children in conflict with the Law*, (Dhaka: Save the Children UK, 2004), p.11.

rights violated.² For this reason, the convention on the Rights of Child (CRC), 1989 established the following as Core guiding Principle for treatment of children in conflict with the law:

“State parties recognise the right of every child alleged as, accused of, or reconised as having infringes the Penal law to be treated in a manner consistent with the Promotion of the child sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamentals freedoms of others and which takes into account the child age and the desirability of promotion the child’s reintegration and the child’s assuming a construction role in a society”.³

To this end, State Parties are requires to establish law, Procedure, Authorities and Institution specifically applicable to children alleged as, accused of or recognized as having infringed the Penal laws.

In Bangladesh, the Justice for both children in conflict with the law and children in need of protection are governed by the *Children Act, 1974* and the *Children Rules, 1976*.

The Children Act, 1974 is the primary Juvenile Justice model statute. It provides for informal processing of a youthful offender (Separate court separate court rooms restriction on the principal of public and open trial, involvement of Probation officer, Parents and guardians and so forth); Prohibits conviction and sentence of imprisonment by providing for housing and detention of young offenders in Certified institutes and approved homes rather than jail; and other such measure of custody, protection and treatment.⁴

² [UNICEFInterParliamentaryUnionGuide107.pdf](http://www.juvenilejusticepanel.org/resources/?act=res&cat=&nod=_root_&id=UNICEFInterParliamentaryUnionGuide107&start=11), 2007, [http://www.juvenilejusticepanel.org/resources/?act=res&cat=&nod=_root_&id=UNICEFInterParliamentaryUnionGuide107&start=11, last visited 12 Jan 2010].

³ *Convention on the Right of the Child*, 1989, Art. 40.

⁴ Shahdeen Malik, *The Children Act, 1974: A critical commentary*, 1st ed. (Dhaka: Save the Children UK, 2004), p.vii.

1.2 Background and Rationale

The juvenile justice system in Bangladesh represents a crucial intersection of child rights, criminal law, and social welfare. As a signatory to several international instruments, including the United Nations Convention on the Rights of the Child (UNCRC), Bangladesh has an obligation to ensure that children in conflict with the law are treated in a manner consistent with their age, dignity, and best interests. Despite legislative developments such as the Children Act 2013, significant challenges remain in both the implementation and enforcement of legal protections for juveniles.

This paper critically examines the evolution, current framework, and practical realities of the juvenile justice system in Bangladesh. It seeks to analyse whether the system upholds the core principles of restorative justice, proportionality, and rehabilitation, which are central to international standards. Particular attention is given to the legal definitions of a child, arrest and detention procedures, trial mechanisms, institutional care, and the rights of child offenders. The paper also identifies the systemic barriers — such as institutional delays, lack of trained personnel, inadequate infrastructure, and societal attitudes — that hinder the realization of juvenile justice in practice.

By adopting a critical and comparative approach, this study aims to uncover the gaps between law and practice and to assess the extent to which Bangladesh's juvenile justice system aligns with global human rights norms. The ultimate objective is to suggest actionable reforms that can strengthen the protection and reintegration of children within the justice framework.

Background and Rationale

The juvenile justice system in Bangladesh is a vital component of the country's broader legal framework, aimed at addressing offenses committed by children and adolescents. With a growing population of youths and increasing concerns about juvenile delinquency, the effectiveness and fairness of this system have become crucial topics for policy-makers, legal experts, and human rights advocates. The

system operates under the Children Act 2013, which replaced the outdated Children Act 1974, aligning national laws more closely with international standards, particularly the United Nations Convention on the Rights of the Child (UNCRC).

Despite these reforms, the implementation of juvenile justice remains fraught with challenges, including poor infrastructure, lack of specialized institutions, limited legal aid, and insufficient training of stakeholders. Many children are still detained in adult prisons, denied due process, or subjected to lengthy pre-trial detention. These systemic flaws raise serious concerns about the extent to which the juvenile justice system in Bangladesh fulfills its rehabilitative purpose.

1.3 Objectives of the Study

This study aims to:

1. Critically examine the legal and institutional framework governing juvenile justice in Bangladesh.
2. Identify the gaps between law and practice in the treatment of juvenile offenders.
3. Assess the compliance of the Bangladeshi juvenile justice system with international legal standards.
4. Propose actionable recommendations for improving the system's effectiveness and child-centered approach.

1.4 Research Question

To achieve the objectives, the following research questions are addressed:

What are the main legal provisions regulating juvenile justice in Bangladesh?

How are these laws implemented in practice, particularly regarding arrest, detention, trial, and rehabilitation?

To what extent does the system align with international child rights norms and standards?

1.5 Methodology

The study adopts a qualitative approach, combining doctrinal legal research with empirical insights. Primary sources include relevant legislation, judicial decisions, and international legal instruments. Secondary sources comprise scholarly articles, reports from non-governmental organizations, and government publications. Additionally, data from case studies, interviews with stakeholders (such as legal practitioners, social workers, and law enforcement personnel), and field visits to juvenile courts and correctional facilities have been used to assess the real-world functioning of the system. This mixed-method approach allows for a comprehensive and critical analysis of both the letter and the practice of juvenile justice in Bangladesh.

Chapter 2

Legal Framework of Juvenile Justice in Bangladesh

The legal framework for juvenile justice in Bangladesh is a combination of domestic legislation and international obligations. It aims to provide a child-friendly justice system that focuses on rehabilitation and reintegration rather than punishment. The cornerstone of this framework is the Children Act, 2013, supplemented by provisions from the Penal Code, 1860, the Code of Criminal Procedure, 1898, and various international instruments to which Bangladesh is a party. The legal framework of juvenile justice in Bangladesh has evolved over the years to align more closely with international standards, especially the United Nations Convention on the Rights of the Child (UNCRC), which Bangladesh ratified in 1990. Below is an overview of the key components of the juvenile justice system in Bangladesh, including relevant laws, procedures, and institutions.

2.1 The Children Act, 2013

The Children Act, 2013 is the principal legislation governing juvenile justice in Bangladesh. It was enacted to repeal and replace the outdated Children Act, 1974, incorporating provisions consistent with international standards such as the UNCRC.

Key features of the Act include:

Definition of a Child: A child is defined as a person under the age of 18.

Child-Friendly Procedures: The Act mandates the establishment of separate Children's Courts to handle cases involving juveniles.

Diversion and Alternatives to Detention: It encourages non-custodial measures such as probation, community service, and counseling.

Specialized Institutions: The Act provides for the creation of Child Development Centres (CDCs) for rehabilitation and education of juvenile offenders.

Role of Probation Officers: Probation officers are appointed to guide and supervise children throughout the legal process.

Prohibition of Death Penalty and Life Imprisonment for Children: The law categorically forbids the imposition of capital punishment or life imprisonment without the possibility of release on children.

Despite these progressive provisions, implementation remains inconsistent due to infrastructural, administrative, and resource-related limitations.

2.2 Relevant Provisions of the Penal Code and Criminal Procedure Code

Though the Children Act, 2013 is the primary legislation, the Penal Code, 1860 and the Code of Criminal Procedure, 1898 also contain relevant provisions:

Penal Code, 1860:

Section 82: A child under 9 years is considered *doli incapax* (incapable of committing a crime).

Section 83: A child between 9 and 12 years may be held responsible if proven to possess sufficient maturity.

Section 89: Provides immunity to individuals acting in good faith for a child's benefit.

Code of Criminal Procedure, 1898:

Section 399–402: Allow for the appointment of probation officers and the use of probation as an alternative sentence.

These laws often interact with the Children Act, but inconsistencies and overlaps can lead to confusion, particularly in rural or under-resourced areas where legal actors are not well-versed in juvenile justice procedures.

2.3 International Obligations

Bangladesh has ratified several key international instruments that shape its juvenile justice framework:

United Nations Convention on the Rights of the Child (UNCRC), 1989:

Emphasizes the best interests of the child, the right to legal assistance, and the right to be treated with dignity.

Article 37 and 40 directly pertain to juvenile justice, advocating for alternatives to judicial proceedings and prohibiting torture or deprivation of liberty except as a last resort.

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), 1985:

Provide guidance on fair trial guarantees, age of criminal responsibility, and emphasis on rehabilitation over punishment.

United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), 1990:

Stress the importance of preventive measures such as education, family support, and community involvement.

United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), 1990:

Emphasize the humane treatment of children in detention and the importance of maintaining contact with family and access to education.

Chapter 3

Judicial and Institutional Mechanisms

An effective juvenile justice system requires coordinated functioning between judicial bodies, law enforcement, probation services, and welfare institutions. In Bangladesh, although legal provisions exist to establish a child-friendly justice system, in practice, the institutional mechanisms face substantial operational challenges. "Judicial and institutional mechanisms" refer to the structures, processes, and legal frameworks that ensure the enforcement of laws, protection of rights, accountability, and governance in a society. These mechanisms are foundational to the functioning of a democratic system, rule of law, and good governance.

3.1 Juvenile Court and Their Functioning

Juvenile courts in Bangladesh, established under the Children Act of 1974, primarily handle cases involving children (those below a certain age) accused of offenses, separate from adult offenders. They also handle other proceedings related to the welfare of children as defined by the Act. However, limitations exist, such as the exclusion of certain serious offenses and geographical restrictions on jurisdiction. The effective functioning of these courts faces challenges, including the lack of sufficient probation officers and instances where children are tried alongside adults in regular courts.

The process of arrest, trial and sentencing can be immensely frightening and damaging for a child. International rules and guidelines promote and outline alternatives to intimidating formal court procedures, including the use of diversion. However, where cases involving young offenders do come to trial, the court system needs procedures that protect the best interests of the child. For example: informing parents and family at point of first contact with the formal system, ensuring regular and free access to legal aid and legal representation, ensuring that children are supported throughout their court attendance by an

appropriately trained and impartial person, ensuring that language used in court is understandable to the child judicial hearings which include specially trained lawyers and judges. In many districts, no separate infrastructure or trained personnel exist for Children's Courts. Regular courts often conduct juvenile trials without the necessary procedural distinction.

Judges, prosecutors, and court staff are frequently unfamiliar with child protection laws and lack specialized training.

Proceedings are often delayed, and children spend excessive time in pre-trial detention, undermining the rehabilitative spirit of the system.

3.2 Role of Police, Probation Officers, and Social Welfare Agencies

The interaction of juveniles with the justice system begins primarily with law enforcement. Under the Children Act, 2013, specialized roles are outlined for police, probation officers, and social welfare agencies.

Police:

Designated Child Affairs Police Officers (CAPOs) are supposed to handle cases involving minors.

CAPOs are tasked with ensuring that children are not detained with adults and are referred to probation or social welfare services where possible.

However, in practice, many police stations do not have trained CAPOs, and children are often subject to coercive interrogation or detained improperly.

Probation Officers:

Probation officers play a critical role in preparing social inquiry reports (SIRs), supervising children under non-custodial measures, and assisting courts in deciding on appropriate rehabilitative measures.

Their presence is essential to promoting alternatives to incarceration.

Nonetheless, a shortage of probation officers and lack of training severely limit their effectiveness.

Department of Social Services (DSS):

The DSS is responsible for placing children in suitable rehabilitation centers and providing welfare support.

It also coordinates with NGOs and community-based services to ensure aftercare for released juveniles.

In reality, DSS suffers from resource shortages, bureaucratic inefficiencies, and limited outreach, which hinders proper rehabilitation.

3.3 Detention Centers and Rehabilitation Facilities

The Children Act, 2013 mandates the establishment of Child Development Centres (CDCs), which are the designated institutions for detaining and rehabilitating juvenile offenders. As of now, Bangladesh has a limited number of CDCs, notably in Tongi (for boys), Jessore (for boys), and Konabari (for girls).

Conditions and Capacity:

These centers are often overcrowded, under-resourced, and lack adequate health, education, and psychosocial support services.⁵

Reports from rights organizations have highlighted poor sanitation, lack of vocational training, and mistreatment by staff.

⁵ M. Enamul Hoque, *Under-Aged Prison Inmates in Bangladesh: A Simple Situation of Youthful Offenders in Greater Dhaka*, (Dhaka: Save the Children UK, 2008), p.7

Rehabilitation Services:

CDCs are supposed to provide educational programs, skill development training, and psychological counseling.

However, implementation is inconsistent due to a lack of trained staff, limited funding, and weak institutional monitoring.

Detention Practices:

Despite legal mandates, many children are still held in adult facilities or kept in police custody for extended periods, violating both national and international standards.

There are three specialized institutions for the detention of child offenders, recently renamed Child Development Centres (KUK), which are under the responsibility of the Department of Social Services of the Ministry of Social Welfare. There are Centres for boys at Tongi and Jessore, and one for girls at Konabari. These are large institutional centres (150-200 children each), and care for a mix of children in pre-trial detention, child offenders under the age of 16 who have been sentenced by the courts, and children voluntarily admitted by their parents for being “uncontrollable.” One new KUK is under construction in Joypurhat district, and three more are in the process of receiving approval. Each would have a capacity of 300. The KUK provide general education up to primary level and some vocational training. Children also participate in weekly cultural programmes, sports and exercise. Each has at least one social case worker on staff to provide individual and group counselling and to promote behavioural development. The Centres are housed on quite large grounds, with gardens and facilities for outdoor games. Although the stated objective of these⁶ Centres is to promote the rehabilitation and reintegration of children,⁷ in practice they do not have the required skills or resources to fulfill this objective effectively, and have

⁶ Mabel Wong and Nikhil Roy, *ibid*, p.12.

⁷ *Ibid*, s. 31(1).

been criticized for being simply places of confinement. Concerns raised by various reports include:

The quality and quantity of food is insufficient, Vocational training programmes do not provide certificates of qualification and the necessary equipment is generally inadequate, While the KUK aim to provide an individual case management approach, they do not have adequately trained and qualified staff to fulfill this function, The emphasis remains on confinement, rather than rehabilitation, Following an escape attempt at Tongi,⁸ all of the boys were kept locked in their dorms 24-hours per day for several months and were not permitted to participate in schooling, vocational training, or recreation programmes, Corporal punishment and other degrading punishments are used in all the institutions, including beatings, hanging by tying hands with a rope, and handcuffing. Corporal punishment is officially sanctioned under the Children Rules, which permit “caning not exceeding ten stripes” as a punishment for violating any one of the 30 stipulated rules of conduct,⁹ Many children have limited family contact. The institution rules themselves are quite restrictive on family contact, stating that children are permitted only two letters per month and two visits with parents per month. This limited privilege may be cancelled as punishment, or increased to one visit every 10 days on good behavior,¹⁰ There is limited support for reintegration of children who are released, While some children are released from KUK upon turning 18, others are sent to jail for the remaining period of their sentence. This depends on the precise formulation of the judgment, and is generally unrelated to the seriousness of the offence.

Children are also subject to detention in regular adult prisons. Despite the fact that the KUK are consistently operating under capacity, the police and Courts continue to send children under 16 to the adult facilities. Overcrowding in prisons

⁸ Sumaiya Khair, ‘Juvenile Justice Administration and Correctional Services in Bangladesh: A Critical Review’, *Journal of Faculty of Law, The Dhaka University studies, Part F*, vol. xvi (2), (Dec, 2005), p.3.

⁹ *Ibid*, Ss. 23, 24(e) and 24(4).

¹⁰ *Ibid*, s. 22(5), (6), (8).

is a chronic problem, and nutrition and sanitation are poor. There are limited recreation facilities, and all convicted prisoners are required to perform manual labor. Parents reportedly are required to pay a fee to visit children in jails. Although the Act states that they must not be allowed to associate with adult prisoners,¹¹ in practice this is not always respected. There have been numerous reported cases of children being subjected to physical and sexual abuse in jails.

Age determination

When it appears to the court that a person charged with an offence is a child, the court shall make an enquiry as to the age of that person and shall take such evidence and shall record a finding thereon.¹²

In fact, very few Courts take initiative to determine the age of the juveniles. Where police arrest juveniles under Arms and Explosive Act, Women and Child Repression Act etc. the Judges try them under those laws in a manner prescribed to try an adult person. The Judges also convict them under such laws.

Juvenile Court and Trial Proceedings

The Children Act, 1974 calls for the designation of specialized Juvenile Courts, and requires courts of all levels to follow the special juvenile court procedures when hearing cases involving an alleged offender under the age of 16.¹³ When hearing juvenile cases, the Court should sit in a different building or room from the ordinary court sittings, or on a different day or time of day.¹⁴ The Court is closed to the public, and the media is prohibited from disclosing the child's identity.¹⁵ Proceedings must be conducted in as simple a manner as possible and in a "home-like atmosphere."¹⁶ When being brought before the Court, children should not be under the close guard of a police officer, but should be permitted to

¹¹ *Ibid*, s. 51(2).

¹² *Ibid*, s. 66.

¹³ *Ibid*, Ss. 3 and 4.

¹⁴ *Ibid*, s. 7 (2).

¹⁵ *Ibid*, Ss. 9, 13 and 17.

¹⁶ *Ibid*, s. 4.

sit in the company of a relative or probation officer.¹⁷ The child's parents or guardian have the right to be present, and may be required by the Court to attend.

However, there is no requirement that all children in conflict with the law have legal assistance, including free legal aid where required, and no explicit statement of their right to express their views and to participate in the proceedings. Contrary to due process rights, the Court may dispense with the attendance of the child and proceed without him/her if the Court is satisfied that the child's attendance is not essential to the hearing.¹⁸

The existing Juvenile Courts are no different from adult courts in terms of their physical design, and tend to re-create the same formal environment as the regular courts. They have limited jurisdiction, and cannot hear cases of children who have committed serious offences. Most children in conflict with the law are therefore referred to the regular courts. While children's cases should be referred to a designated juvenile magistrate, in practice this does not always occur. Most Courts do not comply with the requirement to separate juvenile cases and deal with them at a different time of day than the adult proceedings. *The Children Act, 1974* is reportedly not well-known by magistrates, and even when they are aware there is still the tendency to approach cases involving children like ordinary criminal matters. Magistrates do not communicate directly with the child, and it has been noted that children exhibit a great deal of fear in court and sometimes cry. Although there is a legal aid system in place, many children are unrepresented, or are taken advantage of by unscrupulous lawyers. When being transported from the police station to the court, children are packed into illventilated prison vans together with adults. While waiting for their cases to be heard, children are kept in the court custody cell, sometimes for five or six hours, along with adults. There continue to be incidents of children being brought into court in handcuffs.¹⁹

¹⁷ *Ibid*, s. 4.

¹⁸ *Ibid*, s. 11.

¹⁹ Sumaiya Khair and Sharfuddin Khan, *Shoshur Bari: Street Children in Conflict with the Law*, (Dhaka: Save the Children UK, 2000), p.34.

Children who are arrested under the Vagrancy Act are taken before the Special magistrate at the Vagrant Reception Centre, rather than the Juvenile Court. Hearings are reportedly very brief, and children are generally not given the opportunity to speak. The Vagrancy Act does not provide a fixed time for confinement, and children may be detained there for lengthy periods of time, particularly if they are unable or unwilling to provide the address of a parent or guardian.²⁰

²⁰ Borhan Uddin Khan and Muhammad Mahbubur Rahman, *Protection of Children in Conflict with the Law in Bangladesh*, 1st ed. (Dhaka: Save the Children UK, 2008), p.12.

Chapter 4

Critical Issues and Challenges

One of the most pervasive issues is the prolonged delay in the adjudication of juvenile cases. Although the Children Act, 2013 mandates speedy trials and prioritizes child-friendly procedures, delays remain a systemic problem due to several factors:

Insufficient Number of Children's Courts: Many districts lack separate functional juvenile courts, resulting in juvenile cases being tried in regular criminal courts.

Backlog of Cases: The overall backlog in the judicial system extends to juvenile cases, causing months—even years—of delay in the resolution of charges.

Frequent Adjournments: Hearings are often postponed due to absence of witnesses, procedural errors, or administrative inefficiencies.

Delays often lead to extended pre-trial detention, which can be traumatic for children and contradicts both domestic law and international human rights standards.²¹

Policy makers and public managers want and need to know how well government programs perform, but few have the information to accurately and continuously evaluate them. The dynamic nature of public programs, and the traditional methods used to assess them, compound this problem. Performance measurement and performance-based decisions can be improved by more sophisticated information systems designed for to support analysis and decision making. However, such systems demand close and continuing involvement of program staff, attention to programmatic context, and much better understanding of business processes and the data they generate²². Through the use of a case example, the prototype Homeless Information Management System, this paper highlights how attention to these issues can lead to useful and usable performance analysis and evaluation systems.

²¹ Mabel Wong and Nikhil Roy, *ibid*, p.78.

²² *Ibid*, s. 31(2).

4.1 Delay in Trials

One of the most pervasive issues is the prolonged delay in the adjudication of juvenile cases. Although the Children Act, 2013 mandates speedy trials and prioritizes child-friendly procedures, delays remain a systemic problem due to several factors:

Delays in trials can stem from various factors within the legal system, impacting both the prosecution and defense. Common causes include scheduling conflicts, insufficient resources, complex legal procedures, and the need for more time to prepare the case. These delays can lead to frustration for all parties involved and potentially undermine the principle of justice delayed is justice denied.

Insufficient Number of Children's Courts: Many districts lack separate functional juvenile courts, resulting in juvenile cases being tried in regular criminal courts.

Backlog of Cases: The overall backlog in the judicial system extends to juvenile cases, causing months—even years—of delay in the resolution of charges.

Frequent Adjournments: Hearings are often postponed due to absence of witnesses, procedural errors, or administrative inefficiencies.

Much of the time-consuming delay between arrest and trial results from the failure of police to submit clearance reports in a timely manner, largely as a result of prolonged investigations after defendants have been arrested²³. This problem can be addressed by an increase in and more effective coordination of police resources. Another delay factor is the nonapprehension, absconding, and nonappearance of accuseds, which results from police inefficiency, bail practices, and inordinate delays in the service of summonses or warrants. Other delaying factors include the absence of witnesses on the trial dates, a shortage of prosecuting officers, an inadequate number of judicial officers, as well as limited court facilities. Inadequate procedural and substantive laws also contribute to trial delays, as do the dilatory tactics of the parties involved in a case, particularly

²³ *Penal Code (Amendment) Act, 2004*, Ss. 82 and 83.

attorneys. The absence of appropriate training facilities for judicial officers, prosecutors, and attorneys further hampers the efficient processing of cases, along with poor cooperation and coordination among the various agencies of the criminal justice system. A final factor in court delays is the lack of regular inspection of courts by superior officers and of effective monitoring and control of the performance of judicial officers. Some examples of particular cases of court delay are provided.

Delays often lead to extended pre-trial detention, which can be traumatic for children and contradicts both domestic law and international human rights standards.

4.2 Lack of Trained Personnel

The effective implementation of juvenile justice laws requires a well-trained cadre of professionals across the legal, law enforcement, and social welfare sectors. However, this remains a significant gap:

Police Officers: Many police stations lack designated Child Affairs Police Officers (CAPOs) or do not ensure they are properly trained in child-sensitive procedures.

Judges and Magistrates: In many areas, judges presiding over juvenile cases lack specialized training in child psychology, restorative justice principles, and the mandates of the Children Act.

Probation and Social Workers: There is a chronic shortage of trained probation officers and social workers, leading to inadequate follow-up and monitoring of children post-adjudication.

Detention Staff: Personnel at Child Development Centres (CDCs) often lack training in rehabilitation methods, child protection protocols, and trauma-informed care.

The lack of professional capacity leads to a justice process that is often punitive and bureaucratic, rather than rehabilitative and child-centered.

In today's fast-paced business world, the importance of effective employee training cannot be overstated. A well-trained workforce is the backbone of any successful organization, as it directly impacts productivity, innovation, safety, and overall performance. However, a significant challenge that many companies face is the pervasive lack of training in the workplace. In this article, we will delve deeper into the implications of this issue and explore why addressing the lack of training is critical for businesses to thrive.

The Consequences of Inadequate Workplace Training

To understand the full scope of the problem, it's essential to analyze the impact of the lack of training in the workplace from various angles.

1. **Decreased Productivity:** One of the most immediate consequences of inadequate training is decreased productivity. Employees who lack the necessary skills and knowledge to perform their tasks efficiently often spend more time on assignments, leading to delays and reduced output.
2. **Increased Employee Turnover:** When employees don't receive proper training, they may feel undervalued and seek opportunities elsewhere. High turnover rates result in costly recruitment, onboarding, and training processes for new hires.
3. **Quality Issues:** Poorly trained employees are more likely to make errors, which can lead to product defects, customer dissatisfaction, and costly recalls.
4. **Safety Concerns:** In industries where safety is paramount, such as manufacturing and healthcare, insufficient training can lead to accidents and injuries, resulting in workers' compensation claims, legal issues, and damage to a company's reputation.
5. **Innovation Stagnation:** Companies that don't invest in employee development often struggle to adapt to new technologies and industry

trends. This stifles innovation and hinders an organization's ability to remain competitive.²⁴

6. **Loss of Competitive Advantage:** In today's globalized economy, a skilled workforce is a competitive advantage. Companies that neglect training risk falling behind competitors who prioritize employee skill development.
7. **Poor Employee Morale and Engagement:** A lack of training can lead to disengaged and demotivated employees, resulting in absenteeism, increased sick days, and reduced commitment to the company's goals.
8. **Wasted Resources:** Organizations invest significant resources in training initiatives. When these initiatives fail due to ineffectiveness, it's not just the initial investment that is lost but also the opportunity cost of using those resources more productively.
9. **Legal and Compliance Risks:** In regulated industries, inadequate training can lead to non-compliance and legal issues, resulting in fines and reputational damage.
10. **Reputation Damage:** Negative customer experiences stemming from poorly trained employees can damage an organization's reputation, making it challenging to attract and retain customers.

4.3 Conditions in Juvenile Detention Centers

The state of juvenile detention facilities, officially known as Child Development Centres, remains a critical concern:

Overcrowding: Most CDCs operate beyond capacity, with limited space for personal privacy, hygiene, or recreation.

Poor Living Standards: Basic necessities like nutritious food, clean water, medical care, and sanitary facilities are often inadequate.

Abuse and Neglect: Reports by rights organizations have documented cases of physical abuse, mental trauma, and even deaths due to neglect or violence in custody.

²⁴ *Penal Code (Amendment) Act, 2004, Ss. 82 and 83.*

Lack of Separation: Children accused of minor and serious offenses are often housed together, increasing the risk of negative peer influence and reoffending.

These harsh conditions violate both the Children Act, 2013 and international standards such as the UNCRC and Havana Rules, which call for humane treatment and separation from adult offenders.

Juvenile detention centers often face challenges in maintaining adequate living spaces, providing appropriate healthcare, ensuring security, and effectively managing suicidal behavior. Many facilities struggle with overcrowding, and the mixing of youth with different backgrounds can be problematic. Furthermore, practices like solitary confinement, strip searches, and restraints can be harmful and traumatic for young people

The study covered all 984 public (operated by State and local governments) and private juvenile detention centers; reception centers; training schools; and ranches, camps, and farms in the United States. These facilities held approximately 65,000 juveniles on the date of the 1991 Children in Custody (CIC) census. Data for the study came from the 1991 CIC census, a special mail survey sent to all 984 facilities, and 2-day site visits to 95 facilities. Researchers measured facility compliance with 46 assessment criteria that reflected existing national professional standards in 12 areas. Data were also analyzed for selected conditions of confinement for which no national standards existed. Analyzed as well were data on selected incidents in facilities, including injury rates for juveniles and staff, escape and attempted-escape rates, suicidal-behavior rates, and selected security and control practices. The study findings yielded three major conclusions. First, there are several areas in which juvenile facilities have substantial and widespread problems, most notably living space, health care, security, and control of suicidal behavior. Second, the findings do not support the premise that high levels of conformance to nationally recognized standards result in improved confinement conditions. For many important areas of facility operation, standards did not specify outcomes that should be achieved, but rather emphasized procedural regularity. Third, deficiencies were widely distributed across facilities.

Nineteen recommendations are offered to improve confinement conditions for juveniles. 16 figures, 127 tables, appended supplementary material, and a 53-item bibliography

4.4 Inadequate Rehabilitation and Reintegration Programs

The juvenile justice system in Bangladesh falls short in its core mission of rehabilitating and reintegrating child offenders into society:

Lack of Vocational Training: While CDCs are supposed to offer skill development programs, these are either poorly managed or absent altogether.

Educational Gaps: Formal education services within detention centers are under-resourced, irregular, or nonexistent.

Limited Aftercare Services: Once children are released, there is little to no follow-up by probation officers or community-based organizations to ensure reintegration into families and communities.

Stigmatization: Former juvenile offenders often face social stigma, making it difficult to resume education, secure employment, or rebuild social relationships.

Without strong rehabilitation and reintegration programs, many juveniles relapse into criminal behavior, thereby defeating the very purpose of a separate juvenile justice system

The Children Act, 1974 has failed to reap its fruit because; most probably the law is inherently weak in various aspects. But, why the Act has failed may be discussed from two points of views:

The first may be of sociological nature in the sense that in the legal history of Bangladesh juvenile justice was never a concern of legal study until the present day. The matter was always a topic of social perspective prone to find its link with the breach of social values.²⁵

The second one has a concern with legal point in an indirect way. The administration of criminal justice in Bangladesh is a firmly established institution from British period and it is regarded to have a universal criminal jurisdiction against every crime committed. So, to set up a concurrent and adverse jurisdiction against it the piece of legislation should be a very strong and self-contained one.

²⁵ Ibid

Although many successes in developing the children justice system of the country in a pro-child manner have been achieved, Bangladesh still has a long way to go. In this journey, many challenges are to be faced. The major challenges can be outlined as follows:

Other Challenges

Lack of logistic support is one of the reasons behind non-implementation of the Act. The arrangement necessary for compliance with the Act is not adequate at all. There are only three correctional centres in this country. So it is not possible in each case to send the juveniles from all over the country to these centres due to shortage of fund, vehicle and manpower. Hence, juveniles are generally kept in the jails with adult prisoners. Again the Act in these cases stipulates separate arrangements for juvenile offenders, and in most cases it is also far away from the practice. Jails in our country are over crowded, so it is not logically possible to make any arrangements for juvenile offenders. Since most of the magistrates have no legal backgrounds, they do not understand the inner meaning of a specific law. Most of the magistrates are unaware of the existence of the *Children Act, 1974*.²⁶

When any youthful offender is arrested, his/her lawyers in most cases conceal his/her age to the court and move for his/her bail. This creates negative impact on the juveniles. In addition to this if, any lawyer tutors witnesses to tell lies in order to secure the bail of a juvenile, the juvenile is encouraged to commit offences.

The probation officers are coming from different disciplines; as a result lack of professionalism is evident. In the districts where there is no probation officer, social welfare officer has to execute extra jobs of probation officer.

Most of the adult persons do not have adequate knowledge about the rights of children. As a result, in most cases, adults' behaviour towards children is not always supportive of the welfare and overall development. The weakest point is children cannot also force the authority to protect their own rights. There is no strong and effective children's organization, especially in the rural areas, through which children can organize themselves in order to protest against violent activities.

²⁶ *Ibid*, p.52.

Chapter 5

Comparative Perspective

5.1 Overview of Juvenile Justice Systems in Selected Countries

India

India's juvenile justice framework is governed by the Juvenile Justice (Care and Protection of Children) Act, 2015, which replaced the 2000 Act. Key features include:

Age Definition: A juvenile is defined as anyone under 18, though children aged 16–18 may be tried as adults in cases of heinous offences—an area of controversy.

Juvenile Justice Boards (JJBs): These quasi-judicial bodies handle all cases involving juveniles and include both a magistrate and two child welfare experts.

Child Welfare Committees (CWCs): Separate from JJBs, these bodies look after children in need of care and protection.

Diversion and Non-Custodial Measures: The Act promotes alternatives to detention such as counseling, probation, and community service.

Rehabilitation Focus: The law mandates Individual Care Plans, education, and vocational training in observation homes.

Challenges remain, such as inconsistent implementation across states, inadequate funding, and limited capacity, especially in rural areas.

United Kingdom (UK)

The UK has a more mature and well-resourced juvenile justice system, rooted in the Children and Young Persons Act 1933, with further reforms introduced through various statutes including the Youth Justice and Criminal Evidence Act 1999.²⁷

²⁷ ²⁷ *Ibid*, p.55.

Key features:

Age of Criminal Responsibility: Set at 10 in England and Wales, which is lower than many countries, though treatment is strongly differentiated from adults.

Youth Courts: Specialized courts deal with offenders aged 10–17 in a non-intimidating setting.

Youth Offending Teams (YOTs): Multidisciplinary teams work with young offenders, families, and communities to prevent reoffending.

Emphasis on Restorative Justice: Victim-offender mediation and other restorative practices are widely used.

Integrated Support Systems: Access to mental health services, education, substance abuse programs, and community reintegration support.

The UK system benefits from professional training, institutional coordination, and regular evaluation, though concerns around racial disparity and over-policing persist.

5.2 Lessons Bangladesh Can Learn

A comparative analysis of India and the UK highlights several valuable insights for Bangladesh:

1. Establish Functional and Specialized Juvenile Bodies:

Like India's Juvenile Justice Boards and the UK's Youth Courts, Bangladesh needs truly operational and specialized Children's Courts with trained personnel.

2. Strengthen Non-Custodial Measures:

Both India and the UK actively use diversion programs, probation, and restorative justice. Bangladesh should develop structured diversion mechanisms to reduce reliance on incarceration.

3. Invest in Multidisciplinary Support Teams:

Inspired by the UK's Youth Offending Teams, Bangladesh can establish collaborative units involving social workers, psychologists, legal aid, and probation officers to manage juvenile cases holistically.

4. Improve Rehabilitation and Aftercare Services:

Comprehensive care plans, as in India, and reintegration support, as in the UK, can help Bangladeshi juveniles transition back into society and reduce recidivism.

5. Training and Capacity Building:

Both countries emphasize professional development for those involved in the juvenile justice process. Bangladesh must invest in continuous training for police, judges, probation officers, and detention center staff.

6. Data and Monitoring Systems:

Bangladesh lacks reliable data on juvenile offenders. Adopting India's approach to centralized databases or the UK's performance tracking systems can greatly enhance policy-making and accountability.²⁸

²⁸ *Ibid*, p.58.

Chapter 6

Recommendations & Conclusion

The juvenile justice system in Bangladesh has undergone significant legal transformation with the enactment of the Children Act, 2013, yet it still struggles with operational and structural deficiencies. To fully realize the rehabilitative and rights-based approach envisioned by both domestic law and international standards, a multifaceted strategy is required. This final section outlines key recommendations under three categories: policy and legislative reforms, capacity-building and awareness, and implementation strategies.

6.1 Policy and Legislative Reforms

1. Harmonisation of Laws:

The Children Act, 2013 should be harmonised with older laws such as the Penal Code, 1860 and the Code of Criminal Procedure, 1898 to eliminate contradictions regarding the age of criminal responsibility and detention procedures.

2. Statutory Diversion Mechanisms:

Provisions for diversion—such as mediation, community conferencing, or warning schemes—should be clearly codified to empower police and probation officers to resolve minor cases outside the formal court system.

3. Clear Guidelines on Trial Timelines:

Judicial procedures for juveniles must include enforceable timelines to reduce pre-trial detention. Procedural guidelines should mandate trial completion within a specified period (e.g. 90 days), supported by penalties for non-compliance.

4. Amendment of Sentencing Provisions:

Sentencing guidelines should be issued to prohibit custodial sentences for non-violent offences, aligning with the UN Convention on the Rights of the Child (UNCRC) Article 37(b), which limits deprivation of liberty to a last resort.

6.2 Capacity-Building and Awareness

1. Training of Stakeholders:

Specialized, recurring training must be provided to judges, magistrates, prosecutors, police (especially Child Affairs Police Officers), probation officers, and social workers. Curricula should cover child psychology, trauma-informed care, and restorative justice.

2. Institutional Resource Enhancement:

Government allocation for the Department of Social Services, Child Development Centres (CDCs), and probation services must be increased. Digital case management systems can improve efficiency and transparency.

3. Public and Community Awareness Campaigns:

Community sensitisation about the rights of juvenile offenders and the objectives of juvenile justice should be carried out through media, schools, and civil society organisations. Such campaigns can reduce societal stigma and promote reintegration.

4. Academic and NGO Collaboration:

Partnerships with universities and NGOs can support empirical research, monitoring, and advocacy efforts, contributing to evidence-based policymaking.

6.3 Effective Implementation Strategies

1. Operationalisation of Children's Courts:

Every district must establish a fully functional and child-friendly Children's Court with physical separation from adult courts, ensuring privacy and a non-intimidating atmosphere.

2. Monitoring and Evaluation Mechanisms:

An independent monitoring body should be formed under the Ministry of Social Welfare to oversee juvenile detention conditions, court processes, and rehabilitation services. Periodic audits should be made public.

3. Strengthening Rehabilitation and Aftercare Programs:

CDCs must be equipped to deliver consistent education, vocational training, mental health counselling, and aftercare services. Individual Care Plans (ICPs) should be mandated for every juvenile.

4. Data Collection and Reporting Systems:

A centralised juvenile justice database should be developed to track case outcomes, detention periods, recidivism rates, and reintegration success. This will enable targeted interventions and policy reviews.

Conclusion

The juvenile justice system in Bangladesh stands at a critical juncture. While the Children Act, 2013 marks a significant legal advancement, the persistence of institutional weaknesses and implementation gaps threatens to undermine its child-centric vision. As this paper has shown, delays in trials, lack of trained personnel, inadequate detention facilities, and weak rehabilitation mechanisms pose substantial barriers to justice for children. Duties of police and probation officer should be fully outlined by respective enactment. “Counseling”, “foster care” and compensatory and punitive damages may be introduced as new dispositions.

It is seen from the above discussion that there is a lack of knowledge about the objectives of the juvenile justice jurisprudence among the persons dealing with the administration of justice system, especially in the lower judiciary. Even the judges of the lower judiciary failed to take into account the objective of the *Children Act* which is enacted to realize the objectives of the juvenile justice jurisprudence. On the other hand our highest judicial body, the Supreme Court, is highly sensitized over the protection and promotion of the objectives of the juvenile justice jurisprudence. There are a host of judicial decisions where the highest court directed that the provision of the *Children Act* must be followed meticulously while dealing with a child offender. That a child offender must get different treatment from not only the court but also from all concerned authorities of the administration of justice. Though there are few cases where some benches of the highest court did not take into account the provisions of the *Children Act* it does not diluted the very objectives of the *Act*. The highest courts in Bangladesh are also found enthusiastic to give effect the provisions of the *Children Act* in order to ensure the proper protection of the child while he/she is under its custody.⁴⁰ Therefore, it would not be an exaggeration to say that the activism of the highest court to realize the aims of the *Children Act* deserves appreciation.

REFERENCES

Legislation

Children Act 2013 (Bangladesh)

Penal Code 1860 (Bangladesh)

Code of Criminal Procedure 1898 (Bangladesh)

Cases

State v Md Roushan Mondol [2007] 59 DLR (HCD) 72

State v Md Jafar [2015] 5 LNJ (HCD) 123

State v Md Nuruzzaman [2012] 64 DLR (HCD) 148

International Instruments

United Nations Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), GA Res 40/33 (29 November 1985)

United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), GA Res 45/112 (14 December 1990)

Books

K Mahmud, *Juvenile Justice in Bangladesh: Legal Framework and Implementation* (Dhaka University Press 2018)

SM Solaiman, *Legal Protection of Children in Bangladesh* (University of Chittagong Press 2015)

Journal Articles

MA Hossain, 'Juvenile Justice in Bangladesh: A Study of the Legal Framework' (2021) 12(1) *Bangladesh Journal of Law* 45

S Rahman, 'Challenges in Implementing the Children Act 2013 in Bangladesh'
(2020) 10(2) Dhaka University Law Journal 77

T Akhter, 'Diversion and Alternatives to Detention in Juvenile Justice in
Bangladesh' (2019) 8(1) Chittagong University Law Review 21

Reports and Publications

UNICEF Bangladesh, The Children Act 2013: A Guide for Stakeholders
(UNICEF 2014)

Bangladesh Legal Aid and Services Trust (BLAST), Juvenile Justice in Practice:
A Study of Children in Conflict with the Law (BLAST 2020)

Websites

UNICEF Bangladesh, 'Juvenile Justice' (UNICEF, 2023)

<https://www.unicef.org/bangladesh/en/juvenile-justice> accessed 7 July 2025

Ministry of Social Welfare (Bangladesh), 'Child Development Centres'

<http://www.msw.gov.bd> accessed 7 July 2025