



**Research Monograph**  
**On**  
**“Juvenile Delinquency in Bangladesh : Reason, Justice and Solution”**

This Research Submitted for the Partial Fulfillment of the award of the degree in LL.B  
(Hon’s) Department of Law, Sonargaon University (SU).

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## LETTER OF TRANSMITTAL

**To**  
**Muhammad Ali**  
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Subject: Submission of research paper on “**Juvenile Delinquency in Bangladesh : Reason, Justice and Solution**”

Dear Sir,

It is a great pleasure for me to submit the thesis on “**Juvenile Delinquency in Bangladesh : Reason, Justice and Solution**” While I doing this thesis, I have tried my level best to make this project paper to the latest standard. I think that thesis paper will fulfill your requirement and pleased you. I, therefore, hope that you would be kind enough to go through this thesis paper for evaluation.

I am always be ready for clearance of any part of my thesis.

Thanking you

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## **CERTIFICATION**

This is to certify that the thesis on “**Juvenile Delinquency in Bangladesh : Reason, Justice and Solution**” is done by Tamanna Yeasmin in partial fulfillment of the requirements for the degree of LL.B. (Honours) from Sonargaon University, Dhaka. The thesis has been carried out under my guidance and is a record of the bonafide work carried out successfully.

.....  
**Muhammad Ali**  
Lecturer and Coordinator  
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## **DECLARATION**

I do hereby that this Research Monograph on the “**Juvenile Delinquency in Bangladesh : Reason, Justice and Solution**” have been done by me and this Research is free from all plagiarism and without help of other. I further declare that this monograph is prepared with my own effort and it was not and never submit to any institute for any academic reason.

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## **Acknowledgement**

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## **ABSTRACT**

Juvenile delinquency has emerged as a significant social and legal concern in Bangladesh, with increasing numbers of children and adolescents becoming involved in criminal activities such as theft, drug use, sexual violence, and gang affiliation. This research monograph aims to explore the root causes behind juvenile delinquency, assess the effectiveness of the juvenile justice system—particularly under the Children Act 2013—and propose viable solutions for prevention and rehabilitation. Drawing upon existing literature, legal frameworks, and secondary data, the study identifies poverty, family disintegration, peer influence, lack of education, and ineffective institutional mechanisms as major contributors to youth crime. While Bangladesh has made efforts to align its juvenile justice policies with international standards such as the United Nations Convention on the Rights of the Child (UNCRC), implementation remains inconsistent and under-resourced. The monograph concludes by recommending a multi-stakeholder approach involving legal reform, community engagement, education, psychological counseling, and capacity building within law enforcement and social services to address the problem holistically. This study contributes to the ongoing discourse on child rights and justice in Bangladesh and calls for urgent action to protect and rehabilitate vulnerable youth.

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## **CHAPTER-1: INTRODUCTION**

### **1.1 Introduction**

Juvenile delinquency, defined as criminal or antisocial behavior by individuals under the age of 18, is a growing concern in Bangladesh. In recent years, incidents of youth involvement in theft, gang violence, drug abuse, sexual assault, and even murder have increased significantly, particularly in urban areas like Dhaka, Chattogram, and Khulna (Rahman, 2021; Daily Star, 2023). This alarming trend reflects deeper socio-economic and institutional failures, including poverty, family disintegration, poor access to education, and inadequate juvenile justice mechanisms (Chowdhury & Rahman, 2021; Islam, 2020).

Bangladesh has undertaken several legal reforms to address juvenile crime, most notably through the enactment of the **Children Act 2013**, which replaced the outdated Children Act of 1974. This law aligns with the **United Nations Convention on the Rights of the Child (UNCRC)**, emphasizing a rehabilitative rather than punitive approach to juvenile justice (United Nations, 1989; Faruque, 2018). Despite these progressive legal frameworks, implementation remains weak due to a lack of infrastructure, trained personnel, and awareness among law enforcement officials (Islam & Jahan, 2021; Save the Children, 2021). Furthermore, societal stigma, ineffective community programs, and the breakdown of traditional family structures have exacerbated the vulnerability of children to delinquent behavior (Hasan & Sultana, 2018; Rashid & Akter, 2018). As juvenile offenders often come from impoverished or broken families, they are more susceptible to criminal influence and exploitation (Hadi, 2016; Kabir, 2019).

This monograph investigates the root causes of juvenile delinquency in Bangladesh, critically examines the existing justice system, and proposes comprehensive, multi-stakeholder solutions. By addressing the interplay between social, legal, and institutional factors, this study aims to offer policy recommendations to curb youth crime and promote sustainable rehabilitation and reintegration of juvenile offenders.

Delinquent and criminal behavior among young people, as they negotiate the transition from childhood to adulthood in an increasingly complex and confusing world is the issue that this chapter first examines. Some basic assumptions relating to delinquent behavior are presented, followed by a description of the various factors underlying or contributing to this phenomenon. Some regional variations are highlighted. Effective approaches and measures for preventing juvenile delinquency are detailed, with particular attention given to the development of educational, professional development and community programmers, improvements in family relations and parenting skills, and the value of restorative justice for both perpetrators and victims. The chapter concludes with a summary and recommendations for future action.

## 1.2 Statement of the background.

Juvenile delinquency is a complex problem in the current world. Generally ‘Juvenile Delinquency’ means the offence committed by children under a particular age limit. It is a serious problem in the society because the root of adult criminality lies in juvenile delinquency. As many other countries in the world, juvenile delinquency is a major issue of concern in Bangladesh.

Bangladesh is one of the poorest countries in the world with 40% of the population living below the poverty-standard. The demography of Bangladesh consists of 13% of the population under 15 years and 47% under 18 years of age.<sup>1</sup> About 80% people cannot fulfill their basic human-needs due to their poverty associated with acute problem of unemployment, over-population, illiteracy, malnutrition and natural calamities etc.<sup>2</sup> Among the many problems that Bangladesh is currently facing, juvenile delinquency is a serious problem and recently has received considerable attention.<sup>3</sup> Juveniles get easily involved in unlawful activities by their surroundings. So, the socio-economic structure and condition of Bangladesh are the root causes of juvenile delinquency,<sup>4</sup> such as poverty, parents’ ignorance, low level of education, insufficient religious practice, cultural conflict, impact of migration, political instability, extensive use of satellite channels, misuse of internet, negative effect of media, drug business, peer pressure, lack of opportunity and consequent frustration etc.<sup>5</sup> Deficient self-control and insufficient control by the parents, guardians and society also lead them off track.<sup>6</sup>

At present, the traditional offences of juveniles are not only limited within- telling lies, running away from schools, stealing and teasing girls; they are also involved in unlawful, anti-social and suspicious activities which greatly affect the law and order situation of the society and the country at large.<sup>7</sup> However, day by day male delinquents are increasing and they are involved in different types of offences such as murder, theft, hijacking, acid-throwing, arms and drug peddling, killing, eve teasing etc.<sup>8</sup> Female delinquents are also involved in different types of offences such as trafficking, hijacking, smuggling, carrying illegal arms and drugs, keeping counterfeit coin and fraudulent activities.

Thus, a large number of children- both male and female are involved with criminal offences, are the victims of socio-economic condition and denial of legitimate rights for education, health-care, shelter, and protection. However, because of their physical and

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<sup>1</sup> GOB, Third and Fourth Periodic Report of the Government of Bangladesh under the Convention on the Rights of the Child, (Dhaka: Ministry of Women and Children Affairs, 2007), at p. 11.

<sup>2</sup> Hossain, Amzad., Correctional Services for the Juvenile Delinquents in Bangladesh: A Study of NICS Tongi, Unpublished Ph.D Thesis, Institute of Bangladesh Studies. University of Rajshahi, 2002, at p. 3.

<sup>3</sup> Samad, Abdus., et al., Juvenile Justice Administration and Correctional Services in Bangladesh, Dhaka: Ministry of Social Welfare, 2002, at p. 2.

<sup>4</sup> Mohammad, Nur., “Child Protection: Compliance of Children Act 1974”, Seminar on *Children Act and Child Rights*, Organized by Bangladesh Retired Police Officers Welfare Association and World Vision, Dhobaura ADP, Mymensingh, 23 September, 2008.

<sup>5</sup> Karzon, Sheikh Hafizur Rahman., *Theoretical and Applied Criminology*, Dhaka: Palal Prokashoni, 2008, at p. 364.

<sup>6</sup> UNICEF, *Juvenile Justice in South Asia: Improving Protection for Children in Conflict with the Law*, Dhaka, 2006.

<sup>7</sup> Halim, M. Abdul., *Children: Role of Voluntary Organizations in the Protection of Human Rights at the Grassroots*, Dhaka: Bangladesh Society for the Enforcement of Human Rights (BSEHR), 1996, at p. 88.

<sup>8</sup> Hossain, Mohammad Sajjad., Separate Treatment Measures for Juvenile offenders in Indian Sub-continent: A Brief Historical Description, in the book of *Human Rights, Investigation-Prosecution and Juvenile Treatment*, Dhaka: Social Science Research Council, Ministry of Planning, 2008, at p. 117.

mental immaturity, they are susceptible to become victims of social injustice and require special rights to protect them as well as to meet their unique needs.

### **1.3 Literature Review**

The variety of material in the form of books, journals, research articles is available in the branch of juvenile delinquency in Bangladesh and abroad too. long the topic of juvenile delinquency is added in the form of single chapter in the law discipline under the heading of, 'criminology and penology'. The following foreign and Indian authors have written on the topic of juvenile delinquency in the book Criminology and Penology viz Taft and England, Lanolin John (1947), Dressler David (1966), Deb, (1968), Walter Reckless (1973) are some foreign authors while J.H. (1973), Siddiquee Ahmed (1977), Ram Ahuja (2000), Paranjpe N. V. (2004), Quadris M.A. (2009) and many others. In the last sixty years, many foreign and Indian authors have written valuable books on this topic. Besides books, research articles and research work for M.Phil and Ph.D degrees have also been produced in the subject of law, sociology, psychology etc. The following account gives the contribution of foreigners and Bangladesh too.

Abdul Hakim Saker (2001) in his book based on Ph.D research entitled “**Juvenile Delinquency: Dhaka City Experience**” has analyzed juvenile delinquency problem in the context of socio-economic and ecological characteristics. The main objective of the study is to make an in-depth inquiry into the socio-economic factors associated with juvenile delinquent in the city of Dhaka. Direct interview method was followed to collect the data in two main phases: Individual and Social. The study also examines the effectiveness of justice system in controlling juvenile delinquency, reviews recent legislation and court rulings on the rights of youthful offenders. The treatment of the guardians towards the boy was mostly geared to penal measures such as- physical punishment and psychological (punitive and corrective) methods. A great majority of the guardians considered the physical punishment inflicted by them as largely wrong. Stealing money/and property from own home, truancy/lack of interest in school, wandering in the street: rowdyism and vandalism, returning home late and passing night outside home, smoking cigarette/tobacco, excessive witnessing movie or VCR shows, stealing money/property from outside home, pilfering /misbehavior, running away from home, gambling and fraud, loitering and girl-teasing, pick pocketing, addiction to drug and drinking, and hijacking, disobedience to social discipline, addiction to TV/movie, abetting in crime, unrest/turbulence are the type of deviant activity committed by the boy.

Nahid Ferdousi (2012) in his book based on Ph.D research entitled “**Juvenile Justice System in Bangladesh**” seeks to analyze critically the legal framework, institutional set-up, judicial process of the juvenile justice system and to formulate a guideline for the establishment of a child-oriented justice system in Bangladesh. Content analysis, descriptive and purposive opinion survey methods were used in the research. From three JDCs of the country in total 234 numbers of inmates at the age of 7 to 18 years were interviewed. The major objective of the study was to analyze the overall JJS. The researcher showed that the 15 to 18 years of the

juveniles is the most vulnerable time to become deviant and most the delinquents come from broken family.

Abdul Hakim Saker (2011) in his article entitled **“Youthful Offense in Bangladesh :Social Work Role”** published on the book **“Essays on Crime and Delinquency: Bangladesh Reference”** Social work as practice discipline emphasizes upon services inhelpping a youthful offender to the understanding of his/her problem, and to be better acquainted with, and to use of himself/herself and use of resources available at family and community life.

The article **“Treatment of Juvenile Delinquents”** by Imafuku Shoji (2008) notes that the last quarter of the twenty-first century has seen drastic changes in social structure many Asian countries.

Abdul Hakim Saker (2011) in his article entitled **“Juvenile Delinquency: Some Views and Perspectives”** published on the book **“Essays on Crime and Delinquency: Bangladesh Reference”** explains family as the key influencing factor in shaping a child’s personality and character. According to him a child’s begins to experience social interaction and becomes conscious of social interaction and values. It is a great majority of cases the family role in our country cannot be so directed because more than 70% of our population does not live up to normal human standard.The findings showed that in practice, the programs of our communities are haphazard, relatively less objective and less process oriented in many cases. A.K.M. Monirul Islam (2010) in his M.Phil study **“Juvenile Ganging in Slum Communities: The Dhaka City Perspective”** aimed to investigate the natures and socio-cultural factors with juvenile ganging.

This study was based on survey and case study methods. The sample size was 110 juvenile delinquents of 20 groups of 10 slums were selected purposively. It explored that broken family, faulty family treatment, punishment by guardians, inconsistent family discipline, adverse parent-child relationship, larger family size, overcrowding family life, parental remarriage, child abuse, childhood employment, poverty, unemployment, illiteracy, peer-group influence, drug addiction, defective recreational system, lack of morality, lack of religious feelings, immaturity, excessive emotion, frustration, migration and slum culture are factors of juvenile ganging. Stealing, pickpocketing, hijacking, truancy, wandering in the street, returning home late, passing night outside home, smoking cigarette/tobacco, excessive witnessing movies or VCD, pilfering of fruits-flowers, running away from home, loitering, girl teasing, sex offence or misbehavior, gambling, fraud, drug addiction and drinking are the natures of deviant activities of juvenile ganging.

M. A. Ghafur et al (1968) in their book **“Social Welfare”** state that blaming the delinquent, abusing and punishing cannot correct his behavior He suggest that The juveniles should be in the detention or remand home.

From the literatures discussed above, some of the key findings can be ascertained as follows:

1. The media are very liable to increasing this problem.
2. Poverty.

3. Improper guidance to their child by parents
4. The curriculum of our education system.

#### **1.4 Objective of the study**

The general objective of the research work is to study the spatiotemporal changes in juvenile delinquencies through socio-legal perspectives with giving the emphasis on Bangladesh. The objectives in particular are listed below -

- i) To get an idea about the juvenile delinquency.
- ii) To find out the different causes for increasing of juvenile delinquency in Bangladesh.
- iii) To know the various justice system for the juvenile delinquency.
- iv) To determine how it is treated as international.
- v) To find out the juvenile justice system in Bangladesh how much international standard.
- v) To study the delinquency characteristics and differences among boys and girls separately.
- vi) To study the legal control and judicial responses to juvenile delinquency in Bangladesh.

#### **1.5 Justification of the study**

Juvenile delinquency is a serious problem in the society because the root of adult criminality lies in it. As many other countries in the world, it is a major issue of concern in Bangladesh. Today, in Bangladesh the crazy quilt of delinquency has sharply been growing and posing a serious threat to social organization. One of the major concerns about juvenile delinquency is that it is the doorway to crime or is a threat to personal or social safety and protection. The society, as it can conceive, is highly related to the breakdown of social order. The status of delinquency should be determined from the appreciation of the danger that a young delinquent may easily become an adult criminal if no strategic measures are taken in time. In our country very little efforts have been undertaken for controlling the problem of juvenile delinquency. I would like to choose the topic for the reason of the child are the back bone of a nation, if the child are not grow up in proper way it will be destroy of that nation. so I will try to find out why the juvenile are engaged in crime day by day.

#### **1.6 Research methodology**

Usually a research monograph is prepared by following two types of methods, namely – qualitative method and quantitative method. In order to reach into the summary of this research the qualitative method has been mostly utilized. To get in depth knowledge about the subject document study, observational study, descriptive study and case study methods has been used. To some extent the quantitative method has also been used. To some extent, the quantitative method has been used in order to collect some relevant data and statistical documents. To reach to the conclusion of the study of juvenile delinquent some source-materials are used as primary source materials and some are used as secondary source materials.

As the primary sources and materials I have followed the followings:

- ❖ Abdul Hakim Saker (2011) in his article entitled *“Youthful Offense in Bangladesh :Social Work Role”* published on the book *“Essays on Crime and Delinquency: Bangladesh Reference”* and *“Juvenile Delinquency: Some Views and*

*Perspectives*” published on the book “*Essays on Crime and Delinquency: Bangladesh Reference*

- ❖ ” A.K.M. Monirul Islam (2010) in his M.Phil study “*Juvenile Ganging in Slum Communities: The Dhaka City Perspective*” aimed to investigate the natures and socio-cultural factors with juvenile ganging.
- ❖ Paranjpe N.V (2004) juvenile delinquency in the book *Criminology and Penology*.
- ❖ Electronic Data of different websites.

The secondary source materials of this research is mainly the references in the official and demo-official records, published reports, newspapers and journals and various private organizations reports to relate in juvenile delinquent education. Secondly, some of the useful literatures related to the juvenile delinquent education in Bangladesh written by prominent scholars have been taken to compare, cross and justify the objectives. The above mentioned source-materials have been collected in governmental and non-governmental and different university libraries in Bangladesh We have also utilized modern technologies like internet, website, email etc. I went to Library to collect same information from book and some thesis paper about laws Regulations of juvenile delinquency in Bangladesh which was so relevant as to work historical study then from another day I have tried to collect Book and Law journal relating the *Juvenile Delinquency* Laws in Bangladesh.

### **1.7 Limitation and scope of the study**

While numerous general works pertinent to juvenile justice system are available, little specialized research in regard to diversions and alternative sentencing has yet been conducted in relation to children in conflict with law in Bangladesh. However, there is extensive literature on alternatives to detention and diversions with regard to many developing countries where different methods of non-punitive sanctions have been successfully established.

During the fieldwork I observed that there is a lack of recent empirical data and follow-up procedures in the government office, e.g. on the number of juveniles who come into conflict with the law in a year, how many delinquents go back to the society each year, or what they do after completing their detention in correctional institutes. Thus the dearth of accurate statistics hinders to determine to what extent the present laws are effectively being implemented to ensure sustained rehabilitate them in the community.

### **1.8 Conclusion**

The research is directed towards assessing the need for initiating juvenile delinquency in Bangladesh a socio legal study in line with international law, and proposing several reforms associated with these methods that would lead to a more rights-oriented justice framework for the protection of the rights of children in conflict with the law in Bangladesh. The juvenile us proud of our wealth, our resources. They will lead the country in the coming days; they will be the leaders of the nation. Progress in improving the nation's future depends on them. The research paper contains the following chapters describe one by one

## **CHAPTER-2: CONCEPTUAL DISCUSSION ON JUVENILE DELINQUENCY**

### **2.1 Introduction**

This chapter deals with theoretical issues about juvenile delinquency in Bangladesh. These are intended to help explore some of the key ideas about issue. As the study assesses the efficacy of concept of delinquency and juvenile delinquency, historical background, development of the delinquency in Bangladesh, theory and types as well as the nature and character of the offender, and concept of juvenile justice system.

### **2.2 Basic Concept of Delinquency**

Social conformity and social deviation are the inherent and unavoidable part in the conceptual framework of modern Sociology. Both focus on social norms and social action. Conformity is an action which is oriented to a social norm and falls within the band of behavior permitted by the norm. Conformity does not just fall within the range of permitted behavior because the relevant norms are the part of the actor's motivation, although he is not necessarily conscious of them at all times and at any time. Because of the complexity in modern legal systems, common man requires the specialists to explain his rights and obligations. Even common man is not necessarily conscious at all times or at any time of legal or other social norms that are in fact known to us. Reciprocally, deviant behavior is not merely behavior that happens to violate a norm, it is behavior that violates a norm to which the actor is oriented at that time; it is motivated violation.

Social control consists in the operation of all mechanisms that counteract deviant tendencies, either by preventing outward deviation or by checking or reversing the elements of motivation that tend to produce deviant behavior.

According to Criminal Law, a crime, is conduct or an action that is defined and codified in law as a crime. ('nullum crimen sine lege' – no crime exists unless it is so defined by the law). Although crime and delinquency are basically similar concepts, they differ with respect to the age of those who can be regarded as lawbreakers. As most crimes are also delinquencies in that they are acts of which society disapproves, crime must be understood before delinquency can be comprehended. Not every delinquency, however, is a crime. And some crimes (say corruption of the morals of a minor) cannot be delinquencies.<sup>2</sup> The main distinction between the terms delinquency and criminality is largely quantitative rather than qualitative. The term delinquency is used as a convenience to indicate an extension of the concept of criminality and a group of individuals differentiated by age from ordinarily criminals. Without an adjustment in the definition of criminality, the illegal act committed by juveniles and adults would be considered equivalent. However the delinquency concept permits a distinction between levels of responsibility viz. a murder committed by 15 years boy may be regarded as a form of juvenile delinquency whereas the same act done by a 45 years old man is defined as criminal act. Similarly, shoplifting, by a 45 years old man is defined as criminal conduct whereas the same activity by a 15 years old boy is called juvenile delinquent behaviour. The two terms also involve radical distinctions in preliminary investigation procedures, court proceedings and penal consequences. However, murder, whether committed by juvenile or

adult, still results in the <sup>9</sup>death of another, but the juvenile murderer may be sent to a foster home and the adult sentenced to life imprisonment or death.

### **2.3 Basic Concept of Juvenile Delinquency**

A juvenile delinquency negative behavior of children and teens that may result in crimes or legal action frequently causes widespread problems in communities. RAND's research on juvenile delinquency includes populations from diverse socioeconomic backgrounds and features studies related to crime and juvenile justice, at-risk populations, violence, bullying, substance abuse prevention and treatment, and adolescent mental health .The problem of juvenile delinquency is becoming more complicated and universal, and crime prevention programmers are either unequipped to deal with the present realities or do not exist. Many developing countries have done little or nothing to deal with these problems, and international programmers are obviously insufficient. Developed countries are engaged in activities aimed at juvenile crime prevention, but the overall effect of these programmers is rather weak because the mechanisms in place are often inadequate to address the existing situation. Juvenile delinquency, also known as "juvenile offending", is participation in illegal behavior by minors (juveniles, i.e. individuals younger than the statutory age of majority).<sup>1</sup>Most legal systems prescribe specific procedures for dealing with juveniles, such as juvenile detention centers, and courts. A juvenile delinquent in the United States is a person who is typically under the age of 17 and commits an act that otherwise would have been charged as a crime if they were an adult. Depending on the type and severity of the offense committed, it is possible for persons under 18 to be charged and tried as adults.<sup>10</sup>

### **2.5 Historical background of juvenile delinquency**

Delinquency was available throughout all the time. In ancient Britain, even seven years old boys were tried, convicted and punished as adults. There was no special treatment for them, a hanging was a hanging. In Norway, for example, a thirteen century penal code specifies that adult might lose both hands if stealing, children only one'. However, United States of America is one of the pioneer countries on juvenile justice. Social reformers started to create special facilities for troubled juveniles in the late nineteenth century. Though Illinois introduced a separate system of criminal justice in 1899, much had changed by 1909 when Judge Julian Mack famously proposed in a Harvard Law Review article that a juvenile offender should be treated "as a wise and merciful father handles his own child" (Scott and Laurence, 2008:16). Yet the provision of special court and treatment was soon replicated throughout the country and spread aboard in Britain (1908), France (1912), Spain (1918), and The Netherlands (1921).

Today most of the states of the United Nations have a separate court system for the children accused of an offence. They have the right to treatment that takes full account of their age, circumstance and their needs. The courts generally handle two types of juvenile offender: The delinquent child who has committed an act that is a crime for adult under state law. On the other hand, status offenders are considered unruly and uncontrolled beyond their legal

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<sup>9</sup> en.wikipedia.org/wiki/juvenile\_delinquency, Last Visited 18 March 2015

<sup>10</sup>[www.un.org/esa/sodev/unyin/documents/cho07.Palf, Last Visited 18 March 2015]

guardian (Siegel and Welsh, 2008) A multitude factors exist that contribute to the understanding of what leads to engage in delinquent behavior. It is also true certainly social factors like poverty, illiteracy, broken homes; lack of employment, peer pressure, lack of parental guidance can be the best root causes to explain juvenile delinquency in Bangladesh. In Bangladesh no separate juvenile justice law exists. The 1974 Children Act is the main law concerning children in Bangladesh, but it deals both with children in need of protection/care as well as children in conflict with the law on one hand, other laws, such as the Penal Code, the Code of Criminal Procedure, the Suppression of Violence against Women and Children Act, on the other hand, also contain provisions regarding children in conflict with the law. At present, there are three specialized juvenile courts established in the country and three specialized institutions for the detention of child offenders, which have been renamed as the Child Development Centers among them, two centers for boys are located in Tongi and Jessore and the girls' centre is in Konabari.

## **2.5 Crime Theories Applicable to Juvenile Delinquency**

The study of Juvenile Delinquency is relevant with some theories. These are-

### **2.5.1 Labeling Theory**

Labeling theory states that once young people have been labeled as criminal they are more likely to offend. The idea is that once labeled as deviant a young person may accept that role, and be more likely to associate with others who have been similarly labeled. Labeling theorists say that male children from poor families are more likely to be labeled deviant, and that this may partially explain why there are more lower-class young male offenders. In the labeling theory, how one person become as criminal or delinquent and by his criminal activities, how can the person labeled as a criminal in his existing society, are explained. The man just for his anti-social activities is labeled as criminal in civil member of the society. Then he commits comparatively severe crime. Edwin Lemart (1940) explained the labeling theory by his own view. He explained two types of crime which are committed by the person and these two types are-

- Primary Deviant Act
- Secondary Deviant Act.

### **2.5.2 Differential Association Theory**

The association or social environments play the most influential role to become one person as a criminal. Person commits various crimes because of learning criminal activities with other person in the society. Edwin Sutherland explained, by influencing others manner and activities how one person may become criminal. Sutherland explained the 'Differential Association Theory' in his 'Principles of criminology (1939)'.

According to the theory, person learns to commit various criminal activities by the interaction with association. Every person highly influences by the other person's manner or activities in his existing association. In an existing association, other member's activities are so effective for the follower's activities. If members of the association are involving in various anti-social activities, person influence to follow their activities and they also learn various criminal

activities. Person becomes criminal not only in the anti-social situation but also in the participation process of criminal activities with other persons of his existing society or association. Person influences to commit crime in the interaction of close person. If the high level of criminality remains in the family members, person also influences by them and involves in various criminal activities. When Person and his company commit crime, they make a strong supporting defense for protect them to overcome from the next possible problems or accident. In general, one person gradually influences by the various activities of his existing society members and by learning these activities, person involves in many anti-social or criminal activities.

## **2.6 Development of juvenile delinquency**

The high rates of juvenile delinquency often receive great attention from the news media and politicians. The level, amounts, and types of delinquency are used by commentators as an indicator of the general state of morality and law and order in a country, and consequently juvenile delinquency can be a source of 'moral panics'.<sup>11</sup> Nearly all cultures possess a transition phase from childhood into adulthood. As the world changed, so did the transition into adulthood. Whereas before, in most now industrialized countries, this transition ranged from brief to almost non-existent, it is now a significant part of a person's development. It is known now as adolescence. In fact the popular term "teenager" wasn't coined until the '50s to describe this new group of people living through adolescence. It is believed that this new, drawn-out transition from childhood into adulthood that is common in the western world has left many adolescents in a sort-of limbo where they must seek to define their identity and place in the world, and delinquency may provide a way to do that. This is supported by the fact that crime is committed disproportionately by those aged between fifteen and twenty-five. However, contrary to popular belief it is highly rare for teenagers to become spontaneously aggressive, antisocial or violent simply with the onset of adolescence. Also, although there is a high percentage of offending among all teenagers, the majority of offenses which violate the law are one-time occurrences and most often non-violent. Only about 5-10% of adolescents commit violent crimes. In the United States, one-third of all of suspects arrested for violent crimes are under eighteen.

## **2.7 Juvenile delinquency in Bangladesh**

Kept their first category Juvenile Delinquency is one of the serious problems of mass society .It is almost an outcome of rapid urbanization and industrialization of modern times. This has almost become a universal problem in most of the industrialized countries including India & Bangladesh. Before proceeding further it is necessary to understand what Juvenile Delinquency is.

Delinquency is a kind of abnormality. When an individual deviates from the course of normal social life, his behavior is called Delinquency. When a juvenile, below an age specified under a statute exhibits behavior which may prove to dangerous to society or to himself he be called a Juvenile Delinquency.

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<sup>11</sup> <http://www.wiki.com>

The second United national Congress on the prevention of the prevention of crime and treatment of offenders (1960) states, “By Juvenile Delinquency should be understood the commission of an act which is committed by an adult, would be considered a crime”.<sup>12</sup>

In Bangladesh we have not experienced any counter youth culture like Teds, Mods, Rock'n'Roll, Hippy or Punk of Britain or any young gang culture of the U.S.A. outraging moral and social concern. But the process of urbanization (which started from 1960s), migration from village to city (which started at a large scale from 1980s), vulnerable economic condition and impact of globalization caused social transformation, though slow, of Bangladesh.<sup>13</sup> The large joint families started to break into segments and single parent family begun to get prominence. Economic deprivation, unemployment, poverty, flimsy family ties, media influence and criminalized politics made a fertile ground for increased rate of juvenile delinquency.

There are three correctional centres in Bangladesh for rectification and rehabilitation of juveniles. Two (one is in Tongi, and other in Jessore) for male child, and one (it is in Kunapara) for female child. Two categories of children are constitutes of uncontrollable children and referred by parents and second category comes to the correction centre's after committing offences and referred by courts.<sup>14</sup>

## **2. 8 Types of juvenile delinquency**

Juvenile delinquency, or offending, can be separated into three categories: delinquency, crimes committed by minors which are dealt with by the juvenile courts and justice system; criminal behavior, crimes dealt with by the criminal justice system, and status offenses, offenses which are only classified as such because one is a minor, such as truancy, also dealt with by the juvenile courts.<sup>15</sup>

According to the developmental research of Moffitt (2006), there are two different types of offenders that emerge in adolescence. One is the repeat offender, referred to as the life-course-persistent offender, who begins offending or showing antisocial/aggressive behavior in adolescence (or even childhood) and continues into adulthood; and the age specific offender, referred to as the adolescence-limited offender, for whom juvenile offending or delinquency begins and ends during their period of adolescence. Because most teenagers tend to show some form of antisocial, aggressive or delinquent behavior during adolescence, it important to account for these behaviors in childhood, in order to determine whether they will be life-course-persistent offenders, or adolescents-limited offenders. Although adolescent-limited offenders tend to drop all criminal activity once they enter adulthood, and show less pathology than life-course-persistent offenders, they still show more mental health, substance abuse, and finance problems, both in adolescence and adulthood, than those who were never delinquent.<sup>16</sup>

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<sup>12</sup> [www.ukessays.com>Essays>Criminology, Last Visited 25 March 2015

<sup>13</sup> [Stamford University 43c.blogspot.com/.../assignment-on Juvenile-delinquency, Last Visited 25 March 2015]

<sup>14</sup> [www.unicef.org/bangladesh/Juvenile-justice.palf, Last Visited 26 March 2015]

<sup>15</sup> Woolard & Scott, (2009). The legal regulation of adolescence. In R. Lerner & L. Steinberg, *Handbook of Adolescent psychology* (3rd ed.).

<sup>16</sup> Aguilar, Sroufe, Egeland, & Carlson, 2000

## **Sex Differences**

Juvenile offending is disproportionately committed by young men. Feminist theorists and others have examined why this is the case. One suggestion is that ideas of masculinity may make young men more likely to offend. Being tough, powerful, aggressive, daring and competitive becomes a way for young men to assert and express their masculinity. Acting out these ideals may make young men more likely to engage in antisocial and criminal behavior. Also, the way young men are treated by others, because of their masculinity, may reinforce aggressive traits and behaviors, and make them more susceptible to offending.

## **Racial Differences**

There is also a significant skew in the racial statistics for juvenile offenders. When considering these statistics, which state that Black and Latino teens are more likely to commit juvenile offenses it is important to keep the following in mind: poverty, or low socio-economic status are large predictors of low parental monitoring, harsh parenting, and association with deviant peer groups, all of which are in turn associated with juvenile offending. The majority of adolescents who live in poverty are racial minorities. Also, minorities who offend, even as adolescents, are more likely to be arrested and punished more harshly by the law if caught. Particularly concerning a non-violent crime and when compared to white adolescents. While poor minorities are more likely to commit violent crimes, one third of affluent teens report committing violent crimes.

## **2.9 Nature & Characteristics of the offender**

Related crime and criminals in London in August 1950, the United Nations said that the Congress adopted a decision, the act committed by children or infants, which is inconsistent all juvenile crimes, including what is desired or accepted. The American Children's Bureau has noted that the definition of juvenile crimes, committed by juveniles, minors or state law or municipal law, juvenile crimes under the anti-everything. In addition, members of society the right to strike and the boys became a threat to the well-being of himself and of society, such that any serious anti-social acts committed by juveniles are treated as juvenile delinquency.

According to social scientists cavan ferdinand crime and juvenile delinquency by failure kisodera appearing in akaksiksata. W. P. tatapapana juvenile offenders referred to the four properties. As

- A. The behavior of the occupation, the environment or harmful to the well being of its own sangitadala.
- B. That is refractory, or his parent or guardian is out of control;
- C. Middle school or intentionally break the rules and discipline
- D. State law or municipal law that works beyond.

Others feature of Juvenile Offenders: the following is the goal of the juvenile offenders characteristics

## **2.10 Concept of Juvenile Justice System**

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.<sup>17</sup> 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.

### **2.10.1 Definition of juvenile justice system**

Justice is about not only the treatment of children in conflict with the law, but also about the root causes of offending behavior and measures to prevent such behavior.<sup>18</sup> Work in the field of Juvenile Justice therefore has two major strands: Prevention and Protection.

**Prevention:** This work aims to ensure the children do not come into conflict with the law in the first place and therefore do not come into contact with the formal Criminal Justice system. The causes of children offending are wide ranging and complex, and include poverty, broken homes, lack of education and employment opportunities, Peer Pressure and lack of Parental guidance. These causes need to be tackled with a range of social and economic intervention, including programs for education, poverty reduction, skills development, parent counseling and job creation.

### **2.10.2 History of juvenile justice system**

#### **i) International view**

The official start of Juvenile Justice occurred in Chicago, U.S.A. in 1899 with the founding of the first separate Juvenile Court. Thereafter within 20 (Twenty years) Juvenile Court was replicated throughout Europe.

The first expression of international concern about the situation of children came in 1923 through "Declaration Geneva" under the aegis of League of Nations. In 1948 General Assembly of the United Nations adopted a new instrument named "Declaration of the Rights of the Child", containing ten basic principles of child welfare and protection.<sup>19</sup> In international arena the focus on children was sharpened in 1979 when Poland placed a formal proposal and General Assembly unanimously adopted the convention on the Rights of the Child in 1989.

#### **ii) Domestic View**

The edifice of Juvenile Justice system in Bangladesh is founded on the Children Act, 1974 which has replaced the Reformatory School Act, 1897 and the Bengal Children Act, 1922 together with 29B and 399 of the Code of Criminal Procedure (Cr.P.C). Chronologically the Children Act precedes "the convention on the rights of the child 1989".

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<sup>17</sup> 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.

<sup>18</sup> Mabel Wong and Nikhil Roy, *ibid*, p.12.

<sup>19</sup> 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.

Bangladesh is one of the first countries to sign & ratify the United Nations Convention on the Rights of the Child (UNCRC).<sup>20</sup> Since the ratification some significant strides have been made towards its implementation. However, it is a long way to attain the desire goal. In Bangladesh, laws regarding children rights and protection are not contained in our statute rather they are present in various laws and statutes e.g. The constitution, the Penal Code and the Children Act 1974.<sup>21</sup>

The Children Act, which actually predates the UNCRC by 15 years categorically, Prohibits death sentence and life imprisonment against a child can only be given in very special circumstances. Generally, a certified institution has been recommended for detention of youth.<sup>22</sup> Children are also protected by this law from abusive parent and guardians. Victimized child may be committed to certified institute or approved Shelter Homes.

### **2.10.3 The Juvenile Court**

The juvenile court is a noble institution noble, underfunded, often unappreciated institution charged with the most important duty imaginable, protecting and reforming our children when all else failed. The juvenile court is one of the few places in society where the needs of children are The juvenile court system was founded with high goals. In theory, the system was supposed to help and rehabilitate young offenders. It paramount and where a passion for helping children defines its work. In the juvenile court, children are the absolute priority. The juvenile court is doing a creditable job under adverse circumstances toward achieving these goals however, a better job is needed and, fortunately, it can be achieved.

### **2.10.4 Juvenile justice work**

The goal of Juvenile Justice Work is the establishment of a fair and humane system of justice for children which is based on the rights of the child, applies the principles of restorative justice, Puts the best interests of the child first, Focuses on Prevention as Primary objective, Makes custody a sanction of last resort and for the shortest Possible Period of time while taking into account the effects on the victim and community.

## **2.11 Conclusion**

On the above discussion, we have get an clear idea about the concept of juvenile delinquency as well as the juvenile justice system. The different types of juvenile delinquency, nature and character of the offender. The juvenile delinquency and justice system are developed day by day. The juvenile court should be separate from the general types of court. On the necessity of separate justice in Bangladesh finally separate the juvenile court in 14<sup>th</sup> April 2013.

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<sup>20</sup> *Ibid*, p.8.

<sup>21</sup> *Ibid*, p.8.

<sup>22</sup> *Ibid*, p.8.

## **CHAPTER-4: SOCIO LEGAL REGIONS BEHIND THE GROWTH OF JUVENILE DELINQUENCY**

### **3.1 Introduction**

Bangladesh is now the countries of the world has been a severe problem. It is juvenile delinquency. A significant part of the boys steal, murder, suicide, rape, hijacking, pickpocket, drug addiction, Chef (Eve-teasing), including all the horror that is working, and that is the amazing thing is that all the thrilling activities associated with the unthinkable. The sociologist, criminologist, lawyer, politician and makes susilasamajake deeply troubled. At the beginning of the twenty-first century civilization reached its climax in the era of widespread corruption in the coming days, a hope kisorasamajera ground really sad and unfortunate. The adolescents will protect us from catastrophic strike.

### **3.2 Teenager with special needs**

A. Independence and activism needs (Need for freedom and activity): At the age of teenage girls all want to be independent. His self-respect that creates tremendous self-confidence. To carry the responsibility, to express yourself, and yes, one of the strong desire to meet him. He is always active. Activeness its independence and remained inseparable..

B. Social development needs of: adolescence conscious society is very deep. Her self-esteem and dignity and social development assistance. He was shaken call waiting outside the house of bondage. Attending the social life of the ideas he seeks to take advantage of gathering with associates, to find kinship among strangers.

C. Debut demand: demand is put yourself back another age. The creative work of the various emotional values of the society they are expected to. The other person will pay their actions that they want specifically. The satisfaction of needs is essential for the development of a balanced personality. If they do not meet the needs of the weak-minded, confidence less and disabled. Studies, sports, singing, acting, drawing, writing poetry, Mitali letter, diary writing and through other activities.

D. Self reliance demand: demand from the emergence of self-reliant myself. They started thinking about the future. Defend to others had the strong desire to make an independent living. His feet and dreams of being established in the society. What kind of future does he think he will devote himself to the profession?

Parents and teachers in the profession, especially at this age need assistance.

E. New knowledge needs: emotional development at age having been perfected. Curiosity a result, there was a strong mentality in their desire to learn. Who wants to learn something new, to learn, to experience infinite curiosity world to draw the world's knowledge. Wishes the instinctive knowledge of the parents, teachers, guardians of children in the future, but in the right path in life, in the workplace, in society can achieve success.

F. Morals demand: Ethics in adolescence children are awake. Good evil, as unfair, improper feeling he should have realized from the heart. And other criteria to judge the work of his

own conscience. The customs shook his conscience. If you think he is guilty of any of the ugly.

G. Constant interest in new exciting and innovative: the age range of activities of daily life seems boring and annoying. They want to enjoy the new exciting and innovative things. They want to picnic or watch a movie together. School teacher sneak away, the neighborhood at night to steal the neighbor's garden, fruit, cigarettes or drugs, etc. in a tasting of their interest and devotion is limitless. Case History shows that drug addicts have their first experience with drugs and taking the advice of friends and adventure's been to the demise of the drugs they have been engaged in a trap.

H. Security needs: Most think his performance in adolescents, family and moral values of his position in the team or school, there was a combination of varying emotional. They feel helpless, following the confidence lost in the conflict. At the age requirements, as well as their work in fear of being punished. As a result, they suffer from insecurity.

J. Self-identity requirements (Need for self identity): The idea of the age of the children was confirmed. They (gender appropriate behavior) - wants to establish its own identity through. Ericsson and the level of conflict in the Identity vs. role diffusion his place in society and the role of the older children are thinking and the confidence, enthusiasm and sbadhinabhaba are acquired, they came to be known about the obvious positive. On the other hand, the notion of self-control that lost a lot of time if you become involved in anti-social activities. Teenage girls in the age of the parents and the society that values self-assessment è sharp build up contacts.

### **3.3 Juvenile delinquency: present scenario in Bangladesh**

A. Tasnuva Mymensingh Girls Cadet College students in the seventh grade is reported to have committed suicide. Annual flunk because he committed suicide because of the college authorities. Kustiyadera his home. Tasnuva father Mohammad Ekram an NGO official. His body was handed over to the family.(Daily in our time, 30-11-2008) Until the 5 years from 1990 to 1994, according to the diary of yours, only 61 children in the district of Jhenidah, 191 and 436 of teenage girls by Suicide. Daily itephaka, two. 3. 1995.

B. Kotwali police last 15 July folding warehouse Hafezia students Nazmul Hasan Babu (1) murder mystery and the students involved in the killing Hamidul Islam (14) and a boy named Abdur Rahman Munna has been arrested. The bike is stolen and used in the murder of police Babu has recovered. Referring to the last night of 1 July, the Agriculture University section office keoyatakhali inmate's son Imran Hassan Babu was killed and slaughtered. According to the acknowledgment of juveniles arrested on charges of murder, died on July 5, folding collar warehouse Hafizia hephaja from seminary to complete his father bought him a bike gives you. Babu bike came out on the streets with his classmates Kotwali police spies nikaliyara Hamidul Islam Babu, the bike wants to run. At one point in the argument between the bike was not white-collar white-collar hamidulake slapped. Hamidula his friend's son Abdur Rahman alias Munna Abdul Jalil marakholara Kotwali police informed the incident and was taken to Maria Babu. July 1 last year and a half on Monday night in the same cycle

as the house of one of the three left the message of the Quran is annihilation. Hamidula ambush on the road side of the house dauyalera strain Babu took him to the ground and killed, and threw out the cast are two Milia. After the incident, Munna saikelayoge goes hamidula. (Daily Nation, 28-07-1996)

C. Pickpocket Arif Hossain (16) to the age of the teenager's awesome. Over four years, the mobile phone.

Set the theft of experience. If you get the chance to face astrera Pedestrian Area and looting that took hostage. The crime was arrested by the law-enforcers, four. These in turn can be a teenager again, but freed. Arif and his fellow juvenile Razzaq hit the bus or crowded places pocket. The opposition is weak, then pickpocket them, they turned their target chinataikarite the public pocket and wallet and mobile phones. Both are very efficient as a pickpocket. So far, one hundred and fifty mobile stripped from the pocket cut. Gulistan Stadium hijacked the mobile market by selling Kolkata brother, naju brother to many. It is not fair because they are younger. He said, would bring a mobile Nokia N series 6 and 7 of the money was given to them. If you want to give more money to the police to frighten the big brothers. So far, four different crimes reported to police, Arif said. However, each time he came out due to age. He said that before, but I think the pub.

Arif gapharagamoye village in Mymensingh. Six years ago, with the exception of persecution, lack of education comes at a neighbor. Here, the old city in a workshop to learn oyelinyera. There he met a man named Jahangir. Jahangir that pickpocket robbed and a master at not knowing what to teach. Jahangir one stage tempted teaches pickpocket. He continues to snatching and pickpocket. Arif Razzaq is cutting the pocket together. Some of them are working in the code word. Bukakana to bukapaketake, Punjabi or soot paketake nicakana pants and trousers back paketake picakana say. Crowded bus or the one specified in the pocket cut. He followed the man. Razzak, standing close to the man's leg has to scratch his body. Arif Razzaq hands between handling one of the men put his hand into the pocket of his precious belongings. When the work is done by hand, simply used the blades. And all the time to pick a pocket byabahara Gillette blades are expensive, he According to the company, and quality. Daily new horizons, 5-4-2008.

D. A schoolgirl was left alone at home in the second grade simuke durrbrttara rape. Bidyanagara karimganj Kishoreganj district on Thursday evening took place in the village. According to police, the neighbor's son Humayun squeeze (18) and Ali son Shakeel (15), two second-grade student of the 8-year-old child had been forced to take a tomato field. Humayun and Dr turns raping the child. At the time when the child cry and scream bloody asapasera rushed the child was rescued and upajila Health Complex. Worse, the child's body in the hospital abroad was transferred to the hospital in Kishoreganj. Dr Humayun fled after the incident wicked. The police have filed a case. Daily aparadhakantha, 05-01-2009.

E. It is well known incident that was occurred in 13<sup>th</sup> August 2014 in Dhaka by a police officer mr.mafujur rahman girls oishi rahaman who committed the murder of her own parents. on this incident I can say that it is very much stigma for our nation. Daily Protom ALO 14.08.14 Juvenile crime and the severity of the events described in our country, there is available about the idea.

### 3.4 Juvenile delinquency: Factor & Causation

The present situation with regard to juvenile crime and delinquency can be characterized by following basic facts and trends:

1. There has been an observed increase in violent and aggravated crimes among youth.
2. The number of drug-related crimes is growing.
3. The process of globalization and greater mobility of large population groups have led to an increase in criminal activity associated with intolerance towards members of other cultures.
4. The difficulties encountered by immigrants and their descendents in certain countries are sometimes related to the high levels of group crime deriving from the activities of ethnically based delinquent group.
5. In many cases juvenile crimes are linked to less obvious sources of motivation; various action may reflects, for example, the standards of particular subcultures, teachings or traditions deriving from religious radicalism, or the compulsion to use of violence as a means of contracting gender identity.
6. Children and adolescent in difficult circumstances constitute ready reserve for organized crimes, participation in armed conflicts, human and drug trafficking, and sexual exploitation.

### 3.5 Causes of Juvenile Delinquency

The intensity and severity of juvenile offences are generally determined by the social, economic and cultural conditions prevailing in a country. The causes of and conditions for juvenile crime are usually found at each level of the social structure, including society as a whole, social institutions, social groups and organizations, and interpersonal relations. juvenile's choice of delinquent careers and the consequent perpetuation of delinquency are fostered by a wide range of factors, the most important of which are described below

#### Family aspect of delinquency

Under family influence, the study could be made under the following subheads:

- (a). **Broken family :** There are many reason of broken home. It may be due to divorce, death of one parent, separation imprisonment of either father or mother.
- (b).**Immoral home:** The children of home where there is sexual relation or drinking is not considered bad or beating children etc, is a common feature and there is no good treatment with children also, become easily the prey of crime.
- (c). **Parental rejection of the children:** If a child does not get love and affection of parents, or is not taken care of properly , or where there is lack of vigilance over the child, that child easily adopts the criminal activities to produce hi mental tension.
- (d). **Over busy parents:** If the parents are over busy, they are not able to look after the child properly with the result that the children as they wish and become s delinquent.
- (e). **Economic condition of the family:** There is more incidences in the children of too reach people. Sometimes on the other hand, the children of too reach people also become criminal because they get more money than required.<sup>23</sup>

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<sup>23</sup> [www.academia.edu/.../Causes and Consequence of Juvenile Delinquency, Last Visited 26 March 2015]

### **Physical and Biological factor**

Due to infirmity and poverty people do not get the respect in society with the result that they become criminals. In order to compensate that handicap ness they indulge in criminal activities. There are many reasons for juvenile delinquency of girls. They suffer from sexual desire from childhood, they become overdeveloped in body, and they indulge in sexual offences. They try to compensate that infirmity by doing anti-social activities.

### **Psychological factor**

Along with physical factors, psychological factors are also important in juvenile's delinquency. Many crimes are committed due to mental deficiency. In prostitution many girls of lower mentally developed are found.

### **Economic and Social Factors**

Juvenile delinquency is driven by the negative consequences of social and economic development, in particular economic crisis, political instability, and the weakening of major institutions. Socio-economic instability is often linked to persistent unemployment and low incomes among the young, which can increase the livelihood of their involvement in criminal activity.

### **Peer Influence**

A person's peer group strongly influences a decision to commit crime. For example, young boys and girls who do not fit into expected standards of academic achievement or participate in sports or social programmes can sometimes become lost in the completion. Children of families who cannot afford adequate clothing or school supplies can also fall into the same trap. Reserses believe these youth may abandon schoolmates in favor of criminal gangs, since membership in a gang earns respect and status in a different manner. In gangs, antisocial behavior and criminal activity earns respect and credibility.

### **Mental Health Risk Factors**

Several mental health factors are also seen as contributing to juvenile delinquency. It is important to keep in mind, however, that a diagnosis of certain types of mental health conditions--primarily personality disorders--cannot be made in regard to child. However, there are precursors of these conditions that can be exhibited in childhood that tend to end up being displayed through delinquent behavior. A common one is conduct disorder.<sup>24[15]</sup>

### **Individual Risk Factors**

Several risk factors are identified with juvenile delinquency. A minor who has a lower intelligence and who does not receive a proper education is more prone to become involved in delinquent conduct. Other risk factors include impulsive behavior, uncontrolled aggression and an inability to delay gratification. In many instances, multiple individual risk factors can be identified as contributing to a juvenile's involvement in harmful, destructive and illegal activities.

### **Cultural Factors**

Delinquent behaviour often occurs in social settings in which the norms for acceptable behaviour have broken down. Under such circumstances many of the common rules that deter people from committing socially unacceptable acts may lose their relevance for some

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<sup>24[15]</sup> Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, American Psychiatric Association, 2004.

members of society. They respond to the traumatizing and destructive changes in the social reality by engaging in rebellious, deviant or even criminal activities.

In both developed and developing countries, consumer standards created by media are considerably beyond the capacity of most families to achieve. Nevertheless, these ideals became a virtual reality for many young people, some of whom will go to great lengths to maintain a lifestyle they cannot afford. A criminal career becomes one form of overcoming this situation.

### **Urbanization**

The growing industrialization and urbanization gave rise to the problem of juvenile delinquency. Sociologists and criminologists consider delinquency as a result of transitional phase, a process through which majority population is transforming from peasants to industrial labour class. Mainly Bangladesh and other developing country is an agro-based country. Industrialization has not taken expected pace. In its transition from agriculture to industrialization, Bangladeshi society is undergoing rapid social change. Since the transition is not yet complete, since Bangladesh is pre-industrial, it is a mixed society, not completely traditional and not fully modern. An examination of the economic, political, and religious institutions reveals a conflict between traditional and modern values, neither of which dominates the lives of the people. The conflict has given rise to anomie and creates greater vulnerability to delinquent behaviour.

### **Media**

Television and movies have popularized the 'cult of heroes', which promotes justice through the physical elimination of enemies. Many researchers have concluded that young people who watch violence tend to behave more aggressively or violently, particularly when provoked. Media bring an individual's to violence in three ways. First, movies that demonstrate violent acts excite spectators, and the aggressive energy can then be transferred to everyday life. Second, television can portray ordinary daily violence committed by parents or peers. Third, violence depicted in the media is unreal and has a surrealistic quality. So the consequences of violent behaviour often seem negligible.

### **Substance Abuse Risk Factors**

Substance abuse is found in a majority of cases of juvenile delinquency, two trends are identified in regard to substance abuse and minors. First, juveniles are using more powerful drugs today than was the case as recently as 10 years ago. Second, the age at which some juveniles begin using drugs is younger. Children in elementary schools are found to be using powerful illegal drugs. The use of these illegal substances or the use of legal substances illegally motivates young people to commit crimes to obtain money for drugs. Additionally, juveniles are far more likely to engage in destructive, harmful and illegal activities when using drugs and alcohol.

### **Identification**

Through the process of identifying potential risk factors that spur a juvenile to inappropriate and even illegal conduct and behavior, early interdiction can occur. Positive intervention, through programming, education and counseling, can divert a juvenile from a path that otherwise would result in delinquency as a child and crime as an adult.

## **CHAPTER- 4 MAIN CAUSES OF JUVENILE DELINQUENCY:**

### **4.1 Main Causes of Juvenile Delinquency:**

Juvenile delinquencies were not created in a day or for a single reason. There is a long history and multifaceted reasons behind it. Civil society, sociologists, crime analysts, legal experts, law enforcement agencies and conscious citizens have given different opinions about the origin and causes of juvenile gangs. For example—

(1) Elder-younger brother culture: In human society, some are younger and some are older based on age. The basis of this relationship between elders and younger people is mutual respect, affection and welfare. Human society and civilization stand on this basis. It is a sad but true fact that today, an ‘elder brother’ and ‘younger brother’ culture has developed in our society. The basis of this culture is unfair patronage and illegal self-interest, which is one of the reasons for teenage gangs.

(2) Senior-junior conflict: No relationship based on mere worldly interests is sustainable without an idealistic foundation. The slightest injury to interests or a slight disagreement causes a rift in the relationship between the so-called elder and younger brothers. The conflict between the younger and the elder, or senior and junior, begins. This conflict ultimately gives birth to another teenage gang.

(3) Lack of proper and fair socialization: Socialization is an ongoing process throughout human life. Through this process, the individual develops into a person who is suitable for the desired behaviour of social life. The way a child becomes social in a family and in society is called socialization. The first and main vehicle of socialization is the family. In addition, the local society, various elements of the local society, peers, educational institutions, religious institutions, cultural institutions and political institutions play an important role in socialization. Due to the lack of proper and fair socialization, teenagers are becoming criminal and teenage gangs are increasing at an unstoppable pace.

(4) Family environment and peer influence Family factors which may have an influence on offending include the level of parental supervision, the way parents discipline a child, particularly harsh punishment, parental conflict or separation, criminal parents or siblings, parental abuse or neglect, and the quality of the parent-child relationship. Children brought up by lone parents are more likely to start offending than those who live with two natural parents. It is also more likely than children of single parents may live in poverty, which is strongly associated with juvenile delinquency (The Convention on the Right of the Child,1989).However, once the attachment a child feels towards their parent(s) and the level of parental supervision is taken into account, children in single parent families are no more likely to offend than others. The conflict between a child's parents is also much more closely linked to offending than being raised by a lone parent. If a child has low parental supervision, they are much more likely to offend.

(5) Peer Rejection Peer rejection in childhood is also a large predictor of juvenile delinquency. Although children are rejected by peers for many reasons, it is often the case that they are rejected due to violent or aggressive behaviour. This rejection affects the child's ability to socialize properly, which can reduce their aggressive tendencies, and often leads them to gravitate towards anti-social peer groups.

(6) Poverty and Economic Inequality: Most people in Bangladesh live below the poverty line. Moreover, economic inequality is increasing day by day. Currently, the number of street children in Bangladesh is more than 1.3 million. According to police data, 1.1 million street children are involved in some kind of crime. 85 percent of street children are directly or indirectly addicted to drugs. Moreover, they are used in various crimes including political processions-meetings, showdowns, picketing, vandalism.[4] According to experts, many people are driven towards gang culture due to poverty and economic inequality.

(7) Availability of drugs: Drugs are now very easily available. They are available at a moment's notice. Many teenagers join gangs to get money for drug use. The 'Alcohol Control Rules, 2022' has made it even easier. Under this new rule, people above the age of 21 will be allowed to consume alcohol. Under this rule, if there are 100 domestic or foreign liquor permit holders in an area, a license to sell alcohol can be issued in that area.

(8) Lack of humane treatment and counseling: Humane treatment helps people to reform. In our country, when a teenager goes astray, mixes with bad friends, or gets involved in crime, everyone looks at them with a frown, avoids them, or criticizes them. It is said that there is no one to listen to the cries of the hearts of these misguided people, to go deep into their problems, to uncover the cause, and to guide them to a way out. This frown and avoidance motivates them to become even bigger criminals. However, a little respect for these teenagers

(9) Failure of educational institutions: Education is the backbone of the nation. Teachers are the great craftsmen of nation building. Educational institutions are the training centers of the nation. Without education, no nation can survive, let alone progress. But currently, the condition of the country's educational institutions is pathetic. Instead of books in the hands of teachers, there is Facebook. Books in the hands of students, instead of pens, there is a deadly weapon. Educational institutions are now busy making students instead of making people. They have now become factories for earning money and producing certificates. The great craftsmen of making people have also become 'education workers'. They are willingly or unwillingly indulged in all the immoralities of students, guardians and the administration for the sake of their stomachs or are withdrawing themselves. Because when they try to fulfill their minimum moral responsibilities, they have to be subjected to various forms of harassment and even murder. Along with this, there is the moral lapse of some teachers. Various state regulations are also no less responsible for this gradual deterioration. In short, our current education system has completely failed to contribute to the formation of an ideal nation and national progress and progress. This failure is one of the reasons for the creation of teenage gangs.

(10) Crime-based domestic and foreign movies: It is sad but true that the space for responsibility in conventional dramas and movies has become very narrow. There is a place for disobedience, obscenity, weapons, robbery, kidnapping, eve-teasing, deceit, cheating, drug addiction, stripping women of their clothes, murder and sexual harassment. These are increasing the criminal tendencies of the audience. They are getting motivated to commit crimes by imitating the heroes and heroines to punish the heroes. Therefore, conventional dramas and movies are also responsible for creating juvenile gangs.

## **4.2 Reasons:**

Today's children are the bright stars of the future. The number of teenage gangs that are being formed day by day is ruining the society, the family and the environment, and the family's suffering is endless due to the ignorance of the parents. That is why teenagers are in the grip of gang culture in the capital. The reckless behavior of a section of teenagers in the neighborhood before they even cross the school threshold is becoming a cause of panic for the locals. Many of whom are not even 15 years old. The number of teenage gangs involved in organized crime is more than fifty in the capital itself. Although many of them were initially limited to eve-teasing or swindling, recently they are getting involved in crimes such as murder, kidnapping, extortion, robbery, drug trafficking, rape and gang-rape.

Families have to build the foundation for the future of children. Families have to teach them everything for their proper development, education, manners, and etiquette. In many cases, parents are so immersed in their own busy lives that they do not get the opportunity to give enough time to their children. As a result, even if they go astray, they are not looked after as guardians. Awareness of guardians is very important in curbing juvenile delinquency. Parents should keep an eye on where their children are going and what they are doing. At least once a day, the entire family should sit at the same table and eat. This allows for an exchange of ideas. It gives an opportunity to know about the needs of the children.

In addition, the incidence of divorce is increasing due to minor misunderstandings. Family bonds are breaking down. Innocent children are rushing towards uncertain destinations due to marital strife between parents. Later, these children get involved in various crimes. Due to the absence of fathers and mothers since childhood, they enter the dark world of addiction. They are affected by various mental illnesses. We are busy trying to organize our lives by imitating the West. But if you look closely, you can see that there is no such thing as family bonds in the West. This family breakdown has the greatest impact on children.

In most cases, children from poor families get involved in various crimes due to lack of money. With the help of political or social leaders, they quickly become reckless. They do not hesitate to commit murder and rape, including drug use and drug sales. To a large extent, ordinary people do not find the courage to protest against these powerful people. As a result, our children gradually become unstoppable. In addition, there are loopholes in the law and order situation. After the criminals are arrested and sent to prison, when they are released on bail, they have nothing else to do.

At the age when children are supposed to spend their time playing games; instead of healthy entertainment, they get involved in Facebook or unhealthy entertainment. In many places, social leaders have occupied children's play areas, or the space that was designated for children may also be inappropriate. Therefore, many children and adolescents are being cornered despite the wishes of their parents.

Not only because of poverty and separation, many children from wealthy families also become juvenile delinquents. Sometimes it is also because of special abilities or leading an excessively luxurious life. They think that if my father has money, I can buy a law and court with money if I want, and this mentality also makes them prone to crime.

**Aggressive:**

These teenagers are always busy and stubborn, they do not want to change their goals and path. They want everything immediately. They have a clear idea about their desired goals. Even all of them cannot reach their desired goals without any obstacles. Some of them have to face obstacles. When they are unable to overcome those obstacles, their emotions get blocked. Unblocked emotions create despair. From this despair, two types of aggressive teenagers emerge - suicidal and homicidal.

**4.3 Characteristics of Juvenile Delinquents:**

The following characteristics can be observed among juvenile delinquents.

- 1) Physical characteristics: Solid body, well-built, muscular.
- 2) Mental characteristics: Restless, impatient, emotional.
- 3) Action characteristics: Immoderate, aggressive, destructive.
- 4) Behavioural characteristics: Hostility, reckless, disruptive, suspicious, stubborn, possessive, adventurous, undisciplined and disloyal.
- 5) Psychological characteristics: Coercive nature, leadership, taking unfair advantage for success, cruelty, ruthlessness, selfishness.

## CHAPTER- 5 JUVENILE DELINQUENCY & JUVENILE JUSTICE SYSTEM IN BANGLADESH PRESPECTIVE

### 5.1 Introduction

This chapter deals with definition of juvenile and child in Bangladesh and International perspectives. Juvenile justice system in Bangladesh and provision of national laws.

### 5.2 Definition of juvenile & child

A juvenile is defined as a child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) look to the nature of the punishment of the offence rather than the offender in determining who is a juvenile. The later United Nations Rules for the protection of juveniles deprived of their liberty (LDC Rules) amended the definition of juvenile to any person under the age of 18, which is consistent with the definition of a child given at Article 1 of the Convention on the Rights of the Child. The following Table 4.1 shows the age limits of juvenile delinquents in some Asian countries.

**Table 5.1: Age-limits of Juvenile Delinquents in Some Asian Countries**

Country	Age-limit of Juvenile delinquents ( in years)
Burma	7-16
Sri-lanka	7-16
India:	Where Children Acts operate 7-16
India:	Where Reformatory School Act operates 7-15
Pakistan:	Where Children Acts operate 7-16
Pakistan:	Where Reformatory School Act operates 7-15
Philippines	9-16
Thailand	7-18
Japan	14-20

According to the Children Act, 1974, the age limit of children is 16 years in Bangladesh. But in United Nations Convention on the Rights of the Child (UNCRC), 1989, 'juvenile' refers to a person under the age of 18 years. So, children laws and policies in Bangladesh are not consistent with UNCRC. The definition of a child or a juvenile is not uniform in the laws of Bangladesh. Different legislations provide different age limits of the delinquents but all of them are within 12 to 18 years of age. However, there are other definitions of the child in various other legislations. A few example of the Child Marriage Restraint Act section 2(a) defines a child and a minor if male as one under 21 years of age and if female under 18 years of age. The Bangladesh Labor Act, 2006 section 2(8) says, 'Kishore' means someone who has reached the age of 18 years. The Vagrancy Act, section 2(3) provides that a child means a person under the age of 14 years. The following Table 4.2 shows the age limits of juvenile delinquents in some European countries

**Table 5.2: Age-limits of Juvenile Offenders in Some European Countries (Rearranged)**

Country	Age-limit of Juvenile delinquents
England	8-17
France	13-16
Poland	13-17
Austria	14-18
Czechoslovakia	14-18
Germany	14-18

Basically, from legal viewpoint delinquency means an act in violation of the criminal code committed by person under certain age. But there is a wide range of variation in regard to age limits of the juvenile offenders in different countries. The age limit of the juvenile delinquents is 7-16years in India, Pakistan, Myanmar and Sri Lanka.

The beneficial provisions of the act, the rules and other provisions expounded in the several international instruments relating to children, are only accessible to the child in contact/conflict with the law if she/he can establish her/his section 2(f) of the children act provides the following definition of a child: (f) "Child" means a person under the age of sixteen years, and when used with reference to a child sent to a certified institute or approved home or committed by a court to the custody of a relative other it person means that child during the whole period of his detention notwithstanding that he may have attained the age of sixteen years during that period.

The below Table 4.3 presents the age limit of child according to different acts and statutes in force in Bangladesh-

**Table 5.3: Concept of Child according to Different Acts and Statutes of Bangladesh**

Name of the act	A child is a person who is under the age of
The Majority Act, 1875	18 years.
The Guardians and Wards Act, 1890	21 years.
The Child Marriage Restraint Act, 1929	Boy- 21 Girl- 18 years
The Suppression of Violence Against Women and Children, 2003	18 years
The Bangladesh Shrama Ain, 2006	14 years
The Children Act, 1974	16 years

In 2004, Bangladesh raised the minimum age of criminal responsibility from seven years of age to nine. Criminal liability of children between the ages of nine and 12 is subject to judicial assessment of their capacity to understand the nature and consequences of their actions. While this amendment has made a modest improvement, the minimum age is still far below international standards. Another concern is that the current protection for child offenders does not extend to all children under the age of 18. Under the Children Act, 'Child' and 'Youthful Offender' are defined as a person under the age of 16. Children between the ages of 16 and 18 are treated as adults.<sup>100</sup> basically, from legal viewpoint delinquency means an act in violation of the criminal code committed by a person under certain age. But there is

a wide range of variation in regard to age limits of the juvenile offenders in different countries.

### **5.3 Juvenile Justice System in Bangladesh**

Juvenile justice denotes access to justice for all children. A proper function of JJS ensures protection of child who is in conflict with the law. So, JJS is applicable for those children who are accused of violating the penal laws of the country. Thus, JJS is regarded as the process for juvenile to have the support of the state, family and the community in achieving their rights of protection and prevention. The concept was first introduced in the United States of America. In 1899, a separate juvenile court, a key component of JJS, was first established in Chicago. The National Research Council-1993 estimates that 25% of adolescents will engage in high-risk behavior. It focuses on the societal institutions that are failing the adolescent: the family, neighborhood, schools, health care, and vocational training. Specific factors that affect a child's pathway into delinquency include poverty, substance abuse, racial discrimination, poor school performance, gender, peer pressure, and history of child abuse. Afterwards, twenty more states formed special court for children between 1899 and 1909. Every state formed some kind of juvenile court that embodied elements of positive schooling and rehabilitation process by 1945. Over the course of time, JJS has been introduced in almost all the countries of the civilized world. The following Figure 4.5 shows the procedure of probation and after-care in the juvenile court-

#### **Juvenile Courts in Bangladesh**

A juvenile court (or young offender's court) is a tribunal having special authority to try and pass judgments for crimes committed by children or adolescents who have not attained the age of majority. In most modern legal systems, crimes committed by children and minors are treated differently to the same crimes committed by adults.

Severe offenses, such as murder and gang-related acts, in 44 states of the USA are treated the same as crimes committed by adults. It was reported in 2007 that "Beginning around 35 years ago, increases in violent juvenile crime permitted judges to transfer juveniles to adult-criminal courts. No national data exist on the number of juvenile offenders prosecuted as adults. The main difference between a juvenile court and an adult court in England is that the juvenile court has a much wider jurisdiction in terms of the offenses it can try. It can deal with a juvenile for any offense except homicide, although it is not bound to deal with a young person for a serious offense such as robbery or rape; on such a charge he can be committed to the Crown Court for trial in the same manner as an adult."

In Bangladesh the government may, by notification in the official gazette, establish one or more juvenile courts for any local area and absence of juvenile courts the following Courts shall be empowered to work as Juvenile Court:

1. The High Court division,
2. Sessions Court,
3. Additional Sessions Court,
4. Sub-Divisional Magistrate,
5. First Class Magistrate

**Juvenile Courts have the following powers:**

1. It shall have power to try any case in which a child is charged with the commission of an offence.
2. It shall deal with or dispose of any other proceeding under this act.

These courts can try all cases originally or on appeal or in revision. A juvenile court can try all cases in which a child is charged with the commission of an offence, but shall not have power to try any case in which an adult is charged with any offence mentioned in part VI of this Act. No child shall be charged with, or tied for, any offence together with an adult.

**5.4 National Laws and provision****Laws providing for the trial of children and other Aspects of Juvenile Justice**

There is no comprehensive juvenile justice system in Bangladesh. Instead different laws contain provisions regarding children in conflict with the law and this often leads to confusion in regards to which law needs to be applied.

**The Constitution**

The Fundamental rights to life, personal liberty, and equal protection of law, protection against arbitrary arrest and to speedy and fair trial as guaranteed by the Constitution of Bangladesh under Article 31, 32 and 35(3) applies to all citizens. However, Article 28(4) also encourages state to make special provision in favor of women or children or other backward section of citizens.

**The Code of Criminal Procedure**

Bangladesh inherited a sketchy juvenile justice system from the colonial laws, contained in Section 29B of the Code of Criminal Procedure, which provides for the trial of children in juvenile courts.

**The Bengal Jail Code**

The Bengal Jail Code and Prisons Act of 1894 provided separation of children from adults in jails.

**The Penal Code**

According to section 82 of the Code, a child under the age of 7/9 years is protected from any action against his/ her criminal act. Section 83 states that if a child between 7/9 and 12 years of age is to be convicted of an offence, it must be proved that he/ she had sufficient maturity of understanding to judge the nature and consequences of the act done.

In 2004, the age of criminal responsibility has been increased from 7 to 9 years providing protection to children less than 9 years of age from any judicial proceedings so that they are not criminally liable for any crimes committed below 9 years of age, according to Penal Code (Amendment) Act, 2004.

### **The Vagrancy Act of 1943**

The Vagrancy Act of 1943 defines a vagrant as anyone who is found in public asking for alms, those persons who do not work, who live on the earnings of others through alms giving and who roam about instead of working at their place of residence. The arrest of children under the Act appears to be arbitrary and the threat of its use to extort bribes from children has become “an instrument in the hands of police to keep urban areas free of undesirable elements and to extract financial considerations.

### **The Children Act of 1974: (The Children Rules, 1976)**

The Children Act is the substantive law for juvenile offenders and their treatment. It deals with both children in need of protection as well as children in conflict with the law. It deals with custody, protection and treatment of children and trial and punishment of youthful offenders.

### **Salient Features of the Children Act 1974**

#### **Definition of Children and Age Determination**

**Section 2(f):** A child means a person under the age of 16 years

**Section 66:** Whenever a person is brought before any criminal court ... and it appears to the court that he is a child, the court shall make an inquiry as to the age of that person and, for that purpose shall take such evidence as may be forthcoming at the hearing of that case, and shall record a finding thereupon, stating his age as nearly as may be.

#### **Bail and Arrest**

**Section 48:** Where a person apparently under the age of 16 years is arrested on a charge of non-bail able offence and cannot be brought forthwith before a court, the officer-in-charge of the police station may release him/her on bail.

**Section 49:** Where a person apparently under the age of sixteen years having been arrested is not released on bail, the officer-in-charge of the police station shall cause him/her to be detained in a remand home or a place of safety until he can be brought before a court, on remanding for trial a child who is not released on bail, shall order him to be detained in a remand home or a place of safety.

**Section 50:** Immediately after the arrest of a child, it shall be the duty of the police officer or any other person affecting the arrest to inform the Probation Officer of such arrest in order to enable the Probation Officer to proceed forthwith in obtaining information regarding the antecedents and family history and other material circumstances likely to assist the Court in making its order.

**Section: 13(2):** Where the Child is arrested, the officer in charge of the police station to which he/she is brought shall forthwith inform the parent or guardian of such arrest, if found and shall also cause them to be directed to attend the court before which the child will appear and specify the date of such appearance.

#### **Jurisdiction and Trial**

**Section 4:** The powers conferred on a Juvenile Court shall be exercisable by the High Court division, a Court of Session, a Court Additional Sessions Judge and of an Assistant Sessions Judge and a Magistrate of the First Class.

**Section 6:** No child shall be charged with, or tried for any offence together with an adult.

**Section 7:** In the trial of a case in which a child is charged with an offence Court shall sit in a building, or a room different from that in which the ordinary sittings of the Court are held, or

on different days, or at different times from those at which the ordinary sitting of the Court are held.

**Section 8:** When a child is accused along with an adult of having committed an offence, the case shall be separated and transferred to the Juvenile Court or the Court empowered to exercise the powers of a Juvenile Court.

### **Punishment**

**Section 51:** No child shall be sentenced to death, transportation, imprisonment for life or imprisonment unless the court is of the opinion that the crime committed is of so serious nature or the child is so unruly or depraved that he can not be committed to a certified institute, the child can be sentenced to imprisonment.

(It is necessary to be noted that under the Penal Code (Amendment) Ordinance, 1985 the words 'imprisonment for life' were substituted, for the word 'transportation'; the word 'imprisonment' was substituted, for the word 'transportation' and the word 'imprisonment for life' was substituted, for the word 'transportation for life or any shorter term'. So according to the provision of this Ordinance there is nothing like 'transportation.' which can be applied as a punishment for the juveniles.)

A youthful offender sentenced to imprisonment shall not be allowed to associate with the adult prisoners.

**Section 15:** For the purpose of any order which a Court has to pass under the Children Act, the Court shall have regard to the following factors: the character and age of the child; the circumstances in which the child is living; the reports made by the probation officer; and such other matters required to be taken into consideration in the interests of the child.

**Section 53:** A court may discharge any young offender after due admonition, release on probation of good conduct or commit a child to the care of a fit person executing a bond with or without sureties

### **Confidentiality and Non-stigmatization**

**Section 9 & 10:** The trial of juveniles shall be held in camera i.e. only people directly involved in the case and the officers of the court can be present during the trial. The Court may also ask people not involved with the case to withdraw.

**Section 16 & 17:** The report of Probation Officer or any other report considered by the Court under section 15 shall be treated as confidential and publication of report of proceedings, photograph of child leading directly or indirectly to the identity of such child is prohibited and punishable by a fine of Tk. 200 or imprisonment for 2 months.

**Section 70 & 71:** Words 'Conviction' and 'Sentence' cannot be used in relation to children and when a child is found to have committed any offence, the fact that she/he has been so found shall not operate as a disqualification for any office, employment or election under any law.

### **Probation Officer for Specialized Assistance:**

**Section 31:** A Juvenile Court may appoint Probation Officers from among suitable persons in the district, if there is no Probation Officer in its area and may appoint a Probation Officer for a particular juvenile. His duties are subject to the supervision of the Juvenile Court and where no court exists, the Court of Sessions.

Duties of the Probation Officer include: visit or receive visits from the child at reasonable intervals; see that the conditions of bond are fulfilled; report to the Court as to the behavior of the child; advise assist and befriend the child and, where necessary, endeavor to find him suitable employment; and perform any other duty which may be prescribed.

### **Institution and Accommodations**

**Section 2 (j):** "Place of safety" includes remand home, or any other suitable place or institution and where such institution is not available, in the case of male children only, a police station in which arrangements are available or can be made for keeping children in custody separately from other offenders.

**Section 20:** "Remand Home" is a place established and maintained by government for the purposes of detention, diagnosis, and classification of children committed to custody by the Court or Police.

## **Article 37 of the CRC**

### **Protection from torture and deprivation of liberty**

#### **State Parties shall ensure that:**

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

Every child deprived of their liberty shall be treated with humanity and the inherent dignity of human person, in a manner, which takes into account the needs of the persons of his or her age. In particular, Every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;

Every child deprived of his/her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his her liberty before a court or other component, independent and impartial authority, and to a prompt decision on any such action.

## **Article 40 of the CRC**

### **Principles of the administration of juvenile justice**

1. State Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for human rights.

2. To this end, and having regard to the relevant provisions of international instruments, State Parties shall, in particular, ensure that:

a. No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

b. Every child alleged or accused of, or recognized as having infringed the penal law has at least the following guarantees:

to be presumed innocent until proven guilty according to law Juvenile Justice System in Bangladesh

to be informed promptly and directly of the charges against him or her, and, if appropriate through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;

to have the matter determined without delay by a competent, independent and impartial authority or judicial body in fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

if considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

To have the free assistance of an interpreter if the child cannot understand or speak the language used;

To have his or her privacy fully respected at all stages of the proceeding.

To maintain case file containing detailed information about the family history, character, educational background and other considerable matters of that child.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and in particular;

a. the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

b. whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing their human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance, and supervision orders; counseling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their wellbeing and appropriate both to their circumstances and the offence.

Beside the CRC, there are three other important UN sponsored documents dealing explicitly with the standards and guidelines for the treatment of children and young people coming in conflict with the law.

The UN Standard Minimum Rules for the Protection of Juvenile (Beijing Rules).

The UN Guidelines for the Prevention of Juvenile Delinquency, 1990 (the Riyadh Guidelines).

The UN Rules for the Protection of Juveniles Deprived of Liberty (JDLs). Not only that but also ICCPR, 1966 reiterates the principles of juvenile justice and contains many safeguards for juvenile like rehabilitation and re-integration (Article 14.4). It prohibits death

penalty of persons when they are under the age of 18 (Article 6.5). These standards, while nonbinding in nature, present useful guidelines concerning the rights enshrined in the CRC.

### **National Reality and State's liability**

Despite having a comprehensive international legal framework and in case of Bangladesh, an elaborate national framework, there exists a big gap between the laws and the reality on the ground. As discussed above, most of the existing legislation predates the current international standards on juvenile justice and thus do not reflect and comply with these principles fully.

Although Bangladesh ratified the CRC in 1990, a number of factors frustrate the very object of juvenile justice system in Bangladesh. The issues, which need special attention in the discussion of juvenile justice in the context of Bangladesh, are the following:

### **Definition of Child**

The definition of children is not uniform in the laws of Bangladesh. Different laws have defined children in different ways. The Children Act defines a child as less than 16 years. But the CRC defines a child as less than 18 years. Hence, in Bangladesh, children between 16 and 18 are treated as adults and are not protected by the laws on children. The Inter-Ministerial Committee on Juvenile Justice, which met on 10 March 2002, at Prime Minister's Office, decided, "All boys and girls less than 18 years shall be considered as children.

### **Determination of age**

Accurate determination of age is especially important with regard to the administration of juvenile justice. No uniform method in our country is available to measure age. The absence of birth registration is a major obstacle in obtaining accurate information pertaining to age groups.

Magistrates and Judges face difficulties in deciding how to deal with a child if the age of the child is not clear. That's why; they have to depend on mere speculation or medical certificates. It is also seen that police are reluctant to record the proper age of the children to avoid due proceedings under the provisions of the Children Act. For this purpose, in early 2005, the Ministry of Home Affairs issued directives on police responsibilities regarding suspected child offenders.

### **Age of criminal responsibility**

The CRC requires States parties to establish a "minimum age below which children shall be presumed not to have the capacity to infringe the penal law". According to recent amendment, in Bangladesh the minimum age of criminal responsibility is nine years (section 82 of the Penal Code) while doli incapax operate as a further safeguard up to the age of 12 (Section 83 of the Penal Code).

### **Juvenile Justice System in Bangladesh**

Children between 9 and 12 years can only be held criminally responsible if they could understand the nature and consequences of their acts and after 12 full criminal responsibilities. On the other hand, section 52 of the Children Act provides that where a child is convicted of an offence punishable with death or imprisonment, the court may, if it considers expedient so to deal with the child, order him to be committed to certified institute

for detention for period which shall be not less than two and not more than ten years, but in any case not extending beyond the time when the child will attain the age of 18 years.

### **Arrest procedures**

The Police have wide discretionary powers to arrest children under a variety of laws. The Children Act, the Vagrancy Act 1943, and the Suppression of Violence Against Women and Children Act, 2000 give police the authority to take children into custody on very broad grounds.

Both children who have committed crimes and children in need of protection are processed through the police station and subject to involuntary detention in a remand home or other “places of safety.” In addition, Article 54 of the Code of Criminal Procedure, 1898 and the Dhaka Metropolitan Police Ordinance allow police to arrest anyone on the grounds of “reasonable suspicion” that the person has been involved in a criminal act.

### **Maltreatment of children**

There are no comprehensive protocols or procedures governing how police should handle children in conflict with the law. In practice, children are generally treated in the same manner as adults, and there have been numerous reported cases of children being subjected to violence and abusive treatment by police. Girls are particularly vulnerable to physical and sexual abuse at the hands of the police. There are allegations that children, being arrested, are subjected to physical and other inhuman and degrading treatment in the detention facilities which is clear violation of the fundamental human rights instrument including the CRC and the national laws as well.

### **Separation from adults**

The Children Act prescribes for the separation of children from adults at two stages of the juvenile justice system - during the trial and subsequent imprisonment of a juvenile. As for example, under section: 49 sub-section (1, 2) and of the Children Act, 1974, any arrested person below the age of 16 years who can not be released is entitled to be detained in place of safety until he will be brought before the Court. Here ‘Place of Safety’ means a remand home, or any other suitable place, the occupier of which is willing to receive a child for a specific period of time or in absence of this separate custody can be made for him or her for the sake of their safety.

But in police custody, in remand, under trial stages and various forms of preventive and protective custody, children are, more often than not, kept in the same cell as adult offenders. Girls who have been victims of abuse and exploitation are particularly vulnerable to detention on these grounds, and are often sent to adults jails due to lack of appropriate facilities which is illegal. This militates against the spirit of juvenile justice.

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### **Bail and Pre-trial Detention**

Under the Children Act, the officer-in-charge of a police station has the authority to release a child on bail, even for a non-bailable offence. This provision potentially gives broad scope for the police to prevent children from being unnecessarily detained in police lock-ups.

However, in practice this authority is rarely used, reportedly because police are unaware of the law, or do not have the resources to trace parents.

### **Juvenile Court and Trial Proceedings**

The Children Act 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. 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. The Court is closed to the public, and the media is prohibited from disclosing the child's identity.

### **Sentencing**

When making an order under the Act, the Court must take into consideration the character and age of the child; the circumstances in which the child is living; and the report from a Probation Officer as to the child's background and family history. Upon finding a child under the age of 16 guilty of an offence, the Court may impose one of the following dispositions:

- Admonishment and discharge;
- Release on probation and under the supervision of a Probation Officer for a period of up to three years;
- commitment of child to be detained in a certified institution (now a Child Development Centre) for a minimum period of two years and maximum period of ten years, but not extending under any circumstances beyond the age of 18 years; In the case of 'Fahima Nasrin vs Government of Bangladesh and others' it was held that the sentence of imprisonment passed in respect of the convicted person who is considered as a juvenile, by the learned Sessions Judge and Judge of the Juvenile Court, is erroneous. It does not reflect a correct interpretation of the Children Act, 1974 and the juvenile is not liable to be sent to prison upon the age of 18 years. (61 DLR, 2009)
- if the offence is serious in nature or the child is "of so unruly or depraved of character" that the/she cannot be placed in a certified institution, the child can be imprisoned for the maximum period which is specified for that offence under the Children Act, 1974. But there are allegations that many children receive sentences, which are inconsistent with the law.

## **CHAPTER-6: MAJOR CHALLENGES OF JUVENILE JUSTICE SYSTEM IN BANGLADESH**

### **6.1 Introduction**

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.

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.

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:\

### **6.2 Vulnerability of the Children of Bangladesh**

Vulnerability of the children of Bangladesh to be in conflict with the law is another great challenge. Many children of Bangladesh are always likely to be in conflict with the law. Lack of parental care, extreme poverty, lack of education & awareness and lack of access to justice prevailing among huge number of population of the country lead the children to such awesome likelihood. Street children of Bangladesh are devoid of adequate care and support that they require to live as a human being. Consequently, they are often left without any option but to engage themselves in activities which are offences under the law of the land. In this process, many children come in conflict with the law primarily because they had to do something to maintain their human existence.<sup>25</sup>

Moreover, extreme poverty and lack of education of a good number of children cause them fall in prey to the criminals. Accordingly, many children are recruited by the adult criminals to aid them in their criminal activities. Another dimension of the vulnerability of the children is that extremely poverty and access to justice, many a times, turn the children an easy option for the law enforcing agencies to arrest or to prosecute.

### **6.3 Development of Policy and Strategy to Promote Diversion of Children**

Development of policy and strategy to promote diversion of children from the formal justice mechanism is a great challenge for Bangladesh. While the handling of a child through formal methods may be justifiable up to a certain extent, an institutional measure beyond a point is likely to become counterproductive for children. Thus, there is a need for diversion from institutional mechanisms into more non -institutional alternatives.<sup>26</sup> Day by day, many countries are developing various strategies like caution, mediation, family group

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<sup>25</sup> Borhan Uddin Khan and Muhammad Mahbubur Rahman, *ibid*, p.128.

<sup>26</sup> Sumaiya Khair, *ibid*, p.27.

conferencing, pre-trial community service etc to deal with children in conflict with the law. Contrarily in Bangladesh, law does not contain adequate provision for diversion of children in conflict with the law. Bail seems to be only pre-trial diversion mechanism available under the laws of Bangladesh.

Moreover, institutionalization, both in law and in practice, is the primary tool used to rehabilitate children in conflict with the law, regardless of the seriousness of the offence committed. Although the Children Act, 1974 makes provision for two other alternative adjudication options such as admonition and probation. These are hardly exercised by the courts. This aspect of the children justice system of Bangladesh is a threat for the well beings of the children. This is because the overuse of institutions for children exacts enormous costs on children, their families, and society. Extensive research in child development has shown that the effects of institutionalization can include poor physical health, severe developmental delays, disability, and potentially irreversible psychological damage. The negative effects are more severe the longer a child remains in an institution and in instances where the conditions of the institution are poor.

#### **6.4 Non-Compliance with International Standard**

The aims and standards maintained in the local legislation in Bangladesh do not in every aspect show the resemblance of the standards and aims contemplated by the International Conventions. Hence infra-structural facilities should be provided along with flexible and lenient legal norms. If it becomes expedient to keep a juvenile under detention, necessary arrangements should be made to provide the juveniles the facilities that a human being is entitled. The Riyadh Rules 1990 from article no. 31 to 37 has given out the full details of the requirements of detention. Again within the paradigm of our national legal system there are not many scopes for pre-trial probation system. This weak side of the laws should be properly cared about.

About the process of trial stage there are not many discrepancies between International Standards and national legislation as per the text and wording. The prime problem in this respect is lack of proper infrastructure facility and logistic support. Of course the concurrent jurisdiction of criminal courts to try offences of the juveniles as conferred by section 4 of the Children Act 1974 should be amended forthwith. Only a juvenile court with exclusive jurisdiction should try juvenile cases. Again it should be clearly pointed out in the legislation as to which crimes should be regarded as heinous and which are not. The weakness that the juvenile justice system in Bangladesh suffers mostly from its inefficacious post trial treatment system.<sup>27</sup> Though detention in remand home is the prime concern of the national legislation the International Standards always put emphasis on a community based correctional system. It is highly questionable whether the method of correction in remand homes in Bangladesh is capable of making a child socially responsible citizen.

#### **6.5 International Standard as to pre trial treatment**

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<sup>27</sup> Sumaiya Khair, *ibid*, p.44.

The definition of child is primarily conceived as a human of 18 years.<sup>28</sup> The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.<sup>29</sup> The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.<sup>30</sup> The police, the prosecution or other agencies shall have the power to dispose of such case before final hearing. The police officers who frequently or exclusively deal with juvenile offences should be specially trained. Regarding this special group of police may be established. Detention pending trial may be used as a measure of last resort and for the shortest possible time.<sup>31</sup>

Whenever possible detention pending trial shall be replaced by alternative measures such as close supervision, incisive care or placement in a family or in an educational setting. The juveniles in detention shall not be discriminated upon their status and civil, economic and political right can not be denied on this ground.

### **6.6 International Standard as to trial stage**

The children Act, 1974 after all contains the provisions which if properly followed shall be able to maintain a good degree of right and security towards a child. 3(b) (iii) of the CRC 1989 speaks for speedy disposal of a trial to which a juvenile is a party. But this is not always possible when the case is exclusively triable by a Court of Session or courts established under section 4 of the children Act 1974. The juvenile justice system shall emphasize the well being of the juvenile and restriction on the personal liberty of the juvenile shall be imposed only after the careful consideration and shall be limited to the possible minimum. The well being of the juvenile shall be the paramount factor in the consideration of a child's case.<sup>32</sup>

### **6.7 Lack of Proper Administrative and other Co-Ordination**

Investigation of the case, proper representation in the court.<sup>33</sup> It is badly felt that there exists a huge gap between administration of justice and law enforcing agent. Police officials through their corrupt practices are frequently violating the basic rights of the juvenile offenders and remain untouched. There are lots of instances where Investigation Officers have charged children of three or four. Most of the police officers do not have knowledge about the Children Act. Especially, they are confused about the age limit of the child, i.e. whether it is 14, 16 or 18.

Co-ordination is badly needed between the police and jail authority, judicial officers, public prosecutors, engaged lawyers the probation officers. As per the Act, the police officer is under an obligation to inform the Probation Officer judicial officers and the lawyers have a very important role to safe guard the interest of the juvenile for proper i within the shortest

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<sup>28</sup> *Ibid*, Art. 1.

<sup>29</sup> *Ibid*, Art. 7.

<sup>30</sup> *Ibid*, Art. 37 (b).

<sup>31</sup> Mizanur Rahman, *ibid*, p.45.

<sup>32</sup> *Ibid*, p.46.

<sup>33</sup> *Ibid*, p.47.

possible time. Then the juvenile will be handed over to the Probation Officer or to the Place of Safety and will be kept there until the case is finally disposed of. During the trial, both the

### **6.8 Police Behavior with the Children**

In the administration of justice the police play one of the most vital roles and juvenile justice system is not an exception to that. In fact, in pre trial stage police is the most important agent that comes in contact with the juveniles.

Field level police officers have not the least training and orientation on the juvenile justice system. They often behave roughly towards the children. Only a very few motivated workers in the juvenile justice administration really understand child psychology and sociology. The Children Act, 1974 prescribes separation of children from adults in every possible stage of the juvenile justice system. The trial and subsequent imprisonment of a juvenile has to be separated from that of an adult. But the fact is children have to remain in police custody, remand, under trial stages and various forms of preventive custody together with adult. Children are subjected to long remands in police custody because of courts' failure to sit regularly. There are children and adults who have remained under trial for more than 5 years, when the alleged offence deserves an imprisonment of only 2 or 3 years. Another problem with the police is substitution of physical violence for investigation process in police custody.<sup>34</sup> Violence within the police station is actually considered a very normal information obtaining process. Every child who has come in contact with police has complained against it.

### **6.9 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.<sup>35</sup>

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.

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<sup>34</sup> *Ibid*, p.48.

<sup>35</sup> *Ibid*, p.51.

Most of the adult persons do not have adequate knowledge about the rights of children. As a result, in most cases, adults' behavior 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.

### **6.10 Findings**

Study has presented the socio legal perspective in Bangladesh interrelated themes: poverty, illiteracy, dysfunctional family, influence of peer group, lack of implementation of theoretical knowledge, failure to make child friendly policy and as well as proper monitoring & evaluation of existing programs because of a small number of staff. This section focuses on specific findings in the study and draws upon relevant literature to understand and analyze the themes. It has found that most of the children attended school. In this area, there is an improvement over the study conducted in 2008 when 41% were found to have not attended school at all (Action aid, Under Aged Prison inmates in Bangladesh, 2008). Out of whole of the inmate population, the representation of the Dhaka Metropolitan area is more than other part of the country The important charges/complaints against the inmates were theft , murder (according to respondents false case), drug related offence and possession of illegal arms. Situation regarding other offences remained almost static. The inmates of Correctional Homes have been staying for a period of more than 3 months (almost 50%).

The major findings are given below:

1. poverty.
2. Media.
3. Improper guidance to their child by the parents
4. The curriculum of our education system.
5. The children are not taken available time as well as affection and love from their parents.
6. Bad company .

### **6.11 Conclusion:**

On the above discussion there are many laws and provision in Bangladesh to protect the children right. For the ensure the children right there are many barrier some of are discuss on above .on that time I prepare my thesis paper the police violate the children right on the inform of session judge court Dhaka.(7-9-15) daily protom alo. So we should conscious about protect the children right.

## CHAPTER-7 RECOMMENDATION & CONCLUDING REMARKS

### 7.1 Recommendation

The study has some recommendation. Which are given below:

- Featuring role: prevention of teenage parents, guardians, teachers, politicians and others to play a role. Family, educational institution, society, government and the people of the state to prevent juvenile crime must be sensitive and considerate. Healthy adolescent mind and deciding to build a coordinated effort from all concerned to run their own space.
- Eradication of poverty: For the eradication of poverty from our country's national and economic leader will be accepted many enterpeniour programs.
- Entertainment: Every school should have ample playground. Annual school sports competition, an annual cultural event, the annual milad mahfil, science fairs, book reading contests, debates, festivals, on deyalika etc. need to be adjusted. Students in schools, Boy Scouts, Girl guides students may be motivated to join. Every government department should have a children park. National daily newspapers, weekly or monthly, and radio and TV stations on the teenage pages need to be held regularly. Teenage magazines, competent adolescent literature and adolescents should be tailored to create short flim. As well as a day to celebrate the National Day of national adolescent and adolescent teenager prizes for outstanding actions can be.
- The practice of religion: religious morality should be practice by the student as well as juvenile.
- Appointments good teacher: Medical student mental ability to conduct educational activities in vulnerability or prevention measures and perused the student will measure knowledge acquired subjects. Cuddle-the teachers, compassion, etc., will make the students feel the security alert. This requires trained and experienced school teachers the basics of employment and training to ensure the quality of primary and secondary level teachers and the training of teachers to understand the mentality of children to be covered.
- Curriculum and educational reform: students age, abilities and preferences of theTextbooks need to be enacted..
- Samedhanasila attitude: to them about any issues that patience, sincerity and seriously listen carefully and take the initiative to solve. I need to speak to them in a way that makes her feel that she is the adult support and sympathy. Words cannot be challenged him with their swords.
- It has counseling of Crisis: Crisis in the case of teenage conducted by psychologists counseling service protect morale problem may be saved.
- The number of juvenile correctional growth: both public and private initiatives to increase the number of juvenile correctional. The correctional center or organization must be builin really on favor of juvenile. The adolescent spiritual, mental and spiritual development and training programs should be required. A few days after the skilled and experienced trainer adolescents brought progress to the next steps to take

following the progress of the verification draws applying the provisions of the labor law to ensure compliance.

- Teenage Law Reform Cell Structure: In terms of age, adolescents need to be a single legal definition. Laws are made for teenagers to take a more practical and effective justice, lawyers, teachers, psychologists, police officers and representatives of the NGOs who are working with adolescents of the National Law Commission, in cooperation with the Ministry of Justice under the Law Reform cell structure is a teenager's Do not think it can be seen.
- Model and example: to protect society at all levels and in all spheres of senior must adolescents say and do in front of the standard to be established.

## 7.2 Conclusion:

Juvenile delinquency in Bangladesh remains a critical socio-legal issue, deeply rooted in a nexus of poverty, broken family structures, lack of education, peer pressure, and inadequate institutional support (Chowdhury & Rahman, 2021; Hadi, 2016). While the **Children Act 2013** marks a significant advancement toward aligning Bangladesh's juvenile justice system with international standards, particularly the **UN Convention on the Rights of the Child (UNCRC)** (United Nations, 1989), its implementation has been sporadic and largely ineffective due to systemic weaknesses and lack of resources (Islam & Jahan, 2021; Faruque, 2018).

The current justice framework often falls short in offering rehabilitation and reintegration opportunities. Juvenile correction centers remain overcrowded and under-resourced, lacking trained personnel, psychological support, and vocational training facilities (Khan, 2019; Hasan & Sultana, 2018). Furthermore, the growing menace of organized juvenile gangs in urban areas—particularly in Dhaka—illustrates a concerning shift in youth culture and criminal behavior (Rahman, 2021; Daily Star, 2023).

Beyond legal inadequacies, the role of the family, school, and community remains paramount. Broken families and dysfunctional parenting environments have been consistently linked with higher rates of juvenile crime (Islam, 2020). Schools often fail to identify or intervene early with at-risk youth, and community-based programs are either poorly funded or absent altogether (Rashid & Akter, 2018; Save the Children, 2021).

To reverse this trend, a holistic and multi-stakeholder approach is essential. This must include legal reforms for faster and fairer trials, enhanced training of law enforcement, integration of psychological and social services into the juvenile justice system, and strong preventive measures such as community engagement, education, and family counseling (UNICEF, 2020; Begum, 2019). Collaborative efforts between government agencies, NGOs, educators, and families can build a protective environment where children are not criminalized but guided toward positive development.

In conclusion, combating juvenile delinquency in Bangladesh is not only a matter of enforcing laws but a call for structural, educational, and social transformation. Without coordinated intervention and long-term investment in child welfare, the nation risks perpetuating cycles of violence, poverty, and social exclusion among its youth.

## Bibliography

- Ahmed, S. (2017). *Youth violence and juvenile gangs in Dhaka*. Dhaka University Journal of Sociology, 14(2), 55–71.
- Alam, M. J., & Hossain, M. M. (2020). *Socio-economic causes of juvenile delinquency in Bangladesh: A criminological study*. Journal of Social Science Research, 8(1), 22–35.
- Bangladesh Legal Aid Forum. (2020). *Juvenile justice in practice: A case study analysis*. Dhaka: BLAF Publications.
- Begum, R. (2019). *Child rights and delinquency prevention in Bangladesh*. BRAC Institute of Governance and Development.
- Chowdhury, M., & Rahman, T. (2021). *Poverty and delinquency: A study of juvenile offenders in Dhaka*. Bangladesh Criminology Review, 13(1), 25–42.
- Daily Star. (2023, April 10). *Teen gang culture rises in Dhaka's suburbs*. The Daily Star. <https://www.thedailystar.net>
- Faruque, A. A. (2018). *Law and child protection in Bangladesh: Legislative reforms and implementation challenges*. Journal of Law and Policy, 9(1), 67–84.
- Hadi, A. (2016). *Juvenile crime and urban poverty in Bangladesh*. Bangladesh Journal of Sociology, 12(1), 17–29.
- Hasan, N., & Sultana, T. (2018). *Failures of probation in the juvenile justice system*. Journal of Law and Society, 6(3), 89–104.
- Human Rights Watch. (2019). *Stolen lives: Police brutality and unlawful detention of children in Bangladesh*. <https://www.hrw.org>
- ILO. (2022). *Child labour and risk of crime in South Asia: A regional overview*. Geneva: International Labour Organization.
- Islam, M. S. (2020). *Broken families and juvenile delinquency: A sociological analysis in urban Dhaka*. Journal of Social Welfare, 18(2), 45–59.
- Islam, M. Z., & Jahan, R. (2021). *Juvenile justice and human rights in Bangladesh: Challenges and prospects*. Journal of Legal Studies, 11(1), 33–50.
- Kabir, M. H. (2019). *Police discretion and juvenile offenders in Bangladesh*. Bangladesh Police Journal, 5(2), 77–91.
- Khan, A. (2019). *Juvenile correction centers in Bangladesh: A critical review of conditions and reform needs*. Dhaka Law Review, 6(1), 112–130.
- Rahman, F. (2021). *The rise of teenage gangs in Dhaka city: A sociological study*. Crime and Society Journal, 9(1), 15–34.
- Rashid, S. F., & Akter, T. (2018). *Understanding child delinquency through street children's lens*. Children & Society, 32(4), 290–305.
- Save the Children. (2021). *Children in conflict with the law in Bangladesh: Situation analysis and response mechanisms*. <https://www.savethechildren.net>
- UNICEF. (2020). *Situation analysis of children in Bangladesh 2020*. Dhaka: UNICEF Bangladesh.
- United Nations. (1989). *Convention on the Rights of the Child*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>