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**Research Monograph On
An Appraisal Juvenile Delinquency in Bangladesh: Causes,
Consequences and Justice System-A Critical Legal Analysis**

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Letter of Transmittal

To
Dr. Kudrat-E-Khuda Babu
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Subject: Submission of the Research Monograph

Honorable Sir,

With great honor, I am a student of LL.M. in the Faculty of Law. I have completed my research project and written a research paper titled "**An Appraisal Juvenile Delinquency in Bangladesh: Causes, Consequences and Justice System-A Critical Legal Analysis**". This report is brought to you with due respect for your interest and critical evaluation. I wish my endeavors success and have put in all my efforts in completing the task. I will be extremely grateful and happy if you will take notice of my report and give it a careful consideration.

Therefore, I would like to request that you accept my research paper for peer review. I will continue to respond to you if you require any further clarification regarding this research paper.

Sincerely yours,



Ayesha Islam

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Declaration

I, Ayesha Islam, hereby declare that this research monograph titled **An Appraisal Juvenile Delinquency in Bangladesh: Causes, Consequences and Justice System-A Critical legal Analysis** on the Laws of Bangladesh', submitted in the fulfillment of the requirements for the degree of Master of Laws (LLM), to the Department of Law, Daffodil International University, is completely the outcome of my own work under the supervision of our honorable sir Dr. Kudrat-E-Khuda Babu, professor and head, department of law. I also declare that this work or any part of it has not been and will not be submitted elsewhere for the award of any other degree or diploma.

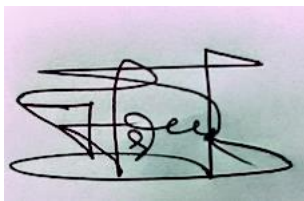
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Letter of Approval

This is to certify that, the work “**An Appraisal Juvenile Delinquency in Bangladesh: Causes, Consequences and Justice System-A Critical legal Analysis**” is an original work prepared by Ayesha Islam, ID: 0242310008133008, Department of Law, Daffodil International University. This research monograph is prepared with my guidance and under my supervision to partially fulfill the credit requirements for awarding the Master of Laws degree.

A handwritten signature in black ink, appearing to read 'Kudrat-E-Khuda Babu', is written over a light blue grid background.

Dr. Kudrat-E-Khuda Babu
Professor and Head
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Acknowledgement

Firstly, I would like to thank Almighty Allah for His infinite grace and generosity. I extend my heartfelt gratitude to my honorable supervisor, Dr. Kudrat-E-Khuda Babu, Professor and Dean of the Faculty of Law, Daffodil International University, for giving me the opportunity to complete my thesis under his guidance. He generously spent his time and provided me with the vital information required to complete the thesis. Without his proper guidance, I would not have been able to complete the work. Finally, I would like to express my gratitude to my friends and those who have helped me.



.....

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Abstract

The beginning of delinquent behavior is not at birth. It is not their choice, but Bangladesh's socio-legal environment that leads most young people to become delinquents. Juvenile delinquency has become a major concern in recent years due to an increase in children participating in criminal activities. But criminals, both male and female, are multiplying daily and committing a wide range of crimes, such as robbery, hijacking, carrying weapons and illegal substances, murder, trafficking, smuggling, and fraud. Numerous socioeconomic factors have affected them, such as peer pressure, excessive satellite television viewing, lack of direction, inappropriate internet use, and deprivation. Consequently, the way society is currently set up is destroying children's childhoods and depriving them of their rights. As an illustration, consider family life, education, health, games, care, and defense. For the purpose of protecting and preventing them, children must be given extra consideration, encouraging attention, and a child-friendly attitude. This thesis looks at significant sociolegal factors as well as contemporary trends that contribute to juvenile delinquency in Bangladesh.

Chapter-1

1.1 Introduction

Crime is undoubtedly a grave and serious social problem that causes serious harm to society by violating sacred customs, laws and values and interferes with the proper functioning of social and political order. Juvenile delinquency can be defined as the manifestation of deviant or illegal behavior by individuals who have not yet reached the age of majority, reflecting a complex interplay of social, psychological, and environmental factors that may require specialized intervention and rehabilitation approaches. Juvenile delinquency refers to the term used to describe unlawful or criminal behavior exhibited by individuals who are considered minors or juveniles, typically those under the age of 18 in many legal systems. It encompasses a wide range of offenses committed by young people, and the legal processes and consequences associated with addressing these actions can differ from those for adults. The goal is often to rehabilitate and redirect juvenile offenders towards more lawful behavior rather than focusing solely on punishment. Juvenile delinquency covers a multitude of sins. As defined by English criminal law, it includes acts as diverse as theft, burglary, robbery, violence, vandalism, fraud, drug use and various kinds of heterosexual and homosexual acts. (Coleman, 1992)

delinquency is limited inappropriate behavior of young people that is not socially acceptable. Juvenile delinquency is urgent social problem in Bangladesh and csssan have far-reaching consequences both to the individuals involved as well as to the society in general. The purpose of this research is to comprehensively analyze the factors that influence youth crime in Bangladesh.-based intervention and prevention strategies they are children, no one notices that they commit various heinous crimes like drug trafficking, prostitution and murder the criminal abuse children. Several studies have been done on this topic. My research also focuses methods of judicial administration that can effectively prevent juvenile delinquency. My concern is how we can ensure juvenile justice, even though we have a special law and a special court, how much juvenile crime can be reduced under the current law. Young people are very sensitive and their criminal ways have different characteristics, so we need special care in this matter of.

1.2 Problem Statement

It's important to consider who, how, by what, and in which contexts juvenile delinquency appears. Juvenile delinquency is determined by a number of factors, including the aspects. Over the last 25 years, there have been significant shifts in the social structure of many Asian countries, including fast urbanization and youth population exploitation. Although a number of nations have made impressive strides in their economies, there are worries that these gains have not improved people's quality of life or decreased the rate of youth criminality. Individual and family therapy, day treatment, supervised group and independent living, vocational placement, specialized foster care, and inpatient and outpatient individual therapy are among the services offered. Bangladesh is facing a number of issues, juvenile delinquency being one of them, despite the fact that it is steadily becoming one of the major South Asian nations due to increased industrialization. In this study, the juvenile justice administration system in Bangladesh and juvenile delinquency were the main topics of discussion. Additionally, it has highlighted the issue at hand and identified potential solutions to avoid future difficulties. However we define it, a juvenile or child is not a criminal or delinquent from birth. In large part, the atmosphere and surroundings of the society are to blame. Social-cultural context, social class, peer relationships, personality differences, staff aspects and identified as influence to be considered as Juvenile delinquency. What is causing the sharp rise in juvenile crime is the primary question?

1. The issue lies in how to prevent juvenile delinquency. ?
2. Is it adequate to address juvenile delinquency in Bangladesh, where there are numerous traditional courts that handle crimes and criminal cases?
3. What issue with delinquency and the process of bringing them into the justice system is currently facing juvenile justice administration?

As a matter of fact that we do not wish to lose our next generation within the confines of the traditional legal system, which is why we require a special child court. There is currently a unique law and court system in Bangladesh, but it is unclear how well these provisions will serve juvenile interests and how much of a benefit they will represent. Hence, the goal of this study was to identify the root causes and current issues with the juvenile justice administration system .

1.3.Objective of the Study

From ancient times to the present age of information technology, young people have been caught up in their fantasy, thus forgetting about real life. In addition to that, young people are also faced with problems and information that encourages them to commit crimes and all kinds of illegal activities. Today's times are also the cause of juvenile

delinquency, so to manage the problem of juvenile delinquency that is increasing in our nation, we must think carefully about this problem. Effective juvenile justice management plays an important role in solving which is the main topic of my research paper. For this, the aims and objectives of my research paper may be as follows:

- a. Briefly explain juvenile crime.
- b. Causes of juvenile crime.
- c. Learn about the role of society in preventing juvenile crime.
- d. Understand the history of juvenile crime.
- e. Understand the current situation of juvenile crime and juvenile justice in Bangladesh.
- f. Identify the direct and indirect drivers of the juvenile justice system.
- G. Define why young people turn to crime and criminal behavior.
- h. To find solutions that will be better tools to improve juvenile justice.
- i. To find suggestions to improve the treatment of delinquent children in Bangladesh and achieve a better and more effective child friendly juvenile justice system.

1.4 Justification:

Children are considered our future, our most valuable asset, our greatest asset, and our hope for a better generation. In our society, many people instill fear in their children. They represent violence, a part of society that has no control, and ignores customs and traditions. Their families did not instill tradition in them. They do not respect other people. These are all causes of violence among children and teenagers. Youth crime is a complex problem in today's world. Juvenile delinquency is the root cause of adult crime and has become a social concern. Like many other countries in the world, juvenile delinquency is a major problem in Bangladesh. Juvenile justice systems around the world have changed dramatically. It needs to change.

The importance and necessity of this research is to protect children from these crimes and ensure their recovery and successful integration into society. In addition, proper youth development programs are essential to educate the younger generation to become good citizens. They are the future leaders of this country and it is our responsibility to provide the right environment for their growth. To lead the nation, child development programs are very important. Most importantly, this research will help change our attitudes towards young people who regularly engage in crime. It is also hoped that this study will be able to accurately demonstrate its role in overcoming the problems associated with child abuse and juvenile justice. This will help governments and policy makers to identify problems and take appropriate action to prevent them, as well as identify gaps in national legislation.

1.5 Scope of Research:

Juvenile crime is a major problem in today's society as it is the root cause of adult crime. Like many other countries around the world, this is a major issue that is a cause for concern in Bangladesh too. In Bangladesh today, the patchwork of crime has increased significantly and poses a serious threat to society. One of the major concerns around juvenile crime is that it represents a gateway to crime for adults or a threat to the safety of individuals and society, implying protection. Society can be as aware of these issues and norms as possible. If measures are taken to solve the problem, it can be understood that the services available are

very poor and unorganized due to lack of social development policies. This may be due to the economic incompetence of our country. But for the betterment of society, a common problem like juvenile crime cannot be ignored or neglected. Recently, it was found that there are 445,226 "street children" in Bangladesh, of which 338,807 live in Dhaka. Majority of them are involved in various crimes. This is not just a Bangladeshi problem, but one that plagues the entire world. That is, Bangladesh is not alone in trying to regulate child criminality. Without serious and sustained scientific research, it is very difficult to find out the true nature of delinquents in our society. In particular, the Bangladesh Juvenile Detention Act, enacted in 1974, restricts the punishment of juveniles. But their conduct as law enforcement officers is inhumane. They were subjected to various forms of ill-treatment, including being handcuffed and taken to police stations or prisons, or held for more than 24 hours. Physical abuse and torture are also common in these countries. Children were arrested during activities and later found to have been arrested by the police. The term "juvenile delinquent" comes from the British legal theory that the state is the master of the elderly. The legal aspects of delinquency include acts such as running away from home, not attending school, not dressing well, and not following the rules of the adult world, as well as the workings of the police and courts. When we talk about juvenile crime, we are forced to admit that we know very little about the extent of it. Crime is not a new problem. Due to the complexity and structure of today's society, this problem still occurs, but it is a serious one.

1.6 Review of Literature:

Child abuse and the administration of justice are now the most pressing issues. This is a sensitive issue and a lot of studies and research are needed to prevent this problem, but from the perspective of Bangladesh there is not much research to prevent this problem. There are some scientific articles, but they all focus on the causes of these problems, not their prevention. I found a few resources for this.

During my education, I took help from many books, books and research articles. Children Act 2013, Criminal Procedure Act 1860, Criminal Procedure Act 1898, Prisons Act, Prisoners Act 1900, Civil Procedure Act 1908, Vagrancy Act 1944, from all these bills crime laws and of fenses also affect the control of children. in Bangladesh.

Theoretical and Applied Criminology by Sheikh Hafizur Rahman Karzon, Oporadhbiddha by Gazi Shamsur Rahman, Prof. N.V Paranjape, Criminological Theory and Penology, Rizvi Ahmed Pratik: Bangladesh perspective gives me an understanding of crime as well as its international approach.

Abdul Hakim Saker (2011), in his article titled "Juvenile Delinquency: Some Views and Perspectives" published in the book "Crime and Delinquency Essays: Bangladesh Reference", explains that the family is an important factor in the emergence of juvenile delinquents. According to him, the child begins to establish good social relationships and becomes concerned about relationships and values. In general, the family role cannot be assumed in this way in our country because more than 70% of our population cannot reach the standard of living. The findings show that, in practice, planning in our societies is often weak, untargeted and rarely structured. Chapter

Monirul Islam (2010) explores the situation and culture associated with child abuse in his M. Phil study "Youth Gangs in Slum Communities: A Dhaka City Perspective". This study is based on research and research methods. The sample size was 110 deliberately delinquent children

en from 20 groups in 10 slums. Broken families, incomplete family healing, punishment of caregivers, maladaptive family discipline, poor parent-child relationships, large families, family size, mixed marriage, child abuse, child labor, poverty, unemployment, illiteracy, disadvantaged groups, etc. talking about. . question. Abdul Hakim Saker (2011) defines crime as a social phenomenon in his article titled "Kho and Tongi Child Development Centre: Some Evil Activities". He said that there are very few social services for juvenile delinquents in Bangladesh. In this context, two schools, Masajidda High School in Chittagong and Khulna Cordon School in Rupsar, have been called reform schools. Dhaka Association of Corrections and Social Rehabilitation (ACSR) provides care and rehabilitation services to persons at risk of crime aged 12 to 21 in cooperation with schools accredited by the Ministry of Internal Affairs.

1.7 Barrier of the research:

There are several problems with this study: There is no comprehensive study focusing on crime prevention and control or the realities of juvenile crime, making research investment difficult. There are no separate government statistics showing juvenile crime in Bangladesh. Even if such statistics existed, they would be of limited value as they do not necessarily reflect the criminal behaviour of young people. There are several limitations, as outlined below: Most offenders do not discuss the subject, making it more difficult to collect an international sample. Identification of adolescents is a difficult and time-consuming data collection process. Because data collection is a challenging issue, the sample size of the study was not large and therefore may not be representative.

1.8 Method of research:

This study is based on information from primary and secondary sources. Primary data was collected from various national and international laws and regulations and current reference cases. Secondary data was also collected from books, articles, magazines and internet on child abuse in Bangladesh. This article uses qualitative and descriptive research methods and chooses mixed methods as the method for this article. Hence, both qualitative and quantitative methods are used in collecting and presenting data in this field. And it focuses on in-depth surveys and qualitative research methods. A review of the literature reveals that most of the studies on child abuse have been conducted in Bangladesh. Till now, very little research has been done on socio-economic factors related to violence against children. The reason for this study is that without an account of socio-economic factors, it is difficult to identify the main causes of the problem. Hence, a qualitative approach is required. Gazipur Tungi Child Development Centre (for boys) and Konabari Girls Development Centre (CDC), Gazipur were selected as the study sites due to the presence of accused children. This case study was conducted through in-depth interviews with a number of young inmates. If I am present during data collection, a checklist and semi-structured questions will be developed and added to this study.

a) Data Collection:

Data for this study was Secondary data required for social research is collected from various

published research reports, journals, books, newspapers, articles, magazines, internet, literature and related research findings. Secondary information that records the nature, causes, treatment and consequences of child abuse is helpful in properly interpreting and analyzing the information collected from primary sources. Information from secondary sources provides a good theoretical basis for this study.

b) Data Analysis:

Data processing and analysis begins after the fieldwork is completed and the integrity of the data is verified. For qualitative data, the key is to describe, summarize and interpret the data obtained. Once fieldwork and data collection are completed, the data is entered and edited using a computer. The data is then analyzed and interpreted based on the research objectives.

c) Research Findings:

This study provides a number of recommendations for groups involved in child abuse. First, educational institutions must provide counselling sessions and education programmes, including anti-bullying programmes, for students who need help with mental health disorders, family issues and other problems. This should be integrated into the curriculum. Secondly, governments must expand safeguards to prevent young children's lives from going off the rails. Thirdly, staff must be trained to deal with violence against children and parents must be properly involved in the community. Finally, we need more counselors, social workers, and other groups willing to raise awareness about how to address serious problems in society.

Chapter-2

2.1 Definitions of Juvenile Crime:

According to various laws in Bangladesh, the maximum age of a juvenile or a child is as follows:

A) For the purpose of juvenile justice, a "minor" is defined as a person below 16 years of age under Section 2(f) of the Children Act, 1974.

B) A "child" is defined as a person below 14 years of age under Section 1(3) of the Bengal Vagrant Act, 1943.

A "child" as defined in Section 2(f) of the Penal Code, 1864, refers to a person below the age of 18 years. According to the United Nations Convention on the Rights of the Child (CRC), every person below the age of 18 years is considered a child unless he or she attains majority earlier according to the law applicable to children. There are many laws in Bangladesh that define a child. There are various laws that do not agree on the age of a child. Some define a child as someone under 12 years of age, others say under 14 years, and even some say under 18 years. However, the Youth Act of 1974 defined a child as someone under 16 years of age. A person under 16 years of age is considered a child under the law. The minimum age of criminal responsibility varies internationally between 6 and 18 years, but the age of criminal majority is usually 18 years. (Susan Young, 2017)

2.2 Juvenile delinquency means:

In general, this term refers to any type of inappropriate behavior of children and adolescents that is condemned by society and requires criticism, punishment or correction for the good of society. . Therefore, the term has a very broad meaning, including hostility and defiance in children and social indifference. The definition of juvenile delinquency also includes other behaviors that minors engage in every day, such as begging, delinquency, loitering, violence, idleness, stealing, eating, gambling, etc. can be considered when the exact definition is established. The problem of juvenile delinquency is therefore, essentially of a recent origin. The youngsters between a certain age-group are easily attracted to the temptations of life and lend into criminality. (Sadaf, 2019)

If this pattern of behavior is proactive and is a feature of the wider community, it may lead to youth delinquency among young people. This means that many new generations are not under the control of family and society. Despite the definition of the Criminal Code, a child is considered to be a rebel who causes distress to others, or if the family is difficult to manipulate the child. In its broadest sense, youth delinquency refers to "the consequences of bad behavior in children," and it manifests differently in different societies. However, all of these definitions have one thing in common: the child's current ability to engage in socially unacceptable behavior. The main concerning term of these paper is Delinquency and Juvenile delinquency. These two terms definition are discussing here.

In principle, a juvenile is someone who is 13 years of age or older but under 18 years of age. The word "juvenile" comes from the Latin "juveniles" meaning "young." A juvenile is a child or young person who must be treated differently from adults in relation to crimes under the relevant legal system. According to Black's Law Dictionary, a juvenile is someone who has not yet reached the age (usually 18) to be treated as an adult by the criminal justice system.

Youth are considered to be the most vulnerable in society as they react very quickly to social problems. There are around 40 million children between the ages of 5 and 17 in Bangladesh, of which around 550,000 are drug addicts. Some of them are involved in protest marches, robbery and human trafficking. However, Article 28 of the Bangladesh Constitution mandates the state to make special provisions for women, children or lower class citizens in the justice system to ensure that they receive better treatment in the justice system. In the case of "State v. Secretary of State, Law and Parliamentary Affairs" etc. and "State v. Secretary of State, Law and Parliamentary Affairs" etc., a number of recommendations were made. It has directed the government to make fundamental reforms in the child law while meeting the required standards of the 1989 UN Convention on the Rights of the Child (CRC). In Bangladesh, a minor is a person who has attained the age of 13 but is not yet 18 years, whereas the age of criminal responsibility under the Bangladesh Penal Code is 9 years. Several reports have shown that majority of families exert excessive pressure and control on the adolescents, leading them to engage in many criminal activities. According to the Children Act 1974, a juvenile is a child below the age of 16 years. The Children Act 2013 defines a child as a person below the age of 18 years. According to the United Nations Convention on the Rights of the Child (UNCRC), a child is defined as "a person below the age of 18 years, unless the majority of the law applicable to the child reaches an earlier age."

Children reach an earlier age. According to the United Nations Convention on the Rights of the Child (UNCRC), a child is defined as "a person under the age of 18 years, unless the law applicable in 1989 provides that he/she shall reach adulthood." The Convention on the Rights of the Child recognizes that "juvenile delinquency" means a crime or criminal act committed by a child of a certain age under 18 years. According to the Penal Code of 1860, children under the age of 9 years are protected from any crime, whether they have committed it or not. Furthermore, Article 83 of the Penal Code of 1860 provides that "A child between the ages of 9 and 12 years shall not commit a crime unless he/she has attained the maturity of understanding necessary to understand the nature and consequences of the crime he/she commits." This possibility will be evaluated. The term "juvenile delinquency" is vaguely defined in many countries. A clear definition would be extremely helpful in developing a viable juvenile crime prevention program.

delinquency. In finding out a working definition, it should be remarked that juvenile delinquency is not mere legalistic concept as it is sometimes taken to be. It may be construed as a specific behaviour and pattern. It is only when this behaviour pattern is of an aggressive nature and harmful to the public that the boy or girl concern come juvenile delinquency may be defined in simple words as antisocial tendencies in the young and youthful.

2.3 Historical Background of Juvenile Justice System in Bangladeshi Perspective:

The trend of sexual misconduct continued throughout. In early Europe, adults and adolescents were treated roughly due to fears of abuse. According to the Modern Laws of the British Colonial Law Society, adolescents over the age of seven risked the same punishment as a solo offender. In Norway, adults could use their hands to escape from a robber, and young children had the option of avoiding the help of others as a punishment. The first concept of juvenile justice and separate jurisdiction system was introduced in the United States in 1899. With the adoption of the Geneva Convention in 1923 with the approval of the League of Nations, child protection first attracted global attention. After the successful founding of the United States in 1945, the importance of children as a civil right attracted the attention of many international organizations. Bangladesh has a long history of establishing youth clubs, inspired by the British rule in India. During the declining period of the British, there was no active movement to protect the welfare of children. In 1850, the Apprenticeship Act, which focused on protecting the interests of children, was first passed in India. However, in British India, the documents of the Indian Penal Commission from 1919 to 1920 were landmarks in the long history of juvenile justice. Each cabinet proposed setting up independent tribunals, juvenile courts and extrajudicial courts for juvenile offenders, and an independent tribunal headed by a Deputy Commissioner was set up. This led to the Madras Children's Act of 1920, the Bengal Children's Act of 1922 and the Bombay Children's Act of 1924. In 1960, under the Pakistani regime, the Probation Ordinance was enacted to provide legal assistance to juvenile offenders. Bangladesh does not have a unique tradition of juvenile justice. Thus, the Madras Children Act, 1920, the Bengal Children Act, 1922, and the Bombay Children Act, 1924 were passed. The Probation Ordinance was enacted in 1960 during the Pakistani government with the objective of providing legal assistance to juvenile offenders. Bangladesh does not have its own juvenile justice law. After Bangladesh's independence, the Children

Act, 1974 and the Child Hinds Act, 1976 were enacted, which combined all the historical laws. These laws were enacted before many international trials began and were enacted with the sole objective of ensuring separate trials for juvenile offenders and sole offenders throughout their sentences. Following the standards of CRC 1989, the Bangladesh government recently enacted the Juvenile Justice Act of 2013, repealing the Juvenile Justice Act of 1974. The newly enacted Juvenile Justice Act of 2013 is the agency responsible for the protection and care of children and youth who are in the United States illegally. Currently, there are three Special Juvenile Courts and three Special Punishment Groups in the United States for the correction and treatment of juvenile offenders. it was unanimously agreed by all the judges that he was a proper subject of capital punishment. (In re GAULT, 387 U.S. 1, 87 S. Ct. 1428, 18 L. Ed. 2d 527 (1967).) These groups have been selected as Youth Development Centers and are located in two government centers; two for male juveniles in Tongi and Jashore, and one for female juveniles in Konabari, Gazipur.

2.4 Main Reasons of Juvenile Crime in Bangladesh:

Juvenile delinquency is a global phenomenon. Despite the abundance of rehabilitation and other interventions, adolescents continue to suffer from adjustment disorders. In extreme cases, this is important to tackle youth crime, where violent, violent and illegal activity among young people is on the rise. Because there are many benefits of coping strategies in cases of child maltreatment, a consensus interpretation of child maltreatment can help determine the appropriate nature of the maltreatment and assess criminals. As a result, juvenile delinquency is on the rise. The main reasons for the sharp increase in youth crime are:

(1) Urbanization, along with economic development and growth, have created new problems, such as: housing, housing, overcrowding, loss of parental supervision, the breakdown of family, etc. They work to support their families and leave their children at home without parental support and supervision. Moreover, modern trends have made more and more young people turn to legal means to fulfill their needs. Juvenile delinquency has increased dramatically in urban areas for a number of reasons. Someone recently said that "according to modern crime, there is no crime without punishment," and that statement is true. Therefore, eliminating the conditions that encourage crime is necessary to protect society from criminals.

2. Another reason for the increase in juvenile delinquency is the breakdown of family structures and the failure of parents to protect children. British Home Secretary Butler said that the breakdown of the family leads to the loss of parental care, lack of security, lack of love and attention to children, which may be the cause of crime children Another problem that harms family harmony is the increase in the number of divorces and problems in marriage. Modern man's power over his family is rapidly diminishing. Direct discrimination and neglect of good children can have a negative effect on children's mental health. Children who feel abandoned wander and become a den of evildoers.

3. Therefore, the children of the family must be cared for, accepted, guided and carefully observed. The focus is on preventing problem crime rather than treating the perpetrators.

Parents and other family members want to provide many opportunities for their children to develop themselves. This can be done with the right education, training and support. It's you

4. Social norms change rapidly and it is difficult for children and young people to adapt to new situations. They suffer from a culture war and cannot distinguish between right and wrong. Therefore, they may commit crimes.

5. Biological factors such as early physical maturity and low IQ can also create negative behavior in young people. The maturity of girls is reduced by 3-4 years. At this time, girls enter puberty at the age of 12 or 13, but mentally they do not yet know the real world. As a result, they don't realize the burden of their work and are prone to engage in sexual activities in search of short-term pleasures. Therefore, parents should inform their children, especially girls, about the health effects of preventing sexual pleasures and warn them in time. It is important that efforts are made to ensure that all girls are protected from child sexual abuse and exploitation. It is important to actively protect girls from prostitution and child pornography.

6. Abandoned and destitute boys move into slums, where they come into contact with criminals in prostitution, drug and alcohol dealing, and illegal trafficking. When abandoned and impoverished boys move into homes, they encounter criminals involved in prostitution, drug and alcohol dealing, and illegal trafficking. they break the law by borrowing money for illegal activities.

7. Poverty can also be the cause of child abuse. Even if parents are unable to meet their children's basic needs such as food, clothing, shelter and basic necessities, children may be guilty of earning money. Sometimes, parents may feel guilty about earning money.

8. In addition to the above reasons, there are other factors that contribute to the delinquency of children, such as lack of communication, child labor, dust, etc.

Chapter-3

Juvenile Justice Administration in Bangladesh

3.1 Bangladeshi Administration System

The Children Act 1974 is the primary law dealing with juvenile offenders. The purpose of the Act was to consolidate and modernize regulations regarding the prosecution and sentencing of young offenders as well as the care, custody and treatment of young people. According to the US international organisation Rescue the Children, there are around 400

children in the Central Jail. K.K. Document published in the daily Prothom Alo on 4 January 2003. After receiving 248/2003 on 9th April 2003 for the rehabilitation of the juvenile. The High Court Division of the Supreme Court of Bangladesh has issued the following guidelines on the issue:

1. The juvenile justice system cannot survive without juvenile courts.
2. The juvenile justice system cannot exist without juvenile courts.
3. Bail is set by the existing Legal Aid Board.
4. Children should not be allowed to interact with or be judged by adults.
5. Children must be released from jail on bail and sent home. Or they may be forced to beg or subjected to other cruel treatment.

3.2 Precision of a children and Legal age of juvenile offenders:

Definition of child and age of criminal responsibility: Bangladesh law defines child differently. Different laws show children in different ways provide for separate trials for adults and children. Juvenile delinquency remains a major emerging social problem globally. Statistics shows that crime among persons aged 18 years and below is on the rise. (Haveripet Young, 2021) The Correctional Schools Act of 1897 provided guidelines for reform. According to the Code of Criminal Procedure of 1898 cases involving children are tried by the Juvenile Court. The Bengal Children's Act of 1922 had similar provisions. This law covers the protection, treatment, care and protection of children. Children's law is a legal framework designed to protect the interests of children in all aspects of legal proceedings, ultimately created through the amalgamation of the Children Act 1974 and the Children Acts 1976 It provides in the protection of children: those who are in conflict with the law or who are a danger to society. The law requires the court to consider the child's age, background and other relevant factors before making a decision. The law prohibits the joint trial of juvenile and adult offenders, even if the offenses were committed together, and establishes separate juvenile courts. This bill also lays down guidelines for the care and protection of abandoned and abandoned children, especially those who are victims of violence and neglect by their guardians and parents. The Majority Act 1875, the Child Marriage Prevention Act 1939, the National Child Policy 1994 (defining children below 14 years) and the Employment Act of 2006 (defining workers under 14 years of age as child labour). Children under 18 years of age will be considered. However, for the purposes of juvenile justice in the Children's Act, anyone under the age of 16 is considered a child. Bangladesh is a member state of the UN Convention on the Rights of the Child (CRC), which defines everyone under the age of 18 as a child. Article 82 of the Criminal Code in Bangladesh states that a person must be 7 years of age or older to be charged with a crime. If a minor is convicted of a crime punishable by death, deportation or imprisonment, article 52 of the Constitution allows the court to order the child to be sent to an approved prison for duration of 2 to 10 years, until Completion. a maintenance flight. If we believe it is necessary to contact a minor, the minor will be over 18 years of age. The above law does not specifically determine the age of criminal responsibility. The minimum legal age for criminals should be clarified.

3.3 Enactment of the Juvenile Delinquency Law

Under the Children's Act 1974, no child can be sued and tried alongside an adult. The powers of the Juvenile Court can also be exercised by a Division Bench of the High Court, Collegiate Court, Additional Collegiate Judge, Assistant Collegiate Judge, Divisional Judge or First Class Judge²⁸. Therefore, if the trial court is the only court that has jurisdiction to hear the case and other courts subordinate to it, the juvenile court and no other court can hear the case. Currently, there are three youth courts in our country. Conabari KUK, Jessore, and Tongi, in that order. Each district would have a juvenile court with the capacity to hold sessions, the NTF decided at its first meeting on November 30, 2003. In conclusion, the Secretary's Committee for Administrative Development gave its approval for the creation of four juvenile courts spread across four division cities¹. On August 20, 2006, NICAR received the aforementioned proposal, which was forwarded to the Cabinet Division's monitoring cell. For minor cases, special magistrates have been chosen in each of the 64 districts. According to the Bangladesh Penal Code 1860's article 82, no act of a child under the age of 9 can be considered a crime. In the Majority Act, 1875, anyone under the age of 18 is called a juvenile. By interpreting sections 82-83 of the Penal Code and Children Act, juvenile offenders will be 12 to 16 years old. (Dewan, 2021)

3.4 Lawful arrest, bail, detention and release

The head of the police station has the authority to grant bail to a person brought in, as long as adequate security is provided. However, if the individual is arrested for a non-bailable offense and cannot be immediately presented before a court, bail cannot be granted. This is to prevent the risk of interfering with justice, compromising moral values, or associating with known criminals. If bail is not granted, the police station head must arrange for the person to be detained at a remand home or safe location until their court appearance. According to Section 49 of The Children Act, if a child is remanded for trial and not granted bail, they must be held in a secure facility.² The probation officer must be informed promptly of a juvenile's arrest to initiate the case. Minors cannot be charged or tried alongside adults, necessitating separate charge sheets and court proceedings.

3.5 Alternatives to the juvenile justice system

Placement of a minor in a development center, remand home, or other safe haven is not the only option available to parents under the Children Act. The first decision to release a child on bail is made by the police station commander. With the approval of the court, the Act imposes additional duties on the court.³ First, the court may order the release of a young offender following a proper reprimand or on probation for good behavior, with the condition that the offender be placed in the care of his parent, guardian, other adult relative,

¹ The Daily Star (30 November 2003), p.12.

² The Children Act, 1974, Section 49.

³ The Children Act, 1974,

or other appropriate person. Alternatively, the court may release the young offender on bond. A probation officer may be assigned to supervise the juvenile offender, as per the court's order. When a young offender has not behaved well during their probation, the court may, after making the necessary investigations, decide to place them in a licensed institution for the duration of their probation if it finds, either through other means or through a report from the probation officer.

3.6 Trial Procedure on Juvenile Justice

The Children Act prohibits joint trials of juveniles and adults. The criminal court must try a minor separately when they are charged with the same crime as an adult. While section 239 of the Criminal Procedure Code allows for the joint prosecution of those accused in the same incident, section 6 of the Children Act will make an exception to this rule. Any court operating outside of its jurisdiction and in contravention of the Children's Act would be in violation of this clause if it were to try a minor alongside an adult. The ruling in *Shiplu and Others v.* was declared invalid by the High Court Division. based on this premise.⁴ The portion of the trial reserved for adults is null and void if an adult was present at the time of the offense, or if an adult was present but under the age of 16 at the time of the trial⁵. In *Bimal Das v.*, the high court division noted that although the Children Act was silent in this regard. State concluded that the age stated in the section does not relate to the age at which the offense was committed; rather, it refers to the defendant's age at the time of his arrest or trial. When a minor is charged with a crime, the court is required to convene at a time or place other than that of its regularly scheduled sessions, or during a different day.⁶ By using an informal trial format, the young offender is kept out of a court setting that could be harmful to him. An open court is one that is designated by for criminal cases.

3.7 Sanction of juvenile offenders

Under the Juvenile Act, a child cannot be sentenced to death, exile, or imprisonment unless a court determines that the child's behavior or harm precludes admission to a licensed premises or the offense committed is serious. In this case, the young man may be sentenced to prison. Even if a juvenile offender is incarcerated, you can't work with older inmates. Courts should consider the following factors when deciding on Juvenile Laws.

Ø Age and condition of the child; the child's living environment; reports submitted by probation officers; and other factors that should be considered in the decisions. Under the Juvenile Justice Act, no child shall be sentenced to death, imprisonment or imprisonment unless the court determines that the crime committed was serious, serious or heinous. child who cannot be enrolled in a licensed institution or both. . Sometimes, children are arrested. Young inmates who serve time do not communicate with older inmates. In deciding the Juvenile Law, the court should take into account the child's personality and age, his lifestyle, the probation officer's report and other relevant factors.

3.8 Probation and Rehabilitation

Let's say that the area lacks a probation officer. In that scenario, probation officers may be appointed by the juvenile court for a particular juvenile, choosing from among qualified

⁴ 44 DLR HCD, 77.

⁵ 46 DLR HCD, 460 as cited from, Ibid,p.137.

⁶ 49(1997) DLR. HCD.p.53

candidates in the district.⁷ If there is no court, the juvenile court or civil court will handle the probation officer's duties. The duties of the probation officer include allowing the child to continue to visit him, monitoring the bail process, reporting the child's behavior to the court, guiding and supporting the child, helping the child find a suitable job when necessary, and performing other duties. . other tasks can be delegated.

Chapter-4

International Perspective

4.1 International aspect for juvenile justice system:

Since the adoption of the UN Convention on the Rights of the Child in 1990, the world has focused on justice issues for children. Here is a brief overview of the juvenile justice systems that exist around the world today. Subsequently, the United Nations General Assembly adopted five further pivotal human rights treaties: the International Convention on the Elimination of All Forms of Racial Discrimination (1965); the International Covenant on Economic, Social and Cultural Rights (1966); the International Covenant on Civil and Political Rights (Goldson, January 2012) .

4.2 The United Nation's Convention on the Rights of the Child (UNCRC)

The UNCRC Convention is the inclusive worldwide means that supports a standard for united states of america bodies while toddlers catches in some criminal actions in addition to demands state bodies to take all essential approach for the safeguard of teenagers against some harsh and debasing penalty or bias. The Convention likewise holds guidances towards public and private social work corpses, court and some added appropriate policy-making experts to guarantee decent prosperity way for the reinforcing the rights of infants. CRC characterizes that state bodies be going to guarantee that a youth under age of 18 age be going to not face some penalty in the form of torture, vicious and animal situation or isolation and be going to not need freedom without delay. Such a offspring be going to further not be reliable as one accompanying men and must take enough opportunity to uphold trade offspring. Under the said earlier item, if some offspring under 18 need welcome freedom before he will be entitled to challenge specific need in the legal tribunal. The Convention on the Rights of Child suggests that some youth all along trial be going to be considered expected blameless as far as resulted blameworthy and has the right to take permissible help from persons. A teenager be going to not endure confirm blame and if he/she forsakes to accept the vocabulary of court, an translator expected named.⁸ The Convention guarantees the toddler's right to solitude all the while all stage of experiments. With compliance

⁷ Ibid., Section 57.

⁸ The Convention on the Rights of the Child, 1989, Article 23.

accompanying the course of the Convention united states of america body must make laws, form organizing and base courts for the separate trial whole appropriate to the minors asserted expected delinquent. The state body still bears a responsibility to fix a minimum age beneath that a toddler be going to not be dared to have the talent to deliver some breach of disciplinary standards. There be going to be chance of enough resources of care, counseling, trial, concerning details preparation program, admonishing, promote care and added appropriate organizations essential for the prosperity of kids.

4.3 Beijing Rules:

Provisions of separate and specific order of juvenile lawfulness are very stressed for one Beijing Rules of 1985 and disheartened capital in addition to physical punishment for the kids. These rules guarantee the instruction and feel inclined the court are too fashioned by these rules to exercise allure caution favorable interest of juveniles.

Beijing Rules of 1985 have reviewed that the minimum age of amassing criminal blame must not be

situated at also depressed age level and state must take drives for saving the solitude of the to ddler perpetrators by consistency all the pertaining records entrust.

4.4 Riyadh Guidelines :

The UN directions present more significance on the far-reaching plan and influence of uniform atrocity organizing instrumentalities because stop of juveniles from delivering evil will be more likely. Similarly Riyadh Guidelines too set limit on vicious and debasing penalty upon juvenile delinquents.

4.5 Havana Rules :

Havana Rules dictate authoritarian limit to maintain all the records secret pertaining the trial of infant perpetrators. Imposing some death penalty on youngster perpetrators in the form of harshness or viciousness is completely secured. Havana Rules demand united states of america management to plan and project justifiable number of Child Development Centres for the reorganization, preparation and reconciliation of adolescent perpetrators in addition to to maintain a minimum standard of care in aforementioned incident organizations. ntial. Establishment of law enforcement group container is heartened for one Rule 12 of Beijing Rules.

4.6 Penal responsibility of Juveniles Ofenders:

The 1989 Convention on the Rights of the Child states that children are "incompetent to commit acts contrary to criminal law", but does not specify a minimum age. According to the Beijing Laws, this starting age should not be too young, development of the legal system that recognizes the concept of the age of criminal responsibility for children little. According to the definitions of these laws, the minimum age for committing a criminal offense varies across history and cultures, but if it is set too low, it can cause harm. The idea of â□â□â

prescription state would make no sense if there was no minimum age requirement. Therefore, international standards do not specify a minimum age; however, the standards require the government to take into account the physical and mental development of children and their need for special care. Efforts are being made to achieve international agreement on a minimum acceptable threshold has condemned 10-year-olds and under, and mandates that decisions be made based on the best interests of the child. The Committee on the Rights of the Child oversees the implementation of the Convention on the Rights of the Child in many countries.

4.7 Arrest, bail, and detention pending trial in international aspect:

A child or little one who is taken into custody faces prison ramifications straight away. A bail bond or detention pending trial is a topic of debate after the arrest. Right here are a few times of global guidelines that defy prison necessities regarding the arrest, bond, and custody of minors pending trial.

- Contracts between law enforcement and a juvenile culprit ought to be dealt with with appropriate attention to the specifics of the case, respecting the juvenile's felony reputé, promoting the juvenile's nicely being, and protective the juvenile from harm. Excellent as a remaining lodge. Forty six All children who are detained for crook offenses are entitled to set off and express notification concerning the accusations made in the direction of them. The character's dad and mom or legal guardians have to additionally be notified as quickly as they're placed in detention. Notifying the person as quickly as possible after being detained is required if this isn't viable. Implementing felony guidelines, processes, authorities, and institutions is vital to promote pre-trial diversion. As soon as that is performed, every try is probably made to use options to jail earlier than trial, along with near supervision, All the children who are denied.

The on the spot a toddler is taken into custody, they emerge as legally . After an arrest, the query of bail or detention till trial comes up. The following are instances of non-legal worldwide guidelines pertaining to the custody, bail, and arrest of minors searching ahead to trial.

- Agreements amongst law enforcement businesses and juvenile offenders ought to be performed in a manner that respects the juvenile's crook fame, promotes the juvenile's well-being, and guards in the direction of harm to the juvenile, considering the specifics of each case. Pretrial detention and arrest cannot be used as a closing motel or arbitrarily, and that they must simplest be used for the shortest time period feasible. 46 every younger character who has been arrested for a crime needs to be informed right away and right away of the prices which have been made closer to them. Dad and mom or felony guardians should also be notified as quick because the individual is located below arrest. Ought to this not be viable, the man or woman need to be knowledgeable as soon as feasible following their incarceration.

- institutions, government, recommendations, and techniques need to all be mounted place to support pre-trial diversion. After that, if it's far viable, alternatives to prison earlier than

trial—which include near supervision, crucial, in an academic surroundings, domestic—ought to be used.

- No youngster in jail or prison should endure, Every youngster who is denied.

4.8 Juvenile Court procedure of International aspect:

According to international standards, children in conflict with tests should be done separately for children. Adequate pre-trial procedures must be followed to avoid prejudice against the accused. This level of protection includes additional requirements if the abductor is a child. The international standard guidelines for prosecuting children in conflict with the law are as follows:

- Every child involved on a legal matter has the right at all times to have it decided by an impartial, competent and independent tribunal.

- When it comes to juvenile offenders, the court system needs to consider their age as well as the necessity of promoting their rehabilitation. Every child who is in legal trouble should have the opportunity to be heard, and the procedures followed must be in the best interests of the child and conducted in a way that fosters understanding and without restraint.

- Legal requirements must be followed during the trial. Children who have been accused must be assured that they will always be treated fairly in court, and that they will be presumed innocent unless proven guilty by law. When a minor is in legal trouble, they should have the right to testify and address possible witnesses. She/he will also be protected from post-facto criminal laws and forced confessions.

- The right to an active and present parental presence during a trial is guaranteed to any child involved in legal proceedings.⁹ Such involvement or attendance may also be required by the court. The parent or guardian, however, might not be allowed to participate reasonable assume that necessitate their exclusion. If free legal aid is available in the country in question, all children who are in legal trouble should also be able to apply for it. Concerning the trial, minors who have broken the law are especially susceptible to discrimination. International standards require that the privacy of every child of this type be fully protected during the entire process. To avoid harm from unjustified publicity or the labeling process, the Beijing Rules mandate that the juvenile's right at all times. It also says that "any information that could be used to identify a minor offender shall not be distributed in general. "To these guidelines, the following information is added: records of juvenile offenders must be kept completely confidential and not disclosed to third parties.

- People who have broken the law are especially susceptible to stigma during the trial. International standards require that every child of this type have their privacy fully protected during the entire process. The need to safeguard children's right to privacy and the confidentiality involving them is emphasized heavily in the Beijing Rules. The Beijing

⁹ Ibid

Rules mandate that the juvenile's right to privacy be respected at all times in order to shield them from harm caused by unjustified publicity or the labeling procedure. Furthermore, it states that "no information that could be used to identify a minor offender shall be distributed. These guidelines are supplemented with the following information: records of juvenile offenders must be kept completely confidential and not disclosed to third parties. Additionally, "Access to such records shall be confined to persons immediately associated with the disposition of the matter at hand or other duly authorized persons," and "Documents of juvenile offenders shall not be used in adult procedures in later cases involving the same offender."¹⁰

4.9 Internationally Judicial Sanction

Giving children who have broken the law harsh punishment is not the right course of action. A range of non-custodial sentence options must be included in statutes and implemented by the judiciary in order to guarantee that juvenile justice is handled appropriately in every country, as required. According to international aspect, children who break the law are punished in the ways listed below:

treatment options, including those related to care, guidance and supervision, provision, social services, credit, restitution and financial penalties.

- According to international standards, restrictions on liberty may be required in certain circumstances as a "last resort" to address juvenile delinquency and for a very short period of time. The judge must determine, before granting liberty under the "ultimate" sentencing guidelines, that the goal of the measure (in this case, the rehabilitation of the child) cannot be achieved in non-maintenance situation. More importantly, no one should be deprived of a liberty prohibited by the Constitution. Beijing laws, unless it is found that the child has committed other serious crimes on a continuing basis, or there are no other legal remedies, if the child has committed a crime against another person. At the same time, the "shortest time" should be interpreted as the amount of time that corrective treatment is necessary to save the child. International law prohibits the death penalty and life imprisonment for minors who violate the law. Given the seriousness offense and the offending juvenile's needs and circumstances, any sentence imposed should be appropriate.

Chapter-5

Most Challenging Issues to Reform

5.1 Basic Theory:

The government has done a lot to improve juvenile justice programs, there is still a lot of work to be done. One of the main problems is the ignorance of those. This results in various serious violations of children's fundamental rights. For example, children who commit "statutory crimes" such as loitering, smoking, begging, dropping out of school, or drinking

¹⁰ Ibid , Rule 13.5

alcohol are often exempt from detention. It is common for the most basic due process rules to be broken. There are occasional and frequent arbitrary arrests, detentions, and sentences. People are physically attacked, forced to testify against them, and tortured while they are being detained and questioned. Sexual abuse of children occurs far too frequently¹¹. Children in prison who have not yet reached the legal age of majority are housed with incarcerated adults and are at risk of abuse and negative social interaction. Bangladesh has not fully incorporated the principles of the Convention on the Rights of the Child and international agreements on juvenile justice in reforming its laws and juvenile justice system. According to the UN Convention on the Rights of the Child, the juvenile justice system in Bangladesh is "inadequate to address" children's rights issues. All parts are included.

5.2 Challenges of determining the juvenile crime and imposing criminal responsibility

In Bangladesh, Juvenile laws vary in their definition of what constitutes a child. Different legislation provides different definitions of children, with no specific mention of age. This lack of clarity makes it difficult to specifically identify a child. The age of juvenile criminal responsibility in Bangladesh is stated as over seven years old in the penal code, however the Children Act defines a child as someone under the age of sixteen. This discrepancy means there is no clear concept of age at which someone becomes criminally responsible.

5.3 Joint trial

The Children Act of 1974 and the Code of Criminal Procedure of 1898 restrict the trials of minors to juvenile court; adult courts are not permitted to try children¹². Their trial will be held in secret, with directly allowed to attend. It has been observed that children who are co-accused with adults are often prosecuted alongside adults in ordinary criminal courts; nonetheless, court following these trial-related laws. A child and an adult should be tried together. Consider the case of Shiplu and another versus state. Insufficient legal counsel: Most young people who come into contact with the law and end up in jail or prison do so from relatively low-income families. Often, they are too poor to afford legal representation, which is the core principle of the criminal justice system. Bangladesh's legal system is terribly lacking in this regard. There are many excellent lawyers in Bangladesh, but they do not take on cases involving children. Due to their families' inability to pay for legal representation, even the most affordable attorneys are unwilling to take on the case. The situation described above clearly illustrates that the primary problem lies with our legal system, which fails to provide sufficient assistance to young offenders. The fund for legal aid is not b, despite the fact that it exists.

5.4 Adverse Court Environment

Children should feel comfortable in the courtroom where their crime is being tried. More kid-friendly than regular criminal courts are the child development centers' special courts for minors. But the number of cases that come before the criminal courts where the special

¹¹ The Beijing Rules, 1985, Rule 8.1.

¹² The Convention on the Rights of the Child, 1989, Article 38

procedures outlined even placed in foster care—is minuscule. As such, the trial ought to happen in these particular juvenile courts, or the criminal court system ought to be involved.

5.5 Lacking of facilities on Juvenile Reformation centers

Bangladesh currently has three youth detention centers equipped with remand home amenities. Tongi is the younger of the two boys. one each in Dhaka and Jessore. There is just one female prison in the Konabari district of Gazipur. But today, child development centers are housed in these prisons. Those are supposed to be specialist groups that assist children with legal matters. They are now filled, though, with guardian-referred cases. Their facilities for criminal justice activities are also lacking. The curriculum of the vocational training program is outdated, and the instructors lack sufficient qualifications. A recent newspaper article emphasized the dangerous situation surrounding juvenile development centers. Within the juvenile detention facility, a 10-year-old boy was found dead with his throat slashed, while another boy was believed to have died in an altercation amongst other prisoners. Government intervention and strict decision-making are necessary when dealing with this kind of serious problem inside of prisons. Additionally, plans for training prison staff and guards, counseling, and modern skills for the prisons are required.

5.6 Breaking of the rule of juvenile justice system

In the juvenile justice system, notifying the probation officer of the minor's arrest is the first step. But police officials never find out who the child's family is because of their other obligations. Likewise, it is impractical for every probation officer to go to every police station every day to find out if any minors have been arrested that day. What can be done in this case is for the probation officers. There aren't enough probation officers in this situation, so the social welfare agency needs to hire more of them. Probation officials are also unable to perform their duties because of a lack of knowledge. This Children's Act section needs to be put into practice in order to successfully enforce justice.

5.7 loopholes of the Children Act,1974

Ensuring that children never end up in jail is the main objective of the Children Act of 1974. Bengali law and legal practice do not yet recognize the concept of diversion, which is . Numerous aspects of juvenile justice legislation are also absent, including restorative justice, mediation, and a declared . Other features include community and non-governmental organization involvement and unambiguous protection between children who need to be protected and their offenders. There are no specific provisions in the Minor's Act that deal with the questioning of minors for statements or confessions or that prohibit the use of physical force. There is no legal or practical safeguard against abuse and intimidation of children during police questioning and interrogation. We should try to incorporate these provisions into the laws that are currently in place Even though the Children Act primarily relies on institutionalizing and denying children their liberty, police and judges generally see it as the only means of rehabilitating or "correcting" children.

Chapter-6

Concluding Remarks

In recent times, there has been a notable dedication from both government and non-government organizations to improve the juvenile justice system. It is crucial to channel this momentum into sustainable and well-structured reforms for the nation's juvenile justice system. Here, I will put forward some recommendations and suggestions to enhance the juvenile justice system.

6.1 Recommendation:

The goals of the juvenile justice system cannot be achieved without a sound and adequate legal foundation. To ensure proper justice, the following legal reforms are necessary.

- The Children Act of 1974 and the Children Rules of 1976 should apply to children between the ages of sixteen and eighteen. It is essential to amend the Children Act of 1974 to include all people under the age of 18 as "children" in order to achieve this goal.
- When law enforcement and a juvenile offender interact, it should be done in a way that upholds the children's legal status, promotes their welfare, and shields them from harm. Therefore, putting an arrest on a minor while they are handcuffed ought to be illegal.
- Every young person suspected of committing a crime should be entitled to free legal counsel provided by the government.
- Arresting a youth on doubt of a case concede possibility be painstakingly contingent regulation, leaving police officers instrumentalities accompanying the simplest amount of judgment.
- The sanctioned forbiddance of infant arrest under safeguard standard should.
- Legislative operation concede possibility pass away to exclude the likelihood of a kid taking adult penalty. Therefore, it is considered that even though a kid sustains penalty, the asperity of the punishment be restricted to scarcely individual-triennial of the asperity of adult penalty.
- Any kid arrested in a KUK concede possibility not be shipped to jail to do the balance of the imprisonment or captivity namely due and bear grant permission to wait in the KUK ambiguous even following in position or time curving 18 age traditional. Where confinement is inescapable, a more forceful contract 'tween a youth and welcome offspring be necessary in the baby's best interest. As a result, to create the Children Rules' contrary paragraphs commanding offspring contracts obedient accompanying worldwide standards, they need expected transformed

Police are authorized by a number of regulations to detain minors for protection when they are in vagrancy, begging, prostitution, smoking, or have dropped out of school. It is crucial to regulate police power because it should never be permitted for them to abuse their discretion and harm even one child.

Sensitization and training is needed

When it comes to dealing with juvenile delinquency, the lawyers, judges, probation officers, police officers, and jail officials of any correctional facilities should collaborate. Adequate guidance and awareness of pertinent matters ought to be provided to them.

In order to further advance the cause of reform leading to the creation of a child-centered juvenile justice system in Bangladesh.

NGOs and social welfares contribution

Children in need of protection can find refuge in homes managed by various non-governmental organizations. They should offer themselves as a place to stay. This also avoids the need for jail or other correctional facilities. In addition, they concentrate on juvenile justice and offer legal aid. A significant number of children do NGOs are able to help children in need with legal matters. Resources from the government can also be used for this. Our government's Social Welfare Department has the most potential to be helpful. If the probation officers who work for this department properly use their authority and fulfill their duties, the allmost all of the children who are currently incarcerated can be released, and the number of children to any jail can be decreased.

The existing laws Should be properly implemented

The decision by our government of mandate birth certificate is a smart move, as it eliminates the challenge of determining a child's age. If this laws are strictly followed, issues surrounding a child's age can be easily resolved. In cases where juveniles are involved in crimes with adult offenders, it is important to protect them. Juvenile crime should be housed in shelter homes instead of jails, with separate charge sheets for children. Under the Children's Act of 1974, children must be separated in prisons or police stations, but unfortunately there is no special place for children. This means that existing laws can be enforced without additional legislation.

Another ways of imposing punishment should be followed

We are committed to finding alternatives to punishment and incarceration when discussing prison reform. A recent directive from the High Court has emphasized the importance of seeking a child's opinion before placing them in custody during ongoing trials. While considering a child's perspective is valuable, there is concern that this could inadvertently encourage placement in correctional facilities. Our recommendation is that juvenile delinquents should not be immediately sent to prison or correctional facilities. The concept of "freedom" must be adhered to first, because it will be influenced by other bad people. However, other forms of punishment should be considered, such as community service.

Under Article 48 of the Juvenile Act, offenders are released on police remand or prison terms. They can participate in activities such as cleaning places of worship as a form of service to the community.

6.2 Conclusion :

Research shows that our country has implemented many laws for the protection of human rights, justice and rights of children. However, the effectiveness of these laws is often hampered by inconsistent and ineffective implementation. It is important to review and improve systems related to youth crime so that they are properly implemented. In addition to legal regulations, democratic government policies are also important to the success of the juvenile justice system. Unfortunately, many people who work in the juvenile justice system have little understanding of what the juvenile justice system is all about. However, the Supreme Court is committed to upholding the goals of the juvenile justice system. The court emphasized the importance of following the provisions of the Juvenile Act 1974 when dealing with young offenders and ordered that all parties should treat young offenders differently.

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