

A STUDY ON JUVENILE DELINQUENCY IN BANGLADESH: ISSUES AND CHALLENGES

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ABSTRACT

Juvenile delinquency has emerged as a matter of serious concern in recent times with the rising number of children involved in unlawful activities. There are so many laws for the juvenile and so many NGOs and training institutions for the development of the child but till now a lots of children are deprived and facing several harassment. The present juvenile justice administration system is not satisfactory. In this article, we have shown the existing juvenile justice administration system in Bangladesh, existing laws and policies relating to this, what are the connections with international conventions. This article explores the present trends and major causes of juvenile delinquency in Bangladesh. Based on secondary data, this exploratory study has been carried out with content and case analysis approach. In this article, we have also endeavored to address the major issues involved in juvenile delinquency. This research has also sought to address the practical scenario regarding the juvenile delinquency occurring in different places in Bangladesh. We have also tried to address the major challenges regarding juvenile delinquency.

INTRODUCTION

Juvenile delinquency is a burning issue and relatively a new phenomenon in the criminal and human rights jurisprudence. Although it is a new phenomenon but the historical aspect of juvenile delinquency is deep rooted in our society. From ancient age to modern world we find the existence of juvenile delinquency in every society.

A child of today is the father of tomorrow if we do not nourish them properly then they will go to ash hole. Afterword they will become juvenile delinquent, the most disparaging matter is

that they got involved in crime from family and also from the society. Since they are child no one notice it carefully eventually they do various types of heinous crime like drug peddling, prostitution and murder. If we look into the deep of the problem then we also see that the children are abused by the big criminal and there is a circle of crime and criminals.

There has been several research conducted on this issue but my aim is to focus on juvenile justice administration how it could effectively prevent the juvenile delinquency. My concerning issue is about how we could ensure a juvenile justice system although we have a special law and special court how far it is possible to reduce juvenile delinquency under existing law. What is the existing problem in juvenile justice administration and the way of delinquency and the procedure to bring them into the justice system?

Juveniles are very sensitive and the way of their crime has different attributes so we need special care on that issue. Effective mechanism and positive attitude can bring a huge change on the issue of juvenile delinquency. How could we mix up both mechanism and positive attitude of the society and its people that is also my issue on research paper?

STATEMENT OF THE PROBLEM

Though Bangladesh is gradually becoming one of the emerging countries in the south Asia by growing industrialization, it faces various types of problem juvenile delinquency one of them. This study has mainly focused on juvenile delinquency and juvenile justice administration system in Bangladesh. It has also emphasized on current problem regarding this matter and also suggest some possible solution to overcome this challenge. Juvenile or child whatever we say they are not by born criminal or delinquent. The society and its atmosphere is highly responsible for the delinquent activities of the juvenile, but not only society other elements also responsible for that activities.

Problem is that how could we get rid of from that juvenile delinquency? There is various traditional courts in Bangladesh which deal with crimes and criminal but is it sufficient to deal with the juvenile delinquency? Actually, we do not want to lose our child in the Pandora's Box of traditional justice system so that we need special court for child. So far in Bangladesh there is a special law and court under this law but question is that how far it is beneficial to a juvenile. So this study has tried to find the existing problem of juvenile justice administration system and also the possible solution.

OBJECTIVES OF THE STUDY

From ancient age to this information and technology era juveniles are all time remain in fantasy so they ignore to believe the practical life, besides this they also suffer from various problem which leads to do crime or delinquency. The present modern era also leads them towards the delinquency, so to control this overwhelming delinquency problem we have to think promptly in this regard. To solve delinquency problem how a perfect juvenile justice administration can play a vital role that prime concern of my study. In this regard my aims and objectives of the study may go through as follows:

- a. to give a brief idea about juvenile delinquency.
- b. to give an idea about the history of juvenile delinquency.
- c. to know about the current situation of juvenile delinquency and juvenile justice administration system in Bangladesh.
- d. to find out the explicit and implicit problem behind the juvenile justice administration system.
- e. to identify the causes which leads the juvenile to commit crime or delinquent activities.
- f. to find out some sorts of solution which can be a better instrument for implementing juvenile justice administration.
- g. to make out some suggestions for improving delinquent condition of children and also for a better and effective child friendly juvenile justice administration system.

JUSTIFICATION OF THE STUDY

Children have been described as our future, our greatest resource, and our hope for a better tomorrow. In our society many people infuse fear in the mind of children. They represent violence, a segment of society lacking in self-control and devoid of ethics and morals. Their families fail to install them in traditional values. They hardly have respect for others.

Juvenile delinquency is a complex problem in the current world. 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. The juvenile justice system all over the world has been undergoing changes. The changes are revolutionary in nature and feature. The importance and justification of the study is to protect

the children from recidivism and ensure their rehabilitation as well as smooth reintegration within the society. Moreover, a proper juvenile justice development program is indispensable in the efforts to bring up the juveniles as worthy citizens of the country. On the other hand, they are the future leaders of the nation. To lead the nation towards prosperity, comprehensive child development program is needed on a priority basis. Actually this research may help us to change our outlook towards juvenile who are incidentally engaged with offences.

It is also hoped that this study will properly disclose the exact role to solve this long run problem relating to juvenile delinquency and juvenile justice administration. It will help the govt. and policy makers to know the problem and to take necessary steps to remove the drawbacks of existing laws.

LITERATURE REVIEW

Juvenile delinquency and justice administration system is now a most talkative issue in legal arena. It is a highly sensitive issue so there has been lots of work and study conducted on this issue, but in Bangladesh perspective not so many research conducted. In the time of study I have got help from various books, journals, research paper. The Children Act 2013, the Penal Code 1860, the Code of Criminal Procedure 1898, the Jail Code, the Prisoners Act 1900, the Code of Civil Procedure 1908, the Vagrancy Act, 1944, from all of these statute I have got idea about delinquency and also about the juvenile justice administration system in Bangladesh.

Different Bangladeshi books like Theoretical and Applied Criminology by Sheikh Hafizur Rahman Karzon, Oporadhbiddha by Gazi Shamsur Rahman, Criminology and Penology of Professor N.V Paranjape, Theory and Practice of Criminology: Bangladesh Perspective by Rizvi Ahmed has given me over all idea about delinquency and also about its international aspect.

Lastly Higher Court's decision about delinquency and its justice system have great influence on my work.

SCOPE AND LIMITATION OF THE STUDY

There has been lots of research conducted on juvenile delinquency but juvenile justice administration system in Bangladesh is not got proper emphasis. This research have tried to give an idea about the present scenario of delinquency and also about the juvenile justice administration system in Bangladesh. From this study one might know about the main causes behind delinquency and its remedy to eliminate from the society. One can easily identify the problems which surrounded the juvenile justice administration system by this study and also can get possible solution.

This study has been conducted in Dhaka and Mymensingh, so I could not reach the delinquents of every part in Bangladesh and also I could not get chance to explore every Juvenile Court in Bangladesh. There have remained some short comings, moreover to err is human but i have tried my level best to present an exact scenario of delinquency and also juvenile justice administration system.

DEFINITION OF JUVENILE

The juvenile is one who already attained the age of thirteen but yet to attain the age of eighteen. The word juvenile is derived from the Latin word juvenis which means young. In other words, juvenile connotes a young person without fully developed traits of youth. A juvenile is child or young who under the respective legal system should be dealt with for an offence in a manner which is different from that of an adult.

According to Black's Law Dictionary, Juvenile means a person who has not reached the age (usually 18) at which one should be treated as an adult by the criminal justice system.

According to Children Act, 1974, the juvenile is the child under the age of 16.

Children Act, 2013 defines the child as a person under the age of 18.

The United Nations Convention on the Rights of the Child (CRC) defines a child as “a human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”

MEANING OF JUVENILE DELINQUENCY

It is very hard to define juvenile delinquency and not easy to give a precise definition of juvenile delinquency. The concept of "Juvenile Delinquency" has been vaguely and imprecisely defined in many countries; a clear definition would be most useful in the formulation of workable programmes for the prevention of juvenile 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 pattern. It is only when this behaviour pattern is of an aggressive nature and harmful to the public that the boy or girl concerned comes under juvenile delinquency. It may be defined in simple words as antisocial tendencies in the young & youthful.

Juvenile delinquency, also known as juvenile offending, or youth crime, is participation in illegal behaviour by minors (juveniles) (individuals younger than the statutory age of majority).

To define juvenile delinquency, it can be said that "The act of juveniles by which the society and the life becomes dangerous are juvenile delinquency."

The activities which are done by juvenile but disapproved by the society are called juvenile delinquency.

According to Burt, "a child is to be regarded as technically a delinquent when his anti-social tendencies appear so grave that he becomes subject of official action. "Irrespective of legal definition, a child might be regarded as delinquent when his anti-social conduct inflicts suffering upon others or when his family finds him difficult to control.

In a broad generic sense, Juvenile delinquency refers to "a variety of anti-social behaviour of a child and is defined somewhat differently by different societies, though a common cornering tendency may be noted in those forms, namely, socially unacceptable tendency of the child at any given time."

In August 1960 the United Nations' 2nd congress on crime and criminal justice discussed juvenile delinquency and told "that all activities committed by children are delinquency which are violations of criminal law, inconsistent and not recognized by society."

It is clear from above mentioned definition that when the juvenile or child involved in some activities against society and state then it is called juvenile delinquency.

CRIMINOLOGIST VIEWS ON JUVENILE DELINQUENCY

To criminologist, juvenile delinquency encompasses all public wrongs committed by young people between the ages of 12 and 20.

According to criminologist Shulman “juvenile delinquency is the activities which is done by a child under the age of sixteen years, violating any law of the state, or any cities or any ordinance.”

Criminologist W.R. Smith and D. Dressler said “juvenile delinquency is the illegal interference on the society.”

According to Dr. Sethna “juvenile delinquency involves wrong doing by a child or a young person who is under an age specified by the law of the place concerned.”

Criminologist Ferdinand said “The failure of the children to show expected behavior to the society is called juvenile delinquency.”

CAUSES OF JUVENILE DELINQUENCY IN BANGLADESH

In Bangladesh Juvenile delinquency has become a concern problem. And this problem is increasing day by day. There are some reasons behind this. The reasons of juvenile delinquency in Bangladesh are given below:

1.1 Poverty

Bangladesh is poor country. Most of the people live here below the poverty line. They can't provide with their basic needs. So young as well as child become involved in criminal activities to earn their basic need. Thus create juvenile delinquency in our country.

1.2 Family problem

Family problem is one the main causes for juvenile delinquency. Family is the first and foremost area where personality formation starts developing. Feeling of rejection or insecurity in the family, feeling of unloved or misunderstood, feeling of discomfort due to lack of family harmony and jealousy of brothers and sisters may be identified as the emotional deprivation. There was clear evidence that those who are found delinquent were very unhappy in their family life.

1.3 Lack of parental control

In every family proper attitude of parents towards the children is important for their normal growth. But if there no proper care and control either from father or mother the children become delinquent and they commit illegal activities.

1.4 Broken family

Absence of father or mother due to death or divorce, bad relation between father and mother are highly responsible for juvenile delinquency. In which families there are quarrel their children grow up with inferior mentality and can't even learn to respect the others.

1.5 Undue discrimination

The children need affection, protection and guidance at home. But undue discrimination among children or step motherly treatment is a common phenomenon in our society which has adverse psychological on the juveniles and leads juvenile delinquency.

1.6 Criminality of parents

It is found from a research that there are possibilities of becoming delinquent where the parents of a child are criminal.

1.7 Companionship

There is a proverb that "A man is known by his companies." There is a extreme influence of companionship upon a child's personality. Criminologist Healy and Bongor find in 62 percent of the 300 cases that, companionship definitely influence delinquency.

1.8 Industrialization and Urbanization

Though industrialization and urbanization are helping in our economic development they are breaking our society and creating many problems. The joint families have been broken as a result the family influence is reducing so the children become delinquents.

1.9 Migration

For many reasons people are migrating to the cities from their villages in our country. But they can't be provided with proper rehabilitation. There poverty brings the children of those families in contact with anti-social activities.

1.10 Illiteracy

Illiteracy is a problem in our country. We know education enlighten our soul. A man can differentiate the rights and wrongs only by proper education. A person not educated can't realize his duties and responsibilities to the society. Being ignorant to those duties he got involved in delinquency.

1.11 Lack of Creative Recreation

To grow up physically and mentally the constructive recreation is too important for the children. But in our country there is a less opportunity of creative recreation. These lack of creative recreation leads juvenile delinquency.

1.12 Imitation

The children like to imitate. If the father or brother or any other relative of a child is criminal there the possibility will be increased for child to be a criminal because the children imitate their seniors.

1.13 Mass Media and Movies

Mass media gets popular support throughout the world as an aspect of juvenile causation. The juveniles like to watch TV and movies, to read literature. But all the TV shows, movies and literature are not for juveniles. They influenced by the TV, movies, obscene literature, cinema, magazine, pornographic shows. Horror and crime, fiction, crime and sex movies, yellow literature, blue films all these makes an antisocial stimulus to young boys and girls.

JUVENILE JUSTICE ADMINISTRATION SYSTEM IN BANGLADESH

The Juvenile as a part of our society always remain in most vulnerable condition. No one heard their voice and thinks more about their mind, consequently they become delinquent. Although in south Asian region child got special care in family but due to poverty and lack of standard life also leads them to delinquency. In developing countries like Bangladesh, India and Pakistan, juvenile delinquency increases due to persistent poverty, unemployment, inequalities and changing values etc. This unwanted situation in the field of juvenile delinquency has drawn the attention of the sociologist, criminologist, psychologist, social workers and correctional workers and the public leaders. All of them have paid due attention to combat the juvenile offenders. To combat the delinquency problem a new and effective mechanism evolved which is called juvenile justice administration system.

The juvenile justice system is the structure of the criminal legal system that deals with crimes committed by minors, usually between the ages of 10 and 18 years. In Bangladesh the history of juvenile justice administration is not so enriched but it is started to its journey towards a child friendly administration of justice. Thousands of impediments surrounded the justice system in Bangladesh beside this a light of justice has been seen via recent Children Act 2013. We hope that acts will not remain in black paper government will take initiative to implement it.

Laws Related to Juvenile Justice Administration

The history of separate juvenile justice system is not so old in Bangladesh, Actually the history of legislation and juvenile justice system were the historically antecedent to the British. Likewise a wave of change throughout the world in Bangladesh also a impact of that wave come and which ultimately resulted a new it special law in 1974. If we want to know about existing law relating to juvenile justice administration then we have to start from our supreme law Constitution. Now I am trying to give an overview regarding laws relating to juvenile justice administration:

The Constitution

Constitution is the supreme law of Bangladesh. In Article 28(4) of the fundamental rights part we find matter about children rights. Accordingly State can make special law for the children to provide them special care and security. In broad spectrum Article 31, 32, and 35(3) provide extra protection to the children like all other ordinary citizens.

The Penal Code 1860

Section 82 and 83 give exemption to the child from criminal liability. In section 82 give exemption till 9 years old, and under section 83 from 9 to 12 if he did not get enough maturity to understand what the consequences of his commission of any crime.

The Bengal Jail Code 1894

The Bengal Jail Code 1894 provided for separate trial for children and adult. And also separate resident in jail.

The Reformatory School Act 1897

In Reformatory School Act 1897 we were able to find about a guidelines regarding reformation of children.

The Code of Criminal Procedure 1898

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

The Bengal Children's Act 1922

That very Bengal Children's Act was related to custody protection, trial and treatment of the children.

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 1974 (Children Rules 1976)

After the independence of Bangladesh a nice initiative was taken from government to create a special justice system for juveniles. For various short comings of the government that very law was not so effective one, consequently the aspiration of common people remain indulge. But under that very law there was separate court for children which were the starting point of children justice system. Later on 2013 for fulfilling the people’s aspiration the legislature repealed the law and made a new law namely Children Act 2013.

Sishu Ain 2013

This is a comprehensive law in the field of juvenile justice administration, and harmonized with the United Nations Convention on the Rights of the Child (CRC) and has referred to the CRC in the preamble and replaced the Child Act 1974. A child is defined in section 4 and includes anyone up to the age of 18 years. Section 5 and 6 deals are about the appointment of Probation Officer and about their duties and responsibilities. Section 7 to 12 is about the children welfare board. In section 13 to 15 describe about child desk and also about charge sheet against the children. Section 16 to 43 is about Juvenile Court and its functioning. Arrest, investigation, diversion, and bail matter is discussed in part-6 from section 44 to 54. The matter relating to legal representation and Legal Aid has been discussed in part-7 from section 55 to 57. Children development centre and certified institution enumerated in part-8 from section 59 to 69. Punishment of special offences to children has been enumerated in part-9 from section 70 to 83. In part-10 we find the matter relating to alternative care for children.

EXISTING JUVENILE JUSTICE ADMINISTRATION IN BANGLADESH

Bangladesh by the way of a tremendous effort has got their new attractive legislation relating to the juvenile justice administration. From 21st August 2013 the new Children Act was made effective and now this is the basis of juvenile justice administration. Present juvenile justice administration in Bangladesh is given below:

Juvenile Court

Before this new act there was two special juvenile Court and other four courts which have jurisdiction to hear the matter involving children. In new act only Additional Session Judges court is empowered to hear the matter. Under section 16 Government by official gazette notification and also with the consultation to Supreme Court can appoint an Additional Sessions Judge Court as Juvenile Court in District headquarter or in metropolitan area. If there is no Additional Judge in any Court then District and Session Judge will act in addition to his duty.

Section 17 of the Act provides that in any case where a child in conflict with the law or a child in contact with the law is involved under any law whatsoever, the Children's Court shall have the exclusive jurisdiction to try that case. According to section 17(2) Where a child is involved in any offence along with an adult, on the basis of the separate charge sheet as provided under Section 15, evidence will be taken in the case of the child separately from the evidence taken in the case of the adult, in a separate session on the same day and such taking of evidence will continue uninterruptedly on the following days until the examinations are closed. Juvenile Court can hear both cases but in separate place and in separate time. Separate room building for juvenile Court and also the time and place will be determine by rules, till the will determine it. It will be less formal and different than normal Court. It has power like sessions Court and also like Civil Court in time of summoning and production of witness and also in time of discovery

In the Children's Court the arrangement, decoration and seating plan of the court room are to be prescribed by Rules, ensuring that during the proceedings the child's parents or, in their

absence, foster care or the guardian or members of his extended family and the Probation Officer and his lawyer shall so far as possible sit near him. The court shall arrange for appropriate seating for the child and in case of a challenged child, where necessary, provide special seating. While the trial of a child is continuing, the lawyer, police or any other official present in court shall not wear any professional or official uniform. Date of commission of the offence will be the determining date of children age. The children can participate in the proceedings at any level and it will be considered as his right, if he cannot then by his representatives.

Keeping the child in safe custody during the pendency of any trial shall be considered as a last resort and for the shortest possible period of time, and any child kept in safe custody shall be dealt with by way of diversion within the shortest possible time. The new law mandates that the proceedings concerning children in contact with the law or in conflict with the law shall be conducted in easy language understandable by the child and that, where necessary; the court shall order the presence of an interpreter for the child, free of cost. No one can publish report regarding child court without prior permission of the court.

Bail of Children Conflict with Law

Previously, child offenders could be granted bail by the Court under the proviso to section 497 of the Code of Criminal Procedure 1898. This provision is now incorporated in the new law, which provides that notwithstanding anything contained in any other law or the Code of Criminal Procedure, if the case of any child is not dealt with by way of diversion, the court may release the child on bail with or without surety, whether or not the offence alleged is bailable or non-bailable. Bail may be granted on the bond of the child concerned or of the child's parents or, in their absence, foster care or the guardian or members of his extended family, Probation Officer or any institute or association whom the court considers appropriate, with or without surety.

In cases where the child is not released on bail, the Children's Court must give its reasons for refusing bail. Matters to be considered by the Children's Court in passing any order, like age, gender; physical and mental condition; qualification and level of education; social, cultural and ethnic background; family's financial condition; lifestyle of the child and his family; reasons

for commission of the offence, information regarding gang formation and overall background and surrounding circumstances; the child's opinion; social enquiry report and other ancillary factors. Social inquiry report by Probation Officer within 21 days regarding the children and the time for conducting trial is 360 if could not possible then extra 60 days.

Punishment for Child

This law provides restriction on capital punishment and also life imprisonment, But when a child is found to have committed an offence so serious in nature that in the opinion of the court the punishment provided by this law is not sufficient, or if the court is satisfied that the child is so unruly or of such depraved character that he cannot be sent to a certified institute, or that any other alternative methods in which he may be dealt with are not suitable in his case, then the court may sentence the child to imprisonment and send him to prison. However, the period of sentence may not exceed the maximum period to which the child could have been sentenced. He may be ordered to be detained in a certified institute instead of prison until he reaches the age of 18. When a child is sentenced to imprisonment, he or she shall not be allowed to associate with any adult in the prison. Where a child is found guilty of an offence punishable with death or imprisonment for life the Children's Court may order the child to be detained in a Child Development Centre for a period not less than 3 and not more than 10 years. However, if a child is found guilty of an offence not punishable with death or imprisonment for life he may be ordered to be detained in a Child Development Centre for up to 3 years. Under section 36 restrictions on using some terminology in the proceedings of Children Court.

Settlement Conference, Appeal and Revision

Under section 37 there is a settlement system conducted by Probation Officer or other authorized person. Section 38 and 39 is about the matter of compensation one to victim child another by delinquent child. Appeal to HCD within 60 days, must be concluded also in 60 days.

Arrest, Investigation, Diversion and Bail

The Act specifically provides that no child below the age of 9 years may be arrested under any circumstances. No preventive detention for child. If arrested then inform to the family, probation officer and also inform to the CAPO. The CAPO shall record the statement of the child in the presence of his or her parents or, in their absence, foster care or legal guardian.

Instead of proceeding against a child under the formal justice system, diversionary measures may be applied for a child in conflict with the law at any time after his arrest. After arrest, if a child is not released nor referred to diversion nor brought before any court immediately, the CAPO may release the child on bail.

Legal Aid and Legal Representation

Government must provide them legal aid and also established development center and certified institution for the well-being of child. The provision of legal aid and legal representation is consonant with the Article 37 to 40 of CRC.

Probation Officer

Under section 5 Govt. may appoint Probation officer. In section 6 we find details about their duties and responsibilities. They are appointed to look after the child who have come to conflict with laws. They have to file report periodically to the Court regarding child.

Establishment of National, District and Upazila Child Welfare Boards

Under section 7 to 12 we find the provision relating to different welfare committee for children. Accordingly there will be a national committee, a district committee, and upazila committee the duty of those committee to uphold justice for children, and safe them from delinquency.

Child Affairs Desk at the police station

Under section 13 to 14 Govt. may appoint a Child Affairs Police Officer. The duty of that officer is to conduct with the matter relating to child. The officer must not be below the Sub Inspector rank, and women officer will get the priority.

PRACTICE OF JUVENILE JUSTICE ADMINISTRATION IN BANGLADESH

Although the Children Act 2013 has brought a massive change but still now we are yet to the child friendly justice system. In 13th April 2014 by a Government official gazette notifications Ministry Law Justice and Parliamentary Affairs determine Additional Session Judges Court as children court. Although there is a very nice law existed in this country but reality is very different.

However, in Bangladesh children are treated and tried under the retributive criminal justice that is generally acknowledged to be detrimental to children's physical, social, emotional, cognitive and spiritual development. After a child is arrested, he is often locked-up and tried with adult criminals and after trial, and if he is found convicted, he is left with the option of full-time confinement in Child Development Centre. In Bangladesh there are three specialized institutes set up for the detention of child offenders named as Child Development Centre (CDC). These are monitored by the Department of Social Service under the Ministry of Social Welfare.

However, unsatisfactory condition of the post-trial institutionalization system for the juvenile offenders in Bangladesh offers fewer possibilities for rehabilitation. It appears because of poor administrative cooperation and lack of sufficient logistic support from the government. For example, the vocational training programs conducted in the centers such as tailoring, automobile, electric service are very obsolete and modern technical education like computer programming is open to very limited delinquents. A horrible incident occurred in Tongi child development centre where 20 juvenile charged with petty offence were going to commit suicide few weeks ago.

These inmates try to kill themselves by hitting their heads to the wall. Reason was torture bad food etc. Given the recent example, truly the juvenile justice practice still accepts the full confinement with some vocational and correctional activities as a core technique of rehabilitation. Though the recent Children Act has inserted substantive provisions of alternative care, family conferencing, diversions, rules still need to be adopted how methods of family conferencing and diversions would be practiced in the ground. The governmental authorities in this concern should act proactively to make rules and regulations dealing with non-custodial sanctions. Only then, we can dream for a child-rights friendly juvenile justice system in Bangladesh.

LIMITATION OF EXISTING JUVENILE JUSTICE ADMINISTRATION IN BANGLADESH

There has been several types of limitation exist in Bangladesh juvenile justice system. The aim of this research is to find out that very limitation. As far as possible I have found out some limitation which as follows:

Number of Judge

One of the main limitations of juvenile justice system in Bangladesh is very limited number judges but duty is very extensive.

Inadequate Sitting

Session of juvenile courts is scheduled twice in a week from 3 p.m. to 5 p.m. as per the Children Rules, 1976. Even this poor schedule is not regularly maintained. Beside this there is no full time judge in juvenile court, they perform duty in addition to their main duty.

Geographical Limitation

There is only three CDC in Bangladesh, so the people who live in remote village did not willing to get the juvenile justice.

Insufficient Number of Probation officer

For various constraints in Bangladesh the number of probation Officer is very limited. So they could not easily access to the child who come to conflict with law.

In recent the trends of injustice has gone a slow pace of changes through child Act 2013, and also through some land mark decision like, Roushan Mondol case, Blast case about under trial juveniles. Although we have laws but implementation of these laws is a matter of concern. we hope government will take a quick action to effectuate the juvenile justice administration.

JUVENILE JUSTICE ADMINISTRATION AND THE INTERNATIONAL VIEWS

The global approach for prevention and protection of juvenile delinquents through administration of justice has undergone vast transformations under the auspices of the United Nations. There are International Rule, Convention and Guidelines which have defined the rights of children. All these instruments identified children as a special category of human being.

ADMINISTRATION OF JUVENILE JUSTICE IN INTERNATIONAL PERSPECTIVE

The international instruments which have an important bearing on and a significant relevance to the concept of juvenile justice are:

Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) 1985

The Beijing Rules provide minimum conditions for the treatment of juveniles who come into conflict with law. The Rules explicitly provide for a separate and specialized system of juvenile justice and underscore that detention of children should be used as a last resort and that too, for the shortest possible time. The Rules discourage capital and corporal punishment for children. Under the Rules children should be allowed to participate in the legal proceedings. Moreover, care and education of children must be ensured during the period of detention. Khair, Sumaiya, "Street Children in Conflict with the Law. The Bangladesh Experience", Asia-Pacific Journal on Human Rights and Law, Vol.2., No. 1, 2001, Kluwer Law International, pp-55-76, 56. At all stages of the proceedings discretion should be exercised in the best interests of the child. In terms of treatment the Rules require that children should be treated fairly and humanely. Measures adopted should be proportionate to the nature of the offender and the offence. The Beijing Rules however, refrain from prescribing approaches beyond setting forth the basic principles of proportionality and the limited use of deprivation of liberty, a shortcoming that has been resolved substantially by the Convention on the Rights of the Child.

The Convention on the Rights of the Child (CRC), 1989

The Convention on the Rights of the Child (CRC) 1989 in Articles 37 and 40 spell out the rights of children in conflict with the law and ensure basic guarantees and legal and other assistance for their defense. Article 37 of the CRC ensures that no child shall be subjected to arbitrary arrest detention, torture or other cruel inhuman and degrading treatment including capital punishment and life sentence. The arrest or detention of a child must be in conformity with law during which the child shall be treated with humanity and dignity. Many of the

essential principles of the 1985 Beijing Rules find expression in Article 40 of the CRC and lend them a binding effect.

Article 40 of the CRC provides that every child alleged as, accused of, or recognized as having violated the penal law must be treated in a manner consistent with the child's human rights, fundamental freedoms, sense of worth and dignity. Regard must be had to the age of the child and the need to promote its reintegration into society- Accordingly, a child must be presumed innocent until proven guilty, be informed of charges promptly and cannot be compelled to give testimony or confess to guilt and must have access to legal representation. Articles 37 and 40 are qualified by Article 3 of the CRC which states that in all actions, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration¹¹. The Convention on the Rights of the Child is complemented by two other major documents, which set standards and guidelines for the protection of children in conflict with the law. 10 Article 37 of The Convention on the Rights of the Child (CRC) 1989 and 40 spell out the rights of children in conflict with the law and ensure basic guarantees and legal and other assistance for their defense.

UN Guidelines for the Protection of Juveniles Deprived of their Liberty 1990

These Guidelines apply to all institutions, which detain any person under the age of 18 years. These include institutions for health, welfare or juvenile justice. The Guidelines advocate the least possible use of deprivation of liberty and discourages detention in prisons and other closed institutions. Moreover, the Guidelines advise that children, when detained, should be kept separate from adults in order to protect them from negative influences. Rather, facilities must promote health of juveniles and instill in them self-respect and a sense of responsibility to enable them to make a smooth return to society. Access to parents during the period of detention is essential.

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

The Riyadh Guidelines emphasize on the need for integrated and comprehensive plans for preventing crimes by children and young people. They advocate for formal mechanisms of

crime control as a last resort. The Guidelines also underline the need for having due regard to the human rights and fundamental freedoms of children, particularly of those who are at 'social risk', such as children who are homeless, destitute, abused and so on. Accordingly, laws and procedures should promote, protect and uphold children's rights.

The Guidelines further recommend that children should be encouraged to participate in policy formulation and implementation of prevention programmes as active and equal partners. An examination of the international standards on the administration of juvenile justice reveals two broad principles that are of particular significance to children in conflict with the law. Firstly, that the wellbeing of children who come in conflict with the law must be ensured and secondly, the children who come in conflict with the law must be treated in a manner commensurate to their circumstances and nature of the offence. In other words, the rights of children in conflict with the law must be protected in ways that will facilitate their reintegration into the; societies and assumption of responsibilities therein. Therefore, it is essential to weigh the considerations adequately before committing children to formal institutions.

In this context, diversion from formal legal procedures is always an acceptable alternative. Endorsement of international standards, however, does not automatically guarantee their practical enforcement in domestic context of states-While international standards are meant to apply objectively, they essentially lack binding force. Therefore, while international Conventions may engender certain responsibilities for ratifying states, they carry no formal obligations in terms of practical implementation. In the circumstances, it is crucial to develop enabling mechanisms within the domestic legal system for utilization of international standards in realistic ways.

MAJOR CHALLENGES IN THE JUVENILE JUSTICE SYSTEM IN BANGLADESH

In Bangladesh, child friendly specialized system has not been achieved properly yet. The major components of the justice system like Law enforcing agencies, courts, and KUKs do not provide adequate services that reflect the juvenile's best interest. Moreover, it has been found that the services were not consistent with international rules and lacks consideration of child psychology. So we find a major drawback in the juvenile justice system in Bangladesh.

PROBLEM OF DETERMINING JUVENILE AND IMPOSE OF CRIMINAL RESPONSIBILITY

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.

Again 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). 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 according to Children Act 2013 the lower age limit of vesting criminal responsibility is 18 years. But it has not clarified anywhere that in case of determination of the age of the delinquent which date will be considered, the date of commission of the offence or the date of first hearing.

JOINT TRIAL

In ordinary court children cases are not recorded under specific headings but are classified together with all other cases. This happens because of the lack of understanding of the judicial magistrate, the higher priority given to the offence over the offender's age, and the fact that efficiency of the judicial magistrate is counted upon the number of the cases disposed of by him and not on the quality of services rendered.

As per the Children Act 2013, joint trial of children with adults is forbidden. But in most cases the directions of the Children Act are not abide by. The trial of juvenile is usually conducted with adults and the Code of Criminal Procedure is followed in the ordinary courts.

ADVERSE COURT ENVIRONMENT

The court environment where the offence of any child will be tried should be children friendly. In all the children development centers there are separate courts for children which are in comparison to other criminal courts more favorable for children. But very few cases are tried by these courts. Majority of the cases are tried by the Criminal courts where no special procedure is followed which are mentioned in the Children Act of 2013 not even the care is taken for any child. So either the criminal court environment should be changed or the trial should be held in these separate courts which are made especially for juveniles.

LACK OF FACILITIES IN JUVENILE CORRECTIONAL CENTERS

In Bangladesh at present there are three juvenile correction centers in the country with remand home facilities. Two for boys- one is in Tongi, Dhaka and one in Jessore. There is only one correctional center for girls in Konabari of Gazipur district. But these correctional centers are renamed as children development centers. They are supposed to be specialized agencies for taking care of children who come in conflict with the law. But they are now full with guardian referred cases. They also lack facilities for correctional activities. The curriculum for the vocational training is not up-to-date, the instructors are not skilled enough, and the officials and employees lack skill to deal with the children who need special care and attention.

In a recent news paper report the dangerous scenario of the Juvenile Development Centers has been published. A 10 year old boy was found killed in the Juvenile Development Center with his throat slit and another one reportedly died in a clash, between prisoners. The Government should take initiative to address this kind of serious problems inside the correctional centers and it should be taken care of with strict decisions. Besides that, there is a need to incorporate

counseling; modern trades for the correction centers and arrangements of training for the correction centers officials and employees.

CONCLUSION

The juvenile are the assets of the society. Day by day crime among the juvenile is increasing. If we do not take any step to control the juvenile delinquency the society will destroy. Again it has to bear in mind that to control the delinquency, the rights of the children can not be avoided. So it is very difficult to administer the proper justice for the juvenile. Bangladesh has yet to implement a fully separate system of justice for children in conflict with the law. This research will help to understand the meaning of juvenile and juvenile delinquency, causes of juvenile delinquency, different laws relating to juvenile, administration of juvenile justice, and drawbacks of ensuring justice for the juvenile and how to overcome the drawbacks and ensure justice for the children. This study has tried to understand the problem from the core of society, that's why i have started from the history to present day about delinquency. Actually the problem in Bangladesh is becoming acute in day by day. So the administration of juvenile justice needs more emphasis in combination with other society approached correctional program.

Finally, we can conclude that there should be a child oriented juvenile justice system in Bangladesh, which will ensure the well-being of children in conflict with law. In that way recent child Act 2013 is a great achievement of Bangladesh. It is high time to remove the delinquency problem from our society, in this regard a good initiative has taken by Govt. and it is also duty of Govt. to implement the law. If a effective juvenile justice administration system made by Govt. coupled with vigilant citizen then delinquency will become a history only.

FINDINGS AND RECOMMENDATIONS

The problem of delinquency is deep rooted to the society. But the negative outlook of the people of the society causes a big problem in juvenile delinquency. The family crisis makes a huge impact on the mind of child which leads him to commit crime. In Bangladesh lack of educational opportunity and unemployment problem leads them to delinquency. Modern

technology has a great influence to make them delinquent. The strong correlation between delinquent behavior and violent crimes is undeniable. This can only mean that the solution to juvenile delinquency is not to respond to crime after its commission. Rather, the proper response to juvenile delinquency is to address it at its very source. It is therefore suggested that proper intervention strategies should be undertaken so that children are not exposed to risk factors of delinquency. The family, community and school must also be tapped as they are the primary factors which have the most influence in the child's behavior. To mitigate delinquency problem we can take measures like as follows:

1. By making a strong family bondage in which every member has a minimum standard we can mitigate delinquency problem.
2. By giving proper attention, love, care and time we can make our children a better citizen of tomorrow.
3. Education and training can be a best way to mitigate the delinquency problem.
4. Now-a-days particularly in Bangladesh the children do not get enough opportunity to play; consequently they spent their leisure by doing delinquent activities, so we need more space to give them playing opportunity.
5. Removing all types of drugs smoking material from the surroundings of the children.
6. By imposing restriction on their using of mobile phone to some extent can reduce the delinquency problem.
7. Parents must get information where his child goes and what he does, and how he using his technology on what side he repeatedly visits.
8. Stop physical or mental torture to the children in educational institution or home.
9. It is the duty of every person to keep in mind the interest of the children in the time of justice administration.
10. Ensure effective mechanism for juvenile justice administration.
11. Recent comprehensive children Act must be apply in all spheres where children's are involved.
12. Appoint adequate number of probation officer and assign them to particular child.
13. Bail should be considered as a matter of course and detention/confinement should ensue only as the exception in unavoidable scenarios.

14. Supervision and restorative justice can be put rather than sanctions involving imprisonment.
15. Provided more comprehensive formal training for judicial professions including the persons employed in rehabilitation and reintegration.
16. Application of activist mind by the presiding judge can be a strong tool to provide justice towards children.

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