

A Critical Analysis of the Juvenile Justice System in the Context of Prevalent Delinquency and Mitigation: A Bangladesh Perspective

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Abstract: Juvenile delinquency is a serious issue for any human society. This is not only a national problem but also a global phenomenon. The trend of juvenile delinquency is increasing sharply in Bangladesh as well as many other countries around the world. It directly affects the wellbeing of the society and the country as a whole. Under the auspices of the United Nations, and with the help of many international rules, conventions, and recommendations, the approach to prevention and protection of juvenile offenders through the administration of justice has undergone significant changes. However, different countries have different juvenile justice processes depending on their legal systems. In Bangladesh, the juvenile justice system is governed by the Children Act, 2013, which was enacted based on the United Nations Convention on the Rights of the Child (CRC), 1989. The present study attempts to analyze the existing juvenile justice system of Bangladesh and identify its shortcomings. This study will help the government, researchers, scholars and policy makers to understand the problem and take necessary measures to mitigate juvenile delinquency in Bangladesh.

Keywords: Juvenile Justice, Juvenile Delinquency, Legal Context, Delinquent, Bangladesh, International Standard, CRC.

Introduction

Bangladesh is one of the most densely populated countries in the world, with approximately 150 million people and 57.5 million children under 18 years of age (Ministry of Planning, 2011). It has been suffering from various problems. Delinquency among children is one of them. It has become a national concern as the number of children involved in anti-social activities is increasing. Although juveniles are innocent, curious, full of hope, nervous, aspirational, ambitious and vulnerable, they can easily participate in illegal activities in their surroundings. A report shows that almost 77% school going children are addicted to pornography in the capital city (The Daily Jaijaidin, 2 October 2016). Moreover, in Faridpur, a juvenile name Mugdho (passed SSC in 2016) has set fire to his parent's bodies for not providing him with a new model motorcycle, and as a result the father died miserably.(The Daily Prothom Alo, 22 September 2016) Earlier, in 2013 a young girl named Oishi (15) killed her parents with the help of her friends and house maid through mixing caffeine tablets in their coffee, and then stabbing them.

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She was Yabba addicted (The Daily Prothom Alo 19 August 2013). Due to poverty, parental ignorance, low educational attainment, inadequate religious practice, cultural conflicts, impact of migration, political instability, heavy use of satellite channels, abuse Internet use, negative effects of media, drug trafficking, peer pressure, lack of opportunities and resulting frustration, etc. poor self-control and inadequate control from parents, guardians and society, adolescent boys and girls engage in many types of anti-social activities such as dressing up, carrying weapons and Drug crimes, murder, sex crimes, gang membership, smuggling, criminalized politics and many other crimes. These problems cause great concern for the whole country and immediate solutions must be found to save the country's young generation. Furthermore, a proper juvenile justice development program is indispensable in the effort to uplift juveniles to become worthy citizens of the country. On the contrary, they are the future leaders of the country. To move the country towards prosperity, a comprehensive child development program needs to be prioritized. Although it has been provided for in the Constitution of Bangladesh under Article 28(4), the state can make special provisions for the advancement of children. In fact, before signing the UNCRC, the child and juvenile justice system in this country did not have adequate legal and judicial attention. Therefore, there is no possibility to care, protect, develop and rehabilitate through education for children who commit crimes. Often, they are victims of social injustice and are therefore deprived of their childhood. Accordingly, the Government of Bangladesh adopted the National Children Policy in 2011 and finalized the Children Act in 2013 based on the CRC, which is a positive step to protect the best interests of children.

Objectives of the Study

The main objectives of the study are:

1. To analyze the existing legal and institutional framework for juvenile justice in Bangladesh.
2. To provide some recommendations for improving Bangladesh's juvenile justice system so that it is more efficient and child-friendly.

Methodology of the Study

The present study is designed using information collected from primary and secondary data sources. Primary data has been collected from a number of contemporary national and international legal instruments. Whereas, secondary data has been collected from books, articles, magazines, internet, etc. related to juvenile delinquency in Bangladesh. In this context, both qualitative and descriptive research methods are used in this study.

Background of Bangladesh's Juvenile Justice System

In spite of the fact that the history of juvenile justice is much older (begun within the late 19th century), the entrance within the different structure for the juvenile justice system is comparatively new for Bangladesh. Bangladesh emerged with new hope and goal of creating a new society through its freedom war in 1971. Within one year of its freedom, Bangladesh got the constitution in 1972. Although being one of the most excellent Constitutions within the world, it does not include any direct article with respect to juvenile justice. The Constitution of the People's Republic of Bangladesh, 1972 laid down the common principle with respect to the protection of children and others from all shapes of discrimination. Part III of the Constitution contains a few provisions that address the issues of child rights, welfare, development and protection. There are several legal provisions related to children in various parts of legislation,

but the Children Act of 1974 was the first comprehensive legal framework to deal with the issue of juveniles in Bangladesh. Then a set of rules were adopted namely, the Children Rules in 1976. Although these legal instruments did not necessarily comply with the international legal standards properly which were approved and ratified on later age, it was a giant step in Bangladesh at least to initiate a separate judicial process for the juveniles. Subsequently, the Children Act, 2013 was enacted and replaced the previous Children Act, 1974. The Act is mostly based on the guidance of the United Nations Convention on the Rights of the Child (UNCRC) adopted in 1989. The preamble to the Children Act, 2013 states that it has been enacted for the purpose of implementing the United Nations Convention on the Rights of the Child (UNCRC). The Act received the assent of the President and was published in the official Gazette on 20th June 2013. Following a subsequent notification in the Official Gazette on 18th August 2013, the Act entered in to force on 21st August 2013. This is a special Act with overriding effect and section 3 of the Act provides that notwithstanding anything in any other applicable law, the provisions of this Act shall prevail. One of the most important aspects of this legislation is that a child, as defined in section 4, now means any person under 18 years of age. This contravenes the 1974 Act and is consistent with international trends and CRC's recommendations.

International Legal instruments on Juvenile Justice

The United Nations Convention on the Rights of the Child (UNCRC)

The Convention on the Rights of the Child (CRC) 1989 in Articles 37 and 40 sets out the rights of children in conflict with the law and ensure basic guarantees as well as legal and other assistance to protect the children. Article 40 of the UNCRC describes as: (1) "State parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in the society. (2) To this end, and having regard to the relevant provisions of international instruments, states parties shall, in particular, ensure that (a) No child shall be alleged, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed, (b) Every child alleged as or accused of having infringed the penal law has at least the guarantee of 1) to be presumed innocent until proven guilty according to law, 2) to be informed promptly and directly of the charges against him or her, 3) to have the matter determined without delay by a competent, independence, and impartial authority or judicial body in a fair hearing according to law. Moreover, Article 37 of the CRC deals specifically with the issue of administration of Juvenile Justice: "State Party shall ensure that; (b) no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention, or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time (UNICEF, 1990).

Other Instruments

There are a number of international instruments that govern and regulate for juvenile justice and also non-custodial measures. Some of these are:

1) United Nations Standard Minimum Rules for the Administration of Juvenile Justice or usually called the Beijing Rules 1985 which was adopted by General Assembly Resolution 40/33/985 of 29 November.

2) United Nations Guidelines for the Prevention of Juvenile Delinquency called The Riyadh Guidelines 1990, adopted and proclaimed by General Assembly Resolution 45/112 of 14 December 1990,

3) United Nations Rules for the Protection of Juveniles Deprived of their Liberty, called The Havana Rules 1990 and adopted by General Assembly Resolution 45/ 113 of 14 December 1990,

4) United Nations Standard Minimum Rules for Noncustodial Measures called The Tokyo Rules 81990 and was adopted by General Assembly Resolution 45/110 of 14 December 1990 and

5) The United Nations Guidelines for Action on Children in the Criminal Justice System 1997 (UNICEF, 2005).

Laws that governs Juvenile Justice System in Bangladesh

The main legal provisions that concern juveniles in Bangladesh are as follows:

The Constitution of the People's Republic of Bangladesh

The Constitution of the People's Republic of Bangladesh does not contain any provisions directly related to juvenile justice. However, very few articles in directly describe issues of children's rights, safety and protection. Article 15 stipulates the basic responsibility of the State in ensuring the right to social security, that is to say, to public assistance in cases of undeserved wants arising from unemployment, illness or disablement, or suffered by widows or orphans. According to Article 17, the state must take effective steps to provide all children with free and required education. Article 28 (4) empowers the State to make special provisions for women and children. Furthermore, Article 27 stipulates that all citizens are equal before the law and are equally protected by the law. Article 31 specifically stipulates that citizens have the right to be protected by law.

The Youth Policy, 2003 and the Children Policy, 2011

The National Youth Policy 2003 has been created to involve the youths in society and nation-building activities. This policy also firmly aimed at making an environment congenial to abstaining youth's from offensive activities. In the Children Policy 2011, determination is expressed among others, to apply the provisions of the Children Act, 2013 while addressing the issue of children in conflict with law, children in contact with the law and children's rights in judicial procedure. The policy also contains the commitment of enactment of different Acts, rules and guidelines to ensure the children rights.

The Penal Code, 1860

The Penal Code of 1860, which sets the age of criminal responsibility states that "nothing is an offence, which is done by person under the age of nine years" (Section 82). Section 83 of the Code provides that "nothing is an offence which is done by a child above nine years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature

and consequences of his conduct on that occasion''. Thus, children under 9 years old do not have the capacity to commit crimes and must be held responsible after the age of 12; Between these two ages, criminal liability depends on mental state. It should be noted that in addition to the Penal Code, the immunity of children under 9 years of age also extends to offenses under any other special or local law of Bangladesh.

The Code of Criminal Procedure, 1898

In Bangladesh, the provision for separate trial system for juvenile offenders is provided in the Code of Criminal Procedure (Cr. PC), 1898. The joint trial of juvenile and adult offenders is prohibited by this law. According to Section 392, whipping a juvenile offender under the age of sixteen is one way to punish them; however the number of strips used cannot exceed thirty. Provision relating to the confinement of juvenile delinquent in reformation system is found in Section 399. If anyone below the age of fifteen years of age is sentenced to imprisonment, the court may order to confine such offender in reformatory center instead of being imprisoned. Section 497(1) of the Cr. PC states that "when any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police-station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or transportation for life: Provided that the Court may direct that any person under the age of sixteen years or any woman or any sick or infirm person accused of such an offence be released on bail".

The Probation of Offenders Act, 1964

The provisions of the Act are primarily intended to help first-time offenders of specific crimes by imposing probation for a certain period of time instead of imprisonment. For proper implementation of the Act the Probation of Offenders Rules, 1971 have been made. The Act facilitates among others, the process of issuing Probation Orders under the Children Act, 2013.

The Vagrancy Act, 1943

The Vagrancy Act of 1943 defines a vagrant as any person found in a public place asking for alms, who does not work, lives on income of others through alms and who goes wander instead of working at their place of residence. The arrest of children under the Act appeared arbitrary and the threat of using this Act to extort bribes from children has become "a tool in the hands of the police to keep urban areas free of undesirable elements" want and to seek financial compensation.

The Children Act, 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 upto 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 center 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.

The Nari O Shishu Nirjaton Domon Ain, 2000

This is an important Act because it includes a number of provisions that provide for severe penalties for offenses against children. Among other offenses, the offenses include impairing the sight or hearing of children with flammable, corrosive or toxic substances, trafficking in children, enticing children into prostitution, child kidnapping, child trafficking, holding children for ransom, rape, sexual harassment, dissection of children's limbs, etc.

Existing Process of Justice System in Bangladesh

Definition of Juvenile

A juvenile is defined as a child or adolescent who, under the respective legal system, may be prosecuted for committing a crime in a manner 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" (The Black's Law Dictionary (2008)). According to the Majority Act of 1875, children in Bangladesh are considered to be of legal age at 18. The definition of a child or a juvenile is not uniform in the laws of Bangladesh. Different legislations provide different age limits of the delinquents but all of them are within 12 to 18 years of age. However, there are other definitions of the child in various other legal instruments. A few example of the Child Marriage Restraint Act of section 2(a) defines a child and a minor if male as one under 21 years of age and if female under 18 years of age. On the other hand, children under 14 are not allowed to work in establishment under the Bangladesh Labour Act, 2006. The Children Act of 2013 guarantees that anyone under the age of 18 will be treated as a child. Juvenile refers to a person who is under the age of 18 in the United Nations Convention on the Rights of the Child (UNCRC), which was adopted in 1989. As a result, Bangladesh's laws and policies regarding children do not totally adhere to the UNCRC.

The Minimum Age of Criminal Responsibility of a Juvenile

The first consideration when classifying a child as a juvenile offender is their age at which they become criminally responsible. In Bangladesh, the Penal Code 1860 deals with the presumption of innocence with respect to juveniles, subject to certain qualifications of age in sections 82 and 83. Section 82 provided that any children under the age of 7 years are immune from any trial for offence committed by them and subsequent punishment. According to section 83, an offence is not to be tried if done by a child above 7 years of age and under 12, who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion. Once the child has attained the age of 12, he or she is fully responsible for his or her actions. Thereafter, in 2004, Bangladesh raised the minimum age of criminal responsibility from seven years of age to nine. Criminal liability of children between the ages of nine and 12 is subject to judicial assessment of their capacity to understand the nature and consequences of their actions. However, the Children Act, 2013 which is the principal law relating to the administration of juvenile justice states that the age limit of a juvenile delinquent is between 9 to 18 years of old.

Arrest, Investigation and Bail

(1) Arrest: Section 44 of the Children Act, 2013 states that no child below the age of 9 years may be arrested under any circumstances. And no child shall be arrested or detained under any law relating to preventive detention. The law mandates that no child shall be handcuffed or tied with a rope around his waist. When a child is arrested, the police officer making such arrest shall immediately inform the Child Affairs Police Officer (CAPO) the reason for the arrest, the place of arrest and details of the allegations against him. When a child is brought to the Police Station after arrest the CAPO shall inform the parents or, in their absence, foster carer or legal guardian or members of his extended family, the Probation Officer and, where necessary, the nearest Board about the arrest. If it is not possible to inform the aforementioned persons then the CAPO must submit a report before the court on the first day of his appearance, giving reasons for not doing so. (Section-45) A child who escapes from custody of any certified institute or person may be arrested by the police without warrant and returned to the institute or the person without registering any offence or without filing any separate case against the child. The escape or abscondence shall not be treated as an offence. (Section-69)

(2) Investigation: Section 46 of the Act states that where there are no specific provisions in this Act or Rules thereunder regarding investigation, then the provisions of the Code of Criminal Procedure shall be followed as far as possible. No time frame has been specified in the Act for the conclusion of investigation. The Rules to be framed may insert such a provision, otherwise section 167(5) of the Code of Criminal Procedure will apply which empowers the ‘cognizance magistrate’ to release the accused on bail if the offence alleged is not punishable with death, imprisonment for life or imprisonment exceeding 10 years if the investigation cannot be concluded within 120 days from the date of receipt of the information relating to the commission of the offence. When the concerned offence is so punishable, the Sessions Judge may grant bail.

(3) Bail: 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 with or without conditions or surety under the supervision of the child’s parents or, in their absence, foster carer or legal guardian or members of his extended family, or probation officer (Section-52 (1). In granting bail the CAPO shall not consider whether the offence alleged is bailable or non-bailable (Section-52(2). The child shall not be released on bail if the offence alleged is serious or heinous or to be released on bail would be contrary to the best interest of the child or if there is apprehension that upon release on bail the child might come in contact with any notorious criminal or might be exposed to moral risk, or that the ends of justice will be hampered (Section-52(3). Where the child is not released on bail, the CAPO shall take steps to produce the child before the nearest Children’s Court within 24 hours (Section-52(4). When the child is produced before the Children’s Court, the court shall either release him on bail or order for his custody or detention in a safe home or a Child Development Centre (Section-52(5).

Juvenile Court

The Children Act, 2013 provides that, for the purpose of the Act and for trial of offences there under, at least one court is to be established in every district headquarters and in every metropolitan area as the case may be. Such court shall be called “Children’s Court”. According to section 16(2), the Department of Law and Justice in consultation with the Supreme Court is mandated to declare, by notification in the official Gazette, one or more court of Additional

Sessions Judge in a district or metropolitan area, as the case may be, as the Children's Court. If there is no Additional Sessions Judge in any district, then the District and Sessions Judge shall discharge the responsibilities of a Children's Court in addition to his own responsibilities. 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.

Trial Procedure for Juvenile Delinquents

Children Act forbids joint trial of a juvenile and an adult. 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 day(s) until the examinations are closed (Section-17(2)). The Children's Court will hear both the case of the adult and the case of the child but at separate sittings on the same day and on every day thereafter until the trial is concluded. The Children's Court shall conduct its sessions in such place, day and manner as may be specified by Rules. Provided that until such Rules are framed, the Judge of the Children's Court shall commence and conclude the sittings according to the section 17(2) upon determining the date, time and place of the trial. The sittings of the Children's Court shall be in a building or room separate from one where trial of adults take place and on a day and time other than the sittings of the regular court. And the sittings when the trial of a child takes place will be in an ordinary room without witness box and without podium surrounded by red cloth (Section-17(4)). The Children's Court has the powers of a Court of Sessions under the Code of Criminal Procedure; powers of a Civil Court in respect of service of summons, summoning witness and ensuring their attendance, production of documents or materials and receiving evidence on oath (Section-18). 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 carer 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 (Section-19(4)). The children court has the responsibility for the assessment and determination of age of the delinquent children (Section-21(4)). The trial shall be completed within 360 days from the day of the child's first appearance before the court. If for practical or acceptable reasons the trial cannot be concluded within the time limit stated above, the juvenile court must provide reasons and extend the hearing for an additional 60 days [Article 32]. Where any provision does not exist within this law or the Rules made under this law, the provisions of the Code of Criminal Procedure, 1898 shall be followed as far as possible in respect of trial or proceeding of any case under this Act. All offences under this Act shall be cognizable (Section-42).

Appeal and Revision

An appeal from any decision of the Children's Court lies before the High Court Division and may be preferred within 60 days from the date of the judgment of the Children's Court but the power of revision of the High Court Division shall not be affected. Any appeal or revision is to be disposed of within 60 days from the day it is filed (Section-41).

Probation Service

For a fair juvenile justice system, probation services are very important. In essence, probation is an option of suspending a sentence and exempting offenders from punishment. Probation mechanism for juvenile delinquent is governed by the Probation of Offenders Act, 1964 beside the Children Act, 2013. Under this Act juveniles who are first and minor offenders enjoy probation irrespective of age, behavioral and mental condition. These juvenile delinquents will receive social education as correctional system under the supervision of probation officers. In this perspective, the Act 2013 prescribes the provision relating probation officers, more specifically with the appointment, responsibilities and duties of probation officers in Bangladesh. The Children Act, 2013 provides that the government shall appoint one or more Probation Officers in every district, upazila or metropolitan area and that, until such appointments, Probation Officers appointed under any other law shall continue to work as Probation Officers under the Act of 2013 as if they were appointed under the present law. Until the appointment of a Probation Officer in any area the government may entrust any Social Welfare Officer or any other officer of similar rank working in the Department, i.e. the Department of Social Welfare or in a different district or upazila under the Department, with the responsibilities of the Probation Officer. As per the law probation officer has important responsibilities in the time of arrest, trial and field inquiry of the children case [Section-6]. The officer prepares and preserves a separate file for each detained child to follow the procedure for alternative care [Section-84].

Correction and Rehabilitation

Under the Children Act, 2013, the children who are in contact and conflict with the laws have special treatment for them including arrest, detention, prosecution, correction in every stage. After arrest they will go to the Juvenile Development Centre, not to jail. Juvenile Development Centres (JDC) has various programmes for their physical, psychological, educational or intellectual and vocational knowledge development. There are three juvenile development centres in Bangladesh for rectification and rehabilitation of juveniles. These are:

- 1) Juvenile Development Centre, Tongi, Gazipur for boys.
- 2) Juvenile Development Centre, Konabari, Gazipur for girls.
- 3) Juvenile Development Centre, Jessore for boys.

The main objective of the Juvenile Development Center is to create a friendly atmosphere and provide them with all aspects of protection, survival and development of children in contact with the law. The Government has taken due care to take into account the specific needs of juvenile offenders in terms of ethics and human rights. The Juvenile Development Center makes every effort to eliminate the harmful effects of delinquency through recognized correctional methods.

Diversion and Alternative Sentencing

The CRC has clearly emphasized the philosophy of rehabilitation and restorative justice for juveniles [Article 39 of UNCRC]. It has urged States to do away with the juvenile death penalty from their penal legislation and also refrain from imposing life imprisonment or imprisonment on young offenders [Article 37 of UNCRC]. The UNCRC also urges States to eliminate and prohibit all punitive practices against children in all contexts. Bangladesh has tried to incorporate a restorative and non-punitive attitude into its juvenile justice framework. The 2013 law does not stipulate the death penalty, life imprisonment or imprisonment. Irrespective of the nature of offense, gravity of offense, or cases of repeat offenders, no penal sanction is authorized by the

Act. All Forms of corporal punishment are also prohibited in detention centers. The Act 2013 provides that, no child shall be sentenced to death, imprisonment for life or imprisonment. But the period of sentence may not exceed the maximum period to which the child could have been sentenced. Children 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, s/he shall not be allowed to associate with any adult in the prison [Section 33 of the Child Act, 2013]. Where a child is found guilty of an offense punishable with death or imprisonment for life, the children's court may order the child to be detained in a CDC for a period of not less than 3 years but not more than 10 years. However, if a child is found guilty of an offense not punishable with death or imprisonment for life, s/he may be ordered to be detained in a CDC for up to 3 years (Section 34 of the Child Act, 2013).

Concluding Remarks

Based on the above discussion, it is clear that there is a need for a juvenile justice system in Bangladesh to ensure the welfare of children in conflict with the law. Most existing laws are inconsistent with the principles of international instruments on children's rights. It should be mentioned that before the enactment of the Children Act, 2013, there was no comprehensive law regarding the juvenile justice system in Bangladesh. However, the Children Act, 2013 is an important step towards protecting the best interests of children in Bangladesh. Therefore, the Government needs to take necessary measures according to the provisions of the Act to protect, care for and develop especially delinquent children. It is also important to train those involved in the juvenile justice system to ensure proper application of the Act. The following recommendations are made to improve the child-friendly justice system in Bangladesh.

- ✓ Laws related to protecting the rights of juveniles need to be more clearly and focused.
- ✓ All provisions of the Children Act, 2013 must be strictly and properly implemented.
- ✓ It is strictly forbidden to try and punish juveniles together with adults.
- ✓ The justice system should always emphasize the wellbeing of the child and ensure that any punishment of child offenders is always in proportion to the circumstances of both the offenders and the offense.
- ✓ Punishment should be replaced with alternative means.
- ✓ Juvenile justice standards, laws and practices have been reformed in line with international principles.
- ✓ Separate juvenile courts with broad jurisdiction should be established in separate buildings from the district criminal courts.
- ✓ The Government needs to direct, monitor, closely coordinate, receive and evaluate the activities of child development centers (CDC).
- ✓ To speed up the probation system, a sufficient number of probation officers should be appointed permanently at the local level with attractive salaries.

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