

**Dynamics of Juvenile Delinquency and its Legal Implication: An
Anthropological Study**

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DEDICATION

This dissertation is dedicated to the parents who devote all their effects to the wellbeing of their children.

DECLARATION

The dissertation has been prepared and submitted to obtain the degree of Doctor of Philosophy in Anthropology, Faculty of Social Sciences, and University of Dhaka in fulfilling the required condition of the University. I solemnly declare that this dissertation or part of it is not submitted to any other university or institution to get any award or degree in home or abroad and is an original work indeed. I have presented two seminars before submitting it to the department of Anthropology.

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CERTIFICATE of SUPERVISOR

It a great pleasure for me to certify Sabina Sharmin as a Ph.D scholar Department of Anthropology, Faculty of Social Sciences, University of Dhaka who has prepared the Dissertation titled “**Dynamics of Juvenile Delinquency and its Legal Implication: An Anthropological Study**” under my supervision for the degree of Doctor of Philosophy in Anthropology. I have gone through the dissertation thoroughly and carefully. She has presented two seminars in the department of Anthropology. Her Academic session was 2013-14, Registration number-17, in the department of Anthropology.

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Sabina Sharmin

Abstract

This anthropological study titled “Dynamics of Juvenile Delinquency and its Legal Implication: An Anthropological Study” has been conducted on the multiple dimensions of the problem juvenile delinquency and its legal issues relating to correctional process and practices. The major objectives of this study were to understand the dynamics of juvenile delinquency and its legal implication and these have been discussed through two Sections: 1) Dynamics of juvenile delinquency, 2) Legal Implication. The dynamics of juvenile delinquency has been focused on the diversified aspects of delinquent behavior: demographic dimension, socio-economic dimension, ecological dimension and finally its nature and causes has been addressed significantly. On the other hand, legal aspect has been displayed through focusing on the major legal apparatus that has been empowered by the law to address the issues legally. In this regard the Children Act 2013 has been considered as the main legal responsible entity to address the children who come into conflict with the law.

In Bangladesh society, there exists centralized government and it has legitimized power or authority. Legal authority can use the power to force compliance with rules or laws. It has law enforces agency, i.e. Police department, Courts i.e. Judge, Adjudication and Detention Centers i.e. CDC to address and determine the outcome of problems of juvenile delinquency. In this society, government through formulating Children Act, 2013, engaged the above three legal apparatus to solve the problem legally. Though the Act involve others intuitions also, they do play little role. So, the current study focused on the main three organs which play the vibrant role in the implementation of government rules as well as the correctional process of the juveniles’ antisocial behavior. Therefore, to reach a fuller understanding of the legal implication related to juvenile delinquency in Bangladesh, this study has seen the legal system from the perspective of rule-governed as well as procedural flexibility and compromise, which is considered as legal anthropological study.

A brief literature review of existing literatures was done carefully. Researchers examined previous writings on the subject and used that background as a basis of this study to develop a greater understanding about the causes, trends, nature and the legal

aspects in dealing with the delinquent children. In this regard at first the global literatures were reviewed briefly. Then the national literature was analysis. An endeavor has been taken to include all the literatures from pre independent to recent studies on this matter. Finally, legal anthropological literatures have been reviewed. Though the legal anthropological literatures did not directly analysis the juvenile delinquency issues, its criminological and legal analysis helps a lot to uncover the anthropological nature of analysis. The literatures which have been studied thoroughly were very much relevant to the objectives of this study.

The theoretical and conceptual understanding of this study was based on various explanations regarding the juvenile delinquency issues, its causation and legal aspects. In this regard, the theoretical perspective has been constructed after analyzing some prominent theories and it was done in an intensive way. Though these approaches have been dominated mainly criminological and sociological domain, it has more relevancies to analysis the causal factors of the juvenile delinquency. As the objective of this study is to analysis the dynamics of juvenile delinquency and its legal implication from anthropological perspective; theoretical construction has been made on legal anthropological theories alongside with some prominent and relevant sociological as well as criminological theories. In this regard to explain the dynamics of juvenile delinquency, Sutherland (1939), Hirschi and Gottfredson (1990), Agnew (1992), Regoli and Hewitt's (2000), perceptions are found relevant in this study. On the other hand, correctional process has been discussed on the basis of Foucault's (1975) thought of penitentiary panopticon.

The concept of juvenile delinquency has been analyzed from different perspectives as it has been considered a multi-disciplinary field of inquiry. Deviant behavior is recognized as a socio-cultural problem and at the same time, also a legal phenomenon. So it has been seen as cultural entity and anthropologist seen deviance as disputes. So, most of the anthropologist examined the various types of disputes among various cultural settings or societies as well as their dispute management systems (Malinowski, 1926; Hoebel, 1941; Nader, 1990). For this reason, the concept of juvenile delinquency is merged, most times, with the criminality or offence or disputes, therefore the existence of ambiguity in the use of terms such as crime, delinquency, etc. Bortner, (1988) argued that, the most widely recognized and

consequential definitions of delinquency are those contained in legal statutes. In Bangladesh, according to the child act, 2013, criminal responsibility of a child is the age limit between 9-18 years. The legal definition of delinquency which governed the children criminal behavior in Bangladesh society has been used as the concept of juvenile delinquency.

An integrated approach was taken as the methodological basis of this study. Though it was the combination of qualitative and quantitative methods, emphasis was given on qualitative approach. From data collection to in-depth analysis, techniques and tools of qualitative method was considered as the key of this study. The methods include observation, life history, case study, Key Informant Interview (KII). 5 life histories, 15 case studies and 8 KII were conducted in one-year period of field work started from May, 2015 to April, 2016. To collect the qualitative data different checklist were prepared and used in this study. However, some quantitative methods have been used when and wherever it was needed. In this regard, as a method of data collection, sample survey was used and tabular and graphic presentations were applied to supplement the qualitative analysis. In this regard an interview schedule was prepared and used. The methodology establishes the research's epistemological and ontological positions, as well as justified the chosen methods. When the field activities were carried on a total number of 387 accused juvenile delinquents were kept in Tongi, Gagipur, CDC for different cases. Among them 188 juveniles were stayed over three months and this number of juveniles constituted the sampling frame. In Konabari, Gagipur, CDC the female accused delinquents were only 8. By using the statistical formula, the sample size was determined as 161 and it was convenient for an individual study.

The result indicated that now-a-days juveniles are involved in criminal activities to a large extent. They committed violent and serious crime also. Though there exist numerical difference between boys and girls; severity does not differ. Both male and female juvenile involve heinous crime like murder, abductions, trafficking, theft, rape etc. Age is also an important indicator to make variation in delinquency. It has been revealed from this study that a particular age group is more prone to commit both serious and non-serious crime.

The study, instead, have revealed the fundamental cause of juvenile delinquency in Bangladesh. The fundamental basic and undisputed cause of juvenile delinquency is poverty; parents as well as their intrinsic needs compelled them to engage illegal activities. The next cause has been found to be poor if not poorest parental care of the destitute children; no affection, no care, no supervision, inadequate mental and material support. Next, disrupted family environment, absence of either parent, particularly mother, quarrelsome and analphabetic family background is found to be major cause. The next fundamental cause is found to be the peer pressure; peer or neighborhood instigation. The other fundamental causes of juvenile delinquency are revengeful attitude, favorable environment, land dispute, objectification of women and so on. It has been found that a different set of causes is responsible for each individual case.

From this study, it is clear that the legal process and practices that is applied to deal with the juvenile delinquents has been largely lacks the real procedure. The fair treatment of juvenile, from arrest to release is an important issue to be considered by the three organs which are responsible in addressing the juvenile delinquency. Both the qualitative and quantitative data indicates that police administrations are the worst section that severely violated the legal process. In the court the authorities do little care about the legal and child right aspect of juveniles. CDC as the correctional institutes lack manpower, budget allocation, and infrastructure and so on. Moreover, the existing prison culture within CDCs demonstrated the dual administrations are simultaneously going on in the CDC. The CDCs authorities are the legal apparatus to address the juveniles; on the other hand, the so called *baro vai* is the reality who exercises power over the junior inmates in the name of discipline within the CDC.

Therefore, the legal process and practices that are going on in our juvenile justice system are far from the directives of law. It has been revealed that the Police administration lacks trainings, motivations skills and infrastructure to deal with the children, the court personnel lack sincerity to establish the legal procedure and finally the correctional centers lack all kinds of facilities for correctional activities. All together these lacks make the reintegration of the juvenile offenders in the society is almost impractical. So, a 'humanistic and holistic' approach is needed to address the juvenile delinquency in Bangladesh.

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List of Abbreviation

ADR	ALTERNATIVE DISPUTE RESOLUTION
ASK	AIN O SALISH KENDRO
BBS	BANGLADESH BUREAU OF STATISTICS
BLAST	BANGLADESH LEGAL AID AND SERVICES TRUST
BNP	BANGLADESH NATIONALIST PARTY
BSAF	BANGLADESH SISHU ODHIKAR FORUM
CAT	THE UNITED NATIONS CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
CAD	CHILD AFFAIRS DESK
CAPO	CHILD AFFAIRS POLICE OFFICER
CCTV	CLOSE CIRCUIT CAMERA TELEVISION
CDC	CHILD DEVELOPMENT CENTRE
CRPC	CODE OF CRIMINAL PROCEDURE, 1898
CRP	CENTRE FOR THE REHABILITATION OF THE PARALYSED
DB	DETECTIVE BRANCH
GoB	GOVERNMENT OF BANGLADESH
FIR	FIRST INFORMATION REPORT
JJS	JUVENILE JUSTICE SYSTEM
KUK	KISHORE UNNAON KENDRA
MNF	MANUSHER JANNO FOUNDATION
MOSW	MINISTRY OF SOCIAL WELFARE
NGO	NON-GOVERNMENT ORGANIZATION
PO	PROBATION OFFICER
OC	OFFICER- IN-CHARGE
RPOWA	RETIRED POLICE OFFICER WELFARE ASSOCIATION
SI	SUB-INSPECTOR

SIR	SOCIAL INQUIRY REPORT
UNCRC	UNITED NATION CONVENTION ON THE RIGHT OF THE CHILD
NCWB	NATIONAL CHILD WELFARE BOARD
RAB	RAPID ACTION BATTALION
CRBA	CHILD RIGHTS BASED APPROACH
FGC	FAMILY GROUP CONFERENCE
FGD	FOCUS GROUP DISCUSSION
HCD	HIGH COURT DIVISION
HRW	HUMAN RIGHTS WATCH
I/NGO	INTERNATIONAL/NON-GOVERNMENTAL ORGANISATION
ICCPR	INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NCP	NATIONAL CHILD POLICY
NHRC	NATIONAL HUMAN RIGHTS COMMISSION
SC	SAVE THE CHILDREN
UN	UNITED NATIONS
UNICEF	UNITED NATIONS CHILDREN'S FUND
USA	UNITED STATES OF AMERICA

Glossary

ASK	A Non-Government organization providing legal service provider in Bangladesh
Baro Vai	Elder/Older brother
BLAST	A Non-Government organization; legal service provider in Bangladesh
BSAF	A Non-Government organization working for Children
CDC	An institutional setting where children are sent for Correction rather than being placed in prison
CAPO	A responsible police officer to address the children according to the provision of Children Act, 2013
Darwan	A Bengali term meaning security guard
Fashi	Capital Punishment
Gazipur	Name of a district of Bangladesh
Ghiore	Name of a place of Manikgong district
Hartal	General Strike
Imam	A person who is responsible for conducting Namaz
Kalaynpur	Name of a place of Dhaka city
Khulna	Name of a district of Bangladesh
Ludu	One kind of indoor game
Manikgong	Name of a district of Bangladesh
MJF	A Non-Government organization working for Child Rights
Namaz	Islamic Worship or Prayer
Narayangan	Name of a district of Bangladesh
Polapan	A Bengali term denoting children
Pashchim	West Direction
RAB	A joint force consists of police and military
Shantinagar	Name of a place of Dhaka city
Salam	Islamic way of salutation

Shishu Sadan	Government shelter house for the orphan children
ST. Martin	A tourist place of the southern part of Bangladesh
Taka	Bangladeshi currency
Thana	Police Station
Thika Bua	A Bengali term denoting maid-servant who works in Contract basis
Three Pieces	Dress for girls
Tongi	Name of a place of Gazipur district
UNCRC	Convention on the Right of the Child adopted by United Nation, General Assembly, 20 th April, 1989

How we should respond (Juvenile Justice System) to delinquents is influenced greatly by our ideas about what causes a young person to participate in delinquents activities (Bortner, 1988:7).

Chapter 1 INTRODUCTION

- 1.1 Statement of the Study
- 1.2 Objectives of the Study
- 1.3 Rationale of the Study
- 1.4 Conceptual and Theoretical understanding of Juvenile Delinquency
- 1.5 Structure of the Dissertation

1.1 Statement of the Problem

Juvenile delinquency¹ is a constant and insidious social problem in Bangladesh as well as in the world, as juvenile population is involving multifaceted criminal activities over time. The rate of reported criminal acts by the juvenile has risen consistently and at an alarming rate, in Bangladesh. Available data from the Police Department give some indication of the extent of these types of offences. This data indicates that 589 juvenile offenders were arrested by the police in 2013. In 2014 it was 818, it became 1184 in 2015 and in 2016 it stands 1596 (Quartly Crime Conference by Police, 2017). But these juveniles are the future of any society. In Bangladesh, there are 27.7 million adolescents aged 10-19 years, 13.7 million girls and 14 million boys – making up about one fifth of the total population (UNICEF Bangladesh, 2013). Bangladesh's population and National Policy² declaring children to be a national asset. Bangladesh has signed the UN Convention on the Rights of the Child (UNCRC)³ and obligated itself to work towards ensuring all the rights enshrined therein to all its children. But in Bangladesh, the level of implementation and enforcement of legislations particularly related to juvenile justice is far away from expectation (Islam & Sikder, 2014). In a study, UNICEF (2006)⁴ revealed that in South Asia, especially in Bangladesh, implementation of special juvenile protection has been far from splendid. Majority of its children continue to be in difficult situation.

In a smooth social structure and exact process of socialization can make the behavior of a child acceptable to the society which he lives. But the social relations that ensure a smooth process of socialization are collapsing. The much talked globalization and free flow of digital technology has jeopardized our social relationship and existing social structure, having severe impact on family and our younger generation.

¹ By the term Juvenile delinquency has been used to denote the juveniles' such behavior that break the law of Bangladesh. According to the Children Act, 2013, criminal responsibility of a child start from the age of 9 and until he reach at the age of 18 he will be considered as child. So the legal definition what the act called children conflict with the law has been used as juvenile delinquency.

² National Policy for Children (2011) Ministry of Women and Child Affairs, Dhaka

³ The Convention on the Rights of the Child (UNCRC) adopted by the United Nations General assembly, 20 November, 1989 and Bangladesh has signed it on 2 September, 1990.

⁴ UNICEF (2006) Juvenile Justice in South Asia: Improving Protection for Children in Conflict with the Law, Dhaka, Pp.39

Way of life is becoming more diverse and unpredictable. In this juncture children become the most susceptible segment of society. Due to their very susceptibility, many of them cannot adapt with the abnormal situation. Therefore, they often respond to social anomalies in such ways as not approved by social norms, values and state law. Some of them even form gang and commit crime, both individually and collectively. Some of them choose a deviated life pattern and develop juvenile subculture to exhibit their resistance that injustice has been done to them. Juvenile Delinquency cannot be considered by keeping it apart from social reality (Karzon, 2008).

It is found that breakdown of social norms and values collapse the juveniles live and thereby, delinquent and criminal behavior increase (Ferdousi, 2010). In this background, juvenile delinquency is a prevailing serious social problem and recently has received considerable attention (Chowdhury, 2002) in contemporary Bangladesh. Daily news reports are filled with atrocities including theft, sexual harassment, rape, violence, even murder. This predominantly exists among the disadvantaged population, which has been largely ignored by the society as a whole, creates great social and economic costs for the country. So, the bases of juvenile delinquency require being explored and what is needed to be a remedial measure is proper re-socialization and rehabilitation of the offenders.

Every day a large number of children are being arrested for different offences (Ferdoushi, 2010). The child of today is the citizen of tomorrow, the criminal tendency in children must therefore be timely curbed so that they do not turn into habitual criminals in their future life because delinquency has also several social adverse outcomes, like disadvantages regarding social integration and economic independency (Fergusson & Harwood, 1999). It created other expenses for family as well as society also i.e. Medical cost, rehabilitation or imprisonment and for legal fight.

Along with family and community, a systematic, separate and strict juvenile justice system can reduce the severity of juvenile delinquencies in a country. So the judgment process of these juvenile delinquents should receive great attentions. But as a very susceptible issue the delinquent should not be judged in the same way as adults are. In consideration of this ground most of the country in the world, develops the juvenile justice system, which are in charged with the responsibility of meeting the needs and

solving the problems of delinquent as well as protecting the society from their misdeeds. The juvenile justice system in Bangladesh has its root in the laws enacted by the British rulers. Since then Bangladesh has experienced different Acts for separate trial for children and adults in different times. The pioneer law for children in Bangladesh is The Children Act 1974, which is supplemented by The Children Rules 1976. Apart from this, other provisions of the Special Powers Act 1974, The Women and Children Repression Prevention Act 2000, Bangladesh Labour Code 2006, Labour Act, 2013 etc. were enacted to deal with delinquent as well as children. Government of Bangladesh (GoB) has passed the Children Act 2013,⁵ which is harmonized with the United Nations Convention on the Rights of the Child (UNCRC) and replaced the Children Act 1974. This act determined the age of child to be fewer than 18 and it is consistent with the UNCRC. In every legal system of the civilized world the ultimate end of juvenile justice is correction of the juvenile offenders (Rahman, 2008). At present there are three correctional institutions (*Tongi, Jessore and Konabari*) in Bangladesh for rectification and rehabilitation of juveniles under the ministry of social welfare (MoSW, 2008). The main objectives of the correctional institutions are to provide care, protection, rehabilitation and reintegration of juvenile offenders through a process involving social work, motivation, counseling, education and trade training for skill development and self-employment (Hoque, 2009). So now it has become expedient to review the suitability of present programs of the correctional institute as to whether it can cope with the changing situation and necessity (Sarker 2001). So, it is imperative to know how far the development centers guided by the children Act, 2013, can decriminalize the juvenile behavior and to analyze its decriminalize process after the enactment of the law and this research is an endeavor to provide an opportunity for one of the associate fields of juvenile justice system's to be understood. The role of Child Development Center (CDC) previously known as Kishore Unnayan Kendra (KUK) is an influential discussion as it is the most important government apparatus to correct the juvenile behavior, which is the main objective of the country's juvenile justice system. So in order to in-depth understand the background of the problems as well as the legal process and practice under the legal provision is required to the holistic approach and for this the present study recognized that the anthropological outlook is a necessarily. Moreover, Child justice is not an issue that may be properly dealt with in isolation (Rahman, 2004).

⁵ The children act 2013, (Act No.24) Section 4

Hence, it should be analyze and can be completely realize only in its inter-relation with other important aspects of the whole society and anthropology sees the subject as a part of the holistically whole and accordingly any subjects may not be studied in isolation. Furthermore, as the study of crime has been increasingly dominated by “shallow survey research” and “abstract statistical analysis” (Ferrell 1999:402)⁶, there is a tremendous need for more anthropologically-oriented studies of crime (Betzig et al. 1988; Burawoy et al. 1991; Hagedorn 1990; Polsky 1969; Van Maanen 1995; and Sampson and Groves 1989).

Therefore, the present study on juvenile delinquency gave an equal importance and extent to all aspects of juvenile delinquents such as demographic, ecological, gender, social, economic, as well as about the prevalent government settings to rehabilitate and correct of the juvenile delinquents. As well, to understand how any institution works, one must watch it in action on a daily basis rather than simply examining the pronouncements of those who purport to be in authority (Malinowski, 1926)⁷. Likewise, data and the facts collected by the anthropological method are considered to be more reliable which is essential for doing any scientific research.

Children of today are the future of any country. A country’s socio-economic and cultural development cannot be realized if its children go astray. Children are obviously an important part of a social system, are affected by the socio-economic condition of the family and the society which they belong. Childrens’ behavior patterns are very much influenced by the socio-economic status of their representative society and culture. Therefore, the examination of the dynamics of the juvenile delinquency is theoretically challenging and practically important. On the other hand, to understand the role of any organization of a society, one has to understand the system of that organization. Without analysis the overall system, it is not possible to understand a part of it. It is imperative to know how system is organized and how it works. The study has focused on the various aspects of juvenile delinquency in Bangladesh. Accordingly, this study has tried to examine the dynamics of juvenile delinquency and its legal aspect as well as

⁶ For more see Ferrell Jeff (1999) *Cultural Criminology, Annual review of Sociology*, 25:395-418

⁷ For more see Malinowski B. (1926) *Crime and Custom in Savage Society*. London: Kegan Paul/Trench/Trubner

its correctional process. This study revealed the dynamics surrounding the juveniles' delinquency in Bangladesh. It portrayed the picture relating the types and trends of the delinquency, ecology of juvenile delinquency, influencing factors or causes of juvenile delinquency and the correctional process that is practiced under the legal provision of Bangladesh.

1.2 Objectives of the Study

The broad objective of the present study is to explore the different dimensions of juvenile delinquency and to analyze the legal process of correcting the behavior of the juvenile delinquent. However, the specific objectives of the study as follow:

- To study the demographic dynamics of the juvenile delinquency
- To study the socio-economic dynamics of the juvenile delinquency
- To identify the ecological dynamics of the juvenile delinquency
- To illustrate the dynamic nature and causes of juvenile delinquency
- To analyze the legal rules, correctional process and practices of the juvenile delinquency and the role of the relevant state apparatus.

1.3 Rationale of the Study

Modern juvenile justice process undoubtedly a noble human effort in civilization which a variety of individuals, from police to correctional personnel, have responsibilities to correct the delinquent behavior. The children act 2013, in Bangladesh has the provision to establish development center in every district⁸. Currently Bangladesh has three development centers in which the juvenile delinquents are being stayed, aftermath are to be decriminalized and rehabilitated.

Albeit, there have been some studies on juvenile delinquencies, most of them are not comprehensive in nature. Very little study has been carried out in an anthropological approach to reveal the diverse issues of juvenile delinquency and its correctional processes that have been adopted by the authority in Bangladesh. To unearth the prevalence of juvenile delinquency, information about the dynamics of committed delinquent acts, and how the juvenile legal system deals with child delinquency, is it is imperative to conduct scientific investigation and an anthropological outlook would be

⁸The children act 2013, (Act No.24) Section 59(1)

the best choice. Research on juvenile delinquency, juvenile justice system and juvenile development centers, while insufficient, provides information about the nature, causes and on the common problems that the juveniles face within these centers. Multiple studies have identified the causes of delinquencies (Bhowmick 1994; Uddin 1965; Sarker 2008; Ferdousi 2010; Mahmood and Cheema's 2004)). Research also carried out to find out the types of crime that the juveniles are mostly involved (Marshall 1979; Sarker 2008; Shamim, et. al.2009). Some studies have been carried out to identify the problems that the juveniles are faced within development centers. Issues of unsafe facilities and overcrowding (Ferdoushi 2010; Rahman et. al. 2004; Sharmin and Islam 2015,)impoverished juveniles representation, (Imtiaz 2014; Chowdhury et al. 2012; Hoque and Salam 2008), inadequate healthcare (Bolin and Jones 2005, Rahman 2012), and lack of education services (Morrison and Epps 2002; Foster et al 2004; Ferdoushi 2010) are documented in national as well as international literature, as central concerns of the juvenile justice system. Sometimes, literature on the juvenile justice system often focuses on program implementation and effectiveness at addressing rehabilitation, as well as diversion techniques within the system (Lipsey 1992; Greenwood 2008; Mehtab 2008; Rahman 2011; Ahmed and Khan 2011). The methodological approach of these studies was mostly quantitative in nature, which allows little scope for a deeper look into the phenomenon in the context of Bangladesh. To study the correctional process of the development center requires an endorsement of the institution as a cultural setting, where a group of self-identifying people with certain shared beliefs engage in a set of unique and mutually understandable practices (Conley and O' B a r r,1997). So, understanding the issue of juvenile delinquency and its legal implication through an anthropological approach will thus contribute to literature on delinquency in Bangladesh and enhance the value of the present study. Furthermore, this ethnographic study has explored the lived experiences and perceptions of the juveniles who lived in child development center of various cases in Bangladesh to disclose from the participant's point of view, profoundly gather knowledge about the conditions that lead them implicated in criminal behavior and subsequently, their correctional process and find possible theories to explain and correlate it, as well all these reasons have made the rational to undertake the current study title "Dynamics of Juvenile Delinquency and its Legal Implication: An Anthropological Study."

1.4 Conceptual and Theoretical Understanding of Juvenile Delinquency

The conceptual and theoretical understanding of juvenile delinquency deals extensively with numerous theories relating to the criminal behavior and its legal issues through the different epistemological approaches. The study of juvenile delinquency is concerned with a number of diverse issues: the nature and extent of the criminal behavior of the juveniles; the causes of juvenile offences; the legal provision to deal with the problems; the prevention and treatment techniques. So, the study of the dynamics nature of juvenile delinquency needs special attentions and bears importance and as essentially a multidisciplinary in nature; a variety of theoretical models have been formulated to explain the juvenile delinquency over the years. These explanations take different approaches. These approaches are dominated mainly criminological and sociological. Anthropological approaches try to understand the holistic aspects of crime and this aspect is called criminal anthropology or crime anthropology. Criminal anthropology has emerged as a subfield of the discipline of anthropology, particularly within applied anthropology (Comaroff and Comaroff 2006; Parnell and Kane 2003). It is needless to say that as a subject, “crime” has not generated significant interest in the field of cultural anthropology, though it has a long history in the field of physical anthropology. Present study is an effort to know the juvenile delinquency and its legal implication from anthropological perspective; emphasis has been given on legal anthropological theories alongside with some prominent and relevant sociological as well as criminological theories. A short and snappy discussion on various concept and theories which were applied in this study has been mentioned.

Juvenile Delinquency

The concept Juvenile delinquency refers to the failure of children and youth to meet certain obligations expected of them by the society (Caven and Ferdinand, 1950). This concept was developed in the early twentieth century. In the history of the legal system of juvenile delinquency, it was found that when juveniles were viewed as miniature adults, the legal codes that applied to adults were thought to be enough to address juvenile anti-social behavior. How a society defines juvenile delinquency reflects its views about children. As a society’s view of children changes so does its formal response to juvenile delinquency (Regoli & Hewitt, 2000). However, the much talked

urbanization, industrialization and globalization, which brought about the changes in social roles and relationships, put the juvenile different from adults and their violation of law were increasingly seen as more serious challenges to the social order. A group of reformers, referred as child severs, helped created a separate category to insulate juvenile offenders from the influence of adult criminal (Siegel and Senna, 1994). The term delinquents are those adolescents who have been labeled as law violators.

Juvenile delinquency is a multi-disciplinary field of inquiry. So the notion of delinquency is not very easy to define; in fact, it is a definition that can vary greatly, depending on the location and historical period. Definition varies from society to society, state to state and community to community (Davis and Stivers, 1975). Even legal definition of juvenile delinquency has varied widely over the years and over the countries. In fact, there is a little agreement among the scholars on what juvenile delinquency is. As a social phenomenon, deviant behavior refers to the failure of children and youth to meet certain obligations expected of them by the society in which they live (Caven & Ferdinand, 1975). On the other hand, according to the social pathological point of view, like other social problems, juvenile delinquency results from some "sickness" in society. Just as the human body becomes sick when our body systems, its organs, and cells do not function properly; society becomes "sick" when its elements of structure and culture no longer perform properly (Rimke, H., & Hunt, A. 2002). So the problem of juvenile delinquency is attributed to the weakness of the social control agencies. For example, to the breakdown of the family institution, the decline of the religious institution and inner problems of our economic, educational, and political institutions contribute a lot to create the problem like juvenile delinquency, which meant. According to United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules 1995"),⁹ a juvenile is a child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult. So, according to legal perspective, juvenile delinquency is the behavior committed by a minor child that violet a state panel code (Regoli & Hewitt, 2000). The current study looks at deviant behavior from anthropological as well as legal perspectives; as deviant behavior is recognized as a socio-cultural problem and at the

⁹ The Beijing Rules 1995 was the first international legal instrument to comprehensively detail norms for the administration of justice system for juveniles with rights and child development approach

same time, also a legal phenomenon. In anthropological perspective deviance or crime is seen as dispute and the anthropologists examined the various types of disputes among various cultural settings or societies as well as the dispute management systems (Malinowski, 1926; Hoebel 1941; Nader, 1990). For this reason, the concept of juvenile delinquency is merged, most times, with the criminality or offence or disputes, therefore the existence of ambiguity in the use of terms such as crime, delinquency, etc. But the most widely recognized and consequential definitions of delinquency are those contained in legal statutes (Bortner, 1988).

In Bangladesh, criminal responsibility of a child is the age limit between 9-18 years. Therefore, the term juvenile delinquency has been used to refer to the juveniles' actions that violate the law of Bangladesh, as this legal definition of delinquency governed the children criminal behavior in Bangladesh society. In context of Bangladesh, juvenile delinquency is more intra dynamics on legal procedure as concerned to holistic. For this reason, the present study has given emphasis on legal aspect as a whole by the anthropological point of view.

Dynamics of Juvenile Delinquency

The study of the dynamics of juvenile delinquency requires understanding the nature, extent and cause of juveniles' law violations. It also involved the study of important environmental, social and demographic issues associated with delinquent behavior. So, the term dynamics of juvenile delinquency is used here to encompass the following dimensions of crime committed by the juveniles, i.e. the types and trends of the delinquency, sites or ecology of juveniles' delinquency, influencing factors or causes of juveniles' delinquency as well as the demographic profile of the juvenile offenders. Multidimensional analysis of delinquency creates the possibility of understanding the phenomenon at different levels.

Demographic dynamics highlighted the age and sex indicators of the crime. Types and trends showed the type of crimes, magnitude of crimes, and seriousness of crimes and dangerousness of crime. The economic dimension looks into the financial level that underplay within the juvenile delinquency. Ecological dimension examined the environmental surroundings where the juveniles were brought out and causal dimension

found out the contributing factors that compelled the juveniles to involve in criminal activities.

Etiology of Juvenile Delinquency

During the period of the seventeenth century, scientific knowledge was not found to be developed. So the notion of crime was hazy and obscure. Society was at the time largely unable to explain criminal behavior. Many early endeavors to explicate deviance were grounded in spiritualism and naturalism. That argues that social stability arises out of a harmonious affiliation among the forces beyond the physical world. In their view, human criminality was a result of a wrongdoer's illegal connection with supernatural powers or nature-based influences. Before 1700s, scholars identified offenses as essentially spiritual "sins" or crimes against the natural order. So, the punishments were considered to be executed with the law of nature or divinely sanctioned.

During the late eighteenth and early nineteenth centuries, a new school of theorists tended to emerge who made endeavor to apply scientific methods to explain deviant behavior. This school is well known as Classical school of Criminology that focused on the personal responsibility of individuals for their behavior. Classical criminology is considered to be the product of the Enlightenment, based on the postulation that people exercise free will and hence completely liable for their actions. In fact, these theorists use the notion of free will to explicate that offender opt to get connected in crime and that the best way to curb criminal activities is to prevent offenders and make it uncomfortable or unprofitable for them to offend. According to this school, if the rewards for being a criminal become greater than the justice it would create the more chance of crime to occur. This theory would postulate that extreme punishments such as flogging or death would prevent people from all crimes.

The founding father of classical criminology is generally considered to be Cesare Bonesana, Marchese di Beccaria. He was the first one to explain crime in worldly, which is contradictory to religious terms (Regoli & Hewitt, 2000).

Beccaria in 1764, in his *Dei Delitti e della Pene*¹⁰ (On Crimes and Punishment) proposed the doctrine of a new system of law and justice, emphasizing on humanity,

consistency and rationality. To make the punishment more just logical he made an impassioned appeal through this writing and wanted to make a humanize and rationalize law Martin et al., (1990) mentioned that when it came to identifying crimes, Beccaria mentioned three general categories, such as- crimes that intimidate the survival of the society, crimes that wound the security and belongings of individuals, and finally the criminal activities that are disruptive of the public peace and tranquility. Beccaria believed that human beings are rational and intelligent enough to implement free will. They commit crime because they envisage larger benefits coming from crime than from conformity. Therefore, offenders can be made responsible for their offences. He argues that punishment is justified because offenders intentionally harm others. He reformed criminal justice system by explaining the relationship between people and society. He also makes it clear why and when punishment is necessary. He postulated that a modern criminal justice system should guarantee all people equal treatment before law. In the view of Beccaria, crimes take place when the latent pleasure and rewards from illegal acts outweigh the pains of punishment. Therefore, he propels his theory in the way that in order for punishment to be effective, it must be public, prompt, necessary, the least possible in the given circumstances, proportionate and dictated by law.

Jeremy Bentham, the British philosopher of the early eighteenth century, in his writing 'Principles of Morals and Legislation' justified punishment. He believed that punishment has the capability of preventing further criminal activities rather than inspiring it. He used the terms of Hedonism to explain the criminal behavior and Rationality to explain the applicable punishment against that crime. He defined hedonism as a principle with the central belief that the achievement of pleasure or happiness is the main goal of life and sees rational behavior which is consistent with logic. Then he argued that hedonism and rationality are combined in concept of the hedonistic calculus. By this calculus, he advocated a method by which individuals are assumed to logically weigh the anticipated benefits of a given course of action against its possible costs. He argued that by

¹⁰ For more see Beccaria Cesare (1819) *On crime and Punishment*, trans.(1963/64) By Henry Pauluci, Indiana polis.IN: Bobbs-Merrill.

emphasizing morality and by creating a rational justice system, crime could be prevented and thus the society act proactively. He suggested some indirect measures to prevent crimes, such as education, religious sanctions, discourage of crime, and ensuring a progressive, generous society.

The thought of classical discourse did work for a shorter period. It was soon realized that the exponents of classical school possessed some loopholes in their approach in ignoring the individual differences under certain situations and treating first offenders and the habitual alike on the basis of similarity of act or crime. In fact, it was a modification of classical theory in which it was conceded that certain factors, such as insanity, might inhibit the exercise of free will.

The emergence of the application of scientific method for the measurement and quantification of criminal behavior makes a paradigm shift in the search of the actor instead of act of crime. Among the early figures of positivist thinker Cesare Lombroso, an Italian physician cum self-styled anthropologist was the first who applied the scientific method to the study of crime and promoted the theory of ‘anthropological determinism’ in 1876, in his most influential book *L’Uomo Delinquente*¹¹ (Criminal Man). After an intensive study of physical characteristics of his patients and later on criminals, he asserted that criminals were physically different from normal persons and possessed few physical characteristics of inferior animal world. Lombroso believed that by studying someone’s physical features, a potential criminal could be identified. He outlined the criteria in this regard were: A large jaws, forward projection of jaw, low sloping foreheads; high cheekbones, flattened or upturned nose; handle-shaped ears; large chins, very prominent in appearance; hawk-like noses or fleshy lips; hard shifty eyes, scanty beard or baldness and insensitivity to pain. Lombroso finally concluded that a criminal would have long arms. He emphasized on the individual personality of the criminal in the causation of crime.

By contradicting Lombroso, Edwin Sutherland and Cressey (1939) developed differential association theory, proposing that through interaction with others, individuals

¹¹ For more see Lombroso, Cesare and William Ferraro’s (1895) *The Female Offender*. New York, Appleton

learn the values, attitudes, techniques, and motives for criminal behavior. This theory asserted that delinquent behavior is learnt not inherited. He suggested that to explain delinquency, one should focus on the organization of the delinquent's neighborhood or community instead of on his personality. Delinquency is a learned pattern of behavior. The learning mechanism is the same as that in any type of learning and this learning occurs in intimate group. According to him, criminal behavior is learnt within the interaction process with peer groups. When his peers present him with the techniques, values and belief of delinquency, and he adopts them in his own behavior to the exclusion of conventional techniques, values and beliefs. Children become delinquent because of an excess of definition favouring violation of law. It suggests that, the cause of criminal behavior lies in the immediate favourable situation which the children find conducive for the criminal act.

Sutherland's generic explanation of criminal behavior can be summarized into nine key points.

1. Criminal behavior is learned.
2. Criminal behavior is learned in interaction with other persons in a process of communication.
3. The principal part of the learning of criminal behavior occurs within intimate personal groups.
4. When criminal behavior is learned, the learning includes techniques of committing the crime (which are sometimes very complicated, sometimes simple) and the specific direction of motives, drives, rationalizations, and attitudes.
5. The specific direction of motives and drives is learned from definitions of the legal codes as favorable or unfavorable.
6. A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of the law.
7. Differential associations may vary in frequency, duration, priority, and intensity.
8. The process of learning criminal behavior by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning.

9. While criminal behavior is an expression of general needs and values, it is not explained by those needs and values, since non-criminal behavior is an expression of the same needs and values.

The largest group of delinquents is peer-oriented and directed in their goals and behavior. According to this theory, the environment plays a major role in deciding which norms people learn to violate. Specifically, people within a particular *reference group* provide norms of conformity and deviance, and thus heavily influence the way other people look at the world, including how they react. People also learn their norms from various socializing agents—parents, teachers, ministers, family, friends, co-workers, and the media

Proponents of The Routine Activity Theory of Cohen, L. E., & Felson, M. (1979) believe that crime is usual, but dependent upon the chances to commit the crime. If the opportunity exists and the reward is great enough, a crime is all but assured. But if the opportunity and the reward can be reduced, the crime will have less chance to get committed. With respect to juvenile delinquency, routine activities theory proposes that three elements must be in place to create the ideal scenario for a crime to be committed. The three elements are- a motivated offender with criminal intentions and the ability to act on these inclinations, a suitable victim or target, and the absence of a capable guardian who can prevent the crime from happening.

Robert Agnew (1992) through his ‘General Strain Theory of Crime and Delinquency’ argued that criminal behavior is related to the anger and frustration that result when an individual is treated in a way he or she does not want to be treated in a social relationship. When a person feels pressure or strain to maintain social relationship or gain something he or she may involve criminal activities. He believed that strain comes from multiple sources and he outlined three types of strain that lead to criminal activities: Strain caused by failure to achieved positively valued goals, by the removal of positively valued stimuli from individual and by the presentation of negative stimuli.

Agnew argued that lower-class individuals are frequently failed to achieve material goals through legitimate way and this failure leads them to illegitimate path or means to get their demand fulfill.

Agnew found that actual or anticipated loss of something or someone in one's life cause strain. Deaths of a loved one, divorce of parents, move to new school, and breakup with a boyfriend or girlfriend are the diverse dimension of strain. When individuals want to take revenge against the responsible, try to prevent loss, or escape may adapt criminal activities.

According to Agnew, individuals often find themselves in stressful life situations. He found that adverse situations or events, like: child abuse by parents, bad experiences with peers, problems in school environments may create criminal behavior. He added that each types of strain increase individual's feelings of anger, fear or depression and anger in particular increase the revengeful tendency to end or escape the situations.

In *General Theory of Crime*, Gottfredson and Hirschi (1990) argued that people with 'Low self-control' may commit crime. They argued that self-control determines whether people will become criminal or not. People with high self-control will be significantly less likely involving criminal acts. They found that offences such as alcohol abuse, drug use and illicit sex are committed at a higher rate by people with low self-control. They added that the origin of low self-control laid in the socialization. If early socialization was faulty, child-rearing became ineffective there will be a chance of low self-control. Parents, who are attached to their children, supervise them closely, recognize when their children are exhibiting a lack of self-control, and punish deviant acts will promote self-control in their children (Akers, 1991).

For Robert Regoli and John Hewitt (2000), delinquents and their delinquencies is a product and that adults are the producer. Adult attempts to impose their sense of order within the home or school on children whom they perceive to be inferior leads to maladaptive responses by children, including delinquency. The theory of differential oppression assumes that children develop in an arena of oppression and the oppressive environment has consequences for whom and what they become. They argued that juvenile delinquency is the culmination of a process that begins at conception and evolves through adolescence.

Regoli and Hewitt have explained the oppression process. They added that children, because of their social and legal status have little power to affect their social world.

Comparatively parents and teachers, children are relatively powerless and must submit to the power and authority of these adults. When this power is exercised to prevent the children from attaining access to valuable resources or to prevent the child from developing a sense of self as a subject rather than an object, it becomes oppression. Children usually accept their status as oppressed being because it is a social reality that encompasses our society. Children adapt to oppression in one of four ways: passive acceptance, exercise of illegitimate coercive power, manipulation of one's peers or retaliation. Children who accept their inferior position often develop a negative conception of those who exercise power over them. By learning to hate, but repressing the hatred, further negative consequences, such as alcoholism, drug addiction and low self-esteem may occur later (Regoli & Hewitt, 2000). Many youngsters are attracted to delinquency as an adoptive measure because it helps them establish a sense of liberty and control. They may involve in various forms of delinquency ranging from sexual misbehavior, illicit use of drugs or alcohols, to common crime. In an attempt to gain social power Children who have experience of oppression by adult, involve manipulation of peer by acquiring a sense of strength and control or a degree of empowerment. Some oppressed children may directly strike at their parents, assaulting or even killing them. Others try to hurt their parents by turning inward-by becoming psychotically depressed or committing suicide.

Law and Legal Apparatus

The term legal implication is understood by the relationship between law and deviance behavior. Functional Anthropologists see Law as a ‘cultural institution’.¹² They thought that the practice of law is a human practice, and human beings always practice in cultural ways. Conley and O’barr, (1997) mentioned that the phenomenon of “law” is that set of cultural beliefs and practices that establishes norms for conduct, defines the limits of tolerable deviance, and decides how to deal with those who cross the line. During the 1950s and 1960s, legal anthropologists were largely concerned with law as an aspect of social control through the imposition of sanctions, and saw legal procedures as the means of enforcing social rules. Anthropologist Gluckman (1955) saw ‘law’ as a rules accepted by all normal members of the society as defining right and reasonable ways in which persons ought to behave in relation to each other and to things, including ways obtaining protection for one’s rights. On the other hand, in the views of A. R. Radcliffe-Brown (1933) the law has been institutionalized as a social process and supports stratified social order, where social control through the systematic application of the (physical) force of politically organize society.

Historically, the study of law has been dominated by two major paradigm or models: The rule centered approach and the processual approach. The rule oriented scholars hold the idea that social life is rule-governed. They believed that members of society develop rules or norms of behavior in order to regulate the lives of its members. However, people acting in deviant ways sometimes break these rules and counteraction is necessary. The legal process is thus seen as a matter of rules, courts, lawyers and judge. On the other hand, scholars of processual paradigm tried to analyze how trouble cases are resolved, and how social relationships are restored or altered as a result of them. Thus, in this approach, attention is centered on the legal process; rather than on legal rules. However, rule-oriented scholars increasingly realize that rule alone are not enough to determine the outcome of cases and processualist gradually more realize that the normative order plays an important part in shaping how cases actually get solved.

¹² For more see Lawrence Rosen (2006), *Law as Culture: An Invitation*, Princeton University Press, Princeton and Oxford

The term legal refers to rules enforced and actions in which are sanctions by the justice system of any country. Juvenile justice system is the institution charged with the responsibility of meeting the needs and solving the problems of delinquents, as well as protecting society from their harmful acts (Bortner, 1988). The term encompasses many areas of study, including the etiology of crime, institutional agency controls, methods of prevention and community services, and the legal methods for dealing with young people who violate the law (Siegel and Senna, 1994). To reach a fuller understanding of the legal implication related to juvenile delinquency in Bangladesh, this study has seen the legal system from the perspective of rule-governed as well as procedural flexibility and compromise. The term system refers to the interrelationship among juvenile justice agencies and the term process understands through which takes a youthful offender through a series of steps beginning with arrest and concluding with reentry into society (Siegel and Senna, 1994).

According to Foucault (1975)¹³ police, court and prison are the legal apparatus of a penal system. These are the symbol of disciplinary power. He analyzed how various state apparatus exercise power on individual in the name of discipline. Foucault (1975) sees discipline as a type of power. He argued that discipline is a modality for power exercise; comprising of a whole set of instruments, techniques, procedures, levels of application, target; as it is a 'physics' or an 'anatomy' of power, a terminology. The exercise of discipline presupposes a mechanism that coerces by means of observation; an apparatus in which the techniques that make it possible to see induce effects of power. For Foucault, all disciplinary systems do function as a small penal mechanism. It enjoys a kind of judicial privilege with its own laws, its specific offences, and its particular form of judgment. Police as an organized form of state apparatus has specific guide line to exercise power, operates its mechanism and the application of elements. The chief function of the disciplinary power is to train.

He further argued that it may be taken over by a specialized institution like house of

¹³For more see Foucault. M. (1975) *Discipline and Punish: The Birth of Prison*, transl. A Sheridan. New York Phantoon

correction, hospital or prison. The prison is the place where the penalty is carried out, is also the place of observation of punished individuals. This takes two forms: surveillance, of course, but also knowledge of each individual improvement: the prison must be conceived as place for the formation of clinical knowledge about the convicts. This legal apparatus operates based on the theme of the panopticon-at once surveillance and observation, security and knowledge, individualization and tantalization, isolation and transparency. This study tried to link this panopticon concept in its analysis of the legal process, practices and the prison environment. Panopticism is the discipline mechanism, it could be used as a machine to train or correct or alter the behavior. The penitentiary operation, if it is to be a genuine reeducation, must become the sum total existence of the delinquent, making of the prison a sort of artificial and coercive theater in which his life will be examined from top to bottom. Biographical investigation i. e. causes of crime, circumstances, story of life is essential to rectify the behavior. Foucault argued that penitentiary technique and delinquent are in a sense twin brother because they appeared together. Delinquency must be known, assessed, measured, diagnosed, treated when sentence are passed (Foucault, 1975).

1.5 Structure of the Dissertation

This study is presented through 8 chapters. By completing introductory chapter, that introduce the research problems, research methodology has illustrated in chapter-2. Literature review is discussed in chapter- 3. Chapter 4 presents the study findings, focusing on the age and sex, parental income and occupation and living environment. Types of crime that emerged from the stories and experiences shared by the participants have been delineated in the 5th chapter. In chapter-6 dynamics causes i.e. why juveniles involve crime has been discussed. Chapter-7 discussed the legal implication of juvenile delinquency covering the areas of legal history of juvenile delinquency as well as the legal process and practices to address the juvenile offenders. Finally, chapter- 8 unveils the summary of the dissertation.

The simple personalized terms, the essences of research methodology lie in seeking answers to the questions: how can I find ‘true and useful information’ (Pelto, 1970:1)

Chapter 2

METHODOLOGY

- 2.1 Introduction
- 2.2 Qualitative Methods, Field activities and Primary Data Collection
- 2.3 Quantitative Methods, Field Activities and Primary Data Collection
- 2:4 Technique of Data Analysis
- 2.5 Limitations of the Study

2.1 Introduction

The determination of proper research procedures for the study juvenile delinquency is somewhat difficult in the context of Bangladesh, because it has a lot of methodological limitations in the field of social sciences as well as a sensitive study like, juvenile delinquency. Firstly, the data on delinquency is unreported, underreported and insufficient, and it has validity or reliability problems. Secondly, as a traditional society, the incident of juvenile delinquency is seen as a family matters and the guardians tried their best to conceal the fact. Sometimes it becomes difficult to trace the real age, as most of the juveniles do not have the birth certificate; besides, the law enforcing agencies shows higher ages of the arrested criminal to avoid work load. As a result, the magnitude of these facts remains hidden and under reported until it took a serious form. Considering this in mind this research has been completed by using both qualitative and quantitative which is called ‘integrated method’. One chooses research method on the basis of what one is seeking to uncover, be data and information in the form of members or meanings (Brayton 1997). Each approach has its own set of philosophical assumptions and principles and its own stance on how to do research (Neumann 1997: 60). Yet, both are legitimate way of conducting research and supplement to each other, providing alternative insights into human behavior. The purpose of using the combine research approach was to develop a deeper understanding of the phenomenon of juvenile delinquency. It is believed that the use of qualitative and quantitative approaches in combination provides a better understanding of research problems than either approach alone (Creswell, J. W., & Plano Clark, V. L. 2011). Qualitative research aims to explore peoples’ experiences, perceptions and views and does not test the relationship between variables. The way of gathering qualitative data may be in form of spoken or written words (e.g. individuals reflecting on their life experiences or writing diaries) or the actual observation of behavior. The study tried to see the correctional process and the views of informants as well conducts the study like in a natural setting (Cresswell, 1998). In anthropological point of view, the Crime and Custom of Malinowski (1926) provided path of the application of ethnographic method in the study of legal aspect of an institution. As Conley and O, Barr (2002) said, Simply put, to understand how any institution works, one must watch it in action on a daily basis rather than simply examining the pronouncements of those who purport to be in authority.

On the other hand, Quantitative method refers in large part to the adoption of the natural science experiment as the model for scientific research, its key features being quantitative measurement of the phenomena studied and systematic control of the theoretical variables influencing those phenomena (Hammersley,1993). As the study has two parts, i.e. first focused on the dynamics of delinquency, so to find out the various types and its dynamics it has to depend on survey methods. On the other hand, to describe the circumstances of involve crime, insight of the causes of involving crime, its correctional process, largely depend on narratively such as case study, life history, KII and limited observation, which is undoubtedly a qualitative approach. There is growing recognition in the literature on juvenile delinquency studies that a sensible combination of quantitative & qualitative method that means mix-method can help solve problems that are associated with each type of method taken separately (White, 2013). Moreover, the use of combined methods of this study has ensured the validity and reliability of the findings.

2.2 Qualitative Methods, Field Activities and Primary Data Collection

Field activities covered rapport building with both target juveniles and with the personnel of different institutions, interviews with juvenile and key informant, personal observation, hearing the life histories and in-depth interviews for case studies of the juveniles.

Rapport building

Prior to final interview session, with the permission of the Department of Social Welfare, Government of Bangladesh, I myself visited the development center in order to be familiar with the field area and the informant. A letter of introduction¹⁴ (Russel, 1995)

¹⁴ A letter or written document that describes the researcher and his research project. It should include the institutional affiliation of the researcher, the funding authority, how much time will take to conduct research signed by highest academic authority.

was presented to the Gatekeeper¹⁵ (superintendents of the two CDCs).

It was rather very much difficult to build rapport with the inmates as they are not allowed to get out from their house (Living place or dormitory in the development center is called house) without the permission of the superintendent. On the other hand, due to the fearing of the run-away tendencies of the inmates the authority could not produce more than three inmates at a time except the guardian's visiting day. However, the researcher herself started field activities through relation building process with inmates and other stakeholders for one month prior to the formal interview session. Rapport building had started by visiting CDCs and different places to improve relationships with the target groups. During this period researcher had been able to build up relation with the target juveniles in two development centers for the case studies and for life histories. On the other hand, to conduct KII, researcher herself talked with the relevant personnel over the phone for the KII prior to their actual interviews.

The study described the purpose and need as well as sought their suggestions and expected co-operations from them. Throughout the working period researcher got cooperation and support from all persons of development center, ex-police personnel from the Retired Police Officer Welfare Association (RPOWA), previous researcher working on the children. They gave invaluable assistance and information in this regard.

The Development Center is the most important component in the Juvenile Justice System(JJS) for rectification and rehabilitation of juveniles. The Juvenile Development Centers (CDC) which is better known in Bangali language as Kishore Unnaon Kendra(KUK) take the responsibility of caring, protecting, providing food, housing, clothing, Medicare, education, vocational training, correctional and human development, counseling to the committed children Ministry of Social Welfare (MOSWF), Government of Bangladesh(GoB). The Government has so far established three Juvenile Development Centers under the provision of the Children Act, 1974, each of which consists of one Juvenile Court, one Remand Home and one Training Institute.

¹⁵ In a modern institutions the persons who hold the top administrative position

These Centers are as follows:

- (i) National Children Development Centre, Tongi, Gazipur (for 200 boys now for 300)
- (ii) National Children Development Centre, Konabari, Gazipur (for 150 girls)
- (iii) National Children Development Centre, Jessore (for 150 boys)

Based on the purposes of the study, and easy convenience, the present study has been conducted on the juveniles who are lived at two Development centres; National Juvenile Development Centre, Tongi, Gazipur as well as National Juvenile Development Centre, Konabari, Gazipur respectively, driving distance is 18.56 km and 21 km respectively from Dhaka, the capital of Bangladesh and are accused of any criminal offence and refereed by Child Court. As the CDCs of Tongi and Jessore are identical in terms of facilities, its nature of activities, types of inmates; this study include only Tongi CDC for the study. Besides to gain more in-depth information about the other institutions which are involved in this process and get other information from the concern personnel, researcher had to visit the police station, i.e. Ramna and Khilgaon and the Children Court in Dhaka.

Instrument of Data Collection

The present study hoped to seek information from the juveniles, police personnel, court personnel, CDC authorities, policy makers as they are the key stakeholders in the incidence of juvenile delinquency as well as the correctional process of juvenile justice system in Bangladesh. Case Study, Observation, life histories, KII technique and document analysis has been administered for collecting the qualitative data. In this regard, both implicit as well as explicit meanings of the observed phenomena were emphasized.

A guideline for KII and interview guide for the Case Studies and check list for observation have been used as the guiding tools during the interview and conversation process of the research. The material resources that has used in this study are a laptop with internet connection, cell phone, camera, diaries, pens, pencils and erasers. This study cannot use the tape recorder to record the lengthy information that the participants provided due to the permissive condition of the authority of the institution. So I have to

depend on my memory at a large scale and on writings of field notes. This study took note of the body language and nonverbal cues that were observed during the interview process in the diary and the subsequent clarifications that the study sought from the respondents were also recorded here. Another set of diaries were further distributed to the participants to enable them write down some of their experiences which they forgot to share with me during our initial interview; so that on my next visit, it could be discussed.

A strategy of ‘polymorphous engagement’¹⁶ which is outlined by Gusterson in 1997 was applied in this study as participant observation was rather very much difficult to conduct research work in a government agency or government institution. As a “repatriated” (O’Barr and Conley, 2002)¹⁷ the researcher have to interacting with informants across a numbers of dispersed sites with an ethnographic eye onto the institutions of the respondents own settings:

Case Study

The main approach of this study is anthropological. So this study predominately used the case study method. In describing, understanding and explaining the phenomenon of juvenile delinquency case study is the trusted method.

This data gathering strategies also represent a commitment to a qualitative or sensitizing strategy when approaching subject matter (Hagan, 2007). By applying case studies method, the researcher may gain a greater feel or verstehen (Weber, 1949) for the subject that might be missed in a more or aggregate group analysis. As Case studies place more emphasis on a full contextual analysis of fewer events or conditions and their interrelations (Islam, 2008), it is considered as social microscope. Many academic scholars successfully used this method

¹⁶ Interacting with information across a number of dispersed sites not just in local communities and sometimes in virtual form; and it mean data is collected from a disparate array of sources in many different ways.

¹⁷ For more see Conley, John M. and William M. O’Barr (1997) *Crime and Custom in Corporate Society: A Cultural Perspective on Corporate Misconduct*

and one of the classic examples of applying case studies method in criminology is Sutherland's (1937) 'The Professional Thief' in which his informant Chi Conwell, described the world of the professional thief. Shaw (1930), in his *The Jack-Roller*, also applied this method. Llewellyn and Hoebel (1941) interviewed Cheyenne Indians in the 1920s and reconstructed their legal order as it existed in the 1860s before conquest and subjugation. Their study applied the 'case method' which consists of memories, stories and myths about law and government. So, case studies are tested method to gather qualitative data in the field of legal and criminal inquiry. Based on the objectives of this present study, while run on field work, 15 case studies were conducted. Of them, 12 were from Tongi, 3 were from Konabary. Age, nature of crime, behavior pattern, sex, level of understanding was considered when the cases were selected on the basis of the report provided by the case worker of development center as well as researcher personal observation when conducting survey. An interview guide as well as a check list was prepared to conduct the case study as no information remains untouched.

Life Histories

Life history methods generally involve the analysis of diaries, letters, biographies or autobiographies to obtain a detailed view of either a unique or a representative subject (Hagon, 2007). In an anthropological study a researcher depends on personal conversation with the specific person to collect the in-depth information on a particular subject. This is a special application of the interview technique. This technique allows people to tell stories, which provide insight into what they consider important in their own views (Islam, 2008). In the field of criminal research, in 1973 Teresa and Renner applied this method.¹⁸ The main objective to include this approach in this study was to explore the extensive stories on their lived experiences and circumstances which ushered them into juvenile delinquency. The current explorative study also adopted this method to improve the qualitative data.

¹⁸ For more see 'My life in the Mafia' by Teresa Vincent Charles and Renner Thomas (1973) Gardencity, New York, Doubleday

In this regard, 5 live stories were documented. Of them, 4 were of male delinquents and remaining one was of a female delinquent. This life stories were selected as they seem very interesting and at the same time more awful. While conducting case study, the researcher put an especial care to bring out some life stories of the juveniles. At first, a motivational session was undertaken to inspire them to tell their joy and sorrows inside and outside of the development center. Some chocolate was given to the juveniles, so they became feeling free to tell their story. The phone numbers of their parents were also collected from them. Some information was collected from their parents through telephone and with face to face conversation when they visited to the CDCs. In the final stage of the field activities an intensive conversation was going on based on the information which the parents provided. The information which seems inconsistent was corrected and edited and required information was collected very carefully. This process made it more reliable and justifiable to give existing reality on way of life of juvenile in the context of Bangladesh or elsewhere in the world.

Ethnographic Observation

In anthropology, the Polish anthropologist Malinowski (1926)¹⁹ first did salvage ethnography. Now, there remains a tendency to move away from holistic accounts toward more problem-focused and experimental ethnographies. Although anthropologists are interested in the whole context of human behavior, it is impossible to study everything, and field research usually addressed specific questions. Most ethnographers now enter the field with a specific problem to investigate, and they collect data about variables deemed relevant to that problem, and local people's answers are not the only data source. In this study a specific problem dynamics of juvenile delinquency and 'juvenile delinquents' correctional processes' was the main focused point of investigation. So to obtain the real panorama of the developmental center, I visited the centre several times. Prior to the field work, the study had to take permission from the Department of Social Welfare. After getting permission this study able to observe some of the development program, such as assembling, schooling, training, visiting of the guardian and counseling as well as daily activities of the delinquent juveniles. It helped a lot to understand the daily life of the accused delinquent who resided in the CDCs

¹⁹ For more see Malinowski Bronislaw (1926) *Crime and Custom in Savage Society*. London: Kegan Paul/Trench/Trubner.

in this study, it was possible to draw a panorama of the developmental center as I usually entered the development center by 9:00 am. and stayed there till 5: PM.²⁰This process of collecting information was continuing from April 2015 to May, 2016. In this longer period of staying, this study had tried to gather exclusive, in-depth information and share experience with juveniles' way of life and others relevant personnel who are involved in this correctional process, from sweepers to superintend of the centers. The phenomenon of juvenile delinquency and its legal issues has been placed in a socio-economic and cultural context of Bangladesh society to explain it through ethnographic illustration.

Key Informant Interview

The key informant technique is an ethnographic research method which was originally used in the field of cultural anthropology (Marshall, 1996). But now a day the key informant technique has been used widely and effectively in other branches of social science investigation and makes a useful contribution to the legal aspect of crime and criminal justice research.

A key informant is an enthusiast foundation of information. Key informant interviews are qualitative in-depth interviews with people who are familiar with what is going on in a particular area under discussion. Max Gluckman (1940)²¹incorporated colonial personnel and missionaries into his analysis of crime situation. Interviewing key informants from a wide range of sectors allows looking at varying perspectives and underlying issues or problems (Carter, K.A. & Beaulieu, L.J. 1992). Remembering this, the study selected the Key Informant from a wide range of people—including policy maker, judges, parents, advocates, police, CDC staff and professionals who have immense knowledge about the intensity of delinquency. The triangulation to the information as well as data was ensured by this. The number of people interview largely depends on data needs, available time, and resources (Carter, K.A. & Beaulieu, L.J. 1992). Keeping this in mind, as this study is a personal assignment, each from every category numbering only 8 KII were conducted (Annexure-IV).

²⁰ Office time in Bangladesh is from 9.00 AM. To 5 PM.

²¹ For more see Max Gluckman's (1967) 'The Judicial Process among the Barotse' Manchester University Press

For conducting a successful KII, an interview guide was prepared with a list of open-ended questions relevant to the topic as to make sure that all the questions were answered. These experts, with their broad spectrum of views, provided a wide range of data about the nature as well as legal aspect of the problems of juvenile delinquency and give valuable recommendations for solutions. E-mail, Telephone and Face-to-Face Interviews techniques were used to conduct key informant interviews. Once the interview guide with relevant questions was organized, and when the key informant was agreed to give their opinion through E-mail, they were e-mailed. On the other hand, some KII have been conducted by Face-to-Face Interviews, Particularly with the personnel of CDC. In this regard, the researcher herself involved with all the process of conducting the KII.

Documents Analysis

Besides this, secondary data such as, government rules, laws, books, journals, articles, news paper, web site, published and unpublished research reports and others documents were used to literature review and theoretical framework. In this regard various libraries were visited and some on-line journals were also reviewed in this direction. A list of different documents in this regard has been made, which were pronounced by the government in different times. At the same time a vast literary works written by the scholar in this field have been used to analysis the matter in a holistic approach.

2.3 Quantitative Methods, Field Activities and Primary Data Collection

Quantitative data has been collected through survey method by using semi-structured questionnaire. The questionnaire was prepared in Bengali language as the mother tongue of the respondent's was Bengali. In statistical point of view when only a part of the population or a group of units is taken into consideration it is called sample method of inquiry (Babbie, 2004). A sample survey is a study involving a subset or sample of individuals selected from a larger population by accepted statistical methods. In this process, a list of the juvenile was collected from the CDCs authority which was used as sampling frame.

At present the CDC at Tongi has 387²² juveniles in different cases and suspicion. It is noteworthy to mention that this study has included only those juvenile who have specific allegation against them and stayed in CDC is more than three months. The arrestees who are detained under mere suspicion i.e. section-54, under special power act, guardian's case and stayed below three months were not included. Therefore, sampling frame was consisted of 188 juvenile delinquents who are accused in different cases and stayed in the CDC is more than three months in Tongi CDC. Then, based on the list, 161 juveniles were randomly selected on the basis of the following formula,

$$n = Nz^2pq / (Nd^2 + z^2pq)$$

$$\therefore n=161$$

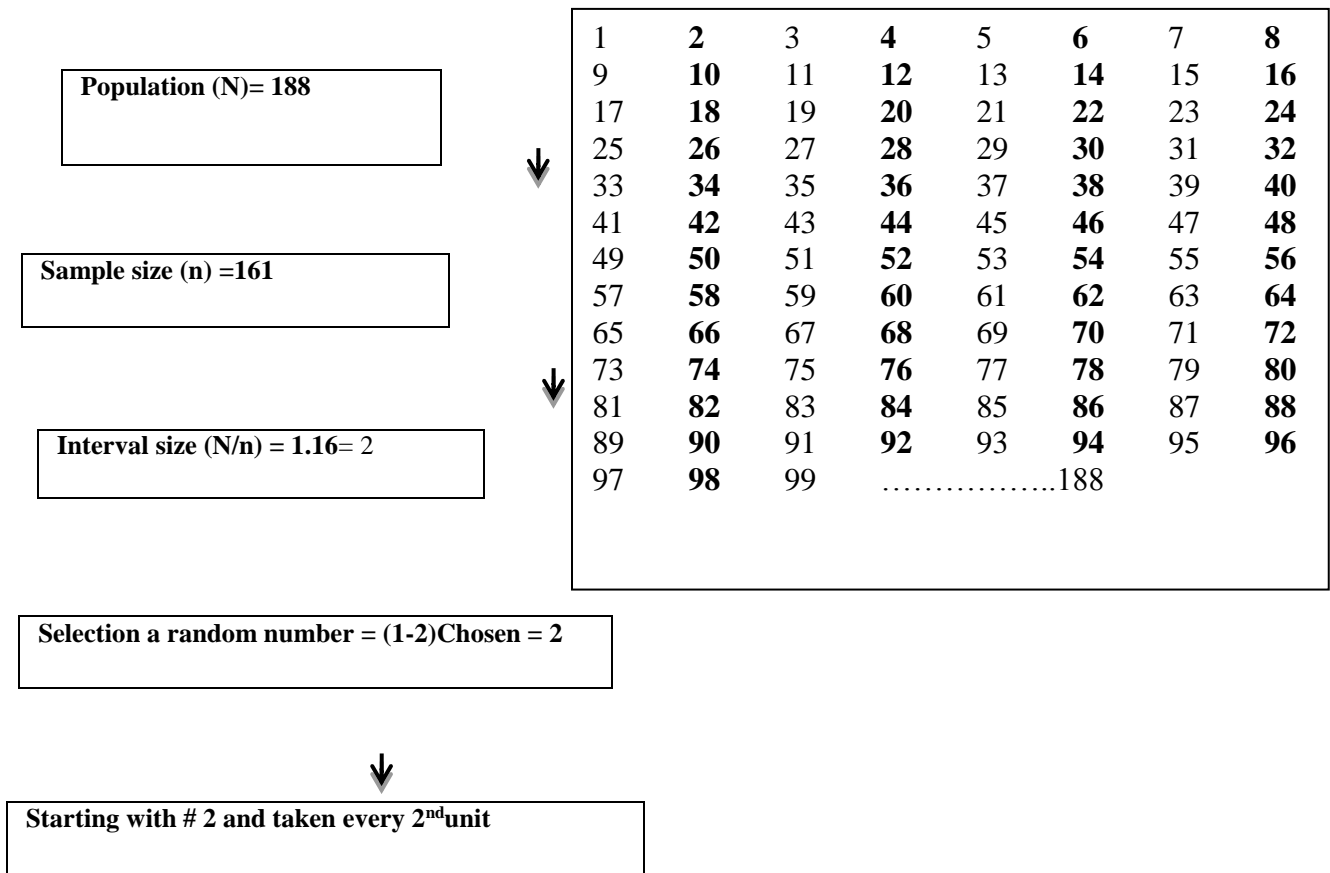
Therefore, n= Desired sample size. N=Total Population=188. z= Standard normal deviate usually set at 1.96, which corresponds to the 95% confidence level. P= Assumed proportion in the target population estimated to have a particular characteristic=.5, q= (1-p) =.5, D= degree of accuracy desired in the estimated proportion=0.05. Therefore, the sample size of this Study is 161.

The process of selection of the sample from the population for quantitative analysis of the present study has given below: To use systematic sampling, the population 188 were listed and numbered in a random as 1, 2, 3, 4, 5.....188.

Then the sampling fraction was calculated as $161/188=0.85 =85%$ in this case. The interval size was equal to $188/161 = 1.16 = 2$, then a random integer 2 was selected from 1 to 2 through lottery. After that to selected sample size it was started 2ndunit in the list and taken every 2ndunit because the interval size was 2. Thus, sampling units were selected as 2, 4,6,8,10,12 and so on to 188. It is essential to do this that the unit in the population is randomly ordered; at least with the respect characteristics are being measured.

²² This number was provided by the CDC authority in the months of May in 2015.

Figure-1: Systematic random sampling



Systematic random sampling was used because it is fairly easy to do which is needed only to select a single random number to start things off. It may also be more precise than simple random sampling. Simple random sampling was not chosen because there is a complexity of mathematical calculation to determine sample size and the standard sample size of simple random sampling is 381-385. Besides, 8 delinquent girls were also included in this sample who were in Konabari CDC. It noteworthy to mention that, the total number of female delinquents in Konabari CDC was 8. All the females were included in this study as sample.

Sample survey

A systematic interview procedure was maintained while conducting survey. According to the rule of the development centre, a written permission was collected from the Department of Social Welfare, GoB to conduct the interview with the required respondents. An interview-schedule was prepared for the face-to-face interview. It was divided into five sections which contains some structured as well as unstructured interview questions. To properly complete the survey, the researcher talked face to face with people, ask the questions and write down the answers. Information about age, sex, educational status, family income, parental occupation, and occupation of the juveniles, types of allegation and causes of involvement were thus obtained. The schedule was made in Bengali.

The following rules and regulations were followed to complete the field work successfully:

- The Study fixed a time schedule. It was previously informed that every 7th and 22th instant of every month is fixed for the guardian to visit their incarcerated wards. These days the authority brought out a major portion of the juvenile to visit their guardians. As there remains a security concern, the authority suggested me to select those date for survey. This study utilized this opportunity to contract a good amount of respondents in those days. On the other hand, as the concern authority spend a leisure time on Saturday and Friday. So the study usually did conduct KII and case studies on these days.
- Besides interview schedule; note-book, clip-board, pencil, and pen were always kept. Whenever, noticed something important, instantly it was noted down.
- While listening, the life-history, this study kept some information in a short cut form as well as memorized it. As the permissive authority imposed a condition not to record any information, I have to depend a lot on memory and keeping note.
- After every day field work, the study tried its level best to write down the field note every night, before forgot the point. So, all the information was documented in proper way. If any information seems to be incomplete or inconsistent, it was noted down and the very next available day, it was collected or corrected. So the required information was appropriately saved. In short, the study followed the method of

intensive field work in which includes case study, survey, KII and ethnographic observation.

2.4 Technique of Data Analysis

The present study has used both Qualitative and Quantitative data analysis procedure in this research. The qualitative information has been portrayed in a narrative manner. Narration has been made in English language. At the Same time some verbatim has been used to describe the real situation. In this regard 15 case studies, 5 life stories have been revealed. On the other hand, to analyze the quantitative data, the collected information has been classified in the light of objectives set forth for the study. The classified data has been coded, tabulated and percent calculated for the same. The results have been presented and discussed along with tables and graphs in number and percentages as descriptive statistics.

2.5 Limitations of the Study

Like many others fieldwork, the present study had to face some problem while getting data. As the study field was in a government organization, it was needed official permission to conduct the field work. It took some official procedure and the authority imposed some condition which impeded to collect information. From the side of the juveniles; they were very much skeptical to provide information particularly about their involvement of crime. Initially they denied their misdeed. But after some session they began to unfold their fact. At first they wanted to know what will happen if they give the real information; whether they get release or punished. Whenever the study was able to make them understand that it will not be harmful for them, then they agree to give information. To be ethical the study informed them that a large book will be written about them and after that; they feel impressed for this and begun to trust. So the trust building process took more time.

Some times the CDCs authorities' presence and their hurry up attitude influence the interview process. However, this study did not include the Jessore CDC.

In the case of KII it was the most unpleasant experience particularly the case of University teacher. Two of the desired informant did not respond despite several attempts.

Besides, it was not permitted to bring tape recorder and other electronic device while conducting interview with the juveniles.

The first thing to do after getting an idea for a piece of research is to find out what has been done, Russel,1995:118

CHAPTER 3	LITERATURE REVIEW
3.1	Introduction
3.2	Global literature
3.3	National Literature
3.3.1	Pre-independent Literature
3.3.2	Post- independent Literature
3.3.3	Contemporary Literature
3.4	Legal and Criminal Anthropological Literature
3.5	Conclusion

3.1 Introduction

A systematic literature review has been conducted to analyze the existing academic writings relevant to nature, causes, trends as well as juvenile justice process in Bangladesh and the globe. Web-based search engines such as Google, Google Scholar, and Science Direct were used for the initial research. Dhaka University Centre Library, Seminar Library of the university's different department, Public Library and different seminar libraries of Jagannath University, Library of BBS, BLAST etc. were also used. These resources were used for identifying the materials on the sociological, criminological, criminal anthropological and finally legal anthropological views regarding juvenile delinquency and its legal process. National laws, policy documents, research articles and relevant international instruments were also examined to see the condition of the juveniles' delinquency related issues. Relevant reports published by INGOs such as Save the Children (SC), United Nations Children's Fund (UNICEF) and Bangladesh Police, was considered as a major source of information.

This review of relevant literature looks specifically at the available research on juvenile delinquency in order to find out the various dimensions related to delinquency and its justice process. It begins with a global review in order to reveal the issues in global perspective as it is a global phenomenon and global concern. The review then goes on to discuss the issues within Bangladesh context and finally legal anthropological research has been reviewed to familiarize the legal anthropological concern on this issue. The aim is to use the available literature on this topic is to demonstrate the real picture that has been going on over a period of time across the globe. A brief review of related literary works was as follows:

3.2 Global Literature

Children come into conflict is not problem only in Bangladesh, it is a global phenomenon. Over the year it becomes more violent in nature. Global scenario depicts that a juvenile to be convicted of the most serious crimes of violence, such as murder, rape and so on. The following review made a clear indication that whether in western or in non-western it becomes clear that the phenomenon of juvenile delinquency able to attract the contemplation the entire scholar who are concern about the matter over the world.

Hector (1951)²³ through her “On the Etiology of juvenile Delinquency” opined that, defining the term juvenile delinquency is a problem itself when any one want to analyze the subject. There is little uniformity by the scholar by using the term juvenile delinquency. Some used the term from legal perspective; some used social. Accordingly, she said that, the legal conception is even more obscure and varies from one state to another. Due to the overwhelming variation of definition no statistic on a nationwide basis is reliable, at the same time beyond comparable. She further noted that, some states limit the criminal responsibilities to 16 years, others to 17, or 18, and still others to 21. She also identified that there exists a variation between sexes. Further she argued that state also classified the delinquent into "alleged" delinquent and others "adjudged" delinquent in their statistics. It is documented from this study that the lack of unity in the statistics is a reflection of the lack of unity in the basic conception. One of the major discussions of her works was to the existing contradictions regarding the study of determinant and occasional causes. However, she has agreed that incidence of Juvenile Delinquency is greater in cities than in rural areas. At the same time, she has reported the fact that overcrowdedness, lack of elementary facilities, and lack of hygienic conditions are on the root causes in the rural areas than in the cities. The overall findings of this study have provided some input to the present study.

On the other hand, Ernest (1952)²⁴ in his “The Economic Factor in Juvenile Delinquency” had tried to make clear the understanding of the term juvenile delinquency, and he opined that, a boy or a girl is not a juvenile delinquent just because he commits a delinquent act. If it was true then all the boys and girls in a society would be delinquent. But it is the society, which labelled and treated a person as a delinquent. In defining delinquency, Ernest pointed out that to be a delinquent boy; he must be treated by his community people. Other words, he must have an official record of criminality. This determination depends on the duration of the record. If the record became longer, his identity as a delinquent is more eminent. Ernest highlighted that, most of the children in a society are not official delinquents because their misconduct are

²³Hector J. Ritey (1951) On the Etiology of juvenile Delinquency, *Journal of Criminal Law and Criminology*, Vol. 4 Issue 4

²⁴ For detail see Ernest W. Burgess (1952) The Economic Factors in Juvenile Delinquency *Journal of Criminal Law and Criminology*, Vol.43, Issue 1 article-3.

not recorded and their mis-conduct are checked by their family members. Not only that, the neighbor, or even the police some times intervene the children and take the responsibilities of their future conduct. These children are not stigmatized by the community as delinquent. According to Ernest they do not consider themselves as in that class; at most they think of themselves as "tough" and "wild". Finally, Ernest has analyzed the process of being Juvenile delinquents. He pointed out that to become a delinquent, they have completed one or more stags, i.e. they have been arrested by the police; have appeared in the juvenile court; have been detained in the juvenile detention home; placed on probation and have been released on parole. He further added that many of them have violated parole and have committed new delinquency and have been apprehended by the police and gone through the process of delinquency- making again. Taking all these process into account Ernest's discussion has been found very significant for the present study in dealing with the legal and correctional process of the juvenile delinquency in Bangladesh.

During 60s Cloward and Ohlin (1960)²⁵ in their well-known work 'Delinquency and Opportunity' discussed about economic as well as environmental determinants in delinquency process and argued that a there exists a strong relationship between the environment, its economic structure, and the youth's subsequent behaviour choices. They viewed that some lower-class neighborhoods actually provide more opportunity for illegal gain than others do. They saw urban delinquency as a function of the different opportunities youths have to gain both legitimate and illegitimate goals. They argued that, where opportunities for legal gain are blocked, criminal activity is imminent choice by the lower-class youth. It is understandable from the findings that nature of economic opportunity and the surroundings of a person is a strong factor behind delinquent activities.

Shaw and McKay (1972) explained delinquency within the context of the urban ecology. They used the huge amount of crime data (25,000) from the Juvenile Court of Cook County from 1900 to 1933, where they indicated that ecological condition of the city

²⁵ For detail see Cloward Richard and Lloyd Ohlin 1960(2000) *Delinquency and opportunity: Theory of Delinquent Gangs*, New York: The Free Press.

itself is responsible for delinquency²⁶. They saw that Chicago had developed into distinct neighbourhoods, some marked by wealth and luxury, others by overcrowding, poor health and sanitary conditions, and extreme poverty. They noted that these slum areas were the spawning grounds of delinquency and the poor neighborhood produced crime among its habitant. Their analysis is very much useful in establishing concepts in the present study where ecological dimension is very much significant to understand and address the problem of juvenile delinquency.

Devasia and Devasia (1992)²⁷ in their book of Criminology, Victimology and Corrections provide major issues of criminology, victimology and correction clearly. The book has analyzed juvenile delinquency as a system of social disorganization and social work with offenders in correctional setting in Indian context. Related legal provisions of juvenile delinquents were not explored in the study. Despite these limitations the book bears significant information's on the juvenile correction which seems useful for the present study.

In another attempt, Pamela (2000)²⁸ has tried to uncover the impact of cell phone on youth and she has discussed with different sectors in which cell phones have a great impact on today's youth. Here, at first she has discussed with the educational sector. To her, cell phones allow kids to text quiz answers, take pictures and videos of problem-solving methods for tests and leave voice messages detailing classroom pop quizzes and other events that otherwise would not spread by word of mouth in one day. She argued that a ban on cell phones in schools is not the answer, as a phone set to silent or vibrate mode may easily go unnoticed by teachers. Then she has revealed fact of Sexing. The

²⁶ For more see Shaw Clifford R. and Henry D. Mckay (1972) *Juvenile Delinquency and urban Areas*, rev.ed. University of Chicago press.

²⁷ For more see Devasia V. and Devasia L. (1992) *Criminology, Victimology and Corrections* Delhi: Ashish Publisher House

²⁸ For more see Pamela, Gardapee, (2000) *The Impact of Cell Phones on Today's Youth*, http://www.ehow.com/about_5417951

newest thing that the young cell phone users today involved is sexing. By using cell phone, the youth can send verbal texts, pictures or or videos to an entire contact list in seconds. By the way receiver it in turn send it out and within the most shorter period, potentially detrimental sexual material has been spread to immense viewers. Pamela has also expressed her concern on the role of mobile phone in occurrence other types of delinquent activities by the youth.

Khondaker (2007)²⁹ on his 'Juvenile Deviant Behavior in an Immigrant Bangladeshi Community: Exploring the Nature and Contributing Factors looked the Deviant Behavior from a broad Perspective' addressee's deviant behavior as a social phenomenon. According to this perspective, deviant behavior is that which is "regarded as unacceptable, inappropriate, or morally wrong in the opinion of the members of a group. He took ethnographic case study using multiple methods of research. Data were collected through a participant observation over a four-month period in the Bangladeshi community in New York City. To understand the nature of juvenile deviant or delinquent behavior as well as factors that contributes to this behavior the hypotheses guided his study were: Juveniles in the Bangladeshi community become delinquents because of: a. Generation gap, and parent's/adults' inability to supervise them properly, or b. frustration generated from being in a new society and their inability to communicate properly. A strong, excessive sense of Bangladeshi identity contributes to law violation for some youths. His findings indicated that Bangladeshi juveniles are not involved in any serious law violations, but the community members perceive several risk factors. These made them concern that it may lead juveniles in to be implicated in delinquent behavior. His study also identified the defensive factors that are beached in the community's cultural values that may work as a safeguard against youth becoming delinquent in Bangladeshi community. Though this finding largely focused on migrated people, but it has a connection with the present study to formulate a policy guide line to prevent juvenile delinquency.

²⁹For more see Khondaker, Mahfuzul Islam (2007) Juvenile Delinquent Behaviour in an Immigrant Bangladesh Community: Exploring the Nature a Contributing Factors, International Journal of Criminal Justice Science, Vol. 1, Issue 2 January.

Simoes et al. (2008)³⁰ tried to know the perceptions of the juvenile regarding the risk and protective factors for juvenile delinquency. They first used a quantitative perspective and developed an explanatory structural equation model based on 300 juvenile offenders. Secondly, using a focus group discussion technique on 24 juvenile offenders they found out the risk and protective factors. The quantitative study revealed that substance use was the most salient risk factor for this problem and positive relations in school context was the most salient protective factor. The qualitative results confirmed these results. Although this study tried to see the problems with a holistic approach, it lags behind that it did not touch the legal aspect of the preventive measure. More over the study did not mention the study area at all. However, this study helped to make an understanding to identify the risk factors of juvenile delinquency.

Khetwal et al. (2009)³¹ investigated the effect of poverty on adolescent delinquent behavior. The case study of an Uttaranchali poverty stricken, adolescent girl aged 12 was found to be the victim of situational crime. The observed girl belonged to very poor family. They explored the lived experiences of miserable economic condition of the innocent girl that forced her to leave school and work as a maid. As per their case study, after working continuously for six months when her land lady refused to pay her dues she momentarily lost control and blindly hit her which put the girl behind bars. They have tried to link their analysis to the Sutherland and Cressey's (1955) notion about the situational criminal momentarily. So the results of this finding indicate that the adolescent girl fell into the category of a situational criminality as discussed by Sutherland and Cressey in their *Principles of Criminology* (Sutherland and Cressey 1955). Based only a case study, however this finding provided an idea of female delinquency and it has a relevance with the present study as this study also tried to portray the face of female delinquency in Bangladesh society.

³⁰ For detail see Simoes, C. Mats M.G. and Batista Foguet J.M.2008 *Juvenile Delinquency: Analysis of Risk and Protective Factors Using Quantitative and Qualitative Methods* *Cognition, Brain, Behaviour: An interdisciplinary Journal* 7(4): 389-40 New York

³¹ For detail see Khetwal Gauravs, Khewak Chitra and Rawat Urmila, 2009 *Juvenile Delinquency in Uttarakhand; The Victim of Situational Crime* *Journal of Social Science*, 21(1) Pp. 79-81

The study of Schroeder, et al.(2010)³² have assessed the effect of the changes of family structure on delinquents' offending. The samples for the study were enlisted from the first and third wave of Delbert Elliott's longitudinal National Youths Study (NYS) which consisted of 1,725 youths (both males and females) with age range of 11-17 years old in seven birth cohorts (1959–1965) and the third wave of the NYS contains information from the 1,626 of the original subjects collected in 1979, where the subjects ranged from 13 to 19 years of age. The findings of this study revealed that adolescents who resided in a two-parent household at the first wave of the study (stable two-parent, divorce or separation) show lower levels of offending than adolescents who resided with a single parent during the same wave (stable single-parent, marriage or Cohabitation). They used both the bivariate and multivariate data analysis methods which indicated that the transition into a single-parent household is not associated with changes in offending or family functioning. Apparently, the higher level of offending shown among the youth from single-parent homes in this study is not due to the process of family dissolution or any corresponding shifts in family time or attachment; rather, it is more likely that family issues present before the family break-up are responsible for the higher level of offending among adolescents in non-intact homes. They further tried to investigate the impact of family transitions from single-parent families to two-parent families through remarriage or cohabitation. They revealed that experiencing a family formation between waves of data is associated with significant increases in offending. They opined that this type of transition does not predict significant shifts in family time or attachment, but the full models do show that shifts in family functioning do mediate a small portion of the positive relationship between family formation and increased offending.

As, based on a sample of 90 juveniles which were selected in Borstal Jail Faisalabad through random sampling technique, Shamim, A. et al. (2009)³³ explored that in Pakistan 41% of offenders were engaged in serious crime like murder which is a great concern for human society. The Study also found that majority of the respondents was illiterate and

³²Schroeder, R. D. Osgood, A. K. and Oghia M. J. (2010) Family Transition and Juvenile Delinquency, *Sociological Inquiry*, 80, 579-604

³³ For more see Shamim, A. Z. Batool, M. I. Zafar and N. Hashmi (2009) A Study of Juvenile Crimes In Borstal Jail, Faisalabad, Pakistan *The Journal Of Animal & Plant Sciences* 19(2): 2009, Pages: 101-103
Issn: 1018-7081 101

belonged to the age group 16-18 years, most of them belonged to low income group. Finally, they make a conclusion that poverty and low socio-economic status promotes the rate of juvenile crimes. Their findings are consistent to the findings of Bangladesh, where illicit sexual activity, Narcotics, Dacoit, Violence Kidnapping etc. are others type of criminality committed by the youth. In spite of the richness of data, this study was primarily descriptive in nature and inadequate from a theoretical point of view.

At the similar manner Mahmood and Cheema (2004)³⁴ tried to identify the casual factors of Juvenile Delinquency and to suggest remedial measures to seize its fast growing trends. They conducted the study at Faisalabad and Bhawalpur Districts in Punjab Province in Pakistan. They selected the Borstal Institutions and the Juvenile Jails which are worked for juvenile's rehabilitation for their respondents. They interviewed all, 221 juvenile convicts in both jails. Information was collected through a well-structured and pretested questionnaire. In this study, six hypotheses were tested through the estimation of Pearson R. statistics and found that the parental conflicts, community environment, father's attitude and media positively influence the juvenile crime.

To examined the relationship between family structure and juvenile delinquency in terms of severity and frequency of offending, Murry et al. (2000)³⁵ used correlation analysis as a method of investigation and selected the data from the secondary sources derived from case files of Juvenile offenders located in a county detention center in western Alabama. Records examined were limited to those youth who had contact with the juvenile justice system for the first time in the year 1996 and the sample was comprised of 442 juveniles. The research indicates that proportionately more juvenile offenders come from family arrangements other than the two-parent family home. In terms of the nature of offending; only 19% of offenses were felonies and the remaining 81% misdemeanors in Alabama. Their findings support that family arrangements are not directly related to the severity and frequency of crimes committed by juvenile delinquents.

³⁴ For more see Mahmood, Khalid and Cheema, Muhammad Asghar (2004) Empirical Analysis of Juvenil Crime in Punjab, Pakistan, *Pakistan Journal of Social Science and Life* 2(2):136-138

³⁵ For more see Murry Crystal L., Jimmy Williams, Randall T. Salekin, (2000) Juvenile Delinquency and Family Structure: Links to Severity and Frequency of Offending, *The University of Alabama McN Journal*

They suggested that, along with family arrangements, other factors such as environmental factors, situational, and functional factors may provide more insight into juvenile delinquency.

In his “Causes of Juvenile Delinquency among Teenagers in Pakistani Context” Zafar (2012)³⁶ tried to explore the causes of Juvenile delinquency and influence of social factors on teenager. Based on qualitative analysis, the selected four delinquents of Adyala jail of Rawalpindi were qualitatively analyzed by the researcher. His result indicated that most of the young are indulged in criminal activities like pick pocketing, robbery, taking drugs, drugs selling, murder, mobile snatching, car lifting, suicide bombing. Majority of them belongs to lower socio-economic status. Because of unemployment, and poverty, the children don't have even the basic needs; food and clean water by birth. Want of basic needs is an ingredient to be criminals and courts make them professional. Though, only the four selective cases of delinquents are the basis of his analysis, this study has the conceptual ground for present study to understand the nature and types of juvenile delinquency.

To find out the important aspects of adolescent delinquency and justice processing Jennifer L. Woolard (2012)³⁷ produced his “Adolescent Development, Delinquency, and Juvenile Justice”. Depending on various literatures this study has examined the cognitive factors which develop during adolescence, which illustrate that adolescents appear to perform comparably to adults by about the age of sixteen. Following this, psychosocial factors of susceptibility to peer influence and future orientation and their continued development in the adolescent period have been examined. This study also reviewed the developing challenge of regulating emotions and affective responses that continues well into young adulthood. Finally, placing adolescents in their ecological context, the study has made an attempt to describe how unique relationships between adolescents, parents, and the state present challenges for adolescents that no other age group faces in the legal system.

³⁶ Zafar, Muhammad Shahzad (2012), Causes of Juvenile Delinquency among Teenagers in Pakistani Context, *Elixir Edu. Tech.* 51 10897-10900

³⁷ For more see Jennifer L. Woolard (2012), *Adolescent, Development, Delinquency, and Juvenile Justice*, *The Oxford Handbook of Juvenile Crime and Juvenile Justice*

UNICEF (2000)³⁸ Regional Office for South Asia and Save the Children Alliance in the Central and South Asia region took the initiative to produce a paper named: “State Violence Against Children: South Asian Perspective” and it was held in Geneva on September 22, 2000 provided some input to the Committee in its thematic discussion session: State Violence against Children. The paper is based on information and experiences collected from the country offices in the region of the two organizations. It focuses on children in the institutions of the criminal justice system including police custody, institutions for children awaiting trial such as, remand homes and borstals, correction homes and prisons. This paper discusses with some very important facts like, low age of criminal responsibility, lack of birth registration, inappropriate definition of criminality, weakness of probation services, inappropriate sentencing, lack of juvenile courts etc. of the countries in South Asia. Here, the paper has indicated and discussed with the weaker points of the juvenile justice system of the countries in South Asia, but it has not provided any suggestions that how these weaknesses can be overcome.

Haveripet (2013)³⁹ has explored the causes, consequences and diversity of criminal activities by juvenile delinquents in India. In his study, sample has been selected purposively and social survey method was used to collect data. The researcher produced the outcome of his study within five chapters. The sample for the study consisted of the inmates of the Government Observation Home of Rourkela Sub Jail, Rourkela of Odisha. A total of 50 inmates were interviewed out of 72 inmates of the Home and a total of 5 cases of offences were studied in detail for presenting detailed case study. The questionnaire included 58 questions and it was divided into various categories. These were demographic profile, educational background, and family background, juvenile’s history, perception of fairness and results of inquiry. It is revealed from the study that; no particular reason is responsible for juveniles’ delinquency- a variety of reasons are

³⁸ UNICEF Regional Office for South Asia and Save the Children’s Paper on State Violence Against Children: South Asian Perspective” and it was held in Geneva on September 22, 2000

³⁹For details see Haveripet Prakash (2011) Causes and consequences of juvenile delinquency in India, Recent Research in Science and Technology, Vol.5 No.3 Retrieve from <http://scienceflora.org/journal/index.pdf/rrs/about>

responsible for this. Lack of proper family control, conflict in family, situation of residential area, impact of movies etc. are equally responsible for the juvenile delinquency. This study argued that when juveniles are incapable to maintain their basic needs and to get proper recreation from their family, they are involving in many anti-social activities to fulfill their basic needs and recreation through earning money. So this study has provided valuable information for the basic understanding the various causal factors regarding juvenile delinquency for the present study.

To find out the role of family structure, parental monitoring and affiliation with delinquent peers in predicting juvenile delinquency Sajad et al. (2012)⁴⁰ carried out the cross-sectional study in Tehran. They selected 96 delinquent adolescents and 91 non-delinquent adolescents, through a conventional sampling. The delinquent sample was recruited from Correction Service Center in Tehran, Iran and the control sample comprised of 91 non-delinquents from community participants. They were selected with regard to delinquent sample's age, gender and residential area. The results of this study showed that distress in family structure and affiliation with delinquent peers have a significant role in the delinquency phenomenon. Therefore, this study is a necessary one to understand influential factors in promoting delinquency.

3.3 National Literature

The writings about the juvenile delinquency in Bangladesh were started mainly in Pakistan period. In 60^s a few number of scholar had paid their attention on the growing trends of juvenile offenders as a major byproduct of urbanization and industrialization. In this study, the literature on juvenile delinquency in Bangladesh has been discussed by dividing it into three sections: pre-independent, post-independent and contemporary. Some of the endeavors of pre-independent period are as follows:

⁴⁰For more see Sajjad Hossain, Mohammad (2008) *Separate Treatment Measure for Juvenile Offenders in Indian Sub-Continent: A Brief Historical Description, Human Rights, Investigation, Prosecution and Juvenile Treatment*. Dhaka Social Science Research Council, Ministry of Planning,

3.3.1 Pre-independent Literature

There was a wide spread and common belief that Juvenile Delinquency is a phenomenon of the technologically complex societies. But some intellectual in the pre-independent period did well to break the notion and brought the problems in the lime light through their writings either a descriptive or empirical mode in our context. The major works of this time that the author of this study able to collect is as the following:

Ahmed, Salahuddin (1960)⁴¹ in his ‘Studies in Juvenile Delinquency and Crime in East Pakistan’ tried to find out the linkage between social change and the juvenile delinquency. It is a compilation of writings which were published in some periodicals mainly ‘The Detective’ a weekly publication of the East Pakistan Police Co-operative Society. This writing is an outcome of his professional as well as social commitment to his country. Although it was not an empirical study, this book highlighted the core issues relating to juvenile delinquency. This book has a total of thirty-two sections where he opined his thought and expressed his experiences in this regard. He pointed out that, the juvenile delinquency is nothing but an important by-product of the transitional phase. Here he categorically discussed the various aspects like industrialization, social disorganization, child welfare, recreation, child rights, causes, correctional provision etc. Finally, he recommended that a religious sense of moral, spiritual and human values should be inculcated into the social structure by the state sponsored socio-economic organization to prevent the commission of crime. On the basis of the then circumstances, Ahmed has indentified the major issues relating juvenile delinquency and his work has considered as a historical event in Bangladesh for the present study.

Based on an empirical analysis Ahmadullah, A. K. et al. (1964)⁴² in their ‘Social Factors of juvenile offence in East Pakistan’, tried to reveal the causes of growing number of juvenile offenders in East Pakistan. They conducted their study in a Boarstal School near Dhaka city. By using survey method their study was carried out on the convicted

⁴¹For more see Ahmed, Salahuddin (1960) *Studies in Juvenile Delinquency and Crime in East Pakistan*, College of Social Welfare Research Center, Dhaka

⁴²For more see Ahmadullah, A. K. et. al (1964) *Social Factors of juvenile offence in East Pakistan*. College of Social Welfare Research Center, Dhaka

offenders in the age group of 10-21 years. The important findings of this study revealed that multiple factors were associated for the commencement of juvenile offences. But they emphasized on the rapid rise of population and rapid urbanization in this regard. Besides these; they have rightly mentioned that family background and other socio-economic factors also responsible for juvenile offences.

In 1965, a pioneer and an important classic study in this field was conducted by Afsaruddin⁴³, titled “Juvenile Delinquency in East Pakistan” where he examined the nature of delinquency in East Pakistan and found that 59% of the delinquents indulge in stealing and the other 26% in pick pocketing. Moreover, he focused on the extent and distribution, causation, Treatment and Prevention of delinquency in East Pakistan. He also has analyzed the psychological, cultural and biological factors that contribute in the causation of juvenile delinquency, where he has opined that family condition, family control and relationship do have a great influence on children’s coming into the contact of criminal behavior. Finally, he has explained how society, family, community recreation, school and government can play their important role in the prevention of juvenile delinquency in Pakistan. Here, Afsaruddin has emphasized on the causation and the then status of juvenile delinquency in Pakistan but he did not make any critical analysis on the juvenile justice system of Pakistan that could have helped this literature be an extremely handy work for the prevention of juvenile delinquency in Pakistan. However, his works seems to be useful for this study to accumulate knowledge and information about the then scenario regarding juvenile offences.

3.3.2 Post-independent Literature

A large number of scholarly writings have been come in the surface after the independent. Among them some notable works are mentioned below:

As part of an M. Phil thesis Rahman (1982)⁴⁴ carried out a research titled “Socio-

⁴³For more see Afsaruddin, Mohammad, (1965) *Juvenile Delinquency in East Pakistan*, Samakal Muddrayan Motijheel, Dacca.

⁴⁴ For more see Rahman M. Abdur (1982) *Socio-economic Background of juvenile Deviants in slums of Rajshahi town* Unpublished M. phil thesis of the University of Rajshahi: Institute of Bangladesh studies

economic Background of Juvenile Deviants in slums of Rajshahi town” with an attempt to analyze the nature of juvenile behavior and examined the factors that contributed to widespread delinquent-activities in the slums of Rajshahi city. Based on observation method the researcher collected his stipulated data from the local deviants. The study revealed the decline of norms and values and their impact on deviant behavior from an anthropological approach. He has categorized the deviant behavior into five categories according to gravity of offences and he has rightly mentioned that these categories are influenced by the norms and values of the slum dwellers. The categories he has outlined as; a) very grave deviant behavior includes murder, mayhem and assault, robbery and dacoit by fire arms, rape and elopement and kidnapping b) grave deviant behavior includes sex abuse, homosexuality, c) moderately grave deviant behavior includes vehicle theft, hijacking, arsoning, looting, vandalism, adulteration, and prostitution. d) deviant behaviour includes drug abuse, illicit drug trafficking, pornography, shoplifting, smuggling, snatching and pick-pocketing and e) very mild deviant behavior includes teasing of girl, alcoholism, phensidyle taking, loitering, black marketing, voyeurism, taking marijuana, drunk driving and exhibitionism. Here he has included all types of criminal activities that were done by the slum dwellers. One of the major strengths of this work is that it has taken the issue in an anthropological perspective. The author has been successful in some context to touch the criminal issue with the declining norms and values. In this process this thesis has given a critical insight to the criminal activities in Bangladesh. However, this study was only conducted in the slums of Rajshahi; rural areas were not focused. The legal aspect of juveniles has not been revealed in this study. Overall his study has given some information regarding trends and causes of the juvenile offences and it has made a contribution to the present study to understand the diverse issues relating to the subject.

"A Critical Review of the Judicial Institutions in Relation to the Rights of the Child" was completed in 1995, by Rädä Barnen⁴⁵. The study found, inter alia, that, among the primary implementers, there was a lack of attention and awareness of the seriousness of the situation and ignorance of the main legislation on juvenile justice, the Children Act 1974, and the related rules framed in 1976. It revealed the vast potential of an existing

⁴⁵ For more see Rüdä Barnen (1995) Children in Conflict with Law: A survey on the situation in Bangladesh. Stockholm Sweden

correctional home for boys in Tongi near Dhaka that had been operating since 1978 and did away with the myth that it was not worth investing in this area which concerned only a handful of children. It also exposed the limited use and occasional misuse of the system and facilities due to ignorance, improper orientation, and lack of logistics and fund constraints. This study has a close connection to the present study as to identify the legal aspect and the constraint of the present correctional as well as institutional process has to be investigated.

Sattar and Balagopal (1998)⁴⁶ has discussed with the situations in which a child comes into contact with the Juvenile justice system, such as by committing a crime or by being accused of infringing penal provisions, by being accused by parents or guardians of uncontrollability etc. They argue that the current system is inadequate for the protection of the rights of the children in conflict with the law. In this work, basically they have discussed, more or less the details of the contemporary Juvenile Justice System of Bangladesh. The study indicates, through specific examples, how the current system is inadequate for the protection of the rights of children in conflict with the law. It outlines the first steps initiated by UNICEF-Bangladesh for focusing on juvenile justice issues, building partnerships and identifying priority issues. Here they have identified the present form of Juvenile Justice System as inadequate but have not mentioned the weak points of the system specifically that could have given a complete shape of the study.

Kabir (1999)⁴⁷ explored the present situation of juvenile delinquency in Bangladesh including the national and international law, loopholes of the existing laws and their enforcement. He further focused the development of international mechanism to protect juvenile delinquency. However, attitude of major institutions to juvenile justice indications in line with international standard have not been focused in the research. However, this work has provided some of the historical background of the juvenile justice system and legal aspect of Bangladesh.

⁴⁶For more see Sattar Nacela and Balagopal Gopalan, (1998) *Traditional Means of Dealing with Children in Conflict with the Law with Specific Reference to Bangladesh: Bringing Juvenile Justice into Focus*, UNICEF, Dhaka

⁴⁷Kabir, Abdul Kalam Md. Akhtarul (1999) *Juvenile Delinquency in Bangladesh: Law and Practice*, Unpublished Ph. D Dissertation, Department of Law, University of Rajshahi

3.3.3 Contemporary Literature

In recent time the concern related to children rights and their involvement in criminal activities have been proved a major area of academic investigation. In this section the scholarly writings that have been on paper in this period are as follows:

Khair and Khan (2000)⁴⁸ tend to explore and examine children's views on experiences and encounters with the law as described by children in their own words. In this research, the children wanted to give the report a name and decided to call the jail 'Shoshur Bari'(father-in-law's house). The reason for giving this name described by the children was that jail is widely known to many children as well as adults as 'Shoshur Bari'. According to the boys, in real life 'Shoshur Bari' is supposed to be an exited place, where people could have a life with full of pleasure. They can have everything ready even before asking. Men used to make a plan to visit their 'Shoshur Bari' when life becomes boring. But in jail it is quite opposite. Someone would be severely punished if he asks for anything beyond the available rough facilities, although jail is supposed to rehabilitate people by providing appropriate facilities. This is why people satire the jail by calling it 'Shoshur Bari'. On the otherhand, the girl inmates perceive differently the meaning of 'Shoshur Bari'. For them, 'Shoshur Bari' is not a peaceful place. They have no right to say anything against the in-laws for their misbehaviour or torture. Their only option is to drop their tears silently. Same environment is prevailing inside the jail. So, they call it 'Shoshur Bari'. The study also discusses with the standards, norms of the current juvenile justice system in Bangladesh. In this regard, it compares the juvenile justice system of Bangladesh with standard set by the United Nations. The research has also pointed out some recommendations provided by the children themselves. In fact, the study has mainly emphasized on the children's experiences to find a recovery or to make the juvenile justice system in Bangladesh better. But in this regard, the study should have given much more importance on the opinion of the law specialists. However, this study is a pioneer one to describe the condition of jails in Bangladesh as well a helpful one to understand the situation in a first hand.

⁴⁸ For more see Khair, S. and Khan, S. (2000) *Shoshur Bari: Street Children in Conflict with the Law*, Save the Children UK, Dhaka, Bangladesh

Hossain (2002)⁴⁹ tried to identify the social factors related to juvenile delinquency and its impact on society. In his analysis he had compared his findings with the findings of the 60s and revealed that the trends and types of juveniles have been changed over times. He also tried to analyze the notion of juvenile delinquency in global perspective. In his analysis he has tried to make a link with various sociological approaches with his findings. He used both primary as well as secondary data in his study. Finally, he has put some recommendation to address the problem. In a shortest form he has able to address all the aspect of the issues relating to delinquency. This study will provide a guide line in this study of various outlooks.

Sarker (2001)⁵⁰ has made an in-depth inquiry into the socio-economic factors associated with juvenile delinquent offence in the city of Dhaka. The author turned his research work into a book titled “Juvenile Delinquency: Dhaka city experience”, divided into 10 chapters in 286 pages. The author has appropriately depicted the different types of offences like stealing, pick-pocketing, hijacking etc. with that juveniles of Dhaka city are involved. He has analyzed the growth process of juveniles becoming a delinquent. In regard of discussing with the causation of juvenile delinquency, Sarker has tended to link some basic theories of delinquency-causation like Hereditary or Constitutional theory, Personality or Psychological theory, Ecological theory, Learning theory, Anomie theory with the causes of juvenile delinquency in the Dhaka city as well as in Bangladesh. The major emphasis has been given on identifying socio-economic factors associated with the problem of juvenile delinquency in Dhaka city. This study was conducted in an urban area and so its relevance to rural situation of juvenile delinquency is almost non-existent. The legal aspect with regard to juvenile delinquency has not been focus in this book. Even, judicial activism and role of correctional institutions was not reflected in the book. Still this book carries valuable information. However; regarding socio-economic background of juvenile delinquency this piece of research is useful for the present study.

⁴⁹ For more see Hossain, Md. Anwar (2002) *Juvenile Delinquency in Bangladesh and Relevant Thinking: an assessment*. Social Science Journal, Rajshahi University, vol. 7 Pp.11-35

⁵⁰ For more see Sarkar Abdul Hakim (2001) *Juvenile Delinquency: Dhaka City Experience*, Human Nursery for Development, Dhaka.

In 2002, Hossain⁵¹ did his doctoral thesis on Correctional service for juvenile Delinquents in Bangladesh: A Study of NICS, Tongi. Through this study Hossain found out many socio-economic factors behind the juvenile offences, such as broken home, inconsistent family discipline, adverse parent-child relationship, overcrowding home life, parental remarriage, family punishment, childhood employment, poverty, peer influence, etc. He also documented the types of offences which include, Murder, theft, illegal possession of arms, kidnapping as well. He drew a shallow picture of the correctional services of the delinquents in Bangladesh. Though this study lacks the indepthness of the findings, it is helpful for the current study to formulate the typology and have a first hand knowlrdge regarding the causes of delinquency.

Ameen (2003)⁵² discusses with the ambiguity of criminal responsibility age in our juvenile justice system in different times. Then she has expressed her concern on the fact that children are often arrested on mere suspicion. She argues that it is indeed regrettable to note that arbitrary arrest and has become a common feature of our system of governance. The unchecked practical and frequent detention misuse of authority is much due to the wider range of the repressive laws. According to her, proper implementation of the existing laws can contribute to solve this problem. She dictates that to ensure proper Juvenile Justice, the state should be more committed in upholding the rights of every child. In fact, in this writing, she has had an average discussion on the violation of Child right when a child comes in conflict with the law. She could have been deeper in her discussion by providing some recommendations on how these violations can be constrained. However, this study is an important one to unveil the loopholes of the judicial process of this country.

The children in Bangladesh are deprived from all sorts of rights while they are in conflict

⁵¹For more see Hossain, Md, Amzad (2002) Correctional Services for the Juvenile Delinquents in Bangladesh: A Study of NICS Tongi, Unpublished Ph.D Thesis, Institute of Bangladesh Studies. University of Rajshahi,

⁵² For more see Ameen, Nusrat (2003) Children and Females in Safe Custody-A Violation of Legal Right in Bangladesh. Journal of the Faculty of Law, Dhaka University 14:71-100.

with law. Their voice and problems were rightly addressed by Rahman (2003)⁵³ with the help of Save the Children –UK in the outcome of the study “Tracing the Missing Cord: A Study on the Children Act, 1974”. They tried to unveil the gap between the Children Act, 1974 and current practice. In their endeavor they found huge gap between the two. A combination of research strategies e.g. exploratory, descriptive and analytical studies has been used in this study. They identified that the provisions of the Children Act 1974 are breached and abused in almost all stages, from pre trial to post trial of a child’s contact with the law relating to determination of the age of the child (Section 66), establishment of the juvenile court, sitting of the court (section 7), court procedure (Sections 15, 18 etc), punishment (sections 51, 52), detention (section 55) etc. Here, he has not discussed with some recent crimes like pornography, sexual harassment that are not specifically mentioned in The Children Act, 1974. But, to confront such criminal behavior of Juveniles, The Children Act, 1974 must need some relevant reformation that are absent in this book. Overall in this findings, have given the actual scenario that are practiced in our judicial jurisdiction and also the gaps existing between the Act and the real practices. So this study has provided with some practical understanding of the malpractices adopted by the various authorities whenever addressing and delivering the child.

Hossain (2004)⁵⁴ has tried to explore the nature and trends of juvenile delinquency in Bangladesh. He has analyzed the causal factors for delinquency. In doing so he has documented a variety of factors that are associated with the events of delinquency based on different secondary sources. He argued that multi-causative factors are closely associated with juvenile delinquency and one delinquent act compels the delinquents to involve in other offences to fulfill their thirst. To discuss the forms of delinquency, he addressed stealing, murder, pick-pocketing, fraud, truancy, fighting, sexual perversion are the most deviant form in Bangladesh. Despite few limitations he has been able to

⁵³ For more see Rahman, Mizanur (2003) *Tracing the Missing Code: A Study on the Children Act 1974*, Save the Children-UK, Dhaka: Bangladesh Programme

⁵⁴ For more see Hossain, Md. Anwar (2004) *An overview of Trends of Juvenile Delinquency in Bangladesh*. Social Science Journal, Rajshahi University, vol. 9 Pp.15-28

point out the overall situation of the problem in a short form. Therefore, this work has been considered a valuable reference for the overall discussion of the juvenile delinquency in Bangladesh.

Islam (2006)⁵⁵ in the article titled “children in custody still denied justice” the author has focused on condition of children in jail custody and contradiction among the children related laws in Bangladesh. He has analyzed the procedures and loopholes of juvenile courts with relation to juvenile justice. The recent development of international treaties and law on juvenile justice has been explored in this article. But reformative steps of the higher court with landmark cases on this issue were not discussed.

In his study entitled “Impact of Cultural Globalization on the Upper Class Youth in Dhaka City”, Zahid (2007)⁵⁶ notes that due to the introduction of cable TV and Internet the young generation of our country has become reckless. The study reveals that one of the major concerns regarding foreign programs shown on satellite TV is that, today's teenagers are becoming immoral and their notion of purity and pollution have been changed. They are getting involved in socially designated immoral activities. The study also exposes that the respondents gathered sexual knowledge from various sources including Western movies and music videos, gossiping with friends, internet pornography, female magazines, collecting adult C.D. or X - rated sex video, etc that have been facilitated by the advancement of information and communication technology. This study has highlighted impact of ICT on the younger generation and argued that a negative impact is noticed that should be addressed immediately. Though this study is only on a particular section, it is an eyeopener for the academia to uncover the fact what is going on under the name of globalization.

⁵⁵ For more see Islam Nur (2006) Children in Custody Still denied Justice Journal of JETI, Judicial administration Training Institute, Vol. 5

⁵⁶ For more see Zahid, Dilara (2007) Impact of Cultural Globalization on the Upper Class Youth in Dhaka City, Bangladesh E-Journal of Sociology. 4(2):45-54

To make a comparative study on Juvenile Justice System of USA and Bangladesh Mehtab (2008)⁵⁷ has made a discussion on the issue of the Juvenile Justice System of both countries. The author tried to show the main difference in Juvenile Justice System between these two countries. It has been noted from the writing that, American polices take into three factors when arresting a child, such as (a) Seriousness of the offence, (b) prior arrest record, and (c) presence of evidence, while in Bangladesh these factors are not taken into account by the police. In Bangladesh, it is often seen that children are arrested by the police on a mere suspicion. She also argues that existing laws in our country are not properly implemented. She has provided some outlines and possible interventions, such as Proper Functioning of Juvenile Justice system; coordination between magistrates, Police officers and probation officers is required. A monitoring committee needs to be formed to supervise the functioning of Juvenile justice system. The probation officer should classify the Juveniles on the basis of the nature and gravity of offenses and decide who will be sent to development center, and who will be sent back to society or community. In the field level, police may be divided into two categories – one will be appointed to maintain law and order, and the other will be to investigate the criminal cases. In fact, in this writing, Mehtab might have discussed the comparison of Juvenile Justice System between U.S.A and Bangladesh to focus the weak points of Bangladesh Juvenile Justice System. But it might also be true that American Juvenile Justice System would not be well effective in our country because of the difference in nature of criminal behavior among the juveniles in two countries. The writer did acknowledge that the nature of juvenile delinquency varies in between Bangladesh and U.S.A because of their cultural differences. Besides, the outlines provided by her are certainly very important but not much enough to form an ideal Juvenile Justice system.

Funded by Bangladesh Police a study, entitled as “An Assessment Study for Children at Risk of Coming in Contact with Criminal Activities” was conducted in 6 divisional cities

⁵⁷ For more see Mehtab, Farhana Helal (2008) Juvenile Justice System of USA and Bangladesh: Comparative Study of Diversion and Alternative Measures and Hard Realities of Juvenile Justice System in Bangladesh. Dhaka University Law Journal, 19:33-52

of Bangladesh in 2008 by Islam (2008)⁵⁸. Both quantitative and qualitative methodological approaches were used in this study. In quantitative approach it was taken the interview of 50 children. In qualitative approach, FGD was conducted with 64 children and other stakeholders, and depth interviews with 109 children and stakeholders. The study mentioned different types of criminal behavior committed by the Juveniles, such as drugs carrying, picketing, theft and burglary, sex trade, weapons/bomb carrying, hijacking, gambling etc. It discusses with some causes that lead children to commit such crimes, such as- poverty, lack of parental care, criminal activities in family, lack of fulfillment of basic needs, influence of media etc. In regard of taking steps to confront this situation, the study suggests for assessing the circumstances and factors that facilitate involvement of Children with criminal activities and identifying the people who encourage such children in doing so. The study provides some long term as well as short term recommendations to address the juvenile justice system of Bangladesh, such as: to establish Juvenile courts in each district, to amend the articles 34-36 of the Children Act, 1974. The study advocated that the govt. run shelters should be more open and transparent and child friendly, the police should perceive children as 'Children' rather than as 'Criminal'. Here, all the recommendations demonstrate the way how *The Children Act, 1974* can properly be implemented. But there is no recommendation found in the study about any reformation in the act. Though in one point, the study has recommended for the amendment of the articles 34-36 of The Children Act, 1974, it has not provided any specific comment regarding what sort of amendment should be made. Overall findings of this study have given some legal input to the present study. However, this study has been taken as an important one to familiar with the critical analysis of the children act, 1974 in Bangladesh.

Funded by Action Aid Bangladesh, Hoque Enamul et al. (2008).⁵⁹ was conducted a base

⁵⁸ For more see Islam, Mr. Aminul (2008) An Assessment Study for Children at Risk of Coming in Contact with Criminal Activities, Bangladesh Police, Ministry of Home Affairs.

⁵⁹ For more see Hoque, Dr. Enamul and Mr. Mohammad Salam (2008) Under Aged Prison Inmates in Bangladesh: A Sample Situation of Youthful Offenders in Greater Dhaka. Bangladesh: Retired Police Officers Welfare Association, Rajarbag Dhaka, Bangladesh

line survey project named “Under-aged Prison Inmates in Bangladesh: A sample situation of youthful offenders in greater Dhaka”. The data were collected during Feb-April, 2008. At that time the total number of inmates in Prisons and Correctional Homes was 279. The number of inmates interviewed directly was 144 including 116 males and 28 females (80.56% males and 19.44% females). The number of cases under trial is 129; convicted 7 and 8 have been confined there for safe custody. The dominant age-group of the inmates having committed crime is between 12 and <16 years (64.58%), and it was found that 31.25% did not attend school. In this area, there is an improvement over the study conducted during the year 2003, when 41% were found to have not attended school at all. Out of whole of the inmate population, the representation of the Dhaka Metropolitan area was more than 61%, and Mirpur Police Station area appears to be the first among the Police Station to have contributed largely to the sample within the city. Among the 5 districts, Narshingdi has the highest numbers. The important charges/complaints against the inmates were theft (22.92%), murder (18.05%) as against 15.57% during the year 2003, drug related offence (13.19%) and possession of illegal arms (10.14%) as against 27.33 % during the year 2003. Situation regarding other offences remained almost static. The inmates of Prison and Correctional Homes have been staying for a period of about 3 months (almost 50%). Regarding the progress of the case, no hearing took place in morethan 34.31% cases as against 32.22% during the year 2003. Hearing took place 1-2 times in case of 35.77% and 3-4 times in cases of 10.07%. In such a big number of sample populations, no probation was found to have been granted by the court (it couldn't be ascertained whether any prayer for release on probation was filed to the court.) No inmate stated that any Probation Officer from the Department of Social Services made contact with any inmates for release under the 'Probation of Offenders Act, 1964'. During the study, it was found that a large number of the inmates came from poor and distressed families. Major occupations of the inmates were factory or garments or automobile workshop workers (20.14%), student (19.44%), other jobs (14.58%), unemployed (9.03%) and remaining 36.81% are employed in various occupations. Of all the inmates interviewed, 31.25% did not attend school, 50.69% attended education up to primary level and 18.06% up to higher secondary level. Occupations of father were mainly petty business (23.33%), rickshaw/van puller/driver (17.50%), service (11.67%) and cultivation (13.53%). In case of mother, 62.59% are housewife, 8.63% are running their small business, 7.19% are maidservant and 7.91%

are factory workers. This work is filled in with statistical data; qualitative information is totally absent in this study. Apart from this limitation, these findings are drawn from first hand data and indicated a brief idea about the trends and types of juvenile delinquency which was one of the major objectives of the present study.

A relative short but valuable book written by Karzon (2008)⁶⁰ a law faculty of Dhaka University covered a chapter on juvenile delinquency where he has discussed with some important and conspicuous facts such as- social transition, poverty, migration, broken family, surrounding environment, lack of parental control etc. that are responsible for causing Juvenile delinquency in Bangladesh. It has also discussed with different laws as well as the Juvenile Justice system especially the power, functions and procedure of Juvenile courts in Bangladesh. Here, he has thoroughly discussed the causes of Juvenile delinquency and the existing juvenile justice system in Bangladesh. This book can be seen as a body of documentations of concept, ideas, causes and legal aspect of juvenile delinquency in Bangladesh and has significant connection in developing understanding of the various aspect of the present study.

In the article titled 'Juvenile court and trial of child: From Bangladesh perspective', Hossain (2009)⁶¹ has focused on power, procedure and role of juvenile courts in Bangladesh. He has analyzed some landmark judgment of the higher courts on this issue. Only legal provision related trial and court procedure of juveniles has been addressed in this article. The institutional approach by the concerned individual was not focused and at the same time it was not more juvenile delinquents oriented.

⁶⁰ For more see Karzon, Sheikh Hafizur Rahman (2008) *Theoretical and Applied Criminology*. Dhaka: Palal Prokashoni and Empowerment through Law of the Common People (ELCOP).

⁶¹ For more see Hossain, Zakir (2009) *Juvenile Court and Trail of Children: from Bandladesh Perspective*, Journal of JATI, Judicial Administration Training Institute, Vol.8 June

Ali (2010)⁶² discusses with one of the most contentious issues of children Act, namely the definition of a child as a person under 16 years old versus the definition of the CRC as a person below the age of 18. Here, he has opined for the separate trial for the children and given importance on the role of probation officer to treat the Juvenile offenders properly. In all, he intends to signify an aspiration for the progressive development towards such a system which is child centered, promotes the well being of the family setting and mainstream society. This is certainly true that Ali has longed for an ideal juvenile justice system in Bangladesh and provided some very important suggestions to reach that in this book. But he could have included a brief discussion on the social causes of juvenile delinquency and the responsibilities of the social institutions like families, religious institutions, educational institutions etc. to prevent those causes, and thus to reduce the rate of juvenile delinquencies.

Ahmed and Islam (2010)⁶³ has emphasized on strengthening the family unity and the role of core social institution like schools, religious institutions, community based organizations in controlling juvenile delinquency rate. They suggest that communities must be proactive by responding to children who are at risk of committing delinquent acts. They also suggest for identifying and controlling youths who already are serious offenders, and isolating them in secured Juvenile facilities for the protection of society. They have provided some recommendations in regard of treating the juvenile offenders, such as Juvenile accused in jail must be kept apart from the other prisoners, Juvenile accused is to be transferred to correction houses and other approved homes with utmost expedition etc. In this study, they have provided some general recommendations, such as keep the Juvenile offenders separated from the adults, and sending a convicted juvenile offender to correctional home or to other approved homes which have already been included in the section 51 (1) and 51(2) of The Children Act, 1974. However their study is an important one for its sets of recommendations which are really in need.

⁶² For more see Ali, M. Imman (2010) *Towards a Justice Delivery System for Children in Bangladesh: A guide and Case law on Children in Conflict with the Law*. Bangladesh, UNICEF.

⁶³ Ahmed, Mohammad Bulbul and Islam, Md. Raisul (2010) *Treatment of Juvenile Offender: Bangladesh Perspective*. Bangladesh Research Publications Journal, 4:274-285 Retrieve from <http://www.Bdresearchpublication.com/admin/journal/upload/09177/pdf>

Shafi A Salma (2010)⁶⁴ in her *Urban Crime and Violence in Dhaka* presented the result of the study carried out on urban crime and violence in public places of the metropolis. Bases on both secondary and primary data sources, it focused on the types of crimes that occur in it and throws light on the reasons behind the criminal activities that take place in Dhaka. Result indicated that hijacking as the major type of crime that faces the city dweller most. Theft and extortion are the next high crime they faced. She identified the typical causes, like political violence, mob violence, bomb explosion etc. This finding also put figure on police forces for the causes of crime. The study has focused on the crime committed by the police forces. It also revealed the nexus between crime and violence and the socio-economic situation of Dhaka city. The study provided a set of recommendations for all authorities concerned so that they can provide safer spaces for its residents through formulation of policies that will help reduce crime and violence.

Ahmed and Paul (2011)⁶⁵ have identified industrialization and urbanization as the causes of Bangladesh experiencing the problems of weak Juvenile Justice System. They discussed with the confusing definition of Childs, Adolescents and Juveniles. They have considered the current Juvenile Justice System in Bangladesh as ineffective to ensure the full enjoyment of rights of Juveniles. In this regard, they have recommended that “Therapeutic Jurisprudence” may be an effective alternative to ensure the administration of Juvenile Justice. By “Therapeutic Jurisprudence”, they meant that, respect for law can make the enforcement of law more effective than deterrence of law. In this work, Ahmed and Nirmal suggest for changing almost the whole pattern of Juvenile Justice System in Bangladesh rather than reforming it. Besides, it is yet to be examined that how much Therapeutic Jurisprudence would be appropriate in our socio-economic condition.

A study titled “Diversion and Alternative Sanctions in the Juvenile Justice System in Bangladesh: a Child Rights Perspective”, was conducted to analyze the need to develop

⁶⁴For more see Shafi A Salma (2010) *Urban Crime and Violence in Dhaka*, The University Press limited, Dhaka

⁶⁵For more see Ahmed, Bulbul and Nirmal Chandra Paul (2011) *Dispensation of Justice to the juveniles in Bangladesh*. Bangladesh Research Publications journal.5:31
41.Retrievefrom:<http://www.bdresearchpublications.com/admin/journal/upload/09199/09199.pdf>

alternative sanctions and diversionary programs in the juvenile justice system of Bangladesh by Rahman (2011).⁶⁶ The study presents relevant primary and secondary data to examine the present law and practice relevant to a child in conflict with the law in Bangladesh. It investigates the existing informal mechanism for handling criminal matters outside the criminal justice system. She argued that as Bangladesh underscores on the over use of imprisonment as means of correction of children, the practice in the ground is not very compatible with international law. She highlighted that Children in Bangladesh faced bad treatment during arrest, in police custody and in child correction centre they are devoid of basic opportunities of lives. Finally, some recommendations have been made in this study to effectively introduce different forms of alternative responses and diversionary programs in the juvenile justice system of Bangladesh to make the juvenile justice system more rights-based. She could have discussed with some perspectives of the causation of children coming into contact of criminal activities that might help establish a child friendly justice system.

Ahmed and Khan (2011)⁶⁷ in their “A Crucial Observation on Juvenile Delinquency: Bangladesh Perspectives” analyzed the concept of juvenile justice in the national legal context, where they branded that there is a wide variation in the definitions of the term “child”. Based on secondary as well as some first hand data, in this write up they made public how the Bengali word for “child” ‘shishu, is used as multiple sense in this country. They explained that, though a shishuis only in the first stage of childhood in a Bangladeshi society; it does not indicate a knowing and responsible child but an innocent, protected and dependent one. A shishu is a child who does not understand the consequences of his activities. The word shishu does not refer only to the age or physical development of a child. It also refers to a Childs life circumstances. Analysis of the existing child legislation moreover, unfolds an interesting phenomenon that different

⁶⁶For more see Rahman Khandaker Farzana 2011 Diversion and Alternative Sanctions In The Juvenile Justice System In Bangladesh: A Child Rights Perspective, Un Published MSS thesis, Development Studies, Institute of Social Studies Hague, The Netherlands

⁶⁷For more see Ahmed, Bulbul and Khan Camellia (2011) A Critical Observation on Juvenile Delinquency: Bangladesh Perspectives, ASA, University Review, Vol. 5 No.1 January-June 2011, Retrieved from <http://www.asaub.edu.bd/data/asaubreview/v5n1sl20.pdf>

words are used to denote the single English word ‘child’ as used in international Conventions. The term child in the legal context of Bangladesh refers to at least three categories, that of child, adolescent and young person. It makes things more complicated and confused as different legislations use these words to signify at times, different age groups. This article is predominately related to definition of children. Child rights, justice system etc. It failed to address some crucial issues i.e. types and nature of delinquency as its heading was ‘A Crucial Observation on Juvenile Delinquency: Bangladesh Perspectives’.

Ferdousi (2012)⁶⁸ has made an analytical study of the present scenario of juvenile justice system in Bangladesh. Originally conceived of as part of a doctoral thesis on “Juvenile Justice System in Bangladesh: An Analytical Study” the book was published in 2012. This book was divided into eight chapters. In chapter one the introductory elements have been discussed. It includes statement of the problems, Objectives of the study, methodology of the study, limitations of the study etc. Chapter two discussed the historical background juvenile justice system in Bangladesh, chapter three highlighted the legal instruments to juvenile justice system in Bangladesh, in chapter four the genre and genesis of juvenile delinquency in Bangladesh is discussed. The following chapters discussed instrumental set-up, role of judiciary, constraints of the juvenile justice system in Bangladesh, and finally in concluding chapter the author made a suggestion to establish a child friendly justice system. The author used multiple methods in her study. Among them content analysis, descriptive and purposive opinion survey were prominent. The total respondents of the study were 150 from eight groups i.e. juveniles, staff of the KUKs, police officers, lawyers, judges, policymaker etc. She has made a comprehensive analysis of the legal history of the system; the role and constraints of prime components such as law enforcing agencies, courts and correctional institutions; and the genre & genesis of juvenile offences. She has critically discussed the relevant national laws and policies, international legal instruments, and the role of ordinary & juvenile courts. The study makes use of primary as well as secondary sources of information and concludes with a listing of loopholes in the existing laws, practices and procedures, besides suggesting measures for establishing a child-friendly justice system in Bangladesh.

⁶⁸For more see Ferdousi, Nahid (2012) *Juvenile Justice System in Bangladesh*. Academic Press and Publishers Library, Dhaka

Another study by Chowdhury et al. (2012)⁶⁹ has explored the causes, consequences and diversity of criminal activities by juvenile delinquents. Based on Labeling and Differential Association Theory, the study sample has been selected purposively and social survey method is used to collect data. 30 juveniles were interviewed from the two correctional centers. This descriptive study revealed that, stealing, robbery, drug addiction extortion of money, murder and hijacking, sexual offence, child kidnapping and pick-pocketing etc. are the most common criminal activities which were committed by the juveniles. It is also revealed from the study that, no particular reason is responsible for juveniles' delinquency- a variety of reasons are responsible for this. Lack of proper family control, conflict in family, situation of residential area, impact of movies etc. are equally responsible for the juvenile delinquency. A number of juveniles are incapable to maintain their basic needs and to get proper recreation from their family. Consequently, they are involving in many anti-social activities to fulfill their basic needs and recreation through earning money. As a result, juveniles' parents always felt anxiety for their children's anti-social activities and they at present also remain in various anxious situation for their children. Although at present juveniles are caring in the reform institution, but they are not out of danger because of our complex social structure. Therefore, at present juveniles and their family label as a 'criminal family' in their own society because of juveniles crime in which they were involved before arrest. When they will free from reform center, they will again enter various anti-social activities such as murder and hijacking, sexual offence, child kidnapping and pick-pocketing etc. which will so harmful for their society and their own family. So the labeling of juvenile delinquency plays a negative impact on their life and family. This study is strength to its theoretical assumption. This study has rightly touched the issue of being labelled. So, this study has a link to the present study as how a juvenile became delinquent by his peer association and how it puts an impact on his own life and his family as a whole.

Kamal, et al. (2012) in their study "Nature of Cyber Crime and Its Impacts on Young People: A Case from Bangladesh" describes the nature of cyber crime which is

⁶⁹Chowdhury, Iqbal Ahmed, Mohammad Maniruzzaman Khan and Imtiaz Uddin (2012) Causes and Consequences of Juvenile Delinquency in Bangladesh: A sociological Analysis. International Journal of Social Science Tomorrow Vol. 1 No. 4 Retrieved from www.ijssst.com/issue/542.pdf

committed in country⁷⁰. They identify child pornography as one of the most important issues among the different types of cybercrimes. By the innovation of the Internet and the World Wide Web (WWW) has created a fictitious world filled with an unlimited amount of information, which dramatically changed the underground world of child pornography. The study reveals that in aspect of Bangladesh, people use Internet from a teenage, not from childhood because; internet facility has not yet reach home smoothly. However, it's yet the vulnerable aspects for the juveniles of our country.

Khatun, Islam and Rashid (2012)⁷¹ have tried to show the spatial distribution of crime in Tangail District. They used the Geographical Information System (GIS) to locate the crime prone area. In this venture they able to find the locations which are more crime prone are characterized by slums, presence of brothel and bazaar with a huge number of floating people. They arrested that ward no 1 is the most crime prone area. Besides, ward no. 2, 5, 7,9 and 18 are affected by the crime like, bugler. They further argued that problem of proper lighting, insufficient lighting, insufficient police patrolling, level of urbanization and criminogenic factors penetrate property crime in Tangail city.

Female criminality has been well documented by Islam and Khatun (2013)⁷². They have made documentation by depending on reports published in the four famous and renowned news papers in Bangladesh. In exploring the etiology as well as nature and extent and socio-economic characteristic of female criminality they pointed out that women commit more violent and victimless crime in contemporary Bangladesh. Murder, suicide, fraud, drugtrafficking and illegal trespass crime are mostly committed the

⁷⁰For more see Kamal, Mohammad Mostufa, Iqbal Ahmed Chowdhury, Nadia Haque, Mydul Islam Chowdhury and Mohammad Nazrul Islam, (2012) Nature of Cyber Crime and Its Impacts on Young People: A Case From Bangladesh, Asian Social Science Canadian Center of Science and Education; Vol. 8, No. 15

⁷¹For more see Khatun Nurjahan, Islam Jahirul and Rashid Mamunur (2012) Spatial Distribution of Urban Crime: a Study inTangail Town, Journal of Science and Technology, vol.2, No.1 Mawlana Bhashani Science and Technology University.

⁷²For more see Islam Jahirul and Khatun Nurjahan (2013) On the Etiology of Female Offending in Bangladesh: for Alternative Explanation. European Academic Research, Vol.1, Issue 4/July, Pp. 403-427

female. In another attempt they have also focused on the causes behind the female criminality. In this part they have rightly identified the causal factors, i.e. economic necessity, familial conflict, poverty, collision with partner, dowry and failure in love. They further relate it to the theoretical assumption and found Marginalization theory of Chesney-Lind (1986) was more empirically valid to explain the women criminality in Bangladesh. Though this study lacks empirical status, they have analyzed various issues related to female criminality and their study bear a significant importance as a pioneer one in the field of female criminality in Bangladesh society.

The lawyers and Jurists (2013)⁷³ imply that the young generations are badly addicted to internet and computer. Face book is a social utility that connects people. They love to spend lots of time on computer. Nowadays youths are increasingly using cyber cafes as their dating places. The study claims that various types of antisocial activities take place in these cafes in the name of net browsing. For Internet browsing, there are separate cabins for pairs where their intimate moments are videoed secretly. These pictures are later made available on the Internet. Students are blind fan of face book. Students use face book almost all day long. They upload their pictures; they send their message through this site to their friends. But the problem is some people use face book for business purpose. They post illegal things and advertise it in face book. They invite students to join so many fake clubs. Some groups invite students' community to come and join different restricted night club of Dhaka city. Student community becomes influenced by this type of advertisement. So many crimes have been occurred already through face-book.

Islam and Sikder (2014)⁷⁴ tried to find out the weaknesses and shortcomings of the legislations related to juvenile delinquency and the implementation mechanism. Based on qualitative approach and by using both primary and secondary data they found that legislation is not suitable as well as updated for an effected juvenile justice system. At first they analyze the international and national legal framework relating to juvenile

⁷³For more see The lawyers and Jurists (2013)

⁷⁴For more see Islam M. Rezaul and Sikdar Md. Anwarul Islam (2014) Effectiveness of Legal and Institutional Framework for Juvenile Justice in Bangladesh: A Critical Analysis. Social Research Report Vol. 26, pp 66-81

justice then they matched with the different stakeholder in Bangladesh they argued that the juveniles of Bangladesh are deprived of proper protection of law and usually harassed in the criminal justice proceedings. Finally they have made some recommendation both short term and long term, regarding how to improve the existing system. In shortest form this study able to a pinpointed the legal provision in Bangladesh, but this study did not focused on the in-depth reality of the process of our justice system. However this study is a useful one to find information of our legal system.

In an attempt to explore the present condition of the juvenile development center Sharmin and Islam (2014)⁷⁵ found that the living condition of the center was unpleasant, routine is monotonous, medical facilities are very stumpy. However, encouraging notion about the center i.e. behavior of the case worker is well, respondents does not want to involve any criminal activities further. They also suggested introducing Therapeutic-Oriented Model as a correctional model to correct the deviant behavior of the juvenile.

Urbanization and youth crime has been well conceptualized by Sumon (2014)⁷⁶ from ethnographic analysis. He revealed how criminal activities take place in line with urbanization. He argued that absent of urban good governance, unjustified political culture, huge pressure of rural-urban migration, lack of apposite management of urban dwelling system are responsible for growth of slum and that eventually leads the young to criminal activities. Observing the slum areas of Rajshahi city Sumon has rightly focused the slum as well as criminal culture that are prevailing in their daily life. The author has mention that in every step the children of the slum have to witness the parental abuse, unethical activities, violence and it became their accepted social and cultural norms. This environment promotes the slum dwellers to be a criminal. However,

⁷⁵For more see Sharmin Sabina and Islam Nazmul (2014) Juveniles in Development Center: A Case Study on Some Selected prison inmates in Bangladesh, Jagannath University Journal of social Sciences, Vol. 2, No.1-2.Pp. 108-125

⁷⁶ Sumon, Md. Saidur Rashid (2014) Criminalization of urban Youth in Bangladesh: A case study in Rajshahi City, The journal of Social Development, vol.26, No. 1 Pp.337-352

the author did not enter deepest into the matter. It is in this regard that the present study is significant with an effort to unfold the deepest understanding of the matter.

Islam (2015)⁷⁷ in his “Destitute Children in Bangladesh, Institutional Provisions for their welfare” has revealed the condition of the children who resided in different institution in Rajshahi District. Based on survey he depicted the pattern of service for the destitute children, where he found the problems likes, security, unhygienic, and monotonous food items. He suggested some recommendation to improve the situation.

Islam (2015)⁷⁸ tried to discuss on some risk factors and legal provision. Based on secondary data, he argued that at each level of the social structure, including society as a whole, social institution, social groups and organizations, and interpersonal relations are the risk factors of juvenile delinquency in Bangladesh. He further argued that there is no single path to delinquency and note that the presence of several risk factors often increases a youth’s chance of offending. Finally he points out some legal provision regarding to deal with the problems of juvenile delinquency.

Ferdoushi (2015)⁷⁹ argued that reform of the Bangladeshi juvenile justice system started when the Children Act was passed in 2013. The 2013 Act has been adopted with provisions for child-friendly Children’s Courts and various other child-oriented practices in a number of settings, such as providing for child help-desks in police stations, establishment of a national child welfare board, probation officers, and alternative preventive measures on the basis of CRC which would ensure separate justice for

⁷⁷ For more see Islam Mohammad Shariful (2015) *Destitute Children in Bangladesh, Institutional Provisions for their welfare*, Osder Publications, Dhaka Bangladesh

⁷⁸ For more see Islam, Tazul (2015) *Juvenile Delinquency in Bangladesh Identifying the causes with reference to some case studies* [Vol. 2, Jan - Jun, <http://www.lawjournalbd.com/2015/02/>]

⁷⁹ Ferdousi, Nahid 2015 *The establishment of children’s courts in Bangladesh: from principle to practice*, Oxford University Commonwealth Law Journal Vol. 15, Issue- 2 Pp. 197- 221

children. Separate Children's Courts with child-friendly mechanisms are now established in the country which introduced rights based principles those enforcement officials to develop policies that address the precarious situation of children. As the replacement for the long outdated Children Act 1974, the 2013 Act is an attempt to put in place a modern system for diversion and rehabilitation, including greater use of community-based interventions, and the promotion of initiatives to deal with children and juvenile offenders.

Kamruzzaman and Hakim (2015)⁸⁰ in their *Child Criminalization at Slum Areas in Dhaka City* have tried to uncover some issues of urban slums regarding crime. Their approach was quantitative and accordingly they used random sampling method to collect data and used SPSS to analyze the data. So their findings represented predominately statistical information, where they addressed some issues like; types of crime, causes of crime, occupational pattern of the slum people. They did not go into the problem deeply. However, their findings have provided a snap-shot about the nature of crime in a slum area.

3.4 Legal and Criminal Anthropological Literature

In anthropology, some interesting and valuable works have been done by main stream anthropologist as well legal anthropologist. In the words of Conley and O'Barr,(1993), Legal anthropology developed its classical literature in the twentieth century when anthropology books and monographs devoted to law first appeared.

Malinowski (1926)⁸¹ the father of legal anthropology conducted a systematic field investigation on tribal law and produced his *Crime and Custom in Savage Society*. Malinowski tried to understand how the law produced and maintained social order. Starting from his studies of the Melanesian society on the Trobriand Islands off New Guinea,

⁸⁰ For more see Kamruzzaman Md. and Hakim Abdul Md. (2015) *Child Criminalization at Slum Areas in Dhaka City* American Journal of Psychology and Cognitive Science, Vol.1 No. 4 Pp. 107-111

⁸¹ For more see Malinowski Bronislaw (1926) *Crime and Custom in Savage Society*. London: Kegan Paul/Trench/Trubner

Malinowski describes and examines the ways in which Trobriand Islanders structure and maintain the social and economic order in their tribe. To explore “what behavioral patterns control antisocial deviance in the Trobriand Island” his ethnographic study, refused the fable that tribal law consists of strict prohibitions and cruel punishments similar to criminal law. Instead, he observed that order was maintained not by “codes, courts, and constables, but rather through “a body of binding (reciprocal) obligations” whose enforcement was implemented by economic reality that is called a “keen self-interest and watchful reckoning” and “rational appreciation of cause and effect” by Conley and O’Barr, 1985:857 and Malinowski himself,(1926:27, 58). He commented on the usefulness of such a system and tried to explain how it worked and proved that law is itself a cultural institution. He argued that human beings adopted all the practices as their cultural ways and legal practice is not exceptional of that. In *Crime and Custom in Savage Society* Malinowski showed the relationship between law and society. In this regard, he opined that, how the rules became adapted to human life is the true question to explain the legal issue. This book is one of the most important works of modern anthropology. To understand the relationship between law and society *Crime and Custom in Savage Society* is a necessary book.

Llewellyn and Hoebel (1941)⁸² in their ‘The Cheyenne Way’ applied the ‘case method’ after performing a field investigation in the summer of 1936. The Cheyenne Indians are one of the most famous tribes of the Great American Plains. It was the pioneer work in the field of systematic anthropological effort to find out the trouble they faced and what measure they adopt to solicit it. The authors recorded 53 cases in the language of Cheyenne informants, ranging from the military societies, homicide and the supernatural, marriage and sex, property and inheritance, and informal pressures and the integration of the individual. After discuss the cases dealing with the Council, the study produced other elements of the Cheyenne legal system. They investigate the Cheyenne legal system including the historical background, origin, and development of the Council of Forty-four, the tribal council of civil chiefs. They explore that the tribal council of civil chiefs

⁸² For more see Llewellyn, Karl; Hoebel, E. A. (1941) *The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence*. Norman, OK: University of Oklahoma Press.

was not only the supreme policy-making body, but also possessed many judicial functions. They summarized that being a nomadic, semi-pastoral, hunting existence, still they abided by a patent and regimented legal and social system.

To uncover the disputes and law among the Tiv of Nigerian society American anthropologist Bohannon's (1957)⁸³ conducted an ethnographic study and his field work was carried out between 1949 and 1953. By using Case Study Method he produced 'Justice and Judgment among the Tiv', where he focused on the procedures for dispute settlement in both the two overt juridical institutions; the Native Courts, which has four grades, and the folk or customary courts 'moots'. In describing the legal system of the Tiv, it was his goal to depict both the substantive issues and the procedures for adjudicating them as understood and described by the Tiv themselves (Conley and O'Barr, 2002). He was very careful to use the native term; i.e. he call *afir*, the Tiv word instead of the word a case. He argued that the terminology of law and analysis should use the conceptualization from the local studied society. By the way he introduced more interesting native word such as, *tar*(Territory), *ipaoen* (lineage segment), *jir*(court), *isho* (right), *ibo* (fault) through his 83 cases analysis. This study has provided some practical understanding of how two courts simultaneously work in a single tribe. This work is helpful to understand how the prison self administration and the country's legal provision in Bangladesh is worked under a single roof.

Gluckman (1955, 1965)⁸⁴ the founder of Manchester School make a major contribution by providing 'The Judicial Process Among the Barotse of Northern Rhodesia' that resulting from two and half years of field work in *Barotseland* between 1940 and 1947. To provide the authenticities of his argument he produced sixty five cases either in broad or in brief form. The Lozi tribe, whose legal culture or judicial activities were his objective of study, examined both the recognized social norms and the judge reasoning.

⁸³ For more see Bohannon Paul, (1957) *Justice and Judgment among the Tiv*. London: Oxford University Press,

⁸⁴ For more see Gluckman, Max (1967) *The Judicial Process Among the Barotse*. Manchester University Press

He viewed conflict as inevitable, and that traditions and rituals were the natural way that societies preserved themselves. In his study, Gluckman found that Lozi court locally known as *Kuta*, has a full-fledge system of courts with appeal courts on a hierarchical level. He opined that English legal term were perfectly adequate to describing the legal system of the Baroste. This study is significant for present study in providing the legal process of Lozi tribe as present study has seen the function of juvenile court of Bangladesh.

Pospisil (1958)⁸⁵ in his PhD dissertation, published as *Kapauku Papuans and their Law*. In that monograph he presented 176 legal cases with the main argument of his theory, that law (*jus*) was not a system of rules (*leges*) but principles abstracted from legal decisions and which were actually enforced. He is well known for pluralistic approach and analyzing the attributes of law in four components: Legal authority, Intention of universal application, obligatio (the imposition of a disinterested authority ruling), and Sanction.

To find the answer of the research question- "What conflicts arise in the daily lives of Americans and how do they manage these problems?" Like a bona fide anthropologist Greenhouse (1986)⁸⁶ lived "*Hopewell*" a fictitious name for a real place between 1973 and 1975 and she attended church, studied proceedings of the local past society, and to understand local system and terms she came across many local people with close relationship so that they could explain how things work locally. She came to realize that in the world of Hopewell's Baptists, the church is much more important than the law as a means of maintaining social order. She concluded that in the case of social control and problem solving the law and the religion are the two interconnected institution in which

⁸⁵For more see Pospíšil, Leopold (1958) *Kapauku Papuans and Their Law*. New Haven: Yale University, Press

⁸⁶ For more see Greenhouse, Carol J. (1986) *Praying for Justice: Faith, Order, and Community in an American Town*. Ithaca, NY: Cornell University Press.

people can rely on. This work has helped to see the problem solving process of a study area, which is very much relevant to the present study.

Marshall (1979)⁸⁷, another anthropologist, carried the research into alcohol abuse with his monograph on youth drinking in Chuuk. In 'Weekend Warriors', published in 1979, Marshall attempted to show the continuity in basic behavior patterns before and since intensive outside contact. In a unique blend of historical investigation, cross-cultural comparison, and in-depth analysis, *Weekend Warriors* draws parallels between past traditions of aggression and the present-day problem of drunkenness on the Pacific island of Truk. Marshall demonstrates that many of our beliefs about drinking and drunkenness may be faulty and that a genuine understanding demands a social and cultural approach as well as a medical one. Drunken brawling, he argued, provided a modern-day substitute for traditional warfare. Marshall's book offers a refreshing new outlook on the problem of alcohol abuse. Marshall takes up the important question of what function alcohol serves for Chuukese (and by extension, other Micronesians). One of the main functions is that the act of drinking redefines the person culturally; the drinker now stands in a special category and is no longer entirely accountable for his acts. The very act of drinking declares a "cultural time-out." Marshall goes on to suggest that the new status of the drinker has boundaries of its own, however. There are scripted behaviors for drinkers and limits to what even a drunk person can get away with. He describes in considerable detail drunken behavior by youth to show that it is largely ritualized, although not without real risk of violence. Marshall's contribution is to show what drinking means within the cultural context of a single Micronesian society. Not only does he seek to understand why young males drink, but he also explores their behavior and the limits that are imposed on their behavior. Although Marshall's emphasized only one element of delinquency, this study is important to understand that juvenile delinquency is a global issue and some behavior pattern should be seen as a cultural one.

⁸⁷Mac Marshall (1979) *Weekend Warriors: Alcohol in a Micronesian Culture* Mayfield Publishing Company,

Bhowmick;s (1994)⁸⁸ ‘The Lodhas of West Bengal’ is a basic ethnographic study which was conducted in the jungle covered tracts of Midnapur of West Bengal, where he explore almost all the aspect of life of the Lodhas. The Lodhas were designated as one of the ‘Criminal Tribes’ by the civilized society as they have no honest means of livelihood. The author opioned that, criminality is not hereditary, and the criminal propensity of the Lodhas is more due to the disintegration of their social mooring under economic and territorial displacements from time to time. The most important cause of their criminality is the loss of their traditional means of livelihood, as most of the criminals have the lowest economic status; they have no property or land at all for bare maintenance. Bhowmic in his narrative tried to search the criminalization process of the Lodhas, where he found that under the Criminal Tribes Act, 1952 the Police lodges a large number of cases and without the strength evidence they registered as members of a criminal tribe and put under surveillance. Bhowmic also noticed that some of the criminals had the experiences of jail life where theycame into contact with notorious criminal and after that they became incorrigible or habitual criminals. Though, this is a pioneer and classical ethnographic study in this sub continent, it lacks to provide any theoretical assumption. However it provided an insight how someone becomes a criminal person in the eyes of law under the judicial process.

Another trend since the 1960’s on anthropology and the law is the focus on process rather than rules. American anthropologist Nader (1990)⁸⁹ has conducted her study in a Zapote village in Mexico. She revealed that the local people tend to resolve their dispute without appearing to the formal courts of the Mexican State. She took that attitude as a way to avoid state and outsider interference on local affairs and focusing on alternative dispute resolution and its “harmony ideology”. Despite her studies on non-formal court administration of justice, Nader remains critical on the alternative dispute resolution (ADR), like private mediators in the United States, as a way to limit the access of the poor to the established court system.

⁸⁸ For more see Bhowmick, Prabodh K. (1994) *The Lodhas of West Bengal*, Institute of Social research & Applied Anthropology, Calcutta

⁸⁹For more see Nader, Laura (1990) *Harmony Ideology: Justice and Control in a Zapotec Mountain Village*, University of California Press

In another attempt Conley and O'Barr (1997)⁹⁰ has tried to uncover corporate misconduct from an anthropological perspective. They used three case studies in which they analyzed the cultural context that made the corporate misconduct. At the same time they discussed the law's capacity to deter the misconduct in future. They argued that the three cases i.e. car dealer discrimination, Archer Daniels Midland, and the tobacco documents-presented three strikingly different models of corporate misconduct. In their findings they produced some essential issues of the fundamental nature of culture and found that among the cases there exists little similarity. In the auto dealer case, the behavior that they label "corporate" appears to be little more than the aggregation of numerous individual actions whose motivation may have little if anything to do with corporate culture. In the Archer Daniels Midland case, by contrast, the acts of misconduct appear to have been enabled, if not driven, by the core values of the corporate culture. Finally, the tobacco case reflects a complex interaction between corporate values and the values of an outside institution, ironically, the law. They have suggested that, business tends to celebrate secrecy as an abstract value, and there was a compelling economic reason to pursue secrecy here. Significantly, secrecy is also a transcendent value in law and legal practice. A lawyer must protect a client confidence, even, in most cases, when the client has committed a crime. The work product doctrine allows lawyers to shield their files from the prying eyes of their adversaries. In many intellectual property contexts, the law not only permits secrecy, it requires it as a precondition to legal protection. In the tobacco case, the mutually reinforcing effects of the two cultures may have inflated the value of secrecy exponentially. Initially, members of each culture—corporate and legal—drew on secrecy as a resource in responding to the crisis of adverse information. But as they did, secrecy took on a life of its own, so dominating the thinking of individual members that it became a determinant of their behavior. In the end, secrecy may have taken on such intrinsic value that corporate and legal actors ceased to question whether what they were doing was legally or morally right.

⁹⁰For more see Conley, John M. and William M. O'Barr (1997) *Crime and Custom in Corporate Society: A Cultural Perspective on Corporate Misconduct Law and Contemporary Problems* Vol. 60, No. 3, *Corporate Misconduct: [Part 1]*, Duke University School of Law pp. 5-21,

3.5 Conclusion

In a nutshell, the studies reviewed above depict the various attempts that researchers have made to contribute to the ongoing discourse on the subject juvenile delinquency. The literatures reviewed above suggest that the propensity of juvenile delinquency increases with inadequate parental monitoring, low adolescents self-control, deviant peers association, insolvent financial condition, and poor neighborhoods variables. The methodological approaches that were employed in the various studies were rooted in quantitative approach which does not allow much room for a deeper probe into the phenomenon of delinquency and most of the cases theoretical linkages were totally absent. On the other hand, in the case of legal Anthropological literature it is observed that most of the studies were carried out in non-literate and underdeveloped societies. Crime like juvenile delinquency in particular, lacks the attention of the Anthropologists. Therefore, some missing areas are remained on this problem of juvenile delinquency and its legal issues. However, all these studies have been considered as secondary sources and guiding tools of the present study.

Anthropological dissertation typically a straightforward analytical descriptive account from fieldwork, is the ethnography that most anthropologist must write (George Marcus, 1986:265)

CHAPTER 4 AGE and SEX, FAMILY STRUCTURE, PARENTAL INCOME and OCCUPATION and LIVING ENVIRONMENT: WHO ARE THE DELINQUENT?

- 4.1 Introduction
- 4.2 Age Dimension: Who Configures and Dominates the Criminal Domain?
- 4.3 Sex-Dimension: Delinquencies among Boys and Girls Do Differ from Volume; Not Severity in Bangladesh Society
- 4.4 Family Structure, Level of Educational Attainment, Parental Income and Occupation,: Determine the Identity of the Juveniles
- 4.5 Living Environment: Does Matter?
- 4.6 Conclusion

4.1 Introduction

The major concern of this study is to find out the different dimensions that operating in the incidents of juvenile delinquency. Juvenile delinquent can be differentiated by age, gender, socio-economic level and other criteria (Adler et al., 2001). These differentiations are helpful to cluster delinquent into groups, and finally this grouping help to originate policy to prevent as well as control juvenile delinquency. Demographic variables are most significant aspect in determining and measuring the nature and severity of juvenile delinquency. In this connection age and sex are considered the most vital basics to identify the problem of juvenile delinquency. Family characteristic, Parental income and education, occupation and living environment all together are considered as socio-economic background and have powerful linkage to the issues of juvenile delinquency.

The relationship between age and crime is one of the most consistent findings in criminal investigation and it has been referred to as a 'resilient empirical regularity' (Brame & Piquero, 2003)⁹¹. Hirschi and Gottfredson (1983)⁹² suggested that age has a direct effect on crime and on other social factors proposed to explain crime. On the other hand Steffensmeier and Allan (1996)⁹³ argued that, two of the oldest and most widely accepted conclusions in criminal science are that involvement in crime diminishes with age and that males are more likely than females to offend at every age.

Family characteristics such as Family structure i.e. joint, nuclear or broken, family interaction i.e. relationship among family members, socio-economic setting i.e. illiterate or literate, impoverish or prosperous, sound or quarrelsome makes a different in the incident of juvenile delinquency. This information is important component to identify a delinquent juvenile. In this section the demographic dynamics as well as socio-economic dynamics of juvenile delinquency have presented in the following ways:

⁹¹ For more see Brame, Robert and Alex R. Piquero (2003) Selective Attrition and the Age-Crime Relationship *Journal of Quantitative Criminology* Volume 1, Issue No. 2 State Published Pp.107-127 <http://dx.doi.org/10.1023/A:1023009919637>

⁹² For more see Hirschi, Travis and Gottfredson Michael (1983) Age and Explanation of Crime. *American Journal of Sociology*, 89: 552-584.

⁹³ For more see Steffensmeier, Darrel and Allan Emile (1996) Gender and Crime: Toward a gendered theory of Female Offending. *An Annual Review of Sociology*, 22: 459-487.

4.2 Age Dimension: Which Age Group Configures and Dominates the Criminal Domain?

Age is the most important aspect of any human being. It reflects one's cultural roles and status. In Bangladesh society juveniles are considered as *polapan*. In the legal code the juveniles are considered as child. In broader context of Bangladesh society and culture it was supposed to happen that the juveniles of age group between 9 to 18 are stayed in educational activities. Parents are very much concerned about this age group. One of the most important characteristics of any crime is who commit the crime; is it a minor or adult? So age of the juvenile delinquent is an important component in the problems of juvenile delinquency. It varies from society to society, culture to culture. In our society, before the enactment of the Children Act, 2013 definition of child was not uniform in the legal system. Now according to Children Act, 2013 the age limit of a juvenile delinquent is between 9 to 18 years of old. This age is very much important to develop a child's mental and physical development and at the same time very much vulnerable to become demoralized and get involved in anti-social activities. Eventually this antisocial and immoral behavior leads to delinquent behavior. However within the age limit all delinquents are not same types of crime or all ages are not crime prone. Various studies found that the age group of 15 - 18 are peaks for committing crime (Knondokar, 2012; Ferdous, 2010; Sarker, 2008). Moreover this group is more vulnerable to commit serious crime. So age factors are important to show the spectrum of juvenile delinquency. In the field of juvenile delinquency study, age of the delinquent has received great attention from all the researchers irrespective of novice or expert researchers. Findings from the field indicate that different age groups are likely to involve different types of crime. Naturally the violent nature of crime increases with the increase of age. But it is not always true. Sometimes age limit is not barriers to commit serious types of crime. The following case study of Salman and Table -1 demonstrate the age characteristic of the juvenile accused who is incarcerated in the CDC for different allegations:

The case study of Md. Salman Rahman (pseudonym) is an illustration of how a little boy involves crime like murder:

Case Study-1 Minor male child does little care to commit perilous crime

Salman, a boy of 15 years old and a student of class nine. He lived with his parents at Gazipur. His father, Md. Abdur Rasid Haolader (pseudonym) is a service holder who earns about TK.35000 per month. His mother, Masuda Begum (pseudonym) is a housewife. His brother Md. Rakib Hossain (pseudonym) is a student of class 12 and sister Rony (pseudonym) is married and housewife. He mentioned that neither of his family members did involve in any kind of criminal activities.

Salman family possess a strong anti-delinquent family values. He has a good relationship with his other family members. His parents take care of him very dearly. He also has a good relationship with his siblings. But in his childhood, sometimes his elder brother beat him. Salman mentioned that the discipline of his family is really good. All the members of their family take their meals together. If he does any disruptive work, his elder brother protests him. His father and his sister-in-law (brother's wife) perform prayers regularly. Their financial condition is moderate.

There are some furniture and other important things in their family. They have TV, refrigerator, showcase, cupboard etc. They have no any debt. In Bangladesh context Salman represents a middle class family background. However Salman involved antisocial deeds due to his low respect to his family value and his disgraceful friendship. To explain his daily life in his family he says,

“.....I don't like to follow any routine. After getting up from bed I take my breakfast and go to school. Sometimes I missed school. I am not a regular student. After returning from school I usually spend my time with my friends by gossiping and playing. Sometimes I return to home at 10 pm or 11 pm”.

To explain about his friends, Salman says,

“.....I have many friends. From them Amzad (pseudonym) is my best school friend. All of my school friends are good. They are not involved any criminal activities. But I have also some friends in my neighborhoods. Most of them have some bad habits like smoking, drug addiction etc. I sometimes used to smoke with my neighborhoods friends” He is accused of killing a minor child aged only eleven years. According to his version he did not killed the child. However he mentions that one of his two years senior friends Iqbal (pseudonym) killed the child. He often passed his time

with Iqbal and involved many anti-social and deviant activities by the influence of Iqbal. To explain how the child is killed

Salman says,

“.....*Ami jani amar bondhu Iqbal (pseudonym) Nirob(pseudonym)ke khun koreche. Chocolate dibar nam kore chaoyaltake kacher bagane niye jay. Prothome polatake lathi diye aonekbar hit kore. Jokhon dekhe more nai, tokhon aro satbar por por churi diye aghat kore. Mora sure hole chole jai.* (I know that my friend killed the minor boy, Nirob(pseudonym). Iqbal and some of his collaborators took Nirob into a nearby jungle in the name of giving Chocolate. Firstly they hit the boy with a stick for several times. when they found that the boy did not die, they further knives him for seven times consecutively. After being confirmed about the dead of the child, they left the place).

After three days of the incident police recovered the dead body from the *jungle*(Forest) at Gazipur. Police arrested him based on the mobile phone's call list. Iqbal killed the boy as he disobeyed Iqbal's order to not to play in front of him. The plain cloth police arrested him from his school. Iqbal is still absconding. Police cannot arrest Iqbal yet.

Salman also says that he was forced to acknowledged to the police that he along with other friends were present with Iqbal when the boy was killed.

Salman is in CDC since three months. All of his family members are worried about his future. They cannot imagine that Salman can do that crime. When the researcher met his mother at CDC, she said with crying that her son is innocent. Her son cannot do this kind of heinous crime. He is the victim of circumstance. She however blamed herself for her indifference about her son's friend circles. Their family is facing many problems as a result of this.

Though Salman said that he was not involved the crime, the utterance is an evident that he was involved that murder. As the way he describe the murder process it indicated that he was present at that time. To deny the fact is another aspect of Salman's deviant behavior. As his neighborhood friend circle was not resonance, he involved antisocial activities. The case of Salman can be linked to the differential association theory of Sutherland.

Age characteristics of the juveniles can also be analyzed as to which age group represented higher rates of committing crime in the age of below 18 years (Sahmey, 2013). The quantitative data of this study exhibits that children in the age group below

9> constitutes 1.8%, 9-10 constitutes 2.3%, age group of 11-12 constitutes 7.5%, age group of 13-14 constitutes 22%, 15-16 constitutes 68% and rest of the age group 17-18 are 25 %. It indicates that increasing the age augmented the involvement in criminal activities of the juvenile. Age group Of above 15 years is the most significant to involve criminal activities and children above 15 hold the serious type crime. The following table demonstrates the age distribution of the juvenile delinquents of this study.

Table-1 Percentage Distribution of the Respondents by the Age

Age	Frequency	Percentage
9-10	7	4.14
11-12	13	7.5
13-14	36	21.30
15-16	69	40.32
17-18	44	26.04
Total	169	100

Sources: Field survey, April, 2015- May, 2016

There is no doubt about the fact that the demographic profiles of the juvenile delinquents are dynamics in nature and these are expressed through different types of delinquent behaviour and its severity. This study has revealed that all age group are not equally prone to crime. Age group of 15 to 16 constitute the highest (40%) numbers of crime. This trend is not only applicable for Bangladesh society; the developed country like USA represented the same scenario. In a report published by the U.S. Department of Justice in 2000 it was revealed that though the persons 13 to 18 years of age represent only 8.2 percent of the total population, they constitute 23.2 persons of those arrested for committing crime. Other studies (Loeber, et. al.2003, Moffitt, et. al. 2002, Glanz, 1990) show that delinquency peaks in adolescent. It may due to the juveniles of this age group is more sensitive. The family environment, where the juveniles brought up is a vital component to consider this age matter. In this time parents have to pay attention about their child’s emotional state.

It is revealed from the above discussion that age makes a difference in criminal behavior. Juveniles above 15 age group account for 66 percent of the total respondents of this study. Scholars viewed that several factors are responsible for this difference (Shoemaker, 2010), put fingers on peer relationships, lack of full time job for the young and adolescent adults. In Bangladesh society the issues are almost same. Now Bangladesh society is at a position of change. Its traditional values and norms are undergoing changes. Juveniles are in a dilemma in which cultural values he should adopt. Vulgar and violent movies are indulging their entertainment world, their surroundings are in a culture of impunity and luxury, and they are deprived of moral learning. School, neighborhood, religion and other traditional social control agencies are not functioning as before. All these factors have different effect on different age group and together made the age differences of juvenile delinquency.

4.3 Sex-Dimension: Delinquencies among Boys and Girls do Differ from Volume; Not Severity in Bangladesh Society

For over a century, the study of crime and delinquency has focused almost exclusively on the behavior of males as girls were viewed as naturally less delinquent in every society and culturally they are norms abiding. Lombroso and Ferraro (1895) argued that for the internal physio-chemical characteristics, the females are more conservative and play a neutral role, consequently, committing less crime than males. John Hagan et al., (1985)⁹⁴ argued that girls engage in less delinquency because their behavior is more closely monitored and controlled by parents (especially the mother) in patriarchal families. So, it is noteworthy that delinquency rate among boys is much higher than those of girls. Generally nature of delinquency among girls' juveniles differs from those of boys. Boys are more prone to offences such as, theft, pick-pocketing, gambling, eve-teasing, murder, drug-peddler, etc., while girls committed the crime like, pilferage, drug trades, human trafficking and murder in Bangladesh. Actually in our traditional society female delinquency has been considered insignificant compared with male delinquency. Though gender is one of the most important variables to explain criminal behavior (Adler et. al. 2004), little attention has been paid on the explanation of the female

⁹⁴For more see Hagan John, Simson John, and A.R. Gillis (1985) The class structure of Gender and Delinquency, American journal of sociology 90; 1151-1178.

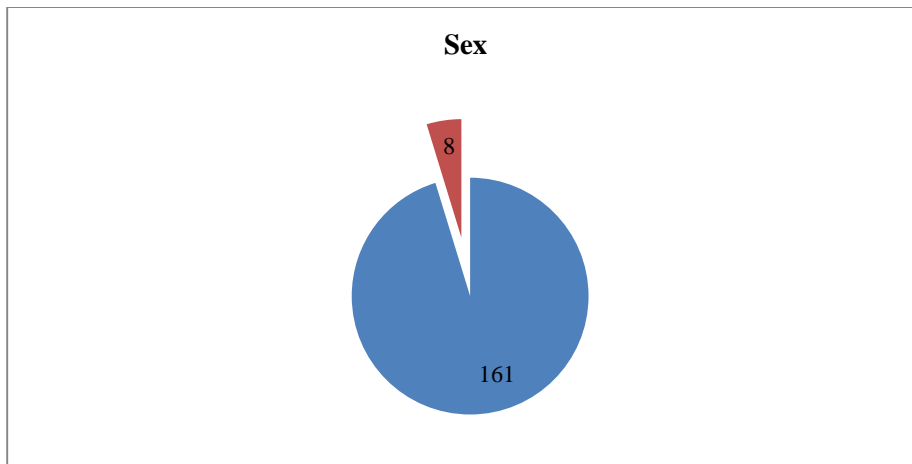
delinquency in Bangladesh. However, Faruk et al. 2009; Banerjee, 2010; and Khatun and Islam, 2013 have documented the female delinquency in Bangladesh. There are substantial differences in the number of crime by the boys and girls in Bangladesh. Actually, in Bangladesh, arrest statistics underestimate the total number of girls of being involved in criminal activities. However, the male and female ratio 103:100 is nearly equal at the national level (BBS, 2011). While girls commit fewer offences than boys, the nature of girls' and boys' delinquency is not greatly different in this country.

Study findings indicated that girls also involve in violent crime like their male counterpart (Islam and Khatun, 2013). They involve in crime like murder, trafficking, extortion etc. However, in Bangladesh, arrest of girls for criminal activities account for only 4.7% of the total juveniles who reside in two CDCs. A total of eight girls fewer than 18 years old were stayed at CDC at Konabari, while the total number of boys was 387 for any specific case in Tongi CDC as well when the field survey of this study was going on. To answer the key question is why such a large gender difference exists, one of the key informants of this study who is a university teacher by profession opined that,

In our society boys are raised to be self-confident and hostile, and our parents do not monitor their son as their daughter; their daughter are raised as a soft, gentle polite or mud-like entity and are closely monitored by their parents specially by mother. Though the male children are permitted to stay out at home later at night; it is forbidden for a female child to stay out even after sunset. So this gender role creates an opportunity to commit more crime by the boys.

The following Chart shows the sex dimension of the offenders.

Chart-1 Percentage Distribution of the Respondents by the Sex



Sources: Field survey, April, 2015- May, 2016

It has been obvious that the numbers of male delinquent are substantially more than female delinquent. When question was asked why it is that boys commit more crimes than girls? One of the key informants who is by profession a police officer explained that,

Male children are naturally more aggressive than female children. They commit more crimes because of societal customs and norms of this country to be masculine and hostile.

However the severity of female delinquency is no way fewer than male delinquency. The following life history has been presented to demonstrate the nature, severity and causes of crime by a female delinquent.

The Life History-1 Gender is no Longer a Barrier to Commit a Horrific Crime, *Marium Akhter(Pseudonym) –All I wanted to take revenge*

Marium Akhter (pseudonym) is a girl of 17 year of age in the district of Comilla. She had a younger brother who is 15 years old. Her mother Ambia Begum (pseudonym) had died when she was only 9 years of age. By the advice of the neighbors and relatives her father got marriage a woman who had a daughter of her first marriage. Although her

father had taken this decision to take care of Marium and her brother, Robi (pseudonym), things were happened differently.

Marium had attended school and has studied till only class four. Though her family condition was well off in the context of Bangladesh society, she did not continue her schooling due to her step-mother. They stayed a four storied building which was built by her paternal grand-father. She said that she liked to watch television and most of the time she used to spend along with her friends. She had several boyfriends also. As she had no her own mother, monitoring on her was very negligible. Moreover, her step -mother wanted her to go astray. She had a criminal history in her family also. Her paternal grand-mother was also a convicted of murder case. It was known from Marium that her grand-mother had killed her step-brother, as he attempted to rape her.

Aemar dadi nijeke safe korte sath vai k khun kore chilo.

As her step-mother had her own child she however got involve in conspiracy how to eliminate them from the family. Her daughter Salma (pseudonym) was an abettor in this direction. So quarrel among them was a common scenario. However, their father loves them very much. Their process of growing up was very appalling.

One day her step-sister caught fire to her younger brother's penis and that he has to stay at hospital near about three months. This event cause Marium to became more ferocious and revengeful. More over her close relatives and heighbours also instigated to take revenge; they told Morium,

Tor rokter vaike emon korlo tui kichu kor. Tay ami kichu korar shopoth nilam (Do something, as they have done against your sibling. So, I took oath to take revenge).

As per her determination Marium hired a group of boys with the help one of her relatives to kill her step- sister. Her father was a well off business man, whose monthly income was near about TK. 300000⁹⁵. So she could manage to pilfer a total amount of TK. 60000 from her father's drawer. Her friends had collected another TK. 10000 to help her.

When everything was managed I told salma (pseudonym) that one of a smart boy in our locality love you and he wanted to meet you. It is need to say that as per my plan I developed a artificial well relationship to salma(pseudonym). So she believed me and went to a nearby isolated area.

⁹⁵ In Bangladesh Context Tk. 300000 is considered a handsome amount

The gang of boys numbering 7 raped Salma and thereafter killed her with sharp knife. Mariam herself also was directly involved in this process. She narrated, *I folded her mouth with tape and knifed her in abdomen. When we became confirm the death we buried the dead body. I could have the learning the process of killing from a TV serial "Shabdhan India".*

After five days the incident of killing was unfold and police came and dig out the soil and recovered dead body from the under-ground soil. Her step-mother could understand that she has killed her daughter. Police arrested Mariam and with handcuffed brought her to Muradnagar police station.

Amar name tinti mamla hoi; nari pachar, murder, eve teasing. Duita dey soth ma (murder o eve teasing), mama dey nari pachar.

Mariam was convicted for the murder. She confessed that she had murdered her step-sister. She was given a sentence of 7 years of imprisonment. She spent 5 years in Comilla central jail. By the recommendation of the child rights body, the jail authority sent her in CDC as she was under 18 years of old. Mariam has been staying CDC for last 1 year and 7 months. She opined that environment of central jail was better than CDC.

Central jail valo chilo. okhankar apara marto na. ekhankar apara mare.

The quarrel among the inmates in CDC is a regular matter. Sometimes fighting also took place. If anyone found guilty, the superintendent beat up severely.

Baro apa mota lathi diye pitai (Beat up with thick stick).

The food that is provided by the CDC authority is not sufficient in terms of nutrient value; however she is satisfied with the breakfast. The security measure is also awful. The security

guard himself is a threat for the girls. He sexually harassed the girls.

Guard ekta meyer figure e hat dise. Apar kache bole kono lav ney.

In CDC she has the opportunity to play *ludu*, chess and watching television. She attended school where she tried to learn proper language. When she fell sick the authority provide only paracetamol tablet.

Long years in prison did not correct Mariam. She involves illicit activities even in CDC. By the help of the CDC staffs she could manage a mobile phone through which she get communicate with other boys who live in the adjacent Shishu Sadahan.

Ekjoner sathe prem kori, onoder sathe time pass kori.(I Love only one person; Rest are for only time pass).

Marium is deprived of parental affection. She did find any solace. She has no future goal. She is anxious about her future address. She did not know after release where will she go, who will provide her shelter.

Amar baba konodin amake dekhte aseni. Nana-nani dui bar eshechilo.(My father did never come to visit me. Maternal grand-parents have come only two times for this longer period of incarceration).

Out of frustration one night she cut her hand with a blade. After informed from other girls superintendent called in a doctor and treated her. It is not the all; she had a record of attempt to suicide. After that, all the CDC authority scolded her frequently. However she told that she tried to say her prayer regularly.

According to Marium, the disciplinary measures in CDC are not at all appropriate to rehabilitate the offenders. After attempt to suicide no counseling session was held. The monitoring system did not work properly. The facilities that are provided by the government are not sufficient. They got a dress yearly. Bed sheets are tore, light and fan are out of order. Doors are broken, building is dilapidated. She said,

Valo na, khichu valo na(Not good, Nothing is good).

Marium had been pushed into the world of crime through her neighborhoods instigation and from her revengeful mind. As well with the support of her friends she could able to commit the crime. Her unaffectionate family condition and absent of mother put her heartbroken situation. The history of Marium is in the line with the proposition of the differential oppression theory (Regoli & Hewitt, 2000) which holds that delinquency is an adoptive reaction by children who are exposed to parental maltreatment and oppression. Hence Marium's decision to kill her step-sister can be inferred as a strategy she used to stop her brother's as well as her maltreatment from her step-mother and sister.

Life history of Marium represents the nature, severity and types of crime committed by the girls. It is a special indicator that sex has a very important role in the problem of delinquency. Now a day, delinquency is not only a male phenomenon. At present both male and female children are easily influenced by their surroundings and they lack moral

as well as ethical education. Eventually they involve illegal activities. However male children involve crime due to meet their basic needs. On the other hand, most of the female delinquent involved crime due to the familial conflict, maladjustment and the presence of step-mother in their families. Whoever commit a crime either a boy or a girl that take place in our society the violent nature is almost same.

4.4 Family structure, Parental Income and Occupation, Level of Educationa Attainment: Determine the Identity of the Juveniles

Family Structure of the Juvenile Offenders

The family is largely responsible for instilling in children important moral and religious values and understandings about right or wrong (Regoli & Hewitt, 2000, pp.174). Family should transmit the cultural values to its children. Typically parents are thought to have a positive effect on their children's socialization. But that is not always correct. Sometimes family environment leads the juvenile in a vulnerable situation and eventually they involve in criminal activities. So, the family plays an important role in producing or reducing delinquency.

Family structure i.e. joint, nuclear or broken⁹⁶, family interaction i.e. relationship among family members, socio-economic setting i.e. illiterate or literate, impoverish or prosperous, sound or quarrelsome makes a different in the incident of juvenile delinquency. Most of the juveniles are attached with the single or nuclear family. Usually it is assumes that the decreasing of joint family causes insecurity and loneliness for the juveniles. In others words joint family is a suitable place for the children to be properly socialized. If a child in brown up with the premises of a joint family environment he will well acquitting of his social norms and values. Family discipline can make a proper human being. The following case study depicts how a family condition became an important ingredient for a child being delinquent.

⁹⁶ When family is broken only by divorced or separation of parents'

Case Study-2 A Deplete Family Condition can be a Risk Factor for Producing a Delinquent Child

Anis Mohammod (pseudonym) was born in a slum at Kalyanpur area of Dhaka city to an impoverished family. His father Nasir Ahmed (fictitious name), 45, is a street beggar and begged only on every Friday and mother Hugulat Begum (pseudonym), 35, worked as maid servant in local area. Elder brother Kalu (pseudonym fictitious name), 20, is a *Baburchi* (chef)⁹⁷, elder sister Lubna (pseudonym), 18, is also a maid servant like his mother and married. He has another two siblings who are his sisters. He is about thirteen years old and the younger son of his parents. He worked as the assistant of the chef with his brother. The average monthly family income is not more than TK.10000 (ten thousand), which is not at all enough for a family of six members. His years of schooling were only two. Both of his parents are illiterate and had no supervision or monitoring on them. He had no future plans and any inspiration to remain school. His father forced him to earn some money.

Anis has been three months and twelve days of stay at CDC. He was arrested on charge of arson case. As Anis family was insolvent in all respect, he justified his involvement by uttering that,

Barite mora tin bela vat khati paitam na. tai vamlam pashshoda taha pali kalker bajar hoiye jabine(In house we cannot get three meal, so I think that if I get TK. 500, it will cost the next day bazaar).

He described his process of arrest,

“..... *Baburchir helper hobar lagi amar kache akta diaslai achilo. Rat doshtar dikka hoteler kach diye jachilam. Amon somoy akda lok muyre 500/= taha biye base akda bag chure marti koy. Mui chore mayre polabar somoy dhore mar dibar shuru kore.*(As being a helper of Cook, I have to possess a match. About 10 P.M., I was going to a nearby hotel. A man called at me and gave me Taka 500 to throw a bag toward the nearby bus. The bus was started burning. When I tried to fly from the spot, on a sudden three others men started to beat me. Their observation was that I torched the nearby bus as I possessed a Match.

He was beaten severely by the mob. No body tried rescue him. There was traffif police near the bus stand. They also did not interfare. Whe he became senseless one of the mob

⁹⁷ *Baburchi* a Bengali term used for a cook in Bangladesh. He is usually hired for cooking of an occation.

one of the mob informed the Rapid Action Battalion (RAB).⁹⁸The RAB men also had beaten him severely. *Anis told,*

“.....*Seeing the severe condition of my hand, the baro sir obak hoye gelo aar bollo, Hi Allah, eta korchos ki!*(Big boss became surprised and said Oh, Allah, what you have done!).Then they picked up me to their RAB office.In RAB office they provide *porata*(one kind of fried bread) and egg to eat.

Then they admitted Anis to a hospital which name was unknown to him. After a short treatment the RAB forced Anis to confess. At gun point he has confessed and the RAB snapped his photo and took finger print. Then they handed over Anis to police and complaint an arson case. Police produced him in court and the court ordered to send him in CDC. In CDC Anis put under a social case worker; who registered his name and address. He attends school. He enjoys the school.

*Schoole ami a, b, c,d pori, অ, আ ই, ঐ*⁹⁹...*pori. Aparā amader valo hoti bole. Jahanara apa khub valo.*(In school, I read a, b. c., d, অ, আ ই, ঐ.....। The teachers told us to be good. Jahanara teacher is very good He got a shirt, a trouser, soap from the authority which made Anis happy. He is also satisfied as he got food timely from the CDC. But in the name of regulation the house *baro vai* tortured him which is a painful experience for him. He even couldn't inform it to the CDC authority fear of further torture. “*Boro vaira gamcha gitlu pakaie mare, khub batha lage*”.(*Senior brothers beat and it cost severly*).He was produced before the court only one time. Because of poverty his family couldn't employ an efficient lawyer for him. So, he thought that he has to stay a long time in CDC. After coming to the CDC he did neither involve any bad deeds. He misses his family members to a large extent. However he tried his level best to become a good person.

⁹⁸Rapid Action Battalion (RAB) is an elite anti-crime and anti-terrorism unit of the Bangladesh Police. It consists of members of the Bangladesh Police, Bangladesh Army, Bangladesh Navy, Bangladesh Air Force, Border Guard Bangladesh and Bangladesh Ansar. It was formed on 26 March 2004, and commenced operations on 14 April 2004.

⁹⁹Letters of Bengali alphabets

The case of Anis reflects that he did not necessarily make a decision to become a criminal. Neither did it reflect that he unswervingly involved the crime. But his story illustrates the condition of a deplete family where parental supervision was very negligible, educate child was a nightmare and future planning about life was totally absent.

According to Hirschi and Gottfredson(1990),

‘.....Parental monitoring and discipline was significantly negatively related to low self control. Effective parenting enhances adolescent development of strong self-control which combats delinquency’.

Relationship with Family members and Family Environment

The child who is deprive of sympathy and affectionate attention at home in his childhood, may be a malicious, egotistic and intolerance person in his later life. The family is such an institution that internalizes norms and values to its child (Nye, 1958) and this operate as an agent of controlling the behavior. Disrupted family with low parental attachment are sometimes produce delinquent juvenile. Those families are characterized by high incident of quarrel and conflict are considered dysfunctional and the producer of delinquent child. The following case study is an evidence of this:

Case Study-3 Adverse Family Situation and Child Abuse Cause Criminal Behavior

Tania Akhter (pseudonym) is a girl of 15 years of age who hailed from Tongi, Gazipur is a student of class eight and an accused of drug peddling. Her family consists of Tania, her father, step-mother, brother, and step-sister. Her mother died when she was only three years of old and her only sibling lived in an orphanage. Her paternal grand-parents live close to her, but she has no permission to visit them. She experienced a trouble home situation from early childhood. Her father was involved in gambling and drinking, and her step mother had to spend her time with her friends. Though Tania was a student of class nine, she had to do all of her house hold works, i.e. washing plates, clothes, cleaning yard, cooking every day meals etc.

Tania’s relationship with her parents was awful. She was maltreated with her parents. The atrocious treatment that Tania received from her father was also dreadful. Her step-mother was an instigator in this direction.

.....*Amar abbur kono maya chilona amar dike. Se amake char marto, bet ar basher lathi diye marto. Barite kono jhamela hole abbu amarei pitiye sashti ditto. Amar sot ma mithye nalish diye amare mar khaoyato*(My father was not kind to me at all. He used to slap, caning and beat with bamboo me. For any trouble in the family my father punished me by severe beating. My step-mother had made this punishment by complain false allegation against me).

Tania's father consumes drugs excessively. He used to bring his others cohorts to their home and after closing the door they enjoyed with consuming alcohol. If her step-mother made any barrier to his illicit activities, he used severely to beat up her. Tania had a close relationship with one of her father's friends. She had three others friends also at her same age, to whom she roam across the river side in the afternoon. Tania is also accused of taking YABA¹⁰⁰ tablet. Her step-mother is responsible for this situation.*Amar sot mai amar atoker byabostha kore. Se vabe amare Jodi sarajibon jele rakhte pare taile amar purbo purusher sompotti tar nijer sontander niye dokhol korte parbe.*(My step-mother had arranged my arrest. She thought that if I placed in the jail permanently, she along with her own child could manage to grab our entire ancestor's property).Tania made meaning her arrest out in this way:

“.....*My father put me out of the home in the name of visiting my aunt's home where someone will come to see me as a bride. I was forced to wear borkha*(Muslim's Religious veil). *Instead of going aunt's home he brought me to the police station where a complaint was lodge against me as a Yaba addicted.*”

After staying sometime in the police station Tania was placed before the court where the judge ordered to send her to CDC. Tania is in the CDC for the last eight months.

This case study has shown the nature of family relationship that creates a delinquent girl. This teenage female juvenile delinquent had faced some form of maltreatment (physical, psychological and sexual) and negligence from her family members. The case of Tania reflects the arguments of Agnew (1992) where he claimed that adverse family situation and child abuse cause criminal behavior. Most of the respondents of the quantitative

¹⁰⁰YABA, the Thai word for "crazy medicine," is a tablet form of methamphetamine, a powerful stimulant. These synthetically produced pills contain 25 to 35 mg of methamphetamine and 45 to 65 mg of caffeine.

parts also echo almost same experience. They reported that their family environment was violent, instable and chaotic in nature. They have to witness domestic violence in their family. According to Kamal, one of the juvenile,

“...*Amar abba pray ma-ke marto. Abba jokhon amar make marto, mone hoto ami abbake khun kori*(My father beat my mother frequently. when my father beat up my mother, I think I will kill him).”

Davis et al. (2008) mentioned that his samples of study were being kicked out from the house at an early age, witnessing or experiencing domestic violence and harboring a sense of detachment from family members. One of the key informants who is by profession a NGO activistsaid,

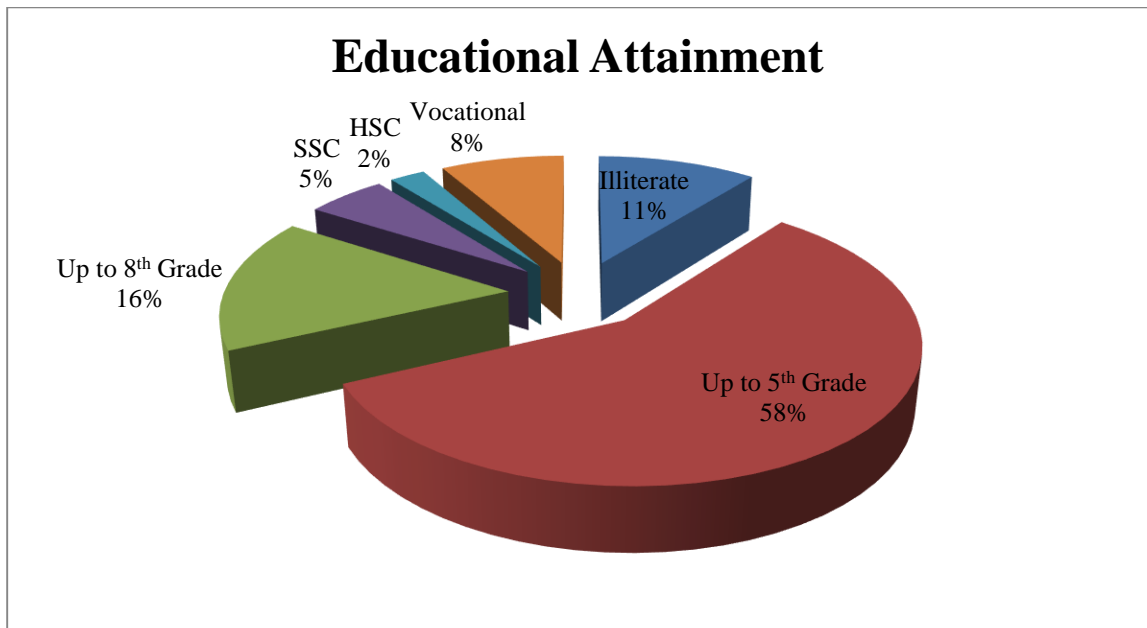
Improper treatment from the guardian side is an important factor to aggravate the problem of delinquency. Most of the cases parents adopt inhumane and cruel physical punishment to control the juveniles. This results into another cruelty by the juvenile.

So, there is no doubt about the fact that the relationships among family members are vital to explore the incident of delinquency.

Educational Attainment of the Juveniles and their Parents

Educational background is an important factor to determine the future of a child. Naturally receiving formal education is universal in present Bangladesh society. But the findings of this study revealed a gloomy picture in this regard. Despite the government and some non-government agencies initiative to enroll all children in primary school, 18% of the accused juveniles still remain illiterate is a great concern for Bangladesh. Only 7% of the juvenile crossed the secondary level education. If the years of schooling increase the chances of being involve crime decreases. Most of the poor family still consider educate child is for the rich. They engage their children in income sourcing activities to run their families. The following table depicts the educational status of the respondents which supplement the qualitative description.

Chart-2 Educational Attainment of the Respondents



Sources: Field survey, April, 2015 to May, 2016

It is evident from the above data that most of the respondents have some level of educational attainment. However, a small section of them remain illiterate (11%). It is a matter of concern that despite various government and non-government initiatives a small sum of children are out of schooling still now. Most of the guardian of these misfortunate juveniles, considered education as a matter of rich family and they engage their children in income generating activities. When a juvenile of tender age earn money, there remain a chance to misuse of that money and the guardian has little control over them. As a result the chances of being delinquent increased. On the other hand the juveniles who have some level of schooling; they are the victims of school dropout. It is revealed from the table that most of the offender ware initially enrolled in a formal educational institution, either school or *madrassa* (Islamic Religious Educational Institution), but due to various reason they left the encompass of education. The chart indicates that most of the juveniles (58%) educational attainments are only primary level. These reasons include: poverty, lack of guardians awareness, unwillingly to continue education of juveniles etc. From this study it was also revealed that, a good number of juveniles wanted to continue their education even being stay in CDCs. These categories of juveniles have *JSC* (Junior School Certificate), *SSC* (Secondary School Certificate) and *HSC* (Higher Secondary Certificate) level education. They suffer more in incarceration as there is no provision of beyond primary education in CDCs. However,

these categories of juveniles are involved in delinquency. Looking into the family's educational background of the delinquents, most of the parents of the delinquent boys are illiterate or somewhat literate with maximum higher secondary level. The life story of Akram-ul Islam (pseudonym) shows how parental educational level becomes an ingredient for the juvenile delinquent behavior.

Life History-2 When Family is Considered Analphabetic in Terms of Years of Schooling, the Chances of Being Delinquent Increases.

Akram-ul Islam (pseudonym) aged 16 came of a blue-collar family in terms for his nature of parent's occupation, income, education and standard of living. Hailed from South Murail, Brahammanbaria, Akram Islam, now waiting for bail in CDC, at Tongi, Gazipur. His house was near the rail line where he spent many pleasure moments with his siblings and neighborhoods friends. His father Shah Alam, (pseudonym), was died when Akram was only one-year-old of cancer. His mother Runa begum (pseudonym), 45, was a day labor and was engaged in brick -breaking until her kidney being damaged about two years ago. Khan Bahadur (pseudonym) 20, elder brother of Akram, serves at a private office in Dhaka with monthly income of TK.6000. He became the only bread earner of their family when his mother was forced to quit her job due to her illness. Urmi Shila (pseudonym) 18, the only sister of Akram, has got married in the same village two years ago. She runs her own Parlier and from her income she tried to provide some economic support to her mother's family.

Akram's mother was the second wife of his father. His step-mother with her son Biplob (pseudonym) 25 lived another village. Being a step-brother, Biplob showed some responsibilities towards them. He sometimes visits Akram's family and also occasionally provides some economic support to his mother. Akram spent his early childhood with his parents in a rural area. But due to the economic miseries of his family, he having crossed his four teens came to the Brahammanbaria town to find out some sorts of employment. To ensure some economic support to his family he was ready to do any odd jobs and eventually found him none but a street hawker as his years of schooling was only one. He used to sell water, Pepsi, and biscuit, at different place of city and sometimes at train and so on. Despite all these effort, they have to live in a substandard life. But the economic crisis could not become a barrier to their family's affectionate relationship. He

told that he had a good relation with his family and he loves his family very much. Although his mother is sick, her love and affection towards him is endless.

Akram's family is considered analphabetic in terms of years of schooling. Both of his parents were analphabetic, only his Sister Urmi Shila completed her schooling up to seven. *I studied only for class one –Akram said.* The premature death of his father put their family in a disastrous situation. After then, his mother was compelled to work of brick-Chipping from one house to another house of the local areas. Her income was insufficient to maintain a minimum standard of living for the family. So to help the family, his brother began to work at first as a day labor in the same area and his daily income was TK. 250⁺. His brother later migrated to Dhaka and found a job in a private office.

As a street hawker, Akram used to sell different things at different places of the city. He had five or six close friends with backgrounds similar to his own, who found their occupation on the street or in the train. Most of the times they sell their products in train or public places and sometimes they quarrel within themselves over the taking position in the bogy of a train. At first, they bought stationery product (water, biscuit Pepsi brand) from whole seller (Hawker Malik) and then he sold them to public. But this was not his first job. He said:

Before this work, I worked at a tea stall, that's daily wage was very low, and Malik (the owner) forced me to do many works & tortured me.

He left that job and eventually found himself as a street hawker. As a hawker he had to travel many places to sell his *mal*(materials). According to akram,

“..... Sometimes I returned home to late because I had to go far place to sell my item. One day I went to Laxman (name of a city) to sell my product but it was so late to return my home place. It was about 2 am when I was walking beside the rail line”.

Another phase of his life began after he had caught by the police. Some times Akram had to go far away from his resident to sell his product. In his own words,

“.....Ami amar maal bikrir jonno bivinno jaygay ghuri(I have to travel many place to sell my bits and pieces)”.

In those days he had to return home late night. On that particular day when he was arrested he went to Laxman (that was situated a far away from his home) and a dangerous road place. He then started on foot across the rail line with smoking and it was near about 2 a.m. a group of people conversant with themselves suddenly stopped him and at gun point put forced on him to remain with them.

“...Tara Amake voi dekhie dar koria rakhe –Ami kapte kapte dara –a jai”

They were four in numbers with the native weapons such as *Ramda*,¹⁰¹ Revolver, *Chapati*¹⁰² etc. He tried to escape from them but failed. He then saw that they took preparation to rob a couple who were coming in that night by rickshaw. Two of the robbers were following the couple and other two persons stayed in a fixed place and they forced Akram to stay with them. The two robbers who were engaged in following the couple, one of them attacked the husband by *Ramda*. However when the whole things were going on, suddenly some patrol police reached the spot and run after the robbers, two of them were caught and

others flew away. All of the robbers were adult. As Akram was present there at that moment, the on duty police personnel arrested him from the spot. Akram going on that, the police took him to the nearby Police station and confined him there. Next morning after providing some rice and vegetable as breakfast, they asked him to inform all things that have happened last night.

After complaint has been recorded, the women (who attacked by robber) came and she said that she didn't see me but police did not cancelled my name, showing the cause that the complaint has been already be documented. He also said that his family members were not informed by police about his arrest news in that time.

When Akram was asked, if he had been tortured by police in Police station or any other place, he told that only the police who arrested him beat slightly.

As part of their legal obligation, police handed over Akram to Brahammanbaria district jail, but he could not get any chance to meet his mother or any guardians. However, Akram was confined in Brahammanbaria district central jail with adult defendant for three days. He said,

I was weeping there and I could not get any facility to meet face to face any advocate. I was weeping and telling my story to adult defendant.

¹⁰¹ A big, curve, heavy and sharp knife used by rural people

¹⁰² A big, flat, heavy and sharp knife used by butcher to chop meat

After three days, the jail authority handed over Akram and another child to juvenile correctional centre in, Tongi, Gazipur. On the way they (police) didn't give any food and water to them, another child was weeping for food but they didn't give anything for eating. Although they (the guards) got TK.1000 as a cost of food and Bus fare, they spent a little from that, Akram informed it.

Akram said that sometimes he feels lonely. His mother was informed by the CDC authority after three days staying in the centre. After receiving the news of her son's arrest his mother had come the CDC as soon as possible to meet her son. Every times his mother, sister or brother who come to visit Akram, bring various things for him i.e. rice with fish or meat, fruits, biscuits, fruits, soap, oil etc. This researcher also had an opportunity to converse with Akram's mother in CDC, who came to visit him. Her attaire reflected her financial and social condition. His mother told all the history and story of Akram's life and she believed that her son is totally free from the accusation of criminal activities.

To share the feelings of staying at CDC, Akram said,

“.....*ahane asar por khali kantam ar kantam. Kintu ashte ashte mile gechi ahaner sath.niyom manya cholta hoi, namaz porti hoi, scholle jaiti hoi, ludu kheli, keram kheli. Ami rojdin schoole jai ar a, b, c d –ak. Dui, tin , char shikhi.* (“After coming here, I was weeping and weeping but gradually, I have been adapted with the environment. Regularity is maintained here: performing namaz, going school, playing ludu, carom, chess etc. I regularly go to school and I am learning A, B, C, D -1, 2, 3 ...).

In CDC there is a link among the *Boro vai*¹⁰³ of different floors. And they have to do different works such as cleaning room, washing bathroom and cloths of *Boro vai*, cleaning dishes etc. Sometimes they have to provide soap, oil, cosmetics to *Boro vai* that have to be brought by their parents; otherwise they torture them in different ways, such as: they give only water as food, sometimes, they also kick them. According to Akram they (the seniors) practices mal-activities in the room. They use drugs and smoke cigarette within the room. They can manage cigarette with the help of security guards as well as with the help of police when they have to go to the court.

Every Sunday and Monday milk is supplied to them. The seniors melt different tablets

¹⁰³ A Bengali term that denotes elder or senior brother

i.e. histacin, antacid etc by mixing with milk and few days (2/3) later they drink it. It is as like as drug, - he said. Some senior bothers i.e. Sakil *vai*, kamrul Boss, Fardin *vai*, Samad *vai*, Ponkos Boss are the most senior and their domination and exploitation are well-known by all the juniors, said Akram.

The seniors made different hierarchical rules to manifest their superiority i.e. *choki pass*, *Drum pass*, *juta (shoe)*, *four stick pass*. That means the juniors get permit to use the khat or choki for sitting when watch TV, slipper to enter wash room after passing some years in CDC. It is the strict rule of *Boro vai* and none can violet these rules. Now Akram is waiting to an end of his confined life and want to spend his time with his family. He wants to do a job. He thought his sister will able to get him a job. He will support his family through that and he will be able to build his future in this way.

Akram's history brought to light that lower level of education of the whole family members is responsible for his present condition. Akram also represents the victim of circumstances as well as one types of insincerity of our police personnel and our justice system where innocent children sometimes become the peril of this system. However, not being involved in criminal activities; the harsh economic reality of his life put him behind the bar and also responsible for his misfortune. The learning's that has learned from his early adulthood that money is everything for this society. Lack of parental education has affected the parenting skill and expectation. If his parents have a minimum level of education, he may have not to be in the road and eventually not in CDC.

The following table illustrates the level of parental education of the accused delinquents:

Table-2 Percentage Distribution of the respondents by the Educational Attainment of their Parents

Level of Education	Parents	
	Father	Mother
Illiterate	29(17%)	55(33%)
Up to 4th Grade	25(15%)	43(25%)
Up to Grade 5	37(22%)	38(22%)
8th Grade	43(25%)	24(14%)
S.S.C	18(11%)	5(3%)
HSC	12(7%)	2(1%)
Graduate & Above	5(3%)	2(1%)
Total	169	169

Sources: Field survey, April, 2015 to May, 2016

Parental education is one of the major determinants of juveniles’ delinquency, in particular mother’s education. In this study it was found that mother who are illiterate their children are largely accused of criminal activities. Most of the parents’ educational level of this study is very poor. The Highest class completed by the parents was graduation which was only 3% for father and 1% for mother respectively, which means the level of parental education has an adverse relationship with juveniles’ delinquency. When the level of parental education is somewhat high, the chances of being involved in criminal activities are low. About 33% of the mothers are illiterate whereas 17% fathers are fall in this category, which indicate that the women of our society still faces discrimination in terms of receiving formal education and this has a bad impact on children’s’ behavior. Due to lower education or no education, most of time mother are not aware of what their children are doing and with whom they are spending time. Moreover it is natural that uneducated mother will not be able to bring up their children

properly. At the same time when fathers are uneducated or little literate, they cannot realize the importance of children education. Originated from such an educational background, the children with deprivation engage those into criminal activities are natural. Multiple studies have shown that increase in level of parental education can reduce the chances of becoming criminal (Rutter et al., 1998; Farrington et al., 1996; Lochner and Moretti, 2004).

Parental Income and Occupation

A wide-variety of economic factors has been linked to the incidents of juvenile delinquency. It would not be possible to include all the economic predictors of delinquency in this study. So the parental income and occupational activities are included in the present study for analyzing the economic dimension of the delinquency.

Economic condition is a major determinant of juveniles' criminal behavior. Low family income influences criminality to a considerable extent. Marxist perspective believes that capitalistic economic system is the root cause of exploitation which eventually expressed through protest which is labeled as criminal offences. William A. Bonger (1916) in his doctoral thesis entitled 'Criminality and Economic Condition' prepared a statistical data and demonstrated that 79 percent of the criminals belong to non-profitable class. In 'Brothers in Crime' Shaw (1972) present the life histories of five brothers in concrete detail how the boys in a poor family became delinquent. The findings of the present study revealed that most of the juvenile belong to poor economic back ground. The children, who come into conflict with the law in Bangladesh and stayed in CDC, come from poor families. The family per month income is below the national (\$1466) level. They could hardly manage their family with bread. The parents have no regular income. Those who have income are not at all capable of maintaining their family with minimum standard. Failure of parents to provide necessities of life such as food and clothing etc. involve their children to delinquency in a quest for earning money by whatever means. In some occasions, even the parents make possible to engage their wards to criminal activities for the sake of petty monetary gains (Paranjape, 1986). The following case study of Rahat (pseudonym) shows the understanding of the economic dimension of the juvenile delinquency.

Case Study-4 Impoverished Economic Condition Leads to Criminal Activities

Rahat, (pseudonym) son of Rabeya begum (pseudonym) and Habibul Rahman, (pseudonym) has been imprisoned for the crime of trading drugs for 6 to 7 months. Though as a juvenile he was supposed to get himself admitted in school, he is now under development center to correct his behaviour. Behind this, obviously several factors are responsible. His father is dumb and out of jobs. So it was his mother who was only a wage earner. Finding no suitable works and due to scarcity of three square meals per day they rushed towards Dhaka city only for survival. His father adored him profoundly and his mother was very much affectionate.

At village despite having scarcity of square meals and poverty, he was somewhat well. He used to study, play cricket, keep good relationship and enjoy movies at nearby market with friends. He had several partners with whom he sometimes smoked together. He considers smoking is a symbol of craze and his father was a chain smoker. At Shantinagar (an area of Dhaka city) slum, he abode in a tin-shaded room with his mother. His mother was sole earner who worked at other's house as a *Thika Bua*¹⁰⁴ (maid servant). Sometimes they have to remained starve due to want of food and money. Except woodn cot, desk and cloth-hanger they had nothing any mentionable possession.

Although, he did not know the entrails of drug trade, is an accused of this illegal business. For just hunger for livelihood he asked the available known or unknown person for a suitable job forhimself. One day of this hunting process, an unknown person assured him to provide a job for him and accordingly he took the chance. He was offered to carry a bag full of marijuana from one person to another one in exchange of TK.500 per day. It looked a great opportunity for him to eradicate their poverty. So without thinking any consequences he agreed with the proposal and began to do accordingly. But all endeavors turned into fiasco and misery fell on Rahat's destiny when police arrested him and two accompanies able to run away. Actually what he did, was only to satisfy hunger and basic needs, to remove the toiling days of his mothers and to fulfill the

¹⁰⁴ The Bengali term used for maid servant who works for contrac basis. In Dhaka city the amount of payment is fixed as per month and as per work i.e. for cleaning floor Tk. 700 per month. It also varies according to areas.

desires of buying a mobile phone set. This was the first crime in which he was caught red handed by the police. Firstly he had to stay at Palton police station, then he was send to Dhaka central jail and lastly he was transferred to CDC at Tongi. Though he was likely to be remanded and beaten, for his true statement he was exempted from beating. The lawyer also behaved well but the judge was very much reticent towards him. At the development center he did several activities. He studies, tailors, watches TV. Works for older brothers, obeys reticently to them and sometimes quarrels with mate as well. There are a few good friends there. Most of the inmates are rude and hostile in nature. If any mistake is done, he is brutally beaten with wrapped napkin by the older brothers. Even the older brothers fight for the issue of watching TV among themselves and he has to enjoy their selected channel. But it is a matter of hope that the case worker's behavior is well. Still he believes that he is better here than how he was at his home. Though he is hurt and beaten, he is to obey to the older brothers, he has to tolerate misbehavior, he is to quarrel for basic needs, he remains reticent to complain to the superiors least he should be punished by the older brothers brutally. Even he doesn't expose anything to his mother as well. He has just kept everything in his mind. Though the environment is charming, indiscipline has grasped the center.

After all, he is satisfied to get three meals per day and a Trauser (full-pant) and shirt per year, opportunities to say prayers five times, opportunity to study, advantages to play cricket and scope to take training on tailoring. Moreover, he is happy to get medical treatment and medication facilities as well. Apart from these, he is also grateful for the good behavior of the sir, superiors of this center.

At the last realizing everything and enduring sorrows and sufferings he has decided not to adopt any illegal ways for survival. He is still determined to be established in society through his perseverance in study and tailoring. Like every others he also wants to be a good citizen with dignity and honor in future

The case of Rahat illustrates how the boy in a family of below the poverty line compelled to be delinquent. This case is in the line with the General Strain Theory of Crime and Delinquency (Agnew, 1992) which postulated that when the lower-class individuals do not have the money to get what they want, some of them turn to illegitimate means to get it. Rahat initially tried to earn in legitimate way; failure to this he was forced to adapt the criminal path without his knowledge.

The quantitative findings of this study also support this and the following table illustrates that the most of the juvenile offenders come from low income family background.

Table-3 Percentage Distribution of the respondent by their family income

Monthly Income Level	No. of Respondent	Percentage
5000>	45	26.63
5000-8000	32	18.93
8001-12000	24	14.20
12001-16000	15	8.88
16001-20000	12	7.10
20001-24000	19	11.24
24001-28000	7	4.14
28001-32000	8	4.73
32001+	7	4.14
Total	169	100

Sources: Field survey, April, 2015 to May, 2016

It is clearly evident from the table that there remained income inequalities among the families of the inmates. Some families’ monthly income is very low. With this amount it is very difficult for anyone to support his/her family having 5 members on an average. Again if the situation is examined in the perspective of the average per capita income (\$1,466) in Bangladesh (BBS, 2016), the income of the families, under discussion, is not at all high. It can be said that most of the juveniles have come from family of low economic background.

Moreover it has been realized during the fieldwork that most of the juvenile delinquent lived in CDCs came from impoverished families. Their faces, physical appearance, body language, daily activities, clothing and so on demonstrated these realities. 7th and 22th instant of every month parents or guardians can visit their wards in CDC. On the visiting day they bring food items for their wards. It has been found significant to mention that during that visit the food items they brought and the clothes they wear were the significant one to identify and manifest their economic condition.

However the superintendent of CDC at Tongi opioned that the wards of well off families have not stay a CDC, as they could appoint efficient lawyer and could managed bail or release from high-court order. On the otherhand, in the cases of destitute children, even parents are as well unwilling to take the children back to the family or sometimes helpless to carry out their parental obligation. The superintendent of the CDC also said that,

Most of the boys in this centre are from poor or broken families. In some cases, when the boy got release and became free, we informed their parents or guardians, but the family doesn't come to receive him. In the case of broken family, this problem is more acute. The mother may think that the boy is a burden for her, and it is better for both of them to live in this centre.

It is clear from all the qualitative as well as quantitative evidences that poverty accordingly is one of a numbers of factors associated with Juvenile delinquency. Low income is rather directly related to meager conditions of family life and insufficient provision in the home for wholesome recreation. In addition there are almost always unfavorable interpersonal relations in the family members. These eventually lead a juvenile into a criminal world. Low family income, disrupted family, low parental supervision are risk factors leading to gang membership (Smith & Bradshaw, 2005) which eventually ends as a juvenile offenders. The case of Rahat anthropologically reflects that impoverish family condition, without strong parental ties and supervision can put a child in a disastrous situation. One of the key informant who is by profession a police officer, opioned that,

The children got involved in criminal activities because they are deprived of basic needs, i.e. rights to food, shelter, health and education. They even sometimes deprived of guardianship.

Therefore, monthly income is a good example to understand the juveniles' economic background which has made a major role to produce delinquent behavior of the children. But though it is not a significant amount, some juvenile of rich family were found in CDCs. Morium (life history-1), Sadman, (Case study-12), Imtiaz, (life history 4) were involved crime despite of their strong economic background.

Occupational Dynamics of the Guardian

According to the culture and tradition of Bangladesh, father or male member are the main guardians of a family. Likewise, father or elder brothers of the juveniles are the chief bread earner of their families. In absence of either them, or their inability to earn, mothers have to play the key role. In some cases, it was found that the juvenile also were involved in earning; although child labor is forbidden in Bangladesh (Child Labour Act, 2006). Occupation of the guardian has a relationship to the vulnerability of being delinquent. The information provided by the respondent regarding their parents' occupation has been categorized in the following ways.

Daily Wage Laborer or Working as day Laborer

The most common income source of the delinquents' guardian was wage labourer. There were 54 guardians who worked as daily wage labour. Most of the day labours guardians of this study were involved in constructions work as masonry workers (*Rajmistry*), in building cement houses, road construction, Carpenters(*Kathmistry*) in creating furniture, wooden windows and doors, agricultural labours. With these types of occupation, they hardly manage their family in desire level. However, these types of works consume more physical labour, the guardians became exhausted. They have no time to supervise their children. Moreover they cannot arrange the educational expenditure of their offspring's. So the juveniles have to leave school at a very tender age. As these categories of works have low social status, their expectation regarding the child future remains low. They cannot take care of their child properly. They hardly control and monitor their family member. So the chances are preset their children to involve illicit activities.

Garment Workers

In Bangladesh, Readymade Garment (RMG) is the leading sector in terms of employment, production and foreign exchange earnings. Readymade garment (RMG) alone earned about 78% of the yearly foreign exchange earning of the country. About 3.6 million people are employed in the garment sector in which 2.88 million is women (80%) (www.bgmea.com.bd, 2016), majorities of them are disadvantaged and economically poverty stricken women folk. Facing hardship and poverty, these women who are often illiterate or having less than primary level education come to urban areas in search of work in garment factories for better living conditions. The work of these women garment workers is the lowest paid job in the industry. Since their education level is very low too and most of them are not trained beforehand, they do manual work which is very hard labor and time consuming. Though they work hard, their wage never goes up (Ain O Salish Kendro, 2013). It was found from this study that occupations of four guardians were garment worker and they were the mothers of the delinquent boys. Most of them are abundant by their husbands with more than one child. As they could not manage enough time to spend with the children, can't provide sufficient food, clothes and shelter, their children proper growth became impeded. Lack of adequate parental supervision, these juveniles involved illicit activities. Sometimes they engaged themselves to earn money to support their mother by any means. According to Munna, one of the juveniles delinquents,

“..... When I was in class six, my mother joined in a garment named “Monnu Garments” in Manikgonj. This event brings some economic relief for the family but it created an opportunity for me to go astray. My relationship with mother was close; she was a loving and caring mom. After my mother began to work, I spent my entire time out side home with my friends and others. I found uncomfortable myself in school. So I gradually left school. However, I not only spent my time with friends but also participate in different political meeting, procession with them. Step by step I separated from family and went beyond their control”.

Government and Non-Government Services

This is an occupation where a significant amount of our people is engaged for their livelihood. Various government and non-government organization creates a lot of opportunities for different types of jobs based on educational qualifications. These formal sectors of employments offer both higher and lower level of educational attainment. Industrial sectors also provide some jobs opportunities. It has been observed that 20% of juveniles' either parent are engaged various offices. Some of them worked as supportanig staff or employee of government offices. Some of them are worked as garments workers and some of them are industrial labor. These types of occupation bear low salary and social status in urban areas whereas are relatively high in rural areas. The juveniles who live in rural areas with this parental occupation enjoy a better position in society. But it was found from this study that those who are accused of criminal activities live in urban areas. In fact, live in urban areas with low income sometimes create the favorable environment for delinquency. These types of occupation cannot provide enough opportunity for the wellbeing of the children as urban life is too much expensive. They face the double burden if they found their children as delinquent. It became difficult for them to manage extra money to release their children from the CDCs. In the same time they became traumatized for their children's imprisonment. However, it does not prove that this types of occupational category produce juvenile delinquency. Children with higher occupational status also involved delinquent activities. But they are fortunate to get early bail and this was found through the conversation with CDCs authority that the juveniles who commit crime from the high employed parents could manage early bail and they need not to stay at CDCs for longer time. One of the KII, working at CDC, expressed that,

Children with high social status and family background could manage prominent lawyer and thus quickly ensure bail for their wards.

Farmer

Agricultural sector is the main and the largest employment sector in Bangladesh. As of 2016, it employs 47% of the total labor force and comprises 16% of the country's GDP (The World Fact-book, 2016). However, only nine delinquents were found in this study whose guardians' main occupation is farming and interestingly their engagement of crime is also related to land disputes. They involved crime like murder and fighting along with other adult family members. Actually they are the victim of the situation. They are not invariably criminal. As land is the main economic resources, a dispute over land is very common in rural areas. At first, the adult members of the family got involve in altercation, eventually all the family members, including juveniles involve in that process.

Small or Petty Business

Small business was one of the most common occupations of the guardian of the juveniles' offenders. The types of business that the guardians are involved in small tea stall, grocery shops, and vegetables shops, book store, medicine dispensary, cloth store, small restaurant, poultry shop, selling cakes in road-side, door to door selling of different household items. Usually male members of the family run the business, but sometimes they engage their children in different ways. In some cases female (mother) also contribute a lot in this work. To run tea-stall and to sell cake, usually all family members are involved. A small numbers of guardians are involved in medium business like, manpower and developing (construction of House/flat and sell). These types of works are very much time consuming. From dawn to mid-night the guardian has to engage in their profession. They can hardly spend time with their family members. Recreation in their life is totally absent. They cannot monitor their children's activities. One of the guardians said,

'.....Though from morning to night I hold my business, it remains a challenge to earn enough money to run the family. So it became too hard for me to monitor my son.'

Driver and Rickshaw Puller

Pulling rickshaw¹⁰⁵ is the most common and the easiest occupation of the uneducated and

¹⁰⁵ A three wheeler vehicle run by human energy.

unskilled men in Bangladesh. It was found from this study that 10(5.9%) guardians are involved in driving either buses or easy-bikes or rickshaw pulling. Though it is an easy way to earn money, the children of these occupational categories feel ashamed to disclose their guardians' occupation. In Bangladesh, driving bus or pulling rickshaw is not a prestigious profession. Sometimes the guardians engage their male child in case of emergency, i.e. when father became sick to carry out the family. Guardians who belong to this occupation are not visionary. They have little future planning about their children. According to Kamal, one of the respondents,

".....abba bole lekha-pora shikhe ki hobe? Jaj- barrister to hobi na. rickshaw chala, kichu taka income kor.(my father told, what is the necessity of getting education? You can never be a judge or barrister. Pull rickshaw and earn some money)."

Begging

Though begging is a forbidden activity in Bangladesh society, some of the respondents' guardian still involve in this profession. Culture of Bangladesh also hates this profession. Those who engage in this profession mostly lost any of their organs due to an accident or disease. Juveniles from this family background are the most destitute segment of the country. They lag all sorts of opportunities. They have no social status. Three juveniles were found in this study whose either parents are lived on this disgraceful profession. The poverty level of these families is also eminent. As their solo income is not sufficient to run their families, they engage their children to earn some money instead of sending them school. When a tender age is in income generating activities, their guardians have little control over them. Moreover, they are not intelligent enough to spend their earning properly. According to Akram, one of the respondents,

".....Aamar abba vikh-ka kore je taka pato ta diye amago songsar cholto na. maa manser bashay kaj kore. Tateo ovab. Pore aami kaje lagi. Taka kichu maa-ke ditam ar baki taka diye bondhuder sathe cigarette tantam. Cinemao dyakhtam. Mayago dekhle sish ditam. Amare keu kichu koiber partona". (Whatever my father earned through begging, was not sufficient to run the family. Though mother worked as maid servant, poverty sustains. Then I engage myself in earning. Whatever I earned, give some of it to my mother and the rest I spent with my friends. We together smoke cigarettes and enjoy cinema in a cinema hall. We tease the girls also. Nobody scolded us).

Maid Servant

This is such as an occupation that usually belongs to female household head. Juveniles, whose mother are either widow or divorced or separated from their father, are mostly felled in this category. Sometimes when the male member is physically unable or if his income is not sufficient to run the family, then the mother of the juvenile engaged themselves into this profession. In this case, they work dawn to dusk as part-time worker in monthly basis. At a time they work in many houses. Their terms and condition are fixed on the numbers of work, such as washing clothes, washing house-hold utensils, washing floor or cutting and mashing spices. Each of the works demands Tk.600 to Tk.800 per month. They also involve in cooking in different houses or matches. As most of the time they remain out of their own home, they cannot give enough time for their children. They even cannot provide sufficient food and proper education. As a result lack of all required amenities children of these families became peril of all sorts of illegal and immoral activities.

According to Rahat, one of the respondents,

..... *'Choto belay amar ma amago raykha sey sokale chole jayto, fereto rate. Amra vai-bon mile sara din kheltam aar majhe majhe TV dehtam. Ma amago khobor lyte partona. Lybe kemne, heito समय पाना'*.(in childhood, my mother have to leave home early in the morning and came at night. We played and watched TV. Mother couldn't monitor us as she had no time in this regard).

Taking all these categories into account it could be said that the occupations of lower social entities and economic return are most of the cases produce delinquency prone children. Among all the occupational categories, wage labour is clearly the most disadvantage one. Criminal activities are more committed by the children belonging to this category. At the same time, where mother is the bread earner of the family, the situation is most awful. Most of the cases mother is either garment worker or maid servant. So they could hardly manage enough time to take care of their children. These occupational categories of guardians are also supported by others findings i.e. Sarkar, 2008; Hoque and Salam 2008; Ferdous, 2010; Chowdhury et al. 2012; Kamruzzaman and Hakim, 2015.

4.5 Living Environment: Does Matter?

Where crime is committed and where does the criminal live is an important question in the field of delinquency study. Shaw and Mckay (1942) were the first scholars who created 'Spot Maps'¹⁰⁶ to show the spatial distribution, residential area of the juvenile offenders in the city of Chicago. They explored the relationship between juvenile delinquency and social economy. They correlated with high rates of delinquency with the poor neighborhoods. Actually every crime has a relationship with the place or location where it is committed (Islam,2014). So, where someone lives also makes a difference for the likelihood of committing crime. Most crime are committed in large urban areas rather than in small cities, suburbs, or rural areas (Adler, et. al., 2004). Ecological aspect of crime can be best demonstrated by an analysis of a variety of crimes operating in urban as well as rural areas.

Urban versus Rural Neighbourhood

The residential areas of the juvenile delinquents are found in the slum areas in big cities and poverty-stricken small towns. The survey data shows that, a significant number of the juvenile offenders come from small town. Usually in Bangladesh big cities are over crowded and the cities offer its habitant to earn nippy money in different ways. So the villegers migrated from their village home due to poverty and in search of employment. If they did not get the desire work, for survibal they some times adapt criminal path. In rural areas of Bangladesh, interpersonal relationships among the persons are very common. Most of the people of a village are known to all. So the village environment itself is a place of less crime prone areas. On the otherhand urban neighborhood itself can produce juvenile delinquent. The following table demonstrates which district accounts the highest number of delinquent juveniles and it was found that the districts which are greater population density, located in boarder area and in some what industrialized are the higher producer of crime. Dhaka, Gagipur, Mymanshingh and Brahamanbaria are mention wordy. The findings of Hoque et al.(2008) also portyed the same picture.

¹⁰⁶ For detail see Shaw, C. R. and H.D. McKay (1942) *Juvenile delinquency and urban areas: A study of rates of delinquents in relation to differential characteristics of local communities in American cities*. Chicago: University of Chicago Press.

Table-4 Distribution of the Respondents by their District

Name of District	No. of Respondents	Percentage
Dhaka	21	12.43
Gagipur	12	7
Narayangong	7	4
Kishore Gong	6	3.6
Mymanshingh	13	7.6
Tangail	6	3.6
Netrakona	3	1.8
Jamalpur	5	3
Narshindi	5	3
Shoriatpur	3	1.8
Rangpur	3	1.8
Sirajgong	6	3.6
Sunamgong	5	3
Moullobhibazar	3	1.9
Chittagong	6	3.6
Laxipur	3	1.8
Brahamanbaria	14	8.2
Coxs Bazar	8	4.8
Commilla	7	4
Rangamati	2	1
Chandpur	4	2.4
Borishal	6	3.6
Jhalokhathi	3	1.8
Pirojpur	3	1.8
Others	15	9
Total	169	100

Sources: Field survey, April, 2015 to May, 2016

The life history of Kamal has portrayed how the living place, surroundings and crime prone neighborhood creates an opportunity to become criminal.

Life History-3 Living Place, Surroundings and crime prone neighbourhood: Creates an Opportunity to Become Criminal: *IFound Stealing is an Opportunity to end my Struggle to Survive in this City.*

Kamal(pseudonym) only a thirteen years old boy, was born to working class parents who lived in a slum at Mirpur in Dhaka. His father is a rickhaw puller with a daily income of between TK.300-350. His mother is a housewife. The other member of the family is a female child of his parents aged seven years. All of the family members are illiterate.

Kamal stated that he came of a very unfortunate family. The impoverished economic condition compelled his parents to migrate from Kishorgong to Dhaka. In Kishorgong, his father income source was fishing and his mother worked as a maid servant. Kamal also spent his childhood as a helping hand to a nearby solvent family. However, all these efforts together were not sufficient enough to run their family and this made them to leave their birth place. Kamal describe his migrated life as very distasteful. His parents did little care about him. Moreover, his father brutally boated and punished him for silly misconducts. His father strictly wanted to do some work for the sake of bread. His father sometimes drove him out from the home and he had to sleep on street. This made him a street child and most of the time he stayed outside home with other street boys. It was at this point, Kamal got connected with other street children and begun his career as a petty theft only at the age of eleven.

I had a trivial relationship with my family. I stayed outside home with others boys who lived on footpath and I stayed with my parents rarely. I gradually got involved with theft with my friends to whom I used to live with from two years ago.

He found stealing is an opportunity to end his struggle to live.

Kamal, now an accused a theft case, was arrested after he along with his friend Ashik were tried to steal an Air Conditioned (AC) pipe, which price will be Tk300-400, from a house located at Tajgaon area in Dhaka city. When they were tried to break the pipe, the Guard of that house saw it and able to catch them red handed. Then they handed over Kamal and his friend to the Tajgaon police. However, this was not his first history of

arrest. He has previous arrest record also for stealing. When he was asked about his types of stealing, he stated,

Generally I snatched mobile phones from local bus passengers and sold it to local roadside shop in a cheap rate. Regularly I stole 2 to 3 mobile phones daily. Besides this, the list consisted of others things like, groceries item, pick pocketing, and car's particles which I stole from different areas in Dhaka city.

Kamal learned the process of stealing from the other boys of same profession. He reported that one has to know some basic thing when stealing. So he has to learn some basics of stealing like, how to open a door, padlocks, how to use gun, knife, scissors, blade and the rest. But most of the time, Kamal used to carry out the work of stealing single-handedly. Before arrested he usually earned a handsome amount of money from this profession.

My daily income was between TK.1000-1200. I was addicted to drug i.e. ganja, cigarette, dandy (gum of shoes input in polythine and taking gas). I used to buy ganja everyday and bought one putla (packet) of dandy for TK.50 that was used for two times only in a day. Sometimes I drop ganja into cigarette and smoke it.

Kamal consumed liquor, for which maximum amount of his income was spent. He was looking very withered and shriveled. His life is not adoptive without drug. Kamal was totally connected with illegal activities which were known to his family. But his parents did little care of it. While his parents sometimes proscribed, he didn't listen to them. From his illegal income he also supported his family sometimes. Kamal said:

"I sometimes gave some money to my family. They couldn't stay away from it, because we are poor."

Kamal is detained in juvenile Delinquency centre for the last 18 months followed by a theft case. After arrested by police, within one hour, kamal and his friend were produced before the court where the magistrate allowed two days remand. After that one advocate came to them and snapped their photograph and sent to CDC. Three police were with them to transfer the centre. They were given bread and banana to eat on the way to go to the CDC Kamal added.

In CDC he is provided with food, games, and vocational training. He spent his leisure time with other inmate with gossiping and enjoying television program. In development center he has to do some duties also.

Here, I wash tiles, dishes, and bathroom and picked up rice from ground floor to 3rd floor in a larger dak (bowl) for the entire inmates of the floor and has to distribute among the inmates serially. We are given rice, potato, chicken, pulse etc. sometimes we are given milk to eat at afternoon. Apa, (Madam), previously I never found regular food and these types of food items from my family or from my own income. So I feel better here than my family.

However he was asked about the problems in CDC, he stated:

“Sometimes the senior brothers torture us. We have to obey them otherwise they bang us in different ways. I have to follow the command of the senior brothers’ i.e. washing their cloths, bathroom, and present food to their hand.”

He also added:

“The senior are allied with illegal activities here. I have come to know that the junior are sexually harassed by the senior in bathroom. Few days ago, one senior brother was caught for this problem. Our sirs know these activities; they (sir) scolded them. I have listened about 2/3 incidents of this bad deed (sexual harassment) from others.”

Kamal also said that they cannot unearth the illegal activities of the senior before the eyes of the authority because of fear. If anyone complains to office, he seriously had been tortured by the senior. In delinquency centre all the junior are controlled by the senior.

However, apart from some of these illegal activities committed by the inmates within house, all works/system are caused to be felt good to Kamal. He said that he has a good relationship with his case worker. He (case worker) advises he to do good actions, follow rules and regulation, uphold values and norms of the society, not to do illegal activities. Although sometimes loneliness grasps him and feeling bad, he feels better in this center. In the time of isolation, he shares his feeling with others inmate in his room.

Kamal said:

“Above all, I am feeling good here; because I come from slum/street. I was a thief and drug addicted. All the time I was being associated with bad activities. But here I learned new things, good idea. Our sir teaches us various positive rules.”

Although he feels very bad sometimes, not being able to consume drug, he gradually come out from this addiction. Kamal said that he is now occupies a sound health and

stable mental condition. He will never join that bad companions and that profession in future and after relieving from this center he is planning to join garments sectors as a worker.

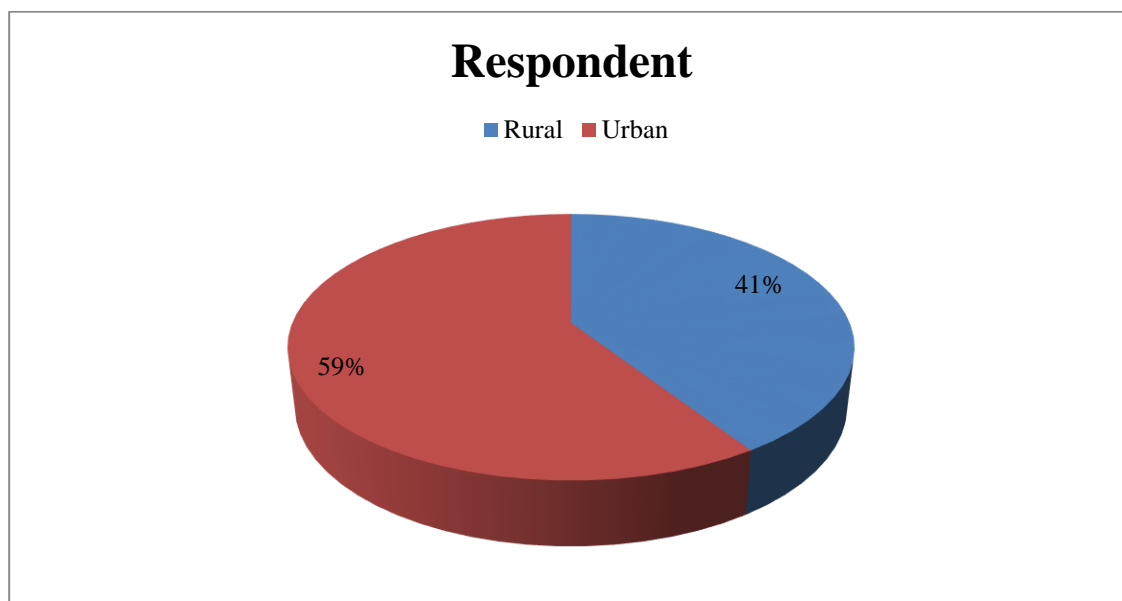
I want to do job in garment after releasing from here. And I will never associate with bad friends and don't steal. If I don't get job in garment, I will bike rickshaw; yet not steal.

His mother sometimes visits to him. He has an advocate on his favorable but his parents can't fill up demand of advocate. However Kamal don't think about this, he wants to stay the CDC until he come out from the problem.

The life history of Kamal shows that how a boy in an area of low income and migrated from village to city became delinquent. As due to financial burden, peer association and lack of family bondage he was forced to commit this crime. He did not receive proper parental care and was also lack of supervision of guardians. The case also reflects that he did not have the chance to pass his childhood in a pleased and enjoyable setting, unlike some other children in his age. He did not even find the chance to get admission in school. On the contrary he was forced to earn in a very tender age. However, he did not have any complaints against his parents. He considered it was his fate.

Place of residence is an important element to understand the commission of crime. If a juvenile is grown up in urban areas, particularly in slums, the antisocial activities became the integral part of their daily life. As they lack basic amenities of their livelihoods, the concept of child rights, child developments are extravagance for them. The parents are very eager to engage their child in works, rather to send school. Moreover the slum child donot find interest in school. They usully cut a sorry figure in their school performance. Their parents involve very time consume occupation and have little scope to monitor them. As a result they spend their time with their peers in mischallenious fruitless activities and finally involve in many criminal offensive deeds. More than half of the juveniles come from urban areas and the following chart shows the residential state of the respondents;

Chart-3 Percentage Distribution of the Respondent by Rural-Urban Background



Sources: Field Survey, April, 2015 to May, 2016

The above chart demonstrates that, urban areas have high crime rates (59%) compare to rural areas(41%). It is because the greater population density, live in slum areas, more facilities to commit crime, busy life of the parents and poverty. The findings of Hoque et al.(2008), Khatun, Islam and Rashid (2012), revealed almost same. In present Bangladesh urban areas, neighborhood relation is very rear. In rural areas traditionally neighbor play an important role to control the delinquent bahaviour. Everyone is known to all in a neighborhood. But in urban areas, everyone is unknown. Even the next door occupant is not familiar to one another. So, an urban area is a safer place to criminal, in particular the slum area. Most of the respondents in this study reported that they live in slum or congested residential environment. As urban life is more complicated and both the parents have to earn, they have little time to take care of their children. Most of them also migrated from rural area to urban area. So it is evident from this study that rural to urban migration in search of better income and living is another ingredient to juvenile delinquency. Finally, it can be said that city offers a lot of opportunities to produce different delinquent juveniles. Sumon,(2012) in his ethnography pointed out that criminal activities take place in line with urbanization. He argued that absence of good governance, unjustified political culture, huge pressure of rural-urban migration, lack of apposite management of urban dwelling system are responsible for growth of slums and

these slums are ultimately leads the young to criminal culture. On the other hand Islam and Khatun (2013) showed that more than half of the female offences (53.40%) occur in the urban area. Inversely, only 46.60 % offences occur in the rural area. To explain the causes between this urban rural difference Adler et al. (2006) argued that in modern capitalist society, the individualistic thinking is increasing among community members due to industrialization and urbanization, which results in the increased crime rate in the urban area.

The statistical data and the life history of Kamal represent that most of the delinquents are invariably from low income area of urban setting, particularly in slum areas..

4.6 Conclusion

It is argued from this study that, the portraits of juvenile delinquents are common in some cases as with other research, such as the most common characteristics are male dominations, 15 to 18 years of age, of lower economic status, of low educational attainment and from nuclear and broken family. However this study also argues that this is not the complete picture. Juveniles from higher educated parents as well as from higher socio-economic conditions also involved criminal activities. It is mention worthy those there remains differences among the types of crime committed by different segments of juveniles. Juveniles from poor family back ground involved crimes like, theft, *dacoity*, and hijacking, drug carrying and bombing. On the other hand, juveniles from well off family back ground, involved crimes like, rape, murder, women repression and drug trade. So the stereotypes of juvenile delinquents as poor, uneducated and broken family is not exactly applicable for this society.

Juvenile delinquency ranges from the most serious crime such as murder, burglary, or robbery, to irritating but trivial acts such as playing ball in the street (Cavan and Ferdinand, 1975:2)

CHAPTER 5 TYPES OF CRIME: HOW FEROCIOUS THEY ARE?

- 5.1 Introduction
- 5.2 Murder and Juveniles: Violent Nature of the Juvenile
- 5.3 Women Repression, Sexual Harassment, Throwing Acid and Rape-What Not?
- 5.4 Dacoity or Robbery and Hijack- Manifestation of Professional Crime
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5.1 Introduction

It is important to examine the extent and nature of crime that the juveniles are involved in. In analyzing the nature and types of juvenile delinquency in Bangladesh, it is found that the involvement of juveniles in criminal activities is increasing in the case of murder, women and child repression, theft and drug trafficking and consume in an alarming rate. The nature and gravity of the offences committed by the juveniles can no way be considered lightly. Today's children are considered to be the future of this nation. But now they are engaged with ferocious crime like murder and women repression. Theft or dacoit may be related with economic hardship but a minor involved with ferocious activities may be the manifestation of our overall society's moral degradation which needs to be analyzed and address more seriously.

5.2 Homicide and Juvenile Delinquency: Violent Nature of the Juvenile Delinquency

Juveniles involved in violent crime like murder is a serious concern for Bangladesh society. This study has found 68 juveniles accused of murder cases out of its sampling frame. Though most of the murders/homicides are not premeditated, a little numbers of juveniles involve crime like murder in a planned way. Sometimes the juveniles involved themselves into fighting along with knives, guns, and belts with heavy buckles, hokey sticks, sharp indigenous weapon and other weapons capable of causing death resulting with murder. Sometimes murders happened to conceal other offences by the juveniles. One of the respondents Moshiur (15) (pseudoname), narrated that on the night of January, 15 in 2015 he with his friend and co-worker Harun, 20 (pseudoname), slaughtered Babul, 13 (pseudo name), with a sharp knife to wipe out the evidence of theft. The owner of the shop filed case with Kafrul police station. Members of RAB arrested Moshiur by tracking his cell phone and his accomplice. Some juveniles became murderer due to take revenge or strong emotional inconsistency. The life history of Morium has shown how a female juvenile commit homicide in a planned way to take revenge. The life History of Imtiaz Uddin Mahan (pseudonym) demonstrates the nature and magnitude of crime committed a minor juvenile.

Life History-4 Murder is the most Brutal Crime Committed by a Juvenile

Imtiaz Uddin Mahan (pseudonym), 17, was born to a business family who lived near the world biggest sea-beach in Cox's Bazar. His father, Gias Uddin (pseudonym), is a well off business man owned a lot of salt farm. His mother Rahela Begum (pseudonym) is a housewife. He has two siblings, of them one brother and one sister. He is the eldest son of his parents. His father's education level was H.S.C and his mother's was S.S.C. As his mother was housewife, she spent most of her time with them and tried to meet their demand as much as possible. He grew up in a caring and wealthy environment. He claims, *'Barite sob somoy lakh lakh taka thakto.'* (Lac taka is available in home). He did not live in an area with a high rate of delinquency. However, his way of life was not very sound.

Imtiaz recounted his childhood as very pleasant. His childhood friends were five to six with different backgrounds who found their recreation on different anti-social activities like; eve teasing, smoking, stealing money from parents. He has attended Madrasha and has studied up to only class eight. He developed a romantic relationship with a girl when he was only eleven or twelve. Most of the time, he talked with the girls over phone. Not only that, they had sex with each other even this tender age. This event forced him to leave his education. When his father was informed about this relationship he stopped Imtiaz from going Madrasha. His father was very rough and violent man. He verbally abused and physically punished him. Imtiaz was afraid of him and maintained a distance relationship from him. In contrast to father, his mother was loving and affectionate. She always gave him shelter even after committing bad deeds. She tried to conceal the offences that Imtiaz had done from his father.

"Meyer sathe somporko thakar karone baba dekhte partona, ma babake pahara ditto."

Imtiaz was caught and sent this CDC for last two years followed by a murder case. According to him the murder took place when a football match was going on. A quarrel broke up among the friends regarding the game. At one stage one of his friends hit with a *da*¹⁰⁷ in his legs. He then hit with that *da* on his friend's throat and on the spot he died. After this, he stole TK. 300000 from his father and flew to Myanmar by ship through illegal way. In Myanmar, his experience was not pleasure; he was caught up by

¹⁰⁷ A weapon made of iron to cut small tree or wooden household essentials

Myanmar police and sent to jail. There he was kept in junior jail. They did not beat him and provide food regularly. After six months he got release from jail. From Myanmar he came back Teknaf in Bangladesh by ship. Then he bought a gun. He got involved vandalism and other illicit activities. He discarded his family relationship. His family also feels disgraceful about him. His grand-father scolded Imtiaz's father for his son's misdeeds.

Dada dekhte parena babake, karon amake bongsher dag mone kore. (Grand-father did not like my father because of me. He considered me as a black sheep of his descent).

Imtiaz stayed St. Martin instead of going his native town, after some days he was caught up by police; a local farmer informed police on the basis of the photography that was printed in a local news paper.

Police caught, tied with rope and with handcuffed produced before the court. The court put three day remand for interrogation. Police tied hands and legs for confess, but he declined to confess. They have beaten up severely. When police threw hot water then he confessed the murder.

OC khub mere chilo, dadur phone pabar por ar mare ni. (Police has beaten up a lot, after receiving my grand-father's phone they stopped beating).

After staying four days in Chittagong central jail, he was sent to CDC. In CDC he spent his time by playing games, watching television. He did not receive any education, either vocational or religious. Rather, Imtiaz got involve various mischievous activities. He has beaten up the junior inmates. He says,

Polapander sathe maramari hoy. (There are fighting among the juniors).

On an occasion he had beaten up one of the guards of the CDC, as the guard has beaten him up. He sometimes cut his body with blade. After fighting among the boys he has to spend four months at CRP. At CRP he got involve another relationship with a girl who was a patient of CRP. But he could not able to continue this relationship as he had to leave CRP.

Haspatale thakar somoy ek meyer sathe somporko hoy, kintu sir ra dekha korte dey na. mone mone kosto pai. (A relationship was built up when I was admitted in hospital but the authority did not allowed to meet her. I feel pain for that).

In CDC Imtiaz is a *Baro Vai* (senior brother). Most of the inmates fear him. He controls the house. He enjoys all the facilities within house. He does not clean his cloth himself, he sits on bed when he enjoys television; his utensils are washed by others. His bed is

folded or unfolded by junior inmates. He has the right to punish anyone who disobeys him. His body language manifested that he feel proud of his current position in CDC. However he himself is not satisfied with the facilities that are provided by the authority. He laments with the words,

“Khabar valo na, alu vorta dey, vat pocha chaler” (Food is below the standard, mashed potato is provided, rice is made from rotten paddy). In CDC he did not receive any education or training. Though all the juniors have to perform *Namaz* (Islamic religious activities), he remains exempt from that. However Imtiaz missed his family members a lot, particularly his mother. Sometimes he feels shocked when the CDC authorities compare them with the beast.

Sir-ra bole amra manus na; jib-jontu (Sirs told we are not human being; we are beast).

He got bail in two cases. Now he is waiting for bail for another case. When he was asked if he found any change in himself, he replied in the positive. In his version

Mone hoi poribrton hoyeche, age chinta chilo ze dhorai diyechhe take khun korbo, ekhn vabi na ; nije vablam kharap kaj kore lav ney. (It was my thinking to kill that guy who informed the police; now I abandon this thinking. I think myself that there is no good in bad deeds).

Within next one year Imtiaz will be beyond juvenile court age and if he will not get bail he will be sent to adult jail. The life history of Imtiaz shows that the age is an important factor that led him to engage into illegal and precarious activities. Although he came from a will off family, he involved the most violent crime. His very first crime could be explain with the general theory of Hirschi, and Gottfredson (1983) that postulate that lack of self control Juvenile commits crime. Moreover, his mother parenting skill is also responsible for his misfortunate situation. In a considerable period of his life in CDC, it was found and observed that CDC could bring a little positive change within him. However his final understanding of life demonstrated that he has somehow, somewhat able to change his thinking of life through counseling, participate in sports and game.

5.3 Women Repression, Sexual Harassment, Acid Throwing, Rape-What not?

Most of the juveniles were the accused of women repression cases in this study. In Bangladesh, women repression case placed in various forms, covering eve-teasing to rape and even murder. Every day the news paper of this country published frequent news relating women repression cases. The case study of Naeem (Case no.-5) revealed how he became an accused of women repression and acid throwing case. He narrated the event in the following way:

Sumi (13) is a beautiful secondary level school girl, whom I liked very much. I followed her for a long time; I stood her school gate every day and tried to draw her attention. But she did little care at me. Getting furious I decided to burn her nice face with acid and did accordingly.

Finding of another case study (Tamim-7) disclose the features of a rape accused in this study. The case study (Case-15) revealed that Arif proposed for a romantic relationship with Ripa (pseudoname), a pretty girl of his locality but she refused. Moreover she got involve with another young boy at the same locality. He considered it as an insult. This event made him revengeful. Finally he decided to take revenge by throwing acid towards the girl. Another respondent Rouf (pseudoname)(15), told that he was arrested in charge of attempting to rape a girl of ten years of age. When the girl was returning home from school with some of her friends, she took her in exchange of some chocolate to their home tactfully and tried to rape her. The girl escaped that by biting his hand and informed her mother about the fact. Her mother with the help of locals caught him and handed over Rouf to police.

The social significance of rape has long been a part of anthropological literature. A cross-cultural study conducted by Alder (1985) concluded that violence is socially, not biologically, programmed. The findings of this study revealed that most of the cases the accused are aggressive in nature and they believe that they have the right to love any girls and the girls are bound to response them. One of the KII argued that,

In our society male children are socialized to be aggressive and dominating, our literature, movie, all portrayed the female as sex object. As a result, they easily fall victim of sexual harassment.

Jealousy, refusal to love proposal or similar other 'emotional' causes are root behind the women repression cases against the juveniles. Women repression reflects the larger cultural context of Bangladesh society. In a patriarchal society, women repression particularly sexual harassment including rape is as a brutal exercise of power in a culture of male domination. The case study of Nayeem (pseudonym) is an example of how the juvenile involve in women repression case.

Case Study -5 I Will Not Let her Involve to Anyone except Me

Nayeem, (pseudonym) a boy of 16 years old, is a student of class ten. Before coming to correction center he was living with his family at Saver in Dhaka. His father, Md. Nurul Islam (pseudonym) aged 40, owned a tailoring business having monthly income is about TK. 20000. His mother Banesa Khatun (pseudonym) is a housewife and she is 37 years old. Nayeem has an elder brother and a younger sister. His elder brother Md. Al-Amin (pseudonym) is a student of Diploma Engineering and he is 20 years old. His younger sister Radifa Khatun (pseudonym) is a student of class two.

Nayeem said that he had a good relationship with all of his family members. Sometimes his father and elder brother scolded him for smoking. To explain his daily activities in his family Nayeem says,

"After getting from bed I go to school. Sometimes I missed school to help my father in his shop. I also spend time with my friends when I missed school. Every afternoon I play with my friends."

Nayeem also says that the rules and regulations of his family are good. All the family members like to be cohesive. They eat their meals and do other activities together. They possessed all types of house hold essential like, refrigerator, computer, showcase etc. in their family. However they lived in a rented house.

Further Nayeem says, *"I have a lot of friends. From them some are good and some are bad. Some of my friends are drug addicted. Ronju was my best friend."*

Nayeem also says that the surrounding environment of his house is moderate. That means all types of people are living there. Outside the family Nayeem spends his time with his friends with the same neighborhood.

Nayeem also mentioned that anybody of his family is not involved with any kind of criminal activities. But his cousin and best friend, Ronju is also accused of same case. Both of them are now staying at correction center. Nayeem says that police arrested them for accusation of throwing acid towards a girl, named Raihana (pseudonym) who was a student of class seven. To explain the matter, Nayeem says,

“Raihana had a relationship with, Shamim (pseudonym). But I myself loved her. As the girl refused my proposal, I with the help of my friend Ronju, had thrown acid towards the girl. I couldn't tolerate this refusal. To take revenge I made a decision to do something. I acknowledged to police that I was involved with this. I acknowledged because police has beaten me very severely. So, I was bound to acknowledge like that.

He also says that the DB police has beaten him very severely through stick. When he acknowledged that he was involved in that crime, then they stopped their torture. He says,

“I have not been sent to the court yet. I have been sent here (correction center) from Mymensing central jail.” Nayeem also mentioned that they had to borrow almost 200,000 BDT for this case.

The case of Nayeem also supports the notion of Agnew(1992) where he postulate that when individuals want to take revenge against the responsible, try to prevent loss, or escape may adapt criminal activities.

5.4 Dacoity or Robbery or Hijacking: Manifestation of Professional Crime

Robbery popularly known as *dacoity* in Bangladesh is one of the common and old age crimes that juvenile has been involved in. In general, the crime of robbery occurs when the offender uses force, violence, intimidation, or threats to take property from the victim. These robberies are common in big cities and urban centers and isolated areas. It

happened with groups. The adult gangs use juveniles to realize their target. It is noteworthy to mention that the juveniles taught the techniques of dacoity from the adult criminal. In Bangladesh, the banking sectors, gold shop, passengers' bus, houses of minority people fishing boat are the most common targets of *dacoity*. Sometimes, they come bare-faced while at other times they are hooded. Sometimes, they wear security or police uniform to achieve their goal. Naturally the *dacoity* occurred at the death of night. But it is not uncommon to be held at broad bay light. In this case they employed terror which result murder, rape, bloodshed etc. So *dacoity* and brutality is go hand-in hand in our society. Most of the robbers are armed with pistols, short cartridge gun, and revolver, hand bomb, indigenous arms etc. and hurled hand bomb towards the crowd to escape from the spot. Quader(17) one of the accused of *dacoity* has narrated that

".....I with my gang members tried to commit a dacoity in a night public bus coming from Satkhira to Dhaka. We rode the bus as passengers. When we reached an isolated area at 2 a.m. we asked all the passengers to hold their hand up and surrender all their belongings, otherwise we will kill them. But the driver of the bus might understand our intention and he diplomatically informed the police and stopped the bus in front of a police checkpost. As it was a dark night, we could not recognized the spot and understand the driver's motive.. The patrol police came and arrest me red handed. Some of our gang members could manage to flee from the scene by throwing hand bomb towards police. Due to run my family of five members I had chosen this path as a means of earning. I have lost my father at the age of five and my mother is a patient of kidney damage."

5.5 Theft: The Traditional Forms of Crime

Theft is the most common juvenile delinquency in our society. Juveniles from poor family background are involved in this crime. Larceny covers pick-pocketing, shoplifting, purse-snatching, snatching of motor vehicles parts, and house-hold accessories. The common items that are theft by the juveniles are mobile phone, money bag, house-hold accessories, shop-goods etc. Most of the cases the theft items are sold to the breaking materials shops. Some juvenile are professional theft and some are amateur. Kamal (life history-4) was a professional thief. On the other hand Rabbi(14) one of the respondents resided a single room in a slum with his four family members, told during

the survey that he theft for the first time and was caught by the public. Due to the family pressure to earn Rabbi at first time tried to thief some house hold material from a house. As he didnot know how to thief he was caught. The survey findings show that nearly 15% juvenile are accused of theft case. Urban areas of Bangladesh are the more crime prone and urban crime is commonly encompassing with theft. Incidences of theft are higher in low-income residential and congested commercial urban areas. It a juvenile delinquent is caught by the locals, they address it lightly. The culture of the slum areas issupportive this behavior by saying *Polapaner kaj, baro hole thik hoye jabe*(It has done by a child, he will be all-right when grown up). Another respondent Al-amin (15) is a professional delinquent, who used to thieve bi-cycle from a Government quarter for a longer period until his caught. By the help of darwan (Security guard) of the quarter, Al-Amin enter the campus at the death of night and stole bicycles that were newly brought. Sixty Govt. Officers have been living here with their families. They bought the bicycle for their children. He already stole 10-12 bicycles from the quarter. After frequent theft the allottee this quarter installed CCTV camera. On the night of his being caught, he at first, broke one of the cameras and stole two bicycles. By watching CCTV camera, the Samity members of that quarter indentified *darwan*. After interrogating by the police *darwan* confessed his involvement and gave information about Al-Amin.

5.6 Consume, Carrying and Trade Drug: Easy to Get

Being a Muslim country, Bangladesh's law, custom, norms and belief all are against consume, trade and produce drug. But drug use and trade are growing and crosses all social strata in Bangladesh. The most common drugs are Heroin, marijuana, amphetamines, and injectable. In recent time YABA tablet is more popular among all age groups. These drugs are very much available in Bangladesh. Even it is sold in road-sides. According to police sources, more than 100,000 people are directly involved with illegal drug trade and supplying. Peddlers prefer women and children for carrying and selling drugs because it is easier for them to evade law enforcers. It was found in this study that the juveniles of this country involve drug related crimes in different ways. They involve themselves as drug consumers, drug- peddlers and carrying drugs. The

juveniles consume these drugs as a stimulus. A large number of young are using drugs. According to one of the key informant who is by profession a police officer,

For the last two or three years, a large number of juveniles have been arrested for using drugs than ever before. This may, due to frustration, social unrest, child labour, family conflict, failure of romantic relation, and poverty. Some time drugs are responsible for these situations also. Drug addiction of the juvenile creates social hazard.

Juveniles from poor families can get an easy chance to earn some money with these activities. Most of the cases they are the worst victims of trap. When they carry drug they were ignorant about the goods that he has to carry and case study of Rahat (case-4) has manifested that. On the other hand Munna (Life history-5) was a drug addicted. He thought that in his neighborhood near about 50% youth are addicted in drugs. Use of drug creates others types of crime also. Pick-pocketing, purse-snatching, snatching of motor vehicles parts, are happening due to uses of drugs. According to news paper report, the trend of consuming drugs is becoming higher in youth and teenagers between 15-30 years of age and come from all strata of the society (The Daily Star, 13 August 2013). The Home Minister of Bangladesh (The Daily Proptom Alo, 21, September 2011), also reported that 46 lac of Bangladeshi, among them 80% is juvenile, is addicted by drug and spending 25 thousand crore taka per year. He also mentioned that out of total crimes, 30% crime is related to drugs. However, the following case study directs how in our society the nature of crime can be changed by the hands of law enforcement.

Case Study-6 Bribe Can Change the Nature and Types of Crime: From YABA Peddler to a YABA Consumer

Shuvo, (pseudonym) whose native home place is Mymensigh, is a 16 years old boy. Though actually his age is about over 19 years, by showing false evidence they able to prove his age was fewer than 18 to get extra privilege as a child. However, he has come from a Muslim family and has studied till class 8. His father is engaged in a small business that is the only earning source of his family while his mother is a housewife. He has another brother and three sisters. Among the five brothers and sisters, he is the

youngest one. His three sisters got married while his brother, who is 2 years elder to him, is still unemployed. So, it becomes very tough for his father to run the family with his solo income. According to his information, the monthly income of his family is TK.5000 that was always exceeded by the expenditure. Before coming to the CDC, he along with his other family members inhabited in the 1st floor of a 2 storied building at the Railway quarter in Mymensingh.

He depicts that he has had a very good relationship with the other family members. Since he was the youngest member of the family, he used to get too much affectionate attitude from the other family members. But if he got engaged any wicked activities, he was scolded by them as well.

He construes his daily routine while staying at home in the way that after getting up from the bed, he used to get ready for the school and went there. After coming from the school he took some rest and went out for gossiping with the peers. He divulges that not all of his friends were well mannered. Some were arrogant, smokers etc. He learnt how to smoke from his friends. He adds more that his father also smokes. He used to enjoy passing time outside home. Sometimes, he missed his class in order to roam with the friends. He has had a girl friend with whom he also used to pass the time. However, he needed to get back at home within 10 pm.

He has been brought here in CDC for the case of Drugs peddling. One day some of his friends called him and went to buy YABA. The woman engaged in YABA business was familiar to him. He acknowledges that while he was bringing 4 pieces of YABA with his friends, he got caught by the police and the other one escaped. He was taken to the police station without handcuff by a Sub-Inspector (S.I) who was known to him. However, at the police station Officer in Charged (OC) asked him the name of his other gang members. He replied that he is not member of any group. However, then his parents came to the police station. They give some bribery to change the nature of the case from the carriers of the YABA to the addicted to YABA. In the mobile court, he told that when police arrest him, then he was taking YABA. In the court he finds the behavior of the judge was good. Mobile court gave him sentence of six months jail. Since he manipulated his age to say that he is of 16 years, he has been sent to CDC. But before coming to the CDC, he had to stay for 2 days in the Mymensingh jail where there were other adult criminals as well.

At CDC, after getting up from the bed, he gets ready for the school. After the school, he has to stand in the queue in order to get together the lunch. At afternoon, he takes parts in some game and gets slept at night at 10 pm.

The good things he finds about CDC are that there are the facilities of meeting family members, having phone call through office etc. He finds the education provision of schooling system within the CDC is good as well. But it is up to only primary level. However, there are some books of higher class in the library. There is some scope of entertainment like watching TV, playing sports like football, carom, Ludu etc. But watching television often gets hindered by the seniors because the channels are regulated by them.

The problems faced by him at CDC includes that the negative approach by the seniors to the juniors. He exposes,

“Seniors always try to exploit the juniors. If any junior complains against any senior to the officials, then the officials may scold the senior, but later, that senior will show more rough behavior to that particular junior who has proceeded the complain.”

He mentions that the common health problem of the children staying here is the skin disease. He informs that there is one health assistant, but they considered him as a doctor. However, the number should be increased.

Over all, he thinks that the correctional system here should be improved, the behavior of the seniors should be regulated, the space of the class room should be enhanced and the whole regulation system should be made much better.

The case study of Shuvo revealed that in Bangladesh, the nature of delinquency is not exhibited as it was. In fact, the police determined the nature of allegation against a juvenile. Here police use arbitrary and disciplinary power (Foucault,1975).

5.7 Fighting: Most Common Behaviour of the Juveniles

Affray or fighting is one of the most common behaviors among the juveniles in this country. According to the penal code of 1860, affray is an offence against public tranquility. It is punishable by a fine, imprisonment, or both. The fighting of two or more persons, in some public place is called an affray. In Bangladesh, juveniles generally

engage themselves in fighting to take the control over the play ground, school leadership or to show hedonism. In this study it was found that juveniles were involved in fighting for land dispute and in relation to game. It started from quarrel and ends up fighting resulting even death. Fighting among school boys is a common phenomenon and sometimes it goes beyond the control of school authorities. Rivalry between two groups of villagers, opposite political parties or intraparty feud is another feature of fighting of the juveniles. Juveniles used their naked hand, lethal weapon, indigenous weapon, bamboo stick in fighting. Most of the time fighting occurred spontaneously, not preplanned. According to the superintendent of CDC at Tongi,

Fighting tendency among boys is very common. Even within this CDC they fight among themselves. We always have to remain careful and fearful about this.

5.8 Firearms Related Crime: Circumstance Leads the Juveniles to Commit

Guns related crime is one of the most serious crimes that our juveniles involved in. Use of illegal firearm by the juvenile creates violent crime like murder, assault of various forms, rape, robbery etc. It was found from this study that four boys were accused of arm cases. The life history of Imtiaz revealed the severity of gun use by a juvenile. Jasim (17) one of the respondents expressed how he has been involved in gun trade in the following way:

I continued up to class eight and afterwards was involved in a profession like arms carrying from one place to another. From this he received TK.500 in each case. My father was a truck driver and died of a road accident. His total family member numbering 6 were depended upon him. I have been in this profession for two years. At first my neighborhood uncle introduced me with his boss and gradually I became a gang member of that cohort.

Most of the cases the juvenile involve in gun cases not by their will; circumstances compelled them to involve this crime. As the children do not know which activities are lawful and which are not, by taking the advantage of their vulnerable poor condition organized gangs deploy them in illegal arm trade.

5.9 Explosive and Bombing: Expression of Violent Protest Culture in Bangladesh

In Bangladesh society *Hartal*¹⁰⁸ is the most common way to protest any government decision that goes against any stakeholder. Arson is a violent crime committed by the juvenile in Bangladesh. In this case motor vehicles are the most frequent target. Centering the controversial national election¹⁰⁹ in January 5, 2014 this country has witnessed a violent protest than ever before. To mark an anniversary of the January, 5, parliamentary election as “democracy killing day” the Bangladesh Nationalist Party(BNP) announced a protest rally. But the Govt. lead by Sheikh Hasina¹¹⁰ of Awami League(AL) confined the opposition leader Khaleda Zia¹¹¹ in her house. Being confined she declared nonstop *Aborodh* (strike) across the country. A chaotic situation was prevailing in the country. The disguise people engage in public violence as a common mechanism of expressing dissatisfaction with this situation. This they did through throwing hand made bomb or patrol bomb at passing vehicles as well as assaulting police personnel by throwing stone and beating with lethal weapons at them. According to Ain-o- Salish Kendro a renowned human right organization in Bangladesh, nearly 1200 vehicles have come under attack and at least 72 people have died of arson attack as of March, 3, 2015. The protesters or disguise perpetrators commonly used the needy innocent juveniles in this regard. Consequently a large amount of juveniles were arrested on charge of public violence, malicious damage to property and arson cases. Anis (case study-2), Sujan (Case study-8), Shamim (case study-11), all fell as the prey of the main perpetrator of violent situation in the country. The quantitative data also showed that 5% juvenile are accused of arson case and all of them arrested from January 2015 to March

¹⁰⁸General strikes have been characterized by violence.

¹⁰⁹Most of the main political parties except *Mohajote* an alliance lead by Awami League(AL) boycotted the election under Sheikh Hasina Government

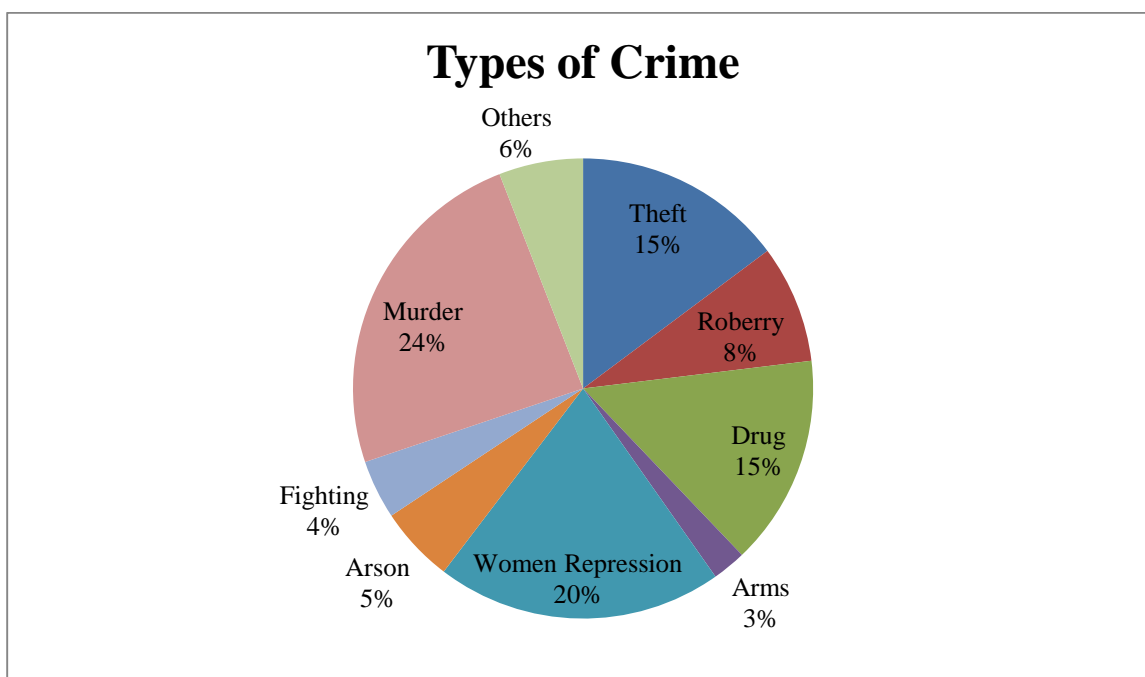
¹¹⁰Prime minister of Bangladesh

¹¹¹Former prime minister of Bangladesh

2015, when the strike was going on.

This case is not a unique one. This trend is going on the others juvenile offenders also. The juvenile are involved various types of crime covering the mentioned types. The following chart displays the nature and types of offences committed by the juveniles’ offenders. The quantitative findings portrayed the nature and types of crime in the following ways:

Chart- 4 Types of Crime Committed by Juveniles



Sources: Field Survey, April, 2015 to May, 2016

These findings are good examples to understand the nature of juvenile delinquency in Bangladesh. Murder is the highest form of crime that the children come into conflict. It is a matter of great concern that our children are involved this extreme form of crime in their tender age. Women repression that means sexual harassment related activities are by far the most frequent form of crime the children get involved in. When we compare these findings with another data it reflects the same. Ain –o –shalish Kendra(ASK)¹¹² reported that in 2015, 89 girls and women were attacked by their stalkers for refusing

¹¹²Ain o Salish Kendra (ASK) is a legal aid and human rights organisation in Bangladesh having the UNECOSOC consultative status.

their advances while 10 committed suicide due to sexual harassment and 6 were killed by their stalkers. In other words, women repression cases are on rise and our juvenile segments are increasingly involved in this crime. Theft (14.79%) and drug carrying (14.79%) are the major types of crime that our children are committing. Dacoity or Robbery and Hijack is other types of crime which takes a leading position. There are some others types of crime such as, information-technology, abduction, trafficking and forestry. But their number is very insignificant. These types are prepared on the basis of the information provided by the CDCs documents.

5.10 Conclusion

From the above discussion it can be said that the nature of juvenile delinquencies in Bangladesh is becoming more complicated, violent and dynamics. It covers from petty theft to murder. Most of the KII opioned that the juveniles are gradually involved in violent crime and it is increasing due to their inability in coping with the changing pattern of society, moral degradation of the youths, and degradation of societal values.

Why do some Children break the law while countless other does not? How cultural experiences of numerous groups do affect the development of juveniles' delinquency (Regoli and Hewitt, 2000:177)

CHAPTER-6 DYNAMICS CAUSES: WHY JUVENILES INVOLVE CRIME?

- 6.1 Introduction
- 6.2 Poverty-Crime Nexus: A Common Ground of Involving Crime
- 6.3 Peer Pressure-Friendship with Scandalous Boys Makes the Juveniles Criminal
- 6.4 Disrupted Family Condition and Lack of Parental Care, Affection and Supervision: Real Story.
- 6.5 Drug Addiction, Porno Movie and Objectification of Women: Multidimensional Causes of Delinquency
- 6.6 Land Dispute: Widespread Rural Phenomenon
- 6.7 Conclusion

6.1 Introduction

Juveniles engage crime for a complex set of causes and there is multi-causally even in juvenile delinquency. So it is important to unearth the related factors of causation of delinquency for the better understanding the issue intensely. Various theories suggest that the causes of juvenile delinquency are varied. Strain theory posits that delinquency is a result of a youth's failure to make it either in the legitimate or illegitimate world. Differential association theory argues that juvenile learn to commit crime from peers much as they learn other form of social behavior. According to Self control theory, the weakness of self control allows a juvenile to be a delinquent boy. Routine-Activity approach posits that a crime can occur if no other person presents to prevent or observe the crime. The major dynamic that pushes the juvenile in the world of crime in Bangladesh can be summarizing as follows:

6.2 Poverty-Crime Nexus: A Common Ground of involve Crime

Bangladesh has done tremendously well in reducing poverty. Osmani et al. (2015) cited that in 2014, the poverty ratio is down to around 24%. But it remains unacceptably high, especially in rural as well as in urban slum areas. According to Asian Development Bank (ADB) as of 2016, an estimated 35 percent of the population in rural areas and 21 percent of the population in urban areas lives below the poverty line. Among the urban population, according to the census on slum dwellers and floating population conducted by the Bangladesh Bureau of Statistics (BBS) in 2015, 2.23 million people live in slums across the country. Most of those who relocate to cities to earn their livelihood after losing their land and houses to river erosion or other reasons take shelter in unhealthy and densely populated slums (ADB, 2016).

Poverty has a very direct role in producing criminal. If a child is grown up in a poor family, he is deprived of basic amenities of his life. He lacks nutrition, proper education, health and shelter. Moreover, the poor parents have to engage their children in income generating activities. Derived such an unfortunate background, anti-social behavior is naturally developed in juveniles' mind. Monir (14) one of the juveniles, expressed his work; as being a helper of passenger vehicle *Laguna* I had to work from 6:00am to 11:pm and earn TK.200-300 per day to support my family. As this was not enough, I

sometimes snatch, wallet of the passengers. Another juvenile Sabuz,(14) a waste picker, left school after studying up to class three to help his father collect waste and drive the city corporation garbage van in Shanti Nagar area of Dhaka city. As he has a dream of possessing a mobile phone and his father could not provide, he tried to snatch it from a shop.

Ahmed (2011) argued that poverty and absence of economic opportunities are important factors in crime and delinquency. Kamal (Life History-3) said that he belong to a hard core poor socio-economic family back ground. He did not at all wanted to be a thief in his life. But his misfortune led him to be a professional thief. However he never found it a secured profession due to the fear of being caught. Gaurav S. Khetwal et al. (2009) investigated the effect of poverty on adolescent delinquent behavior. They explored the lived experiences of miserable economic condition of the innocent girl that forced her to leave school and work as a maid and after working continuously for six months when her land lady refused to pay her dues she momentarily lost control and blindly hit her which put the girl behind bars. Multiple studies have identified the issue of poor economic condition as the major cause of delinquency (Shaw and McKay, 1972; Ahmadullah, 1964; Afseruddin, 1965; Hossain, 2002; Sarkar, 2008; Enamul et al.2008; Karzon, 2008; Shamim, et. al.2009; Islam and Khatun, 2013, Rahman,2014).

6.3 Peer pressure: Friendship with Scandalous boys makes the Juveniles Criminal

As the child world expands beyond the family, the peer group becomes an important influence on emotional, cognitive and social development (Berndt and Ladd, 1989). Big portions of time are spending with the peer as the juvenile found very much comfortable his life with the peer. What kinds of peer association are formed is an important factor to determine the characteristic of a juvenile. If the peers are conformist the juvenile will be conformist; and opposite ingredient is imminent. That means “good companions make good men; bad companions make bad men. Sutherland (1939) has elaborated that individuals become delinquent to the extent which they spend in setting where deviant ideas, motivations techniques are viewed favorably. He said that individuals learn deviance primarily in intimate groups of friends. The present study has found that

criminal behavior like, burglary, assault, consuming or trading drugs, murders are occurred due to peer's influence. So peer pressure is one of the leading causes of juvenile delinquency in Bangladesh. The record (life history-5) of Munna in this study has displayed how peer pressure is responsible to make delinquent behavior of a boy.

Life History-5 Peer Pressure is a Major Cause of Committing Crime:
Munna Hasan(not real name)-I had learnt smoking cigarette as a kind of fun with my friends

Munna Hasan (pseudonym) was 16 years old when this interview was conducted. He spent his childhood with his parents in a rural area at Mymenshin Sadar. Having no alternative to livelihood his parents came to Manikgong with all his family members including Munna. After migrating from native residence to Manikgong his father Farukh Hossen(not real name) aged near about fifty engaged himself as a carpenter and motherd Rina Begum(not real name) aged 45, as a garment worker. In Manikgongj, they had begun to live in a tin shaded rental house. For one room they had to pay TK.3000 as house rent. They have to share same kitchen and bathroom with other tenant also.

When Munna was a small child, he felt discreditable that his mother was a house wife and did not work outside the home as their family was under serious economic hardship. His father's lonely income was not enough to maintaining their family. Before joining in garments his mother spent full-time with Munna and his only sister Nipu Nahar (13). His family relationships ware pleasing and his parents love him very much as he was the only son. Although his parents were uneducated, they showed strong interest to educate their children. As a result Munna and his sister were enrolled in a nearby school. His sister is a student of class four. As his parents were illiterate, it was difficult for him to understand the learning. So he did not get interest in reading. His family was not solvent enough to engage a private tutor. So his academic performance was gradually gone below satisfaction level. Moreover, When Munna was in class six, Munna's mother joined in a garment named "Monnu Garments"at Gheor police station in Manikgongj to support his father. This event brings some economic relief for the family but it created an opportunity for Munna to go ashtray. Munna's relationship with his mother was close; she was a loving and caring mom. After his mother began to work, Munna spent his entire time out side home with his friends and others. He found uncomfortable himself in

school. Though Munna appeared in Junior School Certificate (JSC) examination in 2013, but failed. He was insulted by his friend and relatives for this. He gradually left school. However, Munna not only spent his time with friends but also participate in different political meeting, procession with them. Step by step he separated from family and went beyond their control.

He had a lot of friends and liked to spend his time with them. His mother did not like that. She sometimes scolded for his being out side home. But it was not possible for her to supervise him all time said Munna.

Among the friends some of them were students with similar age of Munna; some of them are senior to him and not involved any institutional education. Of them, his close friend whom he called 'Mama' was a drug addict. He died from lung cancer.

Mama (uncle) was very close to me and all time I stayed with him. He has a immense addiction to drugs. He drank wine and took heroine and others. Mama sometimes asked me to drink wine but I didn't.

Munna had learnt smoking cigarette as a kind of fun with his friends. But gradually the smoking became his part of life. Because of his unsecured childhood he had an attitude of indifference toward family and social demands. When he was without proper supervision, he engaged with delinquent peer and subsequently involved criminal activities. Though Munna is an accused of a Drug peddle case, he involved others criminal activities also. He used to tease girls of their neighborhoods. Involved quarrel and fighting with some of their neighborhood friends. But his main attraction was drug consume and drug trade with some of his distant relatives. Now he lived in the CDC for last eight months.

Munna along with four people were arrested for this case. According to police report he along with his cohort was engage in gang and involved drug business. All of them lived in same neighborhood close relationship with them.

Police from Geor Police station of Manikgonj district arrested Munna from his home. He was hand cuffed and severely beaten by the police. There was neither help desk for child offenders nor any CAPO¹¹³.

".....pulish mogo bedom maireche. Ekda kagujer por soi korbar koy. Mui na koibar por Sattar daroga khara, bonduk diye maireche .kaguje soi

¹¹³ The Children Act, 2013, Sec. 14 has the provision to appoint Child Affairs Police Officer (CAPO) in each police station

kobar tore .(Police tortured me indiscriminately and compelled me to sign on a paper. When I disagreed to sign on paper, Sattar Daroga hit on my body with stick and revolver and forced me to sign.)”

After 2 days at police station, Munna was send to magistrate court in Manikgonj. Then he was send to Manikgonj Jail. Two day’s later police took him to CDC in Tongi, Gazipur. Munna at first time had many difficulties in accepting the orderliness and restraints of institutional life. In time he adjusted sufficiently.

“I have been detained here for the last eight months. First time, it was very tedious to stay here, all time I had been weeping, but now I realize that it is suitable place for me to correct myself. This center provides a great opportunity for me to change my life.

Munna is ignorant about the facilities or right that he deserved as a child from the govt. authority; rather he thought that a criminal has no right. So he is very much satisfied about the food and clothing that are provided by the authority. However he pointed out some issue which made Munna uncomfortable. He said that he had two shirts, one T-shirts, two trousers. If the trouser remains wet they stay in house as they do not have extra dress. This happen particularly in rainy season. He also said that 12-14 boys altogether stayed in a room & it’s so uncomfortable in hot weather. They have only one fan & it’s so tough to sleep at night.

In CDC a self pronounced hierarchical system is maintained among the inmates beyond the official knowledge of the authority. This hierarchical system is determined by the length of staying in CDC. Munna is a mid-ranking senior brother in his room. He said the juniors have to do much work than the seniors. It’s the rules and regulations in their centre.

Here, we assign some works among the boys and we jointly complete all these i.e. cleaning room, washing plate, cleaning bathroom etc. After all it’s not problem for us, we live here like a family. In CDC Munna has been trained on electricity and also learns the norms, values, rules, that would help to change his life in a positive direction for the next time.

He said:

“.....In delinquency center, I learned how to behave with parents and others from assembly. It makes a positive feelings about myself. I get an opportunity to be trained in life skill development. Now I solve many electrical problems in different rooms in CDC.

But in the CDC, Munna feels alienated. All time he misses his parents. He sometimes meets with his case worker and every one month he get an opportunity to talk with his parents over telephone, only for 1/2 minutes. He spends his leisure time by playing ludu, chess, karam, and watching television.

Now Munna hates bad companions, appalling conduct and dreadful activities that he was involved in his previous life. His belief that children basically learn good and important things from family and the positive socialization process should started from family and it's very important for adolescent period.

However Munna wants to do something in his life. He wants to help his parents after release from CDC.

The case of Munna can be explained in light of crime Sutherland's differential association theory. The criminal behavior of Munna was the result of peer association which Sutherland used in his differential association theory (Sutherland and Cressy, 1939).

6.4 Disrupted Family Environment, Lack of Parental Care, Affection and Supervision: Real Story

Family environment constitute of the family structure, parental income, and occupation, educational attainment etc. Absence of either parents, continuous witnessing of parental abuses, quarrelsome family environment, low educational attainment of the parents and low paid as well as low status bearing occupation of the parents constitute the disrupt family environment. This disrupted family environment leads to the juveniles into illicit activities. Looking into family structure of the juveniles it was found that most of them come from nuclear family coupled with aggressive environment. Some of the respondents told that they have better experiences of observing their parental conflict. To avoid the conflict between parents they stayed outside home and seek entertainment with neighborhood friends with smoking and some sort of drug. This friendship along with drug addiction compelled them to involve many anti-social activities. According to Rahat(case study-4),

“.....My father beat my mother indiscreetly in front of my eyes. I can't bear it. If I went to resist my father, he kicked me out. So I left the scene and had to stay out-

door. I had passed my time with some of my friends who smoke cigarette. I also started smoking and to earn the costs of the cigarette and food. I got involve me into stealing.

The level of education both parents and juveniles is associated with lower level of delinquency, as better educated parents are likely to be better able to socialize their children properly. They are more aware about their children's overall activities. They could provide proper guidance to their children. Not only that, better educated parents are likely to be able of more remunerative employment opportunities as well as to enhance their income. So, they could manage the house hold expenditure sufficiently. On the other hand, when the education level remains low the chance of being delinquent is high. Low educated or uneducated parents sometimes find their children's deviant behavior acceptable. It was observed in this study that most of the respondent's parental educational level was low which is consistent with others findings (Sarker,2008; Ferdoushi,2012; Rahman,2013). So, the poor parental education augments the chances of their child's involvement in criminal activities.

In the case of some juveniles, particularly for female offenders it was found that they have to stay with their step-mothers. Presence of step-mother in a family is an important factor to decide whether a family will be sound or quarrelsome. The case of Morium (Life History-2), Sujan (Case Study-8), Sumaiya (Case Study-14) revealed that presence of step-mother is an influential constituent of juvenile delinquency. Delinquency frequently occurs as a result of dysfunctional dynamics within the homes and most often in homes characterized by poverty, disruption and conflict (Regoli and Hewitt, 2000). The findings of this study is not apart from this statement and also is consistent with the empirical studies of Faruk et al. (2009), Islam and Khatun (2013) and Kamruzzaman and Hakim(2015).

Parents are the primary care giver of the children. It is the utmost responsibility of parents to provide primary needs such as, food, clothing, education and shelter. Parents infringe societal norms and values to their children. Some parents belief that hard spank is necessary to disciples a child. On the other hand, some parents disciples their child through affectionately. Laxity of parental care, supervision and monitoring causes delinquency among the children.

Juvenile involved crime not only the peer pressure or poverty or not by chance, lack of parental affection, care and supervision also can be a crucial factor for being a criminal. The following case study of Tamim and Sujana demonstrates how a least supervised and an abandoned boy became an accused of criminal case:

Case Study-7 Favorable Situation is an Instigator to Commit Adult and Serious Crime: *I Got a Chance to Involve Intercourse*

Tamim Mahmud (pseudonym) a student of class seven, aged about only fourteen years. His previous record was conformist and non-delinquent. He is accused of a rape case. He has been in CDC for less than four months and has been taken to court only one time. He came from a middle class Muslim family in terms of income and education in the context of rural society of Bangladesh. He lived with his parents in a village under Narshindi district, close to the capital city of Dhaka in Bangladesh. His father is a well off peasant in their village with the monthly income of around twenty thousand. His father's education was up to secondary level. But to the neighborhood villagers he is considered as an educated person. His family is a religious one. He himself performed *salat* five times a day regularly according his version. Both of his parents are practitioner Muslim. His mother was more caring about his education and overall well-being of his future. Accordingly, she was constantly checking up on him to ensure he could not get involved in any anti-social activities. He has two other siblings i.e. one brother and one sister. He is the third issue of his parents. His elder brother is living abroad and only sister has been married off in a nearby village. Both of his siblings are very much senior to him. They were very much affectionate towards Tamim. He belonged to a joint family where his paternal grandparents with his *Bhaavi* (sister- in- law) lived together. His father was only son of his grandparents. Tamim recorded his early childhood very pleasant. His academic record was excellent. He had four friends, who were not delinquent. They used to spend their afternoon in playing cricket. According to him the crime was committed accidentally. The day when the event occurred, his mother with all her family members went to see his brother's son, in a nearby village in his brother's father- in laws' house where they spent that night. Tamim's *bhagni* (niece), Tamanna (pseudonym) lived with them as their family member to continue her study. The victim, Farhana (pseudonym) was Tamanna's friend and a student of class six. Out of fear at night my *bhagni* (niece) called her (victim) to stay with her as her house was next to my home and there exist a

very close relationship between them. We enjoy television till 10.30pm. Then we go to different beds in a same *ghar* (In Bangladesh a house is composed of different *Ghar* whose English term may be room) but it was partitioned with wooden particles without door.

As there was no door between the two rooms, it paves the way for the incident. There both of them started showing feelings towards each other and there they had sex with each other with their own interest.

When this incident was flashed out both of their family tried to conceal this and his mother wanted to mitigate it as this will destroy the family goodwill. His mother proposed that after growing adult they will arrange the marital relationship between them. But the girl's family denied that proposal and wanted two *bigha* of land from his family as compensation. His family disagreed with this and the negotiation process broke down. Then after fifteen or sixteen days of the incident the father of the girl filed a complaint against him at the police station. After this he was caught by police. He stayed the police station one day. After that he produced before the court and the court sent him to CDC. In police station he was kept with other adult criminal. In this short stay at CDC, he attended regular assembly which is started at 9.30 a.m. He said that there is no other source of enjoyment other than watching TV and playing games. Overcrowding and internal conflict between inmates bother him. However he is satisfied by the facilities given by this CDC. Now he is feeling guilty and waiting for release and promised that he will not repeat such type of crime in future.

It may be noted that Tamim was not at all a practiced criminal. The situation on a particular day created the motivation within him and this led him to commit crime. His guardian's unawareness also has responsibility in this regard. If they keep themselves aware at the danger of age factors and if they did not let them allow staying these young guys alone without adult guardians in the same room, things will be different. Therefore, it seems routine activities theory of Cohen and Felson (1979) works in this case. Proponents of routine activities theory believe that crime is usual, but dependent upon the chances to commit the crime. If the opportunity exists and the reward is great enough, a crime is all but assured. That was happened in Tamim's life.

Again the above finding also supports the general theory of Hirshi, (1990). This juvenile engages himself in delinquency due to his low self-control.

Case Study-8 Absent of Parental Affection and Supervision is Liable for Juvenile Delinquency

Sujan (pseudonym) is an example of a deprived child from his birth to his imprisonment at age 17. He was born in a slum in Dhaka city to an unstable couple. His mother left him along with his younger sister at his tender age. His sister was missed near Khilgaon rail station when she was only three. He however did not know the name of his own mother. He even couldn't recall his mother's face. His father Md. Mofiz Uddin (pseudonym) 40, remarried another woman after his mother left them. His step-mother Saleha Begum (pseudonym) 30 is the mother of another three children of his father. Neither his father nor step-mother could show any affection to him. Even his father did never inquiry about his whereabouts.

I was mixed up with bad friends, but he did less bother about it. He however severely had beaten up me for silly reason. So I used to stay outside my home.

Both of Sujans parents are street vendors. They owned a tea stall on the footpath near Motijheel Ideal School and College in Dhaka. Sujan himself got involved into street vendor. He used to sell news paper to the bus passengers near Bangabazar area of Dhaka city. Here he had a good numbers of friends of same age and same profession. They all together used to smoke cigarette.

We smoked Navy cigarette. We spent our earning to buy cigarette. It reduced our exhaustion.

Sujan is an accused of bomb explosion. A crude bomb was blast during the time of hartal in October 2013. Police suspected and caught them as they were found near the incident. Sujan along with his cohort were took Palton Police station with handcuffed and the police had beaten up them.

Police had kicked up with their Boot. They had beaten up a lot. Remand was approved for four days. In name of remand police poured hot water on his face, beaten up severely. After completion of remand he was placed in the central jail. Spending five months in central jail, he was send to CDC at Tongi. He did not know why he was send to CDC from central jail. In CDC he maintained the rules and regulation of the CDC. He gets up early in the morning, attends all program, follow the directions of the case workers. He receives computer training. He spends his leisure time with playing games, watching TV program.

Most of the time they have to enjoy *city Channel*¹¹⁴ as the house *baro vai* likes this channel. He himself is a room *baro vai*, but he does not impose any unjust measure to anyone.

The sir loves me very much. Sir told me that he will manage a good job for me. So I tried my best to be a good boy. The previous sir was very bad. He did beat up us. Hang with handcuff he used to beat us.

In CDC sujan had spend two years. In this longer period his father did never visit him. The CDC authority several times tried to convince his father to visit CDC with the offer of paying bus fare, he never responds.

When at first time Sujan arrived CDC the senior inmates had beaten up with the stand of cot, stick and *Gitlu*.¹¹⁵ It was impossible to inform anybody. Nobody dare to inform the authority about this torture because of further consequences.

Sujan wants that the children who are spend a longer period in CDC should go back to their parents through govt. intervention. Because in accidently and mistakenly they got involved in criminal activities. CDC is not a proper place to reform. The facilities which are provided are not sufficient. No of trades, computers are not adequate. There should be an arrangement of the training provision on servicing TV and Refrigerator.

The life of Sujan(Case study-8) reflects a touchy story of an abandon boy who has lost his mother, sister and virtually his father also. His world is filled with negligence, deprivation and bad peers. To reduce his anxiety he used to smoke, to fulfill his hunger he sold news paper and to earn queck money he involved in an unlawful act. However, this case mirrors a rare success story of CDC. The long year in CDC did reform Sujan a lot. Even on a lower academic level of schooling Sujan able to receive computer training, trust of the authority and other inmates. The superintendent of the CDC told that he personally will try his level best to manage a suitable job for Sujan.

¹¹⁴ Local Dish Antina line provider runs a channel. This channel generally shows the vulgar movies and the local people called this channel as city Channel.

¹¹⁵ A type of belt. The senior made it by rolling the wet *gamcha* (napkin).

But within a very few days Sujan would have been beyond children age and he has to stay at prison (adult jail). He has expected his father or someone to plead for his release. To describe the case of Sujan the superintendent of CDC said that,

The boy is very good in all side. We tried our best to bring his parents to meet with Sujan; they did not response. Even we offered them to pay back their bus fair, but they remained aloof. Now, we are planning to provide a job for Sujan with the help of Ministry of Social Welfare in Bangladesh.

The case of Sujan represented the condition of an abundant child. His parents did not care or monitor him at all. The non-supportive attitude of his parents rendered Sujan vulnerable to commit crime. As a source of oppression management he took the path of vice. The case of Sujan reflects the notion of Regoli and Hewitt (2000) where they argued that oppression leads to adaptive reactions by children. They also argued that the maltreatment of children also creates an oppressive environment that produces a variety of negative outcome.

6.5 Drug Addiction, Porno Movie and Objectification of Women: Multidimensional causes of Delinquency

Drug addiction is one of the major stimulations to become a delinquent. Many researchers found a correlation between drug use and crime i.e. Dentler, 1967; Makhoha, 2008; Erickson, 2001. This study is not different of that. The causes behind drug consume are curiosity, peer pressure, out of fun, enjoyment of life. Some use drugs due to frustration and poverty. Some are addicted due to family conflict. But Most of KII opioned that, easy access of drugs is the leading cause for the juvenile drug addictions. Drug addictions among juveniles increase the delinquent behavior. Using and possessing illegal drugs are directly related to crime. On the other hand drug addiction directs the deterioration of law and order and morality of the juveniles, which eventually increases various crimes like, hijacking, extortion, stealing and robbery. Shuvo (case-6) one of the respondent said that,

“.....I started to use drugs out of fun with my friends. Gradually i became addicted. I started with cigarette and now an addicted of YABA tablet.

He collected this from a woman who is familiar with him. He needed Tk. 150-200 per day to purchase drugs. At first he collected money from his father in telling lie. Before come to CDC he earned the money, through hijacking or Stealing.”

Juveniles acknowledged that they have involved illicit activities under the influence of YABA tablet and Ganja (traditional drugs). One of the KII who is by profession a policy level government beaucrat asserted that,

Drugs addiction exterminate the moral character, destroy the sense of responsibility and the addicts became ferocious to collect his/her desired objects. H/she then dare to commit any forms of antisocial acts.

When the society and culture of any country, women are portrayed as commodity and an object (Strauss, 1969) for enjoyment, violence against them is eminent. So objectification of women is another cause for the juvenile delinquency. In our society girls are frequently fall victim of acid throwing. Most of the cases acid is thrown on the faces of the girl. It indicates that in our culture the face of a woman is the most lucrative part of her body. Failing to win the heart of girlfriend juvenile does little care to commit crime. Sometimes two boys fell in love with same girl that may be a driving force to commit crime. Juveniles those studying in secondary level school are roaming and gossiping in groups in front of their own school or sometimes nearby girls’ school and tried to eve-teasing. They even engage disputes centering the supremacy on the area. The case of Nayeem (case study-5) has revealed the extent of such crime and moral deviation of juvenile. One of the KII who is by profession a teacher opioned that,

Lack of teaching on ethics and respect to others at family and schools has led to demoralize the teenagers and forced the juveniles to commit various inhumane crimes.

Sometimes juveniles involved crime like murder, for their romantic relationship. School going students are fallen in this category. Eve-teasing is one of the common crimes that are committed centering this.

Criminality among girls in Bangladesh is low. However nature and severity are not negligible. The following case study shows how a minor girl involves crime with the help of a closed one who is none but her husband. This case also revealed the fact that how a woman is used as a means of earning money.

Case Study–9 Way of involve criminal activities of a female child: *At last he has shown interest in met*

Shulee Akhter (pseudonym) is only 14 years old female juvenile accused of abduction/kidnap case from Sirajgong. In this tender age she is married also. She lost her father when she was only 6 years old. After her father's dead, her mother got marriage again. This marriage made her life miserable. She has four step-sisters and a step-brother. She got no chance to enroll school. She had to work hard at her step-father's home. To offer a relief from these hard realities her mother arranged her marriage to a young man in a nearby village. But her husband Humayun (25), is a vagabond, but a greedy man. So, her marital life was not sound and became her life more miserable. He had engaged Shulee in illicit activities to earn money. In the process of earn more money, Shulee has to get familiar with many people and used more mobile phones to contact with them. In responses to the question of how she has involved the crime like, abduction, she said, ".....Rafiq vai (pseudonym) who is not closely connected with me but a friend of my husband gave a mobile number to call. He said if I call that man I will get a huge amount of money. I talked with him at least 2-3 months. When the man showed an interest to make a close relationship to me, then I proposed him to come in a sound place in Sirajgong Town. Then he came and Rafiq vai condoned the man in a nearby empty house, asked his family members over cell phone to pay TK. 12 lakh as ransom, if they want to come back him. But they informed the police and Police tracked my number, and they eventually identified my address. Then they came to our house and arrested me."

In Police station she was stayed with two oldest women. There was a police also. They did misbehave with her. In court, she felt very nervous after seeing advocates in black dress. To her version,

I thought that I will be hanged.

From court, she was send to the central jail. After two days in central jail, she came to CDC, at Konabary. She spend nearly one year in CDC. Her case is under trial. In CDC

sometimes she faces corporal punishment by the superintendent of the CDC for silly mistakes. Now she eagerly waits to meet with her mother. Her mother in law has told everyone that Shulee had gone to her relatives' house. Even her mother may not know about her imprisonment. Her mother always cries for her. Long time she had not seen her mother. Now she could understand her husband character and couldn't tolerate him anymore. After get release she wants to divorce her husband and dream of a future with a job in a garment factory. She had firm believe on CDC authority and consider the CDC authority as a means of getting this job.

The case of Shulee revealed that how criminal association led this young girl child into a path of crime and this case is in the line with the Sutherland's (1939) notion about crime commission.

6.5 Land Dispute: Widespread Rural Phenomenon

As an agricultural country, in Bangladesh, land considered the main asset for most of the villagers. So, in rural areas of this country, land related disputes are very common. Most of the anthropologist, who works in rural areas of Bangladesh, focused on the issues of land dispute. Jansen(1988) has outlined the types of land disputes as, Disputes due to division of inherited land, Disputes over Hindu land property, Disputes over *khas* land, Disputes due to false registration and recording of land, Disputes over *Char* land, Disputes over *Ail* (boarder line between plot). So dispute over land is an old age phenomenon in Bangladesh. Nine juveniles of this study have been staying at CDC for land disputes related cases. Among them six juveniles are accused of murder case, which indicates the nature of severity of this problem. So it is important to study more deep analysis of the incident of land disputes and its relation to juvenile delinquency. The following two tables display the quantitative finding that shows the types of crime in respect of age and the causes of crime in respect of types.

Table- 5 Distribution of the Respondent by the types of Crime and Age

Types of crime	Age						Total	%
	>9	9-10	11-12	13-14	15-16	17-18		
Theft	2(8%)	0	3(12%)	8(32%)	10(40%)	2(8%)	25	14.79
Dacoity/Robbery/Hijack	0	1	1	3	7	2	14	8.28
Drug	0	1	2	7	11	4	25	14.79
Arms	0	1	1	0	1	1	4	2.36
Murder	0	0	1	9	20	11	41	24.26
Bombing/Explosion	0	0	0	3	4	2	9	5.97
Fighting/Assult	0	0	0	1	1	5	7	4.14
Women Repression	0	0	3	6	10	15	34	20.12
Others	1	1	2	1	2	3	10	5.92
Total	3(1.78%)	4(2.37%)	13(7.74%)	36(21.30%)	66(39.05%)	43(25.44%)	169(100%)	100

Sources: Field survey, April, 2015 to May, 2016

The table information clearly revealed that with the increase of age the nature of crime increase and gradually it became violent in nature.

Table-6 Percentage Distribution of the Respondents by the Causes of Involving Different types of Crime

Types of Crime	Causes of committing crime											
	poverty	Peer Pressure	Unemployment	curiosity	Drug Addiction	Trapped	Moviem	Enmity	Land Dispute	Take Revenge	Total	Percentage
Theft	15(60%)	3(12%)	1(4%)	0	3(12%)	2(8%)	0	1(4%)	0	0	25	14.79
Dacoity/Robbery	5(36%)	3(25%)	3(25%)		3(25%)						14	8.28
Drug Related	6(24%)	4(16%)	1(4%)	2(8%)	7(28%)	5(25%)					25	14.79
Arms	1(25%)	1(25%)	1(25%)		1(25%)						4	2.36
Murder		9(21%)			6(15%)	4(10%)		10(24%)	8(19%)	4(10%)	41	24.26
Arson/Bomb	5(56%)	1(11%)				2(22%)		1(11%)			9	5.97
Fighting		1(14%)						3(43%)	3(43%)		7	4.14
Women Repression		9(26%)		6(12%)		7(21%)	4(12%)	5(15%)		2(6%)	34	20.12
Others	4(40%)	2(20%)		2(20%)	1(10%)	1(10%)					10	5.92
Total	33(19.5%)	35(21%)	7(4%)	12(7%)	25(15%)	22(13%)	10(6%)	12(7%)	9(5%)	2(1%)	169	100

Sources: Field survey, April, 2015 to May, 2016

It is manifested from the table that there remain a clear variation between the types and the causes of involving criminal activities by the juvenile. Most of the respondents involved theft, dacoity and explosion due to poverty (60%, 37% and 40% respectively). Peer pressure is responsible for the crime like, Hijacking (30%), arms carrying or business(25%), women repression(20%), Explosion(20%) and murder(24%). Drug addiction is another influential factor that led the juvenile to involve crime. Hijacking, drug business, women repression, murder are the major types of crime which happened due to the juveniles’ drug addiction. Juveniles are immature in their intelligence level; as

a result they easily got trapped by others. The study findings shows that a significant number of juveniles got involve crime because of being trapped by somebody. In Bangladesh fighting over land dispute is a common phenomenon in rural areas. So, land dispute account for 43% case of fighting and 19% for murder. About 10% respondent said that they involve crime like murder to take revenge; it implication is significant. It can be said that combination of different factors is responsible for the different types of offences. Though the existing literature did not focused on types-specific cause; this findings are similar to the overall causes of other findings i.e. Enamul et al.2008; Sajad et al. 2012; Haveripet 2013; Hossain 2002; Hossain, 2004; Imtiaz's 2014.

6.7 Conclusion

In sum, many factors are associated with juvenile delinquency such as socio-cultural, socio-economic, drug usage, low-income urban neighborhood, land dispute, revengeful attitude, peer pressure and lack of parental supervision. The disintegration of families, poverty, and the peer pressure are found the leading causes of juvenile delinquency in this study.

Result of the field study has shown that juveniles of Bangladesh are involved in various types of crime. Among them murder cases was found the major type of litigation faced by the juveniles, followed by women and child repression, which indicates a very dangerous sign for our country's future prosper, peace and development. Besides, some common crimes that juveniles are involved are theft, hijacking, *dacoity*, fighting, explosion, drug trade etc. Murder, the highest types of crime committed by the juveniles took place due to take revenge, family disputes, land disputes and peer pressure. It was also found that juveniles involved women related crime due to take revenge, peer pressure, out of fun, emotion and some cases they put fingers to the vulgar movies and booklet. Loitering of unemployed and non-school going juveniles are mostly responsible for this over helming representation of women repression cases. Theft, *dacoity*, hijacking, explosion are occurred due to hard economic condition, In some it can be noted that poor parenting, unprivileged family condition, strong economic hardship , peer pressure, drug addiction all are responsible for the juvenile delinquency in Bangladesh. Bangladesh society and culture consider the juveniles as *polapan* also an ingredient for the juvenile to involve serious crime. Besides, one of the major lessons of

the socialization process is that money or material gains and power are more essential for survival. Those who have no material resources are eager to gain power and property by any means which eventually lead them involve in anti-social activities. They feel that they have nothing to lose. So they adopt criminal career (Kamal: Life History-3). Many children experienced various forms of violence in their immediate life; domination of women by men and children by adult. In family environment they learn the violent way of conflict and dispute management (Case study-3). When a juvenile commit minor crime most of the people of this society take it lightly. Eventually this creates a serious criminal in future. Besides these, in the urban areas of Bangladesh, children have no place to play, no opportunity to creative activities; they are indulged in stressful and suffocating environment. Every day issues of life, environment pollution, and pressure of school activities-all together contribute to an unrest mentality among the juveniles and eventually leads to criminal activities.

Therefore it is concluded that a 'web of causes' is responsible for juvenile delinquency in Bangladesh.

The prison produces delinquents by imposing violent constraints on its inmates; it is supposed to apply law, and to teach respect for it; but all its functioning operates in the form of an abuse of power (Foucault, 1975: 266)

CHAPTER 7	LEGAL IMPLICATION OF JUVENILE DELINQUENCY
7.1	Introduction
7.2	Legal History to Deal with Juvenile Delinquency
7.3	Legal Process and Practices to Deal with the Juvenile Delinquency
7.3.1	Police Station: First Point of Legal Process
7.3.2	Court: Where Decision Is Made Whether Juvenile Will Send to CDC for Correction or Get Release
7.3.3	CDC: Legal Institutional Mechanism to Correct Behavior
7.4	Conclusions

7.1 Introduction

The juvenile Justice system has been extensively discussed in this chapter. The main legal apparatus i.e. the police, the court and the CDCs have been the central attention of this study. It has traced the historical development of the juvenile justice system; the transition to the present form and how the apparatus works. Considerable attention has been paid on CDCs as this is the place where the juveniles are kept for correction and rehabilitation. It provides extensive information about the rules and roles of the police, the direction of law and the practice of court and finally the correction process, practices and prison culture that are prevailing within CDCs.

7.2 Legal History to Deal with Juvenile Delinquency

The development of the judicial system in Bangladesh is closely followed the heritage of British judicial legacy introduced by British rule in this sub-continent and later modified in different regimes. In a condensed form the main phase of the legal history of juvenile delinquency has been discussed in this section. The legal history of juvenile justice system in Bangladesh has been discussed by dividing it into three periods: British Colonial Period, Pakistan Period and Independent Bangladesh Period are as follows:

British Colonial Period

The British rulers introduced the juvenile justice system in this subcontinent during their regime (1757-1947). The very first law regarding the welfare of children was “*The Apprentice act, 1850*,” though it was not directly concerned with delinquent children. However, this act directed to formulate future juvenile court and institution. The second law in this regard was “*The Indian Penal Code, 1860*,” that exempted children from all criminal responsibility who were under the age of 7 years of old. “*The Bengal Jail Code*” of 1864 had a provision to separate the children from the adult. Based on the report of the Indian Jail Committee of 1889, “*The Prison Act, 1894*” was formulated incorporating the provision of the separation and classification of delinquents according to their age and duration of sentence. In 1897 “*The Reformatory School Act*” was enacted to the treatment of juvenile delinquent in a rehabilitative approach. “*The Code of Criminal Procedure, 1898*” directed the jurisdiction of juvenile court and contained the provision of custody of juvenile delinquent. This law was; however, deal with equally to

adult and juvenile criminals. Though the above mentioned laws were the significant development in the area of juvenile justice system, until the *Report of Indian Jail Committee (1999-1920)*, there was no uniformity in policy persuasions or in execution of acts in dealing with juvenile delinquents in all parts of India (Sarkar,1989). Some of the Provincial Government of India began to formulate legislation in connection with the juvenile delinquents for their correction and rehabilitation after the First World War. *The Indian Jail Committee's Report (1999-1920)* influenced by Geneva Declaration, strongly recommended for framing of special legislation for the care and protection of child(Sarkar,1989). To meet this end, *The Madras Children Act, 1920* was formulated for entire India. After that, *The Bengal Children Act, 1922* and *The Bombay Children Act, 1924* were enacted to facilitate the provisions for juvenile courts, probation services, intuitional treatment, place of detention and other relevant services affable to the treatment of the delinquents along with some preventive services. As a supplementary legislation during British regime, *The Borstal School Act* was passed in 1928 which made an opportunity in the process of instituting separate procedures for the trail and rehabilitative disposition of juvenile delinquents and hence the foundation of this type of institutions were set up for reformation and rehabilitation of the juvenile delinquents (Ferdousi,2010). However during British period, the juvenile justice was still rudimentary and primary form (Nagpaul, 1994).

Pakistan Period

British colonial rule came to an end in 1947 when they divided into independent state named India and Pakistan. During Pakistan period (1947-1971), the major development in juvenile justice was the introduction of the probation offenders' ordinance in 1960. Before that the *Bengal Vagrancy Act, 1943* was adopted by the East Bengal Legislative Assembly with little modifications. In 1951, the Metropolitan Areas of Dhaka-Chittagong and in 1952, the Narayangong-Chandpur towns were brought under the jurisdiction of this act. In 1949, under the *Borstal School Act, 1928*, a Borstal School was set up at Murapara near Dhaka with residential capacity of 200 inmates and with some vocational training facilities. The juvenile offenders after trail were sending to this school for correction. However, the training and staffing pattern of the institute was not much satisfactory (Ahmadullah, 1964). In 1964, *probation offenders' ordinance* was

turned into an act named *probation offender act, 1964* with an amendment by East Pakistan National Assembly. Probation is an arrangement for release of an offender particularly one found guilty for the first time on some conditions under the supervision of a probation officer for attaining necessary correction in him and a suitable rehabilitation for him to the society(Sarker, 1989). In 1971, the Pakistan Government enacted the Rules named the East Pakistan Probation of Offenders Rules, 1971 by the power conferred by section 14 of *The Probation of Offenders Ordinance, 1960*. This Rule was applicable for all offenders irrespective of age and sex as it did not mention which age group will be fall under its jurisdiction. So, little application was seen for the juvenile delinquents in this regard.

Bangladesh Period

Bangladesh emerged with new hope and aspiration of creating a new society through its liberation war in 1971. Within one year of its independence, Bangladesh got the constitution in 1972. Although being one of the best Constitutions in the world, it does not include any direct article regarding juvenile justice (Islam and Sikder,2014). However, this constitution provided a new incentive for formulation of children friendly policies and laws. Few articles indirectly describe the issue of child's rights, safety and protection. These articles indirectly facilitate the process of children wellbeing. Article 27, 28 and 31 of the Constitution lay down basis of juvenile justice system in Bangladesh. Article 27 declares that all citizens are equal before law and are entitled to equal protection of law. Article 28(4) empowered the state to make special provision in favour of women and children. Article 31 specially entitles a citizen to the right to protection by law. There is no doubt that these provisions are known to be the strength of separate juvenile justice administration in Bangladesh. Empowered by the constitution, the subsequent Governments of Bangladesh so far has formulated three acts; *The Children Act, 1974*; *the Children Rules, 1976*; *The Children Act, 2013* to address the juvenile justice in Bangladesh.

The Children Act 1974

The edifice of juvenile justice system in Bangladesh is founded on the Children Act 1974(Rahman, 2004).*The Children Act 1974* was enacted to consolidate and amend the

law relating to the custody, protection and treatment of children and trial and punishment of youthful offenders. The Act has repealed the *Reformatory School Act 1897* and the *Bengal Children Act 1922* together with section 29B and 399 of the *Code of Criminal Procedure*. The act is one of the most important and beneficial one which includes lot of unique, innovative, diversified and tailored provisions to address the hydra-headed necessities of children. Some of the important features of the act are provision of separate trial arrangement for children, withdrawal of persons from court, special consideration during passing order by the court, restriction on disclosure of identity of child, establishment and management of certified institutes and remand homes, appointment of Chief Inspector and POs, measures for care and protection of destitute and neglected children, penal measures for- cruelty to child, employing child for begging, giving intoxicating liquor to child, allowing child to be in brothel, restriction on punishment of child, measures for detention etc. Though this act was made to protect the children from consequences of their misdeeds, this act has failed in its goals for its own loopholes. Along with various shortcomings, the act could not ensure proper safeguard against all types of abuse and deprivation of rights while in an institution. Moreover, this act failed to provide specialized services such as; lawyers, psychiatrist, physician as well as any others facilities.

The Children Rules, 1976

In exercise of the powers conferred by section 77 of the *Children Act 1974*, the government has made the *Children Rules 1976* to facilitate the proper implementation of the act. The rules provided concrete guidelines for the setting up and running of certified institution or approved homes (Ferdousi, 2010). According to the rules, 2(g), being the custodian of the institution, it was the responsibility of the superintendent to maintain separate case file for each inmate containing detailed information relating family background, character, aptitude, education, training and such other matters as may be demand necessary. According to the rules (13), institution also maintains register of admission, discharge, attendance, sickness, punishment and leave of inmates.

The Children Act, 2013

To eliminate some significant loopholes from the *Children Act, 1974*, the Government of Bangladesh has formulated *The Children Act, 2013*, covering a wide range of areas about special judicial mechanism for the welfare and protection of the children. The Act was passed on June 16, 2013 by the National Parliament, was published through a gazette notification on June 20. The new Act was 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. The Children Act, 2013 consists of 11 chapters and 100 sections. The act recognized an individual [aged 18 or below] as a child, providing a universal and internationally recognized definition for a child. For children in conflict with the law, the act reinforces the importance of diversion (alternative procedure and care) in the juvenile justice system. There is provision for separate Juvenile Courts. It also includes the provision for Child Help Desks in the Police stations and a designated skilled child-friendly officer. Different sentences including imprisonment and monetary penalty have been mentioned in the act for abusing and involving children in illegal activities. The act has given preference on family based alternatives for children without parental care and other vulnerable children. Establishment of Child Welfare Board is a key in building the system from the national to the district and community level that has been provided in the act. The act, 2013 empowers the National Child Welfare Board to devise a policy, strategy and implementation plan for reintegration and rehabilitation of children in conflict with the law.

Some Key Features of the Children Act, 2013

- A child is defined in section 4 and includes anyone up to the age of 18 years.
- Section-7 in the Act is devoted to the establishment of Child Welfare Boards at national, district and upazila levels. It has a responsibility to provide guidelines regarding rehabilitation and reintegration into family and social life of disadvantaged children and those children in contact or in conflict with the law and to advise those concerned regarding the development and implementation of plans with a view to realizing welfare and development of children.
- Section 45 of the Act provides that the police officer who arrests a child shall inform the child's parents or, in their absence, foster care or the legal guardian or members

of his extended family, the Probation Officer, and, where necessary, the nearest Board, failing which he is to file an explanatory report in Court on the first day the child is produced there.

- Section 14 of the Act has been introduced in the law, giving the responsibility to the Ministry of Home Affairs for the establishment of a “Child Affairs Desk” headed by a “Child Affairs Police Officer” (henceforth referred to as “CAPO”), not below the rank of Sub-Inspector(SI). It is also provided that if there is a female Sub-Inspector she will be given priority.
- Section 15 of the Act provide, if an adult and a child are alleged to have committed and offence together, there will have to be separate charge sheets, one for the adult and one for the child. Consequently, there will be separate trials, one for the child and one for the adult.
- Section 19(4)-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-31, Within 21 days of production of the child before the Children’s Court the Probation Officer is mandated to submit before the court a social enquiry report shall be submitted to the nearest Board and Department.
- section 31(2), the social enquiry report include a description of the child’s family, social, cultural, financial, psychological, ethnic and educational background and also regarding the condition and locality in which the child lives, as well as the circumstances under which the offence took place. The enquiry report shall be deemed to be confidential.
- Section 36 Apart from the terminologies used in this Act, when passing any order the court may not use the terms “offender”, “convicted” or “sentenced” in relation to children. Instead, the terms “a person found guilty of an offence”, “a finding of guilt”, or “an order made upon such findings”, as the case may be, or such other synonyms as the court deems appropriate may be used.
- Section 81 provides that no report, photograph or information relating to the trial or proceeding under this Act shall be published in any print or electronic media or any medium of internet which is against the interest of the child and which may identify the child directly or indirectly.

The children Act, 2013, adopted a soften and humanistic approach to address the juvenile delinquent though the used the term children come in conflict with the law

instead of juvenile delinquency. Many aspects of the Act are inter-related. So many govt. organizations are involved to the proper implementation of the Act. Therefore, a holistic approach is needed to find out the legal process of the problem juvenile delinquency in Bangladesh.

7.3 Legal Process and Practices to deal with the Juvenile Delinquency

The complete sequence or process of legal handling of juvenile delinquents begins when the police arrest a child and ends with his release from the CDCs either on bail or acutance from the court sentence. So, Juvenile Justice System is not a single but multiple inter-connected justice systems (Ferdousi, 2012). To deal with the juvenile delinquency Bangladesh has resemble a juvenile justice system, where law enforcing agencies, courts and correctional institutions (CDCs) are the major components. In order to find out the correctional process of the delinquent, it is imperative to see how these three components are playing their role in this regard. To facilitate the correctional process these components were supposed to act according to the law enacted by the legislative. The correctional process in respect of a child begins as soon as a child is brought to the Police station by the police or any other members of society. As per the Children Act, 2013 section 14(b), a police officer must inform the probation officer and the child parents or guardians immediately after arrest. According the Act, police officer has the authority to release a child on bail. When juvenile are arrested by police, the police officers make decision on whether the child should be produced before the court or should be released. The police officer is also responsible for providing psychological and medical support (if needed) and to take care of the basic needs of the child, ensuring her/his best interest. A First Information Report (FIR) should be prepared mentioning the age of the child. With the help of the Probation Officer (PO) the police officer takes necessary actions to send the child to safe custody before producing him or her in court. When the children are sent to the court, the court decides whether the child should be sent correctional center or be released under probation or bail bond. If the court ordered to send any juvenile to the correctional center then he has to stay that center until his bail or the termination of his imprisonment.

In the following sections the rules and the legal process of our country to deal with the juvenile delinquent is discussed briefly. In our country there remains a gap between the laws and their proper application is seen significantly and the culture of this country is also accustomed to accept this.

7.3.1 Police Station: First Point of Legal Process

Police is an institution, an organized form of state apparatus exercise disciplinary power in a specific way (Foucault, 1975). In Bangladesh society, a centralized police entrusted to carry out the order of government and to maintain law and order. Juveniles become involved with the legal process through the police or by their parents. Some parents sometimes asked the police or court for help in controlling their delinquent children. But in the vast majority of cases law enforcement personnel are directly involved either by receiving complains/allegations from citizens or by observing any unlawful activities done by juveniles. The Police are a citizen's first link with the criminal justice system. So, in Bangladesh, the police are usually the first spot of contact within formal legal system for the juvenile delinquent. Police officer has a very important and sensitive role to play in the prevention and treatment of juvenile delinquent (Ferdousi, 2012). The legal process begins with arrest. The Police in this country have scandalous power to search and arrest on reason of suspicion. Children Act, 2013 clearly directs how police personnel should arrest a juvenile offender. The action taken by the arresting police officer and any other police officers involved has the potential to change the child's life in a positive direction, but this will depend on the attitudes, beliefs, skill and facilities of the officers handling the case (Islam and Sikder, 2014). The Children act, 2013 encourages the appointment of a female sub-inspector to deal with the children's affairs¹¹⁶. Generally it is assumed that female officer may show the mother like attitude. But very little female police officers are posted in police station as CAPO. The police forces do little care about the child's mental condition and treat the children as adult criminal. Often children are deprived of basic rights during the period of arrest and faced abused and maltreatment by the police officers which are violation of international

¹¹⁶Section, 13(1) of the Children act, 2013

standard (Work shop, 2007). The police forces often do not maintain the legal procedure which is very critical to promote and enforce juvenile rights (Ferdousi, 2012). The respondents of this study articulated that most of the cases of arrest, police apply handcuff, kept them more than 24 hours in Police station before sending them to CDC or court. In their stay at Police station they experienced both physical and mental abuse by the police personnel. Physical tortures begin at the time of arrest. This has been manifested in this study that maltreatment, excessive use of force, demeaning and brutal behavior is common against children who come into conflict with the law. To share his experience at Police station, Salman (Case study-1) said that,

“Ami dui din Thanai (Police station) chilam. Esomoi pulice bar bar ashe amare marar jonni. Tara lathi diye aonek mare ar hat diye charai, pa diye lathi mare. (I have to stay at Police station for 2 days. This time police came again and again to beat up me. They beat me with their hands, legs and stick).

According to the act, whatever the circumstance is, child aged below nine cannot be arrested¹¹⁷. If a child above nine is being arrested, law enforcers cannot apply handcuffs and rope around waist to the child¹¹⁸. But in most of the cases especially for boys, police used handcuff. The following utterances of different respondents are evidence of the violation of the act. A respondent expressed his experiences as,

Sujan (Case-8) says,

Amar sathider sathe amare handcuff diye badhya polton thanai niye gechilo aar bejay marechilo. Pulishtago boot diye lathi marchilo. Tara bejai marchilo. Char diner rimand o dichilo. Rimander name pulish mukhe groom pani dichilo, bejai marichilo. Rimand shas holi amare center jaile dichilo. seihane pach din thayar por amare bachago jailkhanay pathey. (I along with my cohort were took Palton thana with handcuffed and the police had beaten up me. Police had kicked up with their Boot. They had beaten up a lot. Remand was approved for Four days. In name of remand police poured hot water on my face, beaten up severely. After completion of remand I was placed in the central jail. Spending five months in central jail, I was send to CDC at Tongi. I did not know why I

¹¹⁷Section, 44 (1) of the Children act, 2013

¹¹⁸Section, 44 (III) of the Children act, 2013

was sending to CDC).

There remain a gap between the utterance of police officer and the Juveniles. As one of the key informants who is by profession a police officer claimed that,

Children are not handcuffed and tortured by police, they are not kept Police station more than 24 hours.

But according to Munna(life history-5) said,

Amar ekhono dushapno pulisher sei mar; amar arrester duidin dhore je pulishra amare marchilo. Tin theke char jon pulish plakrome atyachar korto (I still have nightmares about the police men who torture me for the first two days of my arrest. Three to four police men took turns to torture me).

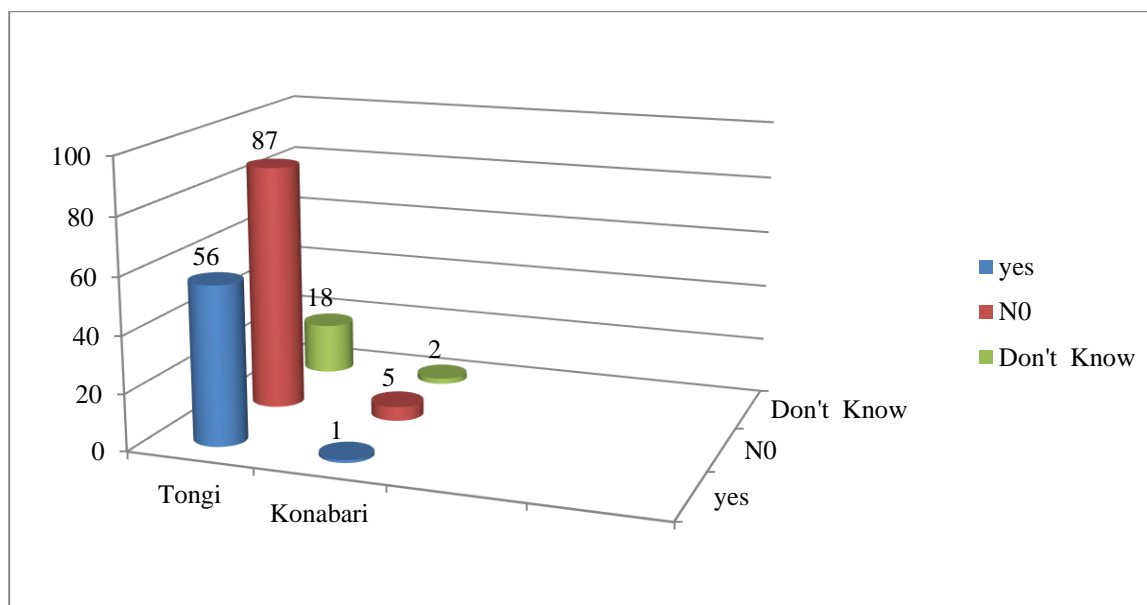
The statement of contradict the claim of police officer. However, supporting the using handcuff the superintendent of CDC claimed that,

Handcuff is needed for the safety of the police men and also for making sure that the juvenile accused cannot escape. If an accused is escaped, the police have to give answer. So, they don't want to take risk.

According to Children Act, 2013, Under the Ministry of Home Affairs, Child Help Desks¹¹⁹ will be formed in Police Stations all over the country. An officer, ranked sub-inspector or above, will look after the desk. The act specifies responsibilities of the designated police officer. But most of the Police Station lacks this provision. Respondents like 54% for male and 62% for female of this study opioned that they did not find any Police Help Desk in their respective arresting Police Station. But the police officer claimed that there remain police help-desks in all Police stations under his jurisdiction.

¹¹⁹ Section, 13(1) of the Children act, 2013

Chart-5 Percentage distribution of the respondents by the opinion of whether the Police station has the police help desk



Shamim (Case no-11) shared his experience at *Paschim* (West) Uttara Police Station¹²⁰. There some people took him to a police officer and introduced him as the one who made the explosive. The police officer asked him that whether he did it, and he denied that. Then the police officer

scolded and abused him in the way,

“*Shuorer bachcha*¹²¹ (son of boar), *Kuttar bachcha*¹²²(Sun of bitch)...!!!! If you didn't do it so, why are you taken here by them?

Then the officer asked the other juniors,

“.....*Dhore ano, mar dao. Tarpore se shikar korbe*(Bring him away and beat him, then he will confess).”

Then those persons took him to the lock up with the handcuff and there they beat him severely. When he started to cry and shout, they scold him and thereat him that they will beat him more hard if he shout. In the Police station he was kept with the other criminals. The authority keeps him without the blanket though it was winter and provides him no food along the whole night. After staying one more night at the police station, he was

¹²⁰ A police station in Dhaka City

¹²¹ The term is used as slang in Bangladesh.

¹²² The term is used as slang in Bangladesh.

sent to the jail. He found no police help desk in the police station.

The police stations have small lock-up facilities where all types of arrestee are kept irrespective of the nature of the crime as well as the age of the detainee. The cells or lock-up are dark in most of the cases. There is hardly any scope to enter sunlight in the lock-up. It was also found from the utterance of Zaman (2004) where they reported that the cells were without even a little bit of skylight. Adult and juvenile are kept together in the police lock-up. There are no separate lock-up for female offenders. As a result the children are mostly bundled together with a large number of arrested accused and they did not have anything to eat or any place to sleep. They have to stand almost entire period of staying at Police station. They have to sleep on nude floors and use their arms as the pillows at Police stations. The sanitation situations of the Police station are indescribable. Adequate sanitation facilities to an acceptable standard are rare in the Police station. They can hardly get water. There is no option to take shower in the Police station. The following case study depicts the scenarios of Police station in a more exciting way.

Case Study -10 Police Station is a Place of Horror for the Juvenile: *They Poured Hot Water in My Nose*

Ajimul Islam (pseudonym) is a boy of 17 years old in class eleven. He lived with his parents at Gazipur. His father, Delowar Hossain (pseudonym) is a businessman. His mother, Hena Parvin (pseudonym) is a housewife. His father's educational level is H.S.C and his mother's educational level is S.S.C. Ajimul has three brothers and a sister. One of them worked in a private company with the educational level H.S.C. and the other one is an undergraduate student. Youngest one is in class nine. His only one sister, Naznin Akter(pseudonym) is 9 years old and she is a student of class three. Ajimul's father and eldest brother are the earning members of their family. Their combined monthly income is almost TK.20, 000.

Ajimul is accused of a murder case. His elder brother also an accused of same case and he is staying at Dhaka Central Jail. A neighbor of them was the victim of this case. However Ajimul said that he was not involved in that murder. Even he doesn't know

who killed that person. But he acknowledged to the police that he was involved in that murder because of the unbelievable torture of police.

He also said that did not do this work. But police have beaten him very perilously and severely. They also tortured his elder brother very severely before him. They also threaten that if he doesn't acknowledge his involvement, they will kill his brother in crossfire. So, he confessed. He confessed before the police that he killed the person by heating him on the head.

Further Ajimul mentioned that at first police arrested him beside their house. After taking TK. 14,000 as bribe from his father the police let him escape from arrest. But after 6 months police again arrested him from his house and took him to the Police station with handcuff. This time police have beaten him and his brother very severely through stick, naked hands and legs. Police poured hot water into their nose for their confession. He stayed the Police station for two days with other arrested people. In this time he was not provided any food.

He had no space to sleep. His family member supplied their food and water. At first he was sent at Gazipir district jail. After staying their one month, he was produced before the court. After court order, he was then sent to CDC. He is in CDC for six months. All of his family members are worried as their two brothers are in jail. Their family has to face many problems because of their arrest.

These cases are the crucial indication of the police performance towards the children and it manifested that police exercise their power over children in an inhuman way that reflects the great violation of child rights in the correctional process of our legal system. These cases also anthropologically reflect that the children who have the misfortune of being arrested by police and have to stay at Police Station were deeply traumatized for life. One of the KIIs expressed his opinion that,

Police personnel lacked the knowledge regarding the provision of the *Children Act, 2013*. They are largely unaware about child-friendly policing system. Even they are not well informed about their code of conduct.

Islam and Sikder (2014) argued that the police usually cannot allocate sufficient time, are not acquired with the relevant laws and rules, and importantly not sensitized to the child rights. This revelation enables to focus how the inmates express their feeling about the police personnel. The negative attitude of the juvenile against police is clearly visible. These attitudes have developed through their experiences with the police. It represents that most of the cases humanitarian standards are not followed let alone international standard in a true sense. The current practice adopted by police forces has been described by one of the KII who is by profession a Judge in a lower court, in the following way,

Most of the police officers do not have clear knowledge about the children Act, 2013 and they lack the knowledge regarding the correct procedures that must be followed while deal with a juvenile offender.

By the way a KII who is by profession a police officer opioned that,

We have to work in a very stressful situation and tough environment. Lack of training, man-power, budget allocation, transport etc is the main impediments of performing our proper duty. Moreover, we have to face a tremendous work load.

Most of the respondents told that they are exploited by the police in every stage. They are severely beaten up by the police. The police slapped, kicked, hit, hit with object, poured hot water on their face to take the confession. They are also abused by verbally in Police station. This findings are also in line with the findings of Rahman (2011).Severity of such experiences is extremely cruel and inhumane.

Rabbi(15) one of the juveniles said that,

‘.....Police grabbed me by the collar of my shirt, slapped and punched me. The officer also threatened to kill me in a cross-fire and lastly implicate me in an arson case.’

Another juvenile Moshiur (14) an accused of murder case did know nothing about his rights as a child. The police did not inform his parents about his detention; they even failed to notify the probation officer. He was interrogated without parents or counsel being present. The ferocious interrogation by police made him admission of being involved in the said crime.

Every juvenile has to pass a small period of time in police station. For Foucault (1975), although the police as an institution were certainly organized in the form of a state apparatus, and although this was certainly linked directly to the center of political sovereignty, the type of power it exercise, the mechanism it operates and the elements to which it applies them are specific. Though the legal provisions of Bangladesh donot permit to keep a child in police station more than 24 hours; most of the juveniles were kept in police station beyond this permissible period. In the short stay at police station, juveniles are experienced a hard reality of life. They experienced hit, beat, slapped, kick, verbal abuse; that means all kind of torture in police station. They even do not treat them as a human being. When Kamal (Life History-3) was asked about his experience at police station, he expressed how police behave with him in the way,

“.....*Chorer sathe jemon acharon kore* (A thief deserve that behavior)”.

The police station became a horror place to the juvenile and it is the most vulnerable place for the juveniles. The police frequently manipulate the justice (Foucault, 1975), that should be addressed more urgently and carefully.

The above discussion demonstrated that the manner in which the juveniles delinquents' are handled by our police personnel are far from our legal process. From the findings of this study it is clear that police personnel know the Rules, Acts, and Direction of the court partially or vaguely. Lack of proper training, information about the up-to-date changes of laws and court decisions and most importantly lack of motivation were generally the common reasons for not maintain the due procedure in the Police station and by the law enforces agency.

7.3.2 Court: Where Decision is madewhether Juvenile Will Send to CDC for Correction or Get Release

In Bangladesh the judicial process of the juvenile delinquents is done according its law enacted by the central Government. So Court is a legal entity to conduct the judicial procedure of juvenile offenders. At present the children court is functioned according to The Children Act, 2013.

The act mandates the government to establish at least one Children Court in each district and metropolitan area to deal with the children conflict with the law¹²³. The Children Court is completely separate from the courts for adults, though the trial may be held in the same building or even same room, but not at the same time or together with any adult. Prior to initiating proceedings before the children court, the court needs to confirm the age of the child in conflict with the law. The Act provides an opportunity to receive legal aid and assistance¹²⁴. If the child do not have legal representation, the court proceeding cannot be happened. If any guardian of the juvenile delinquent does not appoint a legal representative for him, the children's court has the power to appoint a lawyer from the District Legal Aid Committee or of the Supreme Court to conduct the case. The court must maintain the highest level of confidentiality and child-friendly processes ensuring the best interest of children¹²⁵.

The section 22(5) of the Act further mandates the court to take action against police officers and probation Officers, if they are found to be negligent in the conduct of their duties¹²⁶. So the children court is a key component of juvenile justice system and meant exclusively for children (Ferdousi, 2012 pp.182). The Child Act, 2013, ensured that 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 uniform¹²⁷. The presence of concern probation officer is mandatory during trial in a children Court. In trial stage the probation officers are required to perform some duties, such as; attend the court during trial and, if required, provide company to the child as long as possible, prepare the Social Inquiry Report(SIR) based on empirical investigation and consideration of surrounding circumstances, and submit the report to the court¹²⁸. The court's perception of the overall family environment and stability, as well as its assessment of the individual juvenile's attitude and conduct, will be important. Based on the report and evaluate the juvenile's entire life situation the child court may issue an order to send the child conflict with law either on probation under the supervision of a probation officer for not more than three years or

¹²³The Children Act, 2013. Sec. 16(1)

¹²⁴The Children Act, 2013.Sec. 55(1)

¹²⁵The Children Act, 2013. Sec. 25(1)

¹²⁶The Children Act, 2013. Sec. 22(5)

¹²⁷ The Children Act, 2013, Sec. 19(4)

¹²⁸ The Children Act, 2013Sec.31 (1)

to the CDC if found guilty¹²⁹. When the Court passed an order regarding the child finding guilty of an offence, considers the child's age and sex; physical and mental condition; educational qualification; social, cultural and ethnic background; living conditions, his opinions; and similar other factors that are required to be taken into consideration for the correction of the child¹³⁰. According to the Act where the children's court finds that a child is guilty of an offence punishable with death or imprisonment for life, it may order the child to be detained in a CDC for a period not less than three and not more than ten years¹³¹. On the other hand, if the court finds the child guilty of an offence not punishable with death or imprisonment for life it may order the child to be detained in a CDC for up to three years.¹³² Where a child whose behavior, character and personality has changed positively and who has not been charged with an offence of murder, rape, robbery, dacoit, drug-dealing or any other heinous or serious offences, steps may be taken for her/his release as soon as s/he reaches the age of eighteen and with that view, a recommendation may be sent to the government three months before s/he reaches eighteen¹³³. It retains the provision that, where the child is charged with an offence of murder, rape, dacoity, robbery or drug-dealing or any other serious offences then on her/his attaining the age of eighteen, if the case is still under trail or a child is already eighteen, s/he may be transferred by the CDC to Central or District Jail subject to approval of the Children's Court¹³⁴.

The trail is supposed to be held with a family like environment without the regular courtroom setting. The sittings for the trails of children will take place in an ordinary room, without witness boxes and without podiums surrounded by red cloth¹³⁵. The language used to address the detainee is to be such that the child in no way feels that he or she is a criminal¹³⁶. The child should get a chance to sit with his/her guardians or probation officer in the court¹³⁷. There should be no persons present other than limited

¹²⁹ The Children Act, 2013Sec.30 (i)

¹³⁰ The Children Act, 2013Sec. 30(a-j)

¹³¹ The Children Act, 2013Sec. (33)

¹³² The Children Act, 2013Sec. (34)

¹³³ The Children Act, 2013Sec. 34 (2)

¹³⁴The Children Act, 2013Sec. 34 (3)

¹³⁵The Children Act, 2013Sec. 19 (1)

¹³⁶The Children Act, 2013Sec. 36. (1`)

¹³⁷The Children Act, 2013Sec. 19 (2)

ones when the court proceeding will be going on¹³⁸. But actually it was not followed by the concern people, said one of the key informant who is by profession a NGOs activist. All the respondent opioned that the police, lawyer and the judge wore official uniform, use abusive language and can not sat with their parents. There were huge unknown people were present in the court proceedings. The judge looked in a hurry mood to hear their cases. However their lawyer spoke in favour of them.

The following case study and table-anthropologically reflects how the trial process was going on in the court premises of Bangladesh.

Case Study-11 Court Do Little Care about the Provision of Children Act, 2013, Shamim (pseudonym): *I Thought I Should be Hanged*

Shamim (pseudonym), is a 15 years old Muslim boy from Chandpur. He has been to school till class one and the youngest and only son of his parents. He worked as a daily wage laborious and earned TK.100-150 per day and is paid with a very low income. His father is about 43 years old illiterate chief of household and worked as a security guard in a private company with monthly salary of TK.4000. His mother aged 37 years old is an illiterate housewife and has no financial contribution in the family. Moreover she is a patient of kidney disorder. Due to financial insolvency the family cannot bear her cost of treatment. Eventually the issue of her treatment remains untouched. However Shamim has an elder sister, who has been married in a nearby village in a few months ago. They migrated from Chandpur to Gagipur a few years ago. He along with his other family members resided in the ground floor of a 3 storied building that costs TK.3500 per month. It is consists of only one bedroom, a bathroom and has a kitchen that is not attached to the flat which is shared with other tenant.

He informs that he has been in the CDC on charge of blasting three crude bombs during a *hartal* on October 2013. He told that to ensure his mother treatment he was eager to earn some extra money. In this regard he seeks a chance to enhance his income and he found an opportunity to earn quick money. There was a political unrest in Bangladesh at that time. Some political activists who were unknown to him, had proposed to throw a bag in a running bus in exchange of TK.1000. After doing that, when he was going to his work place, police had arrested him from the *Air Port Area* of Dhaka city.

¹³⁸The Children Act, 2013Sec. 23

Then he was taken to the *Uttara Purnima* police station. There some people took him to a police officer and introduced him as the one of the accused of bomb explosion. The police personnel did beat him severely and did not inform his parents about his detention. After staying two days in police custody he was placed before the court, from where he was sent adult jail then to the CDC. The CDC authority informed his father about his incarceration. As his father's economic condition was not permissible to appoint a counsel to defend him. After a month, his maternal uncle somehow managed some amount of money and engaged a defense counsel in favour of Shamim. When Shamim was taken at first hearing, his parents were not present; even the police who detained him was not present. He didn't take sworn before the court. However,

He stood in a box like place and where the Judge sat were cover with red cloth on a big chair. There the attitude of the judge seemed very unpleasant to him. The prosecutor was a female lawyer. She informed the court that Shamim was caught with explosive materials. The lawyers of both sides wore black coat and the judge also wore black gown. There was no probation officer in the court. He was not allowed to sit besides his guardians. He sat beside a police. In the court room many people were present. But Shamim did not know them. Moreover, Shamim said,

Courter poribesh dekhe amar mone hoyechilo amar fashi hobe (The environment of the court made me the feelings that I shall be hanged/executed for my offence).

From the court, he was taken to the adult jail where he remained for 8 days. Then he along with 5 other children of similar age was brought to this CDC. In CDC he has to stay with others boys with different ages. He has to do some works which demand physical labor, like pick up rice from ground floor to 4th floor for the inmates, clean bathrooms and floor of the rooms.

Children court is the major government institution to ensure the right of juveniles as well as to conduct the trial of the juveniles' offences. Juveniles are not aware enough about the court environment. They have little knowledge about the court proceedings; however their feeling regarding court environment was mixed. Some thought the court environment was good and some feels that the court is a place of ordering death sentence by the judge. The black court wear by lawyer, black gown wear by judge and the professional dress of police personnel make the court environment more formal and

create a sense of fear for the juveniles. Some juveniles cannot appoint efficient lawyer, those who has no efficient lawyer, judge pay little attention towards them (case study-11; Shamim, case study-8; Sujan, case study-4; Rahat).

The above information and case study clearly displays the picture of judicial process that has been practiced in our legal system. When juveniles cannot manage enough money for the lawyer/counselor their cases remain untold before the court. For the cases of poor juveniles, sometimes NGOs represent them. Judges pay little attention towards the juvenile who do not have prominent lawyer or appearance seems to be impoverished. They have stay in the dock, police, lawyer, judge wear official uniform and adult terms are used in the disposition of children cases. The juvenile court has not function at the prescribed way. Children have not tried in Family like informal settings; confidentiality has not maintained; schedule has been maintained poorly. Judges very few times can put attention to the juvenile cases. In the cases of juvenile offenders it was supposed that judges make decisions based on the report submitted by probation officers. But when this study was going on the provision of the probation officer remain unknown to the juvenile offenders. Even in the court, this study did not find any probation officer in any case. NGO representative acts in favor of probation officer. This same opinioned was also confirmed by a key informant of this study who works for Manusher Janno Foundation,(MNF) a renowned NGO in Bangladesh, in the field of child Rights. In her version

Police officers are responsible persons to contact Probation Officers. But they do little care of it. There is lack of coordination among police, probation officer and other concern entities. Most children are denied this because of the number of probation Officer is inadequate and at the same time most of the children are not aware of this right.

As most of the either parents of this study are illiterate or little bit literate, they are unaware about the legal process as well as child rights. Consequently the due legal process is not practiced in this society. The findings of Rahman (2011) revealed the similar picture in her study.

7.3.3 CDC: Legal Institutional Mechanism to Correct Delinquent Behavior

To combat child criminality and correct their character, correctional institute is one of the central apparatus of juvenile justice system. Though it is the third stage of our correctional process, practically, correctional institute is the main entity to correct the anti-social behavior of the child. As the objective of this study is to reveal the correctional process of the juvenile offender's emphasis has been put more on CDCs (Formally it was called Kishor Unnayan Kendro (KUK) activities and practices because a child has to stay a significant period in CDC. As per legal frame work, a child has to stay a considerable period in CDCs. The history of correctional service in Bangladesh is of very recent origin (Sarkar, 1989). Under the provision of the Bangladesh Children Act, 1974, and Children rules, 1976, National Institute for Correctional Services in other words CDCs were established in 1978 at Tongi for 200 males, another one in 2002 at Konabari for 150 females in Gazipur district and third one was established in Jessore district in 1995. In this regard Govt. established three CDCs so far.

The CDCs are administered by the Department of Social Welfare under the ministry of social welfare. A superintendent of the CDC holds the key task. The CDCs are responsible to protect the best interest of every child staying there and to ensure their proper behavior and appropriate education, including vocational training. The aim of the CDCs also ensures the child's safety, care and development. The CDCs are responsible to guarantee physical security, child friendly environment and healthy living condition to the children. This special arrangement of detention should provide opportunities for close observation and study of the children's individuality taking into account. On the basis of observation and study, a social inquiry report (pre-sentence report) should prepare and produced at the trial Court. It is supposed that, this report helps the Court to pass an order about the children concerned. This report also helps the Correctional Officers to develop treatment plan for the children in contact with law. Ultimately, this diagnosis helps the children in their correction and reintegration in the society. The objective of the Juvenile Centre is to create a congenial atmosphere in the family and also in the society by giving due attention to all dimensions of protection, survival and

development of the children who are in contact with law. The Government has given due attention to consider the special needs of the juvenile offenders in terms of ethical and human rights. CDCs extend its every effort to eliminate the adverse effects which make children delinquent through recognized methods of correction. The core objectives of the CDC are:

To receive the juveniles in the CDC for correction, not for the punishment; to carry out the judgment imposed by the courts with utmost humanity; to retain the rights and privileges like other members of the society; to assist the rehabilitation and integration of the juvenile offenders into the community as law abiding and productive citizen of the country and to give importance to the family and society in the correctional process.

As a complete and austere Institution, (Foucault, 1975), CDCs provide probation service, primary schooling, vocational training, sports and some sorts of extracurricular activities. When a child came to the CDC at first his registration is done. After that a personal file is open for him either by a social case worker or by a psychiatric or by the probation officer who is posted in CDC. Then he is placed in dormitory (best known as house by the concern people) where they have to live with other juveniles. According to law, Children staying in institutes shall be categorized into different classes and kept separate according to the seriousness of their offence and their ages¹³⁹. Children above nine shall not be kept with children aged ten, and children above ten shall not be kept with children above twelve in the same room and on the same floor. Further, in the case of children aged twelve and above, care must be taken in relation to their accommodation. As far as possible they should be accommodated in separate rooms keeping in mind the gravity of their offence and physical growth and strengths. The objective of this separation is to protect them from the bad influence, abuse and harassment by senior or serious offenders. But due to overcrowding it was not possible for the authority to keep the juveniles separately. One of the KII who is a concern staff of CDC expressed that,

When the CDC became overcrowded, juveniles are keep in a smaller room, serious and non-serious offenders are kept together, and different age group are housed amalgamated then the correctional service fall a hazardous situation.

¹³⁹The Children Act, 2013, Sec. 63 (2)

Actually there is no provision in CDCs for keeping the children separated in accordance with their age and severity of crime. Ali (2010:229) argued that the need to keep older children separate from younger children is patent considering their physique. It is a common phenomenon that younger children may be exposed to psychological abuse and bullying by older peers and more importantly, they may be sexually abused, which would leave them distraught and scared for life. According to Kamal (Life History-3),

The senior brothers engaged themselves with some bad practices in CDC. I have come to know that they compelled the junior into sodomy and body message forcefully. The juniors are sexually abused by the senior in bathroom.

When this CDC was established its capacity was 200 and the office staff was sanctioned as per that number. Though the number of seats increases, its other facilities remain the same as it was. Additionally, when the age limit has risen from 16 years to 18 years the number of inmates became too high and the living conditions were made worse by this excessive number of youth being detained at the facility. At present the CDC at Tongi has exceeded its limit of 400 by 300 juveniles. It is noteworthy to mention that this study includes only those juveniles who have specific allegations against them and stayed in CDCs for more than three months and their number was 188. The arrestees who are detained under mere suspicion i.e. section-54, under special power act, guardian's case and stayed below three months were not included. It was found during the field activities that on an average 12/13 inmates (In Bangladesh literature, juveniles who are stayed in CDCs are called inmates) have to stay in a single room. This overcrowding hinders the correctional process and eventually leads to violence among the inmates, which makes the situation more complicated for the staff of CDC. In Konabari, though the number of accused female delinquents were very small, the victims and other females are put in the CDC. The total number of females living in CDC is 140 against its approved seats of 150. This indicates that the number of female inmates is comparatively low. The superintendent of CDC Tongi opined that, child's placement and adjustment according to his age and nature of crime are not properly maintained due to accommodation and manpower crisis.

The correctional activities are seriously impeded by the shortage of manpower, overcrowding, lack of infrastructure facilities and so on. But two; manpower and infrastructure are the main problems that to be addressed more urgently.

At present the Tongi CDC is run by 37 office staff against its approved staff of 57 and the Konabari CDC is run by 25 office staff against its approval post of 45. So there remains a severe shortage of manpower. Moreover these approved posts were sectioned against the previous seats. The following table illustrates the setting of the two CDCs under study at a glance:

Table-7 CDCs under Study at a Glance

Particulars	Tongi	Konabary
Year of establishment	1978	2002
Area in Acre	3.71	1.5
No. of approved seat	200(Now 300)	150
No. of approved Staff	57	45
No. of present Staff	37	25
No. of Vacant Post	20	20

Sources: CDCs Authorities, 2015

The above table depicts that the CDCs are sufferings from shortage of manpower severely. At present the country’s correctional program is running as per Children Act, 2013. As per Children Act, 2013 section 59(1) Govt. is mandated to establish and maintain necessary number of CDCs based on gender disaggregation for the accommodation, reformation and development of children who are ordered to be detained and those who are undergoing trial. The activities of CDCs are done through three units, i.e. Child Court, Remand Home and Development Activities but activities of child court are not functioning now.

The CDCs have to provide medical facilities, diet, clothing, education and training. These all are important factors that ensure the well-being of the juveniles resided in the CDCs. The monthly allocated budget for each inmate is TK.2600 only in this regard. Tk. 200 is for diet, milk and fuel. With this small budget it is hardly possible to arrange balance diet for a teenager and other necessary paraphernalia. Moreover supplier also does business with this allocation. This study found that juveniles are threatened by malnutrition and ill health which is caused by non-balanced diet. Day after day the juveniles have to intake same food items. They are infected by various kinds of health hazards, such as skin disease, head-aches, gastric ailments and weakness butskin disease is a common problem among the inmates. Due to unhygienic and mixing up all-together is a major cause for this. So, the health care facility for the juveniles is not particularly good, as there remains no health care centre in CDC, or round the clock health care faculties. Paramedics take the responsibility of the juveniles' treatment. However, if any inmates fall serious health risk then the authority sends him or her nearby government hospital. Sometimes it became difficult for the CDC authority to send ill inmates to better place due to fund crisis, lack of police support and vehicles. The Superintendent of Konabari CDC informed that how she could manage a serious patient:

A female inmate was felt sick with severe abdomen ache. As the security ground she needs police protection for the inmate to move from CDC to hospital. Accordingly, she informs the local police authority to provide police support. But police couldn't provide immediate support as they were occupied with another duty. So the condition of the inmates deteriorated. Finally, she arranged her treatment with critical condition.

The following table illustrates the monthly allocation of each inmate in CDC. This quantitative figure has supplemented the qualitative analysis a lot to understand the quality of services by the government.

Table- 8 Monthly Allocations for Each Inmate

SL.	Item	Amount of Money
1	Education	200
2	Training	120
3	Dress	120
4	Treatment	60
5	Oil, Soap, Finayl	100
6	Food, Milk, Fuel	200
7	Total	2600

Sources: Displayed at Board of CDCs, 2015

Most of the respondents alleged that the physical infrastructure and facilities of CDCs like, accommodation, treatment, entertainment, and training are not up to the mark. There has a provision of primary level education. But no one can sit the Primary Education Completion (PEC) examination. Even there is no provision of promotion system to which a child can promoted to higher class. The existing education facility in CDC is just time pass. Moreover as per the children act, 2013, the child has to stay at CDC up to the age of 18 years if necessary; education facility should be up to the secondary level. It was supported by others study also. There is a budget allocation for dress for each inmates TK.120 per month; though dress is not needed every month. If it convert into yearly it becomes TK. $(120*12) = 1440$, which looks good for the context of Bangladesh society. But the fact is that most of the juveniles are provided with old dresses which are left behind from the released juveniles. The juvenile who left the CDC either on bail or acquit him has to leave his dress provided by the CDC to the house *boro vai*. Naturally the CDC provide blue full trouser and white shirt for boys and boutique print *three piece* (one kind of female dress in Bangladesh) for girls. The study found that when the assembly was going on all the boys were official dress (blue trouser, white shirt with logo); but most of them were seems to be old, tore, faded, without button and not fitted with them. In the cases of female CDC it was found that most of the girls wore boutique print dress looks new and fitted with them. Inmates are allowed to get dress from their home. But if anyone brought dress from home, the so called *baro vai* began to use it without the permission of the real owner. The owner dares to say anything

regarding it let alone to bring back. Although there is a budget allocation for oil and soap for TK.100 per inmates; it was found that all the parents who visit their children on visit day brought dettol soap and parasute coconut oil for their children. It was further known from the inmates that the *bore vai* forced them to bring them to oil for their illicit use and the inmates bring dettol soap for their own use to get relief from scabies.

House parents, social case workers and school teachers are engage to deal with the delinquent children. It is supposed that the Child's psychology, socio-economic background, his abilities and aptitudes should be recorded by the Probation Officer (PO), Social Case Worker and any other Officer assigned for diagnosis of the juvenile delinquents. In the findings of this study it was noticed that separate file is maintained for every inmate where some basic and personal information are recorded. Here penitentiary technique (Foucault, 1975) is applied in some context. In *Panitentiary panopticon*, permanent documentation and individualize of the inmate is made. Their major activities are monitored by the CDCs authorities. Though the CDCs legal authorities don't monitor all the day to day activities within the CDCs due to lack of supporting staff, the juveniles are always under the supervision of the *baro vai*, the parallel authority in the CDC. Here the theme of surveillance (Foucault, 1975) is operated in CDC. The CDCs authority also maintained a daily routine which should be followed by every child. This routine included, time of taking meals, assembly, schooling, vocational training, sports etc. However inadequate manpower and logistic support lead to a hindrance to protect the best interest of the child in such centers. Most of the cases the probation officers don't submit the report to assess the improvement of children regularly and the inmates are not produced on the scheduled day before the court (Khan and Rahman, 2008). There are limited provisions for entertainment and education at the centers, but to bring about a psychological change in the minds of the juveniles, there need a psychiatrist to take care. The children who are found guilty lead their lives in CDC without family care and affection. All the activities in CDCs are carried out on a time schedule under the supervision of the CDCs authorities. All they arise at the same time, a time to eat, to take bath and so on. The following routine is made for the inmates of CDCs.

Table-9 Daily Routine of CDCs

Time	Nature of Activities
6.00AM -7.00 AM	Personal Cleanliness, Namaz, Room Clean, Folding bed
7.00 AM-8.00 AM	Physical Exercise
8.00 AM-9.00 AM	Shower, Breakfast, Ready for Assembly
9.00 AM-9.30 AM	Assembly, go to school and Trade
9.30 AM-12.45 PM	General Education, Vocational Training, Farming and Gardening
12.45PM-2.00 PM	Zuhor Namaz, Taking Lunch
2.00PM-4.30 PM	General Education, Vocational Training, Farming, Gardening and Sports
4.30 PM-5.00 PM	Asar Namaz
5.00PM-5.30 PM	Stay at House and Indoor Games
5.30PM-6.00 PM	Magrib Namaz/ prayer
6.00PM-10.00PM	Study, Home work, Isha Namaz, Watch TV

Sources: Provide by CDCs, Authority, 2015

Beside this routine 2nd and 4th Thursday of every month a cultural program have chalked out and 1st and 3rd Thursday is for group discussion and homework for the inmates. National Days are celebrated with due respect and a wallpaper is set. When this field work was going on I was able to participate the day of National Mourning. An essay competition was held and prize giving ceremony was arranged at the time of assembly. However, the Superintendent of CDC opioned that it become difficult for him to arrange this type of program regularly due to squat budget allocation, work load of staff and inadequate manpower.

The CDCs authorities prepared a diet menu and tried to follow that. Actually according to the purchase rules of the govt. of Bangladesh, the authorities themselves can't buy food items. It was the contractors who are entitled to supply food. Tenders are called and the lowest bidder is got the work permit. Manipulation is practiced in this regard. Due to political influence as practiced in Bangladesh, one influential bidder actually drop the

tender and he himself made necessary documents in this regard. Naturally at last three tender papers are mandatory to complete a tender process. The sanctioned bidders drop another two tender papers by two separate names, which shows higher price than he. This dissertation showed the weekly diet menu in the CDCs as displayed by CDCs authorities. Menu and time of taking food are almost fixed. Day after day they have to intake same types of food. Their diet menu is dominated by vegetables and *daal*, which is most unfavorable to the children. Fruits, milk and meat are the least items to supply.

So, sometimes the juvenile get angry with this food. However, in spite of legal barrier, the CDC authority allowed the guardian to bring some food item for their children on the visiting period. As a result children can get a chance to take especial food made by their mother or any other family members. These make them very much happy for an incredibly small time.

The following Two tables show the diet manu of the CDCs that revealed the monotonus and lack of balance diet for the inmates of the CDCs:

Table-10 Weekly Diet Manu for the juveniles in CDC, Tongi

Name of Day	Break Fast	Lunch	Afternoon Snacks	Dinner
Friday	Rice, Daal	Rice, vegetables, chicken, <i>Daal</i> (Lenthil)	Singara	Rice, vegetable, <i>Daal</i>
Saturday	Rice, Potato smash	Rice, vegetable, pangas/ruhi/tilapia fish, <i>Daal</i>	<i>Muri</i> (Fried rice), chanachur	Rice, vegetable, <i>Daal</i>
Sunday	Rice, daal	Rice, vegetable, chicken, <i>Daal</i>	Banana	Rice, vegetable, daal
Monday	Rice, potato smash	Rice, vegetable, egg, <i>Daal</i>	Milk, sugar	Rice, vegetable, <i>Daal</i>
Tuesday	Hotpotch	Rice, vegetable, pangas/ruhi/tilapia fish, <i>Daal</i>	Bun	Rice, vegetable, <i>Daal</i>

Wednesday	Rice, potato smash	Rice, vegetable, beef, <i>Daal</i>	<i>Muri</i> , chanachur	Rice, vegetable, <i>Daal</i>
Thursday	Rice, daal	Rice, vegetable, egg, <i>Daal</i>	Bun	Rice, vegetable, milk

Sources: Provided by CDC Authority, 2015

Table-11 Weekly Diet Manu for the female Juveniles in Konabari, Gagipur

Name of Day	Break Fast	Lunch	Afternoon snacks	Dinner
Friday	Rice, fried vegetable, <i>Daal</i>	Rice, vegetables, chicken, <i>Daal</i>	Banana& Bun	Rice, vegetable, <i>Daal</i>
Saturday	Rice, fried vegetable, <i>Daal</i>	Rice, vegetable, pangas/ruhi/tilapia fish, <i>Daal</i>	<i>Muri</i> , <i>Chola</i>	Rice, vegetable, <i>Daal</i>
Sunday	Rice, <i>vorta</i> , <i>Daal</i>	Rice, vegetable, chicken, <i>Daal</i>	<i>Muri</i> , chanachur	Rice, vegetable, <i>Daal</i> /Milk
Monday	Rice, <i>Vaji</i> (fried vegetable,) <i>Daal</i>	Rice, vegetable, egg, <i>Daal</i>	Noodles	Rice, vegetable, <i>Daal</i>
Tuesday	Rice, fried vegetable, <i>Daal</i>	Rice, vegetable, pangas/ruhi/tilapia fish, <i>Daal</i>	Cake,	Rice, vegetable, <i>Daal</i>
Wednesday	Rice, fried vegetable, <i>Daal</i>	Rice, vegetable, beef, <i>Daal</i>	Milk Semay	Rice, vegetable, <i>Daal</i>
Thursday	Rice, fried vegetable, <i>Daal</i>	Rice, vegetable, egg, <i>Daal</i>	Fruits*/singara/Piaju	Rice, vegetable, Half egg fry, <i>Daal</i>

* Fruits are supplied once in a month

Sources: Provided by CDC Authority, 2015

The following three case studies have been presented to describe the nature of the correctional process and practice that have been adopted in the CDC of Tongi and Konabari.

Case Study- 12 Attending Assembly Every Morning and the Common Counseling Session after the Assembly Might have a Positive Result

Sadman, (pseudonym) a 17 years old boy, has been in CDC for the last 6 months. Before coming here, he was a student and was studying in class XI. He along with his parents was living in Mirpur. Apart from his parents he has a sister of 10 years old in his family as well. His mother Ayesha Akter (pseudonym) is a housewife and father Abdul Latif(pseudonym) is a business man. He exposes that the monthly income of his family is around TK.600000 whereas the expenditure could be around TK.500000 per month. His family lives in a flat of the 9th floor of a 9 storied apartment building. They are the owner of this flat.

He depicts that his parents always showed exceptionally affectionate behavior towards him. They hardly scold him. In fact, he always enjoys extra bit of favour from his parents due to being only one son of them. They hardly say him “no” if he demand anything.

Out of his home, he used to pass very good time. He had some good friends in the school and in the coaching as well. But the nature of the student of the coaching centre was not of very good types though the direction from his family members was to roam with the good students. However, though his family members have never been involved in any kind of criminal activities, his friend used to get engaged in some deviant behaviors like smoking, teasing girls etc.

He has been in the CDC for murder case. He describes the whole process in the way that, he was called by one of his friends Tanvir (pseudonym) to come to a flat of Mirpur Avenue No. 5. He went to the 5th floor of the flat which was a 5 storied building. After reaching there, he found his friend with a dead body. Tanvir asked him to help but he refused to do so and then he returned from there. Later, in the next morning he came to know from the newspaper that his friend Tanvir murdered that man. However, after 3-4 days, he was arrested from his coaching centre. He asserts that he was detected by tracking the call list of his mobile. The police men were in civil dress, and however, they took him to the Police station and he was in handcuffed. At the Police station, the Officer in Charge (OC) did very rough behavior with him. In his statement,

“.....There the police officers did very misbehavior with me specially the OC. There I was forced to give a statement and in the face of gun point, I have to put a signature on a paper where it was written that I murdered that man.”

He added more,

“After staying at the Police station for 3 days I was sent to the Magistrate Court where I met my parents. Magistrate court approves 3 days remand and in the remand I get to be the victim of extreme level of oppression especially beating.”

However, after remaining in the central jail for 4 months he was brought CDC when his parents showed his birth certificate before the court to prove that he is still a child. In the CDC he stayed in 4th floor with other juveniles, numbering 12, who are accused of different cases. He maintains a friendly relationship with all the other children. He received some honor from other juveniles because of his friendly attitude and educational back ground. As he came from a well off family back ground, the so called *Baro Vai* also respects him. As he has already crossed SSC level education, there is no scope for him to receive education in CDC. However he attended Computer training to pass his time. If he finds any problem in the CDC, he directly talks to the supervisor. He thinks that the suggestion and the counseling by the teachers have been very effective to this correctional process. Besides, he finds the opportunity of technical training as much effective as well. Besides, the entertainment system like opportunities to watch TV, provision of playing games of this institution seems also good to him. Attending assembly every morning and the common counseling session after the assembly might have a positive result. He reveals that the common disease found here are scabies and Jaunties. There is doctor (Paramedics) to give them the medicine. If needed, there is the facility to take them to the hospital as well.

He said,

“.....ami aage jantam na je, jelkhanai TV dekha jay, kheladhula kora jay. Porashunao kora jay. Abar training o neoya jay. Tay amar kache sob kichuy sundor lage. Tobe khabar tasteless. Torkari rakha patrota sashthosommoto na. ota theke khabar khete amar valo lagena”.(I do not have the idea that in CDC there is a provision to watch TV, play games, study, and training. So everything looks nice to me. But food is tasteless. The curry carrying bowl looks unhygienic and I feel discomfort to eat from that).

Over all, he thinks that the facilities are not satisfactory level and the prevailing *baro vai* culture within the house has a bad effect on the correctional process. The experience of being tortured by the senior inmates could make an inmate revengeful. Moreover, he urges that it's like a jail.

There should be much more flexibility in terms of regulations. After get release from this center, he will complete his education and want to be a police officer in future.

The above case study reflects how a juvenile of a solvent family background evaluate the CDC environment. To Sadman CDC is like a prison. The existing prison culture is not convenient to develop for the children. However he noticed some positive practices within the CDC. But, he did not want to live in a prison and promised not to involve any illicit activities in future

The following case study is the example that depicts the glooming picture of the correctional institution and its process and practices:

Case Study- 13 Facilities of CDC should be Improvedand: Doctor gives same medicine for all the inmates

Ronju: But I want to become a Baro Vai

Ronju(pseudonym), is the boy from Trishal, Mymensingh. He is of 14 years old and has studied till class 8. He has come of a Muslim family that consists of Seven (07) members including him. Apart from his parents he has three more brothers and a sister. His brothers and sister are also students. His family lives in a house made of tin-shaded where he used to reside before coming here as well. His father is the only earning member of his family who is involved in agriculture. The monthly income of his family is around TK.8000 per month that makes run the expenses of the whole family moderately. Though he has a very good relationship with other family members, his parents rebuke him if gets affiliated with the bad peers. He had to maintain the family norms, not to go outside the home after the evening. He construes his daily activities while staying at home in the way that he used to read books, pray the prayers etc. After coming from the school, at afternoon, he used to meet the peers. There he did gossip and play different games with them. In fact, he always liked to spend his time outside home

rather than inside. Not all of his friends were well mannered, some were arrogant as well. Sometimes they got engaged in quarrel. He asserts,

“.....It was not that all of our friends were innocent. Some were bit of arrogant as well. They used to get involved in clash and conflict. As they were my friends, so if they were in trouble I also help them. So, I also got involved in clash with other boys often to give company to my friends. He has been brought in the CDC for the case of Fighting and attempt to murder. He admits that he was engage in fighting over a cricket match. However, he did surrender to the Detective Branch (DB). He describes,

“.....We went to participate in a wedding ceremony. Then I was heard that three of the other accused got arrested. Then one of my paternal uncles asked me to surrender before the police to lessen my punishment. The total number of the accused persons was 19 in that case.”

However, at the Police station, he was not behaved with well manner. He admits that he was physically tortured even. And in the court, he did not realize anything; everything was done by the lawyer.

In the Development centre, they have to reside 10 to 12 inmates in a single room with different allegation. Their ages are also different. There is no cot in the room. They have to sleep on the floor of the room. *Jajim*(Matress), pillow and bed cover is provided by the authority. All the pillow and bed cover are same printed. In Day time the mattresses are piled up. It is the duties of the juniors to fold or unfold the bed.

Here, he has to do different kind of works like, cleaning the room, grill of the windows, washrooms etc. These duties are distributed by the room *baro vai* and it is interchangeable. The *baro vai* supervised their works and maintained discipline within the house. Everybody have to follow his command. If anyone failed to follow his order, he has to face severe punishment.

While mentioning the facilities he enjoys here, he depicts that here they get the opportunity to learn different things like electronics, tailoring etc. He implies that here he does have a very good relationship with the other children According to him case workers are not too much helpful but two female teachers are too much amiable to the children. In the CDC the teachers suggested them to do good works, study properly, not to get engaged in evil deeds etc. He feels bad to get bounded within one floor. If he feels anything bad about the CDC he does not expose it to anyone else; rather he cries alone.

The CDC authority did nothing against any allegation of the *baro vai*, rather they support it as a way of maintain discipline.

The common disease usually the children get scabies. There is Paramedics, familiar as doctor to the juveniles, to treat them. He gives same types of medicine irrespective of the types of disease. The weekly holy days are Friday and Saturday, when he remained out of reach. He urges that the medicines given by the doctor do not work too much effectively. There are the facilities of entertainment as well, like sports, watching television etc. They have to say *Namaz*(Mualim'sprayer) five times a day and Ikbal(17) an accused of murder case performed the duty of the *imam*.

Ikbal said,

Bonduker guli miss hobe to namaz miss hobe na (Terget of a fire arm can be missed but not namaz). He has to clean the floor and toilet.

Classrooms lack sufficient space for juveniles as well. There is no examination or promotion system in the school system. No attendance record is maintained in school. Teachers sometimes asked to know the reason for missing the class.

Over all, he thinks that the life style in CDC is very much monotonous. They have to follow the same rules, eat same food, stay with criminal which make their life unbearable. They can talk to their parents only two in a month. When the authority called them animal, he feels humiliated of that. Accoding to his version,

Sira bole amra manush na, omanush.(Sirs told that we are not human being, rather beast.)

He thinks that improvement is needed in every section. Classrooms and sleeping rooms should be spacious and the number of rooms should be increased. Fan of the room is not sufficient and some are out of date. Treatment facilities should be much more effective. There should be appointed sweeper to make the toilets clean. There should be more number of tailoring machine, more number of computers, more number books etc. Besides, there should be more trainers on different vocational trades. When he feels bad, he sits in an isolate place. The most horrible thing he faces here is the arrogant attitude of the seniors residing here. However though he did not like the torture of *baro vai*; *he himself wants to be a baro vai* if he has to stay a longer period.

The above case study reflects how disciplinary power (Foucault, 1975) is exercised within the CDCs. The hierarchical surveillance of the discipline is functioned in CDCs based on the sound approval of the authority.

Although the Konabari CDC is not over crowded, its correctional practices are indulged with administrative negligence. The following case study of Sumaiya has displayed the dismal condition of CDC for female delinquents.

Case Study-14 The Inner Condition of the CDC(Konabari) is Unbelievable and Unbearable: *The security guard touches our body*

Sumaiya Akhter (pseudonym) is a smiling girl of 15 years of age, hailed from Tongi, Gazipur, an accused of drug peddle as well as drug consume. She studied in class nine in science group. Her mother is separated with her father and she has to live with her father along with her step-mother. She was caught by the police with the help of her step-mother. After staying sometime in the Police station Sumaiya was placed before the court where the judge ordered to send her to CDC. Sumaiya is in the CDC for the last six months. In CDC Sumaiya has to do some work as per routine of the authority. She has also to do some activities as per culture inside the CDC environment, i.e. cleaning veranda/floor/stair case/dining room of the house. A representative has selected among the girls from every floor who is responsible to monitor whether the routine is followed properly or not. If anyone needs anything she has to inform the representative, eventually she managed that. She got one set of *three pieces* (female wear), soap, and oil and tooth brush from the authority of CDC. When the researcher visited the CDC it was found that all the inmates wear all most the same boutique print dress. In CDC, one day she broke the rules and quarreled with another juvenile over the theft of her hair band. Superintendent had beat her severely with bamboo stick. The guard of the CDC also harassed them physically.

Shiri diye namar somoy guard body touch kore (Guard touch our body when we got down through the stair case). When she complaint against the guard to the Superintendent, she did take any initiative to stop that. Sumaiya mentioned that the inner condition of the CDC is woe for every inmate. Stealing is going on, even the cloth used during menstruation as sanitary pad also stolen by the inmates. Quarrel and fighting among the girls is also common. In this CDC she has to quarrel with other inmates because of her

existence. According to Sumaiya, there exists a huge chance to involve new crime. Some girls are involved in love affair with the boys who resides a *Shishu Sadan* close to the CDC. With the help of the guard anyone could use mobile phone in this direction. Girls sometime communicate with the boys' only body gesture from *varanda* or play ground. In this time the boys stay at the rooftop. At first she could hardly keep path with this new environment. Of late, she could adjust herself with the situation. In CDC she passed her leisure time by gossip with other girls or watching TV. They usually watch Hindi TV serial. There is CCTV camera in the CDC. So the authority can monitor them easily. As soon as a fault by a teenager is detected, the officers do not waste their time to beat up the teenager as punishment.

According to Sumaiya, with the help of police, they could manage to collect drug and other illegal materials which are prohibited in CDC, when they move towards court under police protection. She said that the CDC authority remains careless about their duties. Sumaiya involved in embroidery training in CDC to pass her time. She has a dream to be a police officer in future. If she got free from her incarceration she will work hard with the help of her paternal uncle in this regard.

The case of Sumaiya revealed that CDC can create delinquent behavior among the incarnated juveniles as illustrated by Foucault (1975).

The Following case study of Arif highlighted the prevailing prison culture in CDC

Case-15 Way to Maintain Prison Culture: After Being a Baro Vai I Enjoy That Status and Feel Better in CDC.

Arif,(pseudonym) a boy of 15 years old, lived at Shebu market in Narayangonj. His father Md Golap Khan (pseudonym),45, owned a tea stall and whose monthly income is about TK.6000. His mother, Kulsum Begum (pseudonym), 40, is a housewife. Arif has two siblings. Of them elder brother Md. Salim (pseudonym), 27, is married and lives in a separate house. He works in a garment factory. Another brother Md. Shohag(pseudonym), 19 also works in a garment factory. All of them are little educated & live in a tin shaded rental house except elder brother who is in Narayangonj. Their residential area was backward and has a poor living condition. Actually when he was very tender age his family migrated from Brahammanbaria, with his family members.

The reason behind this migration in Narayangonj have been in search for better opportunity for livelihood and they also came to know from other people that Narayangonj city is a hub of garments factories and everybody could manage a suitable job here. He has been to school till primary level and also was a garment's worker. Arif is an accused of women and child repression case. He has been in CDC for about 1 ½ years.

As per the culture of CDC, he is now a *baro vai* (senior brother) who enjoy the superior position. At first, it was very hard to sustain in development centre. When he entered this CDC the then so called *baro vai* beaten up him severely. He told that all time he was crying and falling in tension but gradually he had been adapted to the environment. Being the son of a poor family background, he was deprived of an efficient defense counsel for his getting bail. However, as he staying a longer period in CDC, now enjoying the status of *Boro vai*. Most of the junior who detained there listen to Arif. He stayed in room no.5 on the 4th floor of the dormitory and 12 inmates are living there with different age accused of various crime. He can sleep on a single bed because he is the room *baro vai*. His bed is fixed and nobody dear to share it. He expressed in following way about his current position,

Aami akhon room baro vai, juta pass, char stick diye hati. Ami ekhon rumer keu onyay korle sasti dite pari.(Now I am room's senior brother, shoe pass, I can walk on four tiles or stick and can punish anyone who commit unjust).

Arif also said that there are some rules and regulations within CDC which are set by the previous inmates of CDC. That's going on without the official knowledge of CDC authority i.e. all of the junior have to follow the senior. There is no other way to avoid this system. If anyone breaks these; he has to face harsh punishment. However, The junior who first come here, he makes understand them and they are bound to listen him. He has the control over the food supplied from the authority; not only that the junior also supplied different food (items) that they are sent from their family. In CDC some higherchical rules such as *juta pass*, *choki pass*, *drum pass* (that is the rule from the senior in where the junior gradually permit to use *slipper* to go washroom, cot and drum to sit when watch TV) are made to regulate the juniors. He already got permission to use *juta* (shoe/slipper) when enter the bathroom/washroom but not achieved *chokipass* yet as he is an accused of minor case.

The juvenile in development centre have to follow the rules that are ordered from office such as going school, reading book; practicing namaz. There have also different entertainment facilities such as; playing ludu, karam, watching TV etc. Arif said:

“..... We have to maintain serial at the time of watching television. Here, the most junior sat in front of television, and the senior sat on cot or drum. The junior listen to me because I also followed this rule when I was junior.”

They enjoy local TV channel most of the time. Vulgar movies are aired in this channel. When the CDC authorities inspect the house, they immediately switch off the channel. Which channel would they enjoyed is selected by the house *baro vai*. They have no right to change the channel.

In development centre, there are some provisions of medical services. A doctor (paramedic) is posted there who is in charge to provide health facilities. There is a school in CDC; but he didn't attend the school. However he takes the vocational training on electricity. Arif likes all the rules and regulations and the environment of development centre which was very much unpleasant to him in the first time of his imprisonment. As he became the so called *baro vai*, enjoy that status and feel better in CDC. After release from CDC, he will engage himself as an electrician. He will never associate with criminal activities in his future life.

This case illustrated the way of getting or acquiring power within CDC. Like other juveniles at first he has to face the same oppression as the present new comers face today, after passing some months in CDC he became the *Baro Vai* based on his incarceration in CDCs. Here who is to be governed (Foucault, 1975) is revealed by this study. The case study of Arif disclosed that without the official knowledge of the CDC authority, some extra legal process is practiced within CDC. Those who are the beneficiary of this process are the supporter of this extra and inhuman treatment by the fellow inmates. However the naive inmates want to an end of this process.

For the protection, correction, and rehabilitation of the juveniles delinquents the CDCs were established. CDCs provide accommodation, food, clothing, education, vocational training, health care and some shorts of entertainment. Juveniles' implications with CDCs are portrayed in the following captions:

Physical Condition of CDCs

A five storey and a three storey building with high boundary wall are for the living arrangement of the incarcerated juveniles. In every floor there are six to seven rooms used for the sleeping and staying place for juveniles. The entrance room is used as mosque. Veranda is used as TV room. Sun light can enter the room sufficiently. Ground floor is for cooking. The cooked food is lifted to each floor by the juveniles. Though the size of the room is standard, overcrowding makes it the bad living condition. It was found that 387 juveniles packed into the building with the original rated capacity of 200 in Tongi. In Konabari, though the accused female are only eight; there stay other types of female numbering 140, as a safe home. Overcrowding in CDC at Tongi is responsible for other misdeeds of the juveniles may involve. To correct anti-social behavior of a juvenile individualized treatment is needed. But as the total number of juveniles is more than that of its capacity, particularly for boys, has hampered the correctional process. Parent (1994) argued that, when facilities become overcrowded, juveniles are housed in increasingly smaller rooms, violent and non-violent offenders are housed together, and injury rates increase.

Food and Clothing

Many of the juveniles who housed in CDCs come from impoverished or destitute family backgrounds, and therefore have never had three times meals per day. So, housed in CDCs creates an opportunity for them to get three times meal per day in time. Therefore those who come from poor family they do not have any complain against food. It was also found by Ferdousi, 2010; Farzana, 2011. But those who come from somewhat well off family, they expressed that food is tasteless and lacks nutrient value. CDCs provide clothes for the juveniles and there is a budget allocation. But it was found that not all the juveniles got new dress. Some of them got old dresses that were refund by the others juveniles who left the CDCs on bail or get release. However some juveniles get new dress. There is not certain criterion that gets new dress or old dress. Generally house *baro vai* took the decision that will get what kinds of dress. This practice is going on in CDC in Tongi. Juveniles can wear others dress supplied by their parents. If anyone bring new dress and if it was chosen by so called *baro vai* he had no other option to hand over it to him. In winter they got warm clothes also. However they owned individual garments also.

Educational Facilities

CDCs provide general education (only primary level up to class five), vocational training in four trades (Electrical, Carpentry, Tailoring and Sewing and Automobile) and religious education (for Muslim only) for the incarcerated juvenile delinquents. The ground floor of a three storied building is used as school. The other floors are used as safe home for the victims. The class rooms are too little to accommodate the desire numbers of juveniles. As the size of the class room is small the authority maintain alternative class schedule for the delinquents juvenile. All primary level juveniles attend school in every alternate day. If Juvenile of first and second floor attends school Sunday, juveniles of third and fourth floor will attend school at Monday. Teachers use chalk and duster as their teaching materials. Books and *Khata* are distributed among the juveniles on free of cost. They did not take it to the dormitory. They didn't have any homework. Even they didn't have any examination or promotion system. If anyone didn't attend school, he didn't answer to anyone. There are only three teachers to teach the juvenile in the classes ranging from class one to class five. It is a matter of fun that three teachers take five classes at a time. At school time Juveniles enter their respective classes. The head teacher controls three classes at a time due to the shortage of required number of teachers. Classes start and end on a schedule time. There is a provision to wear school uniform in school but it is not strictly followed. School environment lacks a true sense of order and discipline and even seriousness of study. Teacher addressed the juvenile informally and the juvenile also interact with the teacher with little formally. However, juvenile adored the teachers very much by saying,

.....*apara khub valo. Jahanara apa beshi valo. Valo valo kotha koi, amader manush hote bole*

Since most of the juveniles in CDCs are aged fourteen and above, and passed the primary level education, they have to remain out of education. However under court permission, a juvenile can attend JSC or SSC examination. There is a separate building for vocational training. Those who attend various training, they opined the training instrument should be modern and sufficient. In order to successfully rehabilitate the children in juvenile justice system, those who are incarcerated in CDCs need to receive education. Only education either vocational or academic can ensure their proper correction as well as rehabilitation. So curriculum in juvenile justice system should incorporate the basic subjects of reading and writing and the training trade should be

more life oriented. They must know how to survive and succeed in life without involve any criminal activities further. In the case of religious education, only Islamic religious education is provided by an imam and a room of each floor of the house is used as a mosque to say prayer. Except the house *baro vai*, all the juveniles have to perform *salat*.

Health and Hygiene

Healthcare is a major problem in CDCs particularly mental health. Medical care is in the hand of a paramedic. The paramedic provides the primary physical treatment to the juveniles. All juveniles took him as a doctor. Some very common medicine i.e. Paracetamol or Napa is provided to the sick juveniles. If any juveniles become serious ill he is to send nearby hospital with police custody. Sometimes it became difficult for the CDCs authority to provide better treatment for lack of police support and transportation. Scabies, headache, stomachache and jaundice are the common diseases among the juveniles. There is no provision for psychological or mental treatment for the juveniles. Separation from family and friends, monotonous routine, stay with unknown person can create psychological disorder among the inmates. Findings of this study revealed that juveniles found themselves very unpleasant situation when they enter the CDCs at the very first moment. Moreover torture by the so called *baro vai* made the situation more vulnerable (Case study-3 Ronju). In 2008, Abram argued that, Psychological disabilities are highly prevalent in detention centers and suicide rates for incarcerated youth are two to four times higher than in the community at large. Superintendent of the CDC expressed that,

Incarcerated juveniles have the risk of mental and emotional disorders. Psychiatric services in CDCs need to be introduced.

Healthcare is a major problem in CDCs that is a barrier for successful correction. Health care is a basic need as a human being to grow up properly. If they are not given adequate healthcare services when they fall ill, they have to face the problem after their release also. Sometimes CDCs faces water crisis, also found in Ferdoushi,(2010). It hampered to maintain hygienic status. Junior inmates have to take the responsibility to clean the washroom and the floor of the house. The washroom and the floors of the house found

very clean whenever this researcher visited the house. Their utensils were also found neat and clean and well decorated. Their bed, pillow and bed cover were also found clean and well equipped. The CDCs authority teaches them how to maintain their personal hygiene and health in the time of assembly through general counseling. But the cooking area found little hygienic. The floor of the kitchen found damp and moist. The bowl used for keeping cooked food is of plastic and looked depressing.

A barber is engaged to cut the hair of the juveniles. He is called when a large number of juveniles have to cut their hair. Razor is supplied by the CDC authority to cut the nails and shave. Usually it is bind with tread and the juveniles have to refund it to the authority after their use. In Konabari CDC, old rags are supplied for their used as napkin. In this case their personal hygiene related to reproductive health hamper mostly.

Games and Entertainment

Juveniles in Tongi can participate in various outdoor games like, football, badminton, and indoor games like, carom and *ludu*. There is a time schedule for outdoor games. But they can enjoy indoor games except school time (from 9.30 AM. to 12. 45P.M). They passed most of their time in watching TV and Gossiping. However, some juveniles do have passed their time in a creative works as wrapping a pencil with colorful tread which seems to be a showpiece. Some juveniles like to cook. They helped the cook of CDCs in their cooking.

In Konabari CDCs girls spend their time in gossiping and watching TV. In Konabari CDC female juveniles spend most of their time in gossiping as well as watching TV. Quarrel among them are rampant.

Prison Culture in CDCs

The inmates of the CDC don't considered the CDC as a development center, rather they take it as *jail khana* (Prison). Not only the inmates, is it known as *bach-chader jail khana* by the local people. When this researcher at very first time visited the CDC it was far difficult for her to find out the CDC as her use the term CDC. When she uses the term *bachchader jail khana* (prison for the children) it became very easy to locate it as almost all local people knew its location. As the juvenile offenders considered the CDC as prison, here they also maintain some prison culture as well. Talking about the prison community Sutherland observed that an offender entering a prison for the first time is to

introduced to the culture in much in the same way as a child is introduced to the ways of behaving with his elders (Sutherland and Cressy, pp.497-498). The environment of the CDC is not apart from that. Every juvenile offenders has to learn the rules and regulation that are practiced within the CDC; either it official or unofficial. The official rules and regulation are visible and the inmates are well adjusted to it and they have no major complaint against them. But the unofficial power exercised by the senior inmates is a serious innumerable as well as distress story of the prison culture. In Tongi CDC, when a new offender enters the CDC, the room *baro vai* started to beating up in the name of teaching the rules of the house.

“.....Mui prothom zedin ashi room-e aser sathey room baro vai mor nam o mor abbar nam jigaite jigaite mara shuru kollo; mui kichui bujhbar parlam na”, (Life History -3; Kamal)

He is expected to be loyal to his fellow *baro vai*. The *baro vai* culture is a classification of inmates into different groups based on their types of crime and duration of staying in CDC. Most of the cases duration of staying plays the key role in this informal class structure. The senior stratified themselves in this way: House *bavo vai*, most powerful and prestigious, Room *bavo vai*, the second in command and the rest are public. House *Baro vai* assume the role of leader and pose to look after the other inmates. House *baro vai* has the control over the bed, dress, TV and maintain discipline. If any inmate got bail he has to refund his dress along with other things those are provided by the authority to the House *baro vai*. At the same time if any inmate needs these kinds of materials, he has to ask from *baro vai*. *Baro vai* enjoy the supreme authority to punish any inmate. They naturally beat up the inmate severely by the *Gutly* (whip like weapon, made up by wetting gamcha; a innovative discovery by them)

Gutly diye marley lohar marer cheye o byatha lage(case-12)(If beaten by *Gutly* it feels like iron).The *baro vai* enjoys others facilities; not to fold or unfold bed, even wash their own clothes, utensils, wash room, floor etc. The public are entitled for these works. These so called *bavo vai* manipulate the junior inmates by asking money and material from their guardians. They also abused them sexually.

Food is distributed by the *baro vai*. At first all juveniles have to line up with their plate. Then other juveniles, who are in charge of food distribution, distributed the food among the inmates. Naturally, most common food items are plain rice, *patladaal* (lentil soup),

vegetables, *alu vortta* (mashed potato) *pungas*, small ruhi and *tilapia* fishes are given.

The juveniles have to stay in one floor all the time except school, assembly and games period. Every floor there is a clock sable gate which is under lock and key. They cannot cross the floor. But they can go other rooms in the same floor. When any official of the CDCs enter the house, they hurriedly enter their respective room and they lined up and say Islamic salutation in a cross voice. The rooms are unfurnished. At night a mattress is placed for sleeping but this is removed during day time. At first there were cots. As some boys relieved their anger and anxieties by breaking the cots and used the timber of the cots as stick to beat other boys, the authority removed the cots from the room.

It is found that in the cases of watching TV, there exists power practice. House *baro vai* who is in charge of a floor, will sit on bed/*Choki*, Room *baro vai* in charge of a room will sit on drum or bucket and the public on the floor. According to their own version these practices are expressed in the term of, The *Choki pass*, the *Bucket pass* and the *public*. Arranging into two column the public sits in queue when enjoin TV in the *varanda* (Balconey). The remote of the TV is controlled by the *baro vai*. It was found the as Saturday is a week end, at the time 11 A.M. the juveniles were watching TV sitting in queue arranging two column.

The power practice also can be seen in the case of using shoe. Those who are mid level/room *baro vai*, can use slipper when they enter to the toilet. Not only that, their movement within rooms is also under a system. Junior juveniles should walk on a 24/24 tiles which is called *stick* by the juveniles. They are not permitted to cross the line. If anyone violet this system, he has to face corporal punishment by the *baro vai*.

Aami akhon room baro vai, juta pass, char stick diye hati. amar kauke marar right nai said Parvez, one of the so called *baro vai*. Those who are senior they can use four sticks (tiles);

The oppression that the senior are imposed on the junior inmates is not informed to the CDC authority. The case studies and the survey result supported this.

Baro vaider marer kotha voye kauke bolte parina; tara bole tora Jodi kauke bolis tobe ta amra kono na kono vabe jante parbo. Ar tokhon aro marbo. Kothai jabi? Ekanei to aste hobe(case-13). Showing some stretch mark of torture within his body. The so called *Boro vai* culture within CDC has created revengeful attitude in some inmates. Robbani (pseudonym) one of the juvenile expressed that he will take revenge on Sumon

(pseudonym), who is a house *baro vai* after get release from the CDC. When he was asked about its after math, he told he will not care what will happen; rather he committed to take revenge. In his own words,

Ore mire muie morbo. Jail hoi hobe, fashi hole hobe. Ore mui jekhanei pabo marbo.(After killing him I myself killed me. If I get jail, it's okay, or hangs? No problem. Where I find him I shall definitely kill him).

This utterance anthropologically reflected the evidence that the prevailing prison culture in CDC can produce a juvenile from a petty offender to a heinous criminal as Foucault (1975) argued that the prison produces delinquents by imposing violent constraints on its inmates.

To explain the daily activities in the correction center Nayeem (Case Study -5) says,

".....I live in room no 3. We are 12 in number in the room. Every day we get up very early in the morning. After taking bath we take our breakfast. After that we go to school. After returning from school we take our lunch. After that we watch TV. Sometimes we play football in the afternoon. We are provided a selected dress from here (correction center) but we also can wear other dresses which are brought from our house. The food supply of this correction center is good. I often sit in the computer lab. But the bad things that make uncomfortable are sweep the room and cleaning toilet. Sometimes we have to wash the cloths of older'.

The most common way of passing time is by watching TV and gossip with another juveniles. They also play *Ludu*, Carom and in afternoon at the game time they can play cricket, football and badminton in winter. All the cases the so called *baro vai* exercises their power. They have to say their prayer in time. The mandatory nature of performing Muslims main religious activity is reflect by the way,

Bonduker guli miss hobe to namaz miss hobe na (The fire of gun may be missed, not the *Namaz*).

According to Salman's (case-1) opinion, the discipline of correction center is good. But the elders exercise more power and get more chance and the newcomers suffer much. Sometimes the newcomers are beaten by the elders. The exploiting nature within house is manifested by the following uttarence,

".....*Baro vaira khub mare, tader kaj korte hoy, taka dite hoy* (The senior brother beat severly, we have to do all their personal work.*(Life story-3)*

He realizes that power is exercised within CDC in the name of discipline (Foucault, 1975), but no one dare to inform this to any CDC authority.

All the *baro vai* together live in room no. 3 in 3rd floor. No one dare to look at this room. Juveniles, who were the victims of this practice, told that they will inform to the superintendent when they get release on bail.

7.4 Conclusions

This study revealed the legal process, practices and the prison culture within the legal system in Bangladesh regarding juvenile delinquency, particularly the CDCs. The legal institutions i.e. the police, the court and the CDC are the disciplinary state apparatus responsible to carry out the rules and juveniles correctional process. Each stage of legal process from arrest to release is under the control of different administrative arrangement. Co-ordination among the different agencies is found to be insufficient significantly. From the field investigation it is cleared that the process and practices that are adapted in dealing with juveniles' delinquents are far from the direction of the law. The way the juveniles are treated and corrected is full of inadequacy and injustice. Police is the most unjust legal apparatus to address the juvenile delinquents, court is indifferent about the juvenile's court environment and the CDCs lacks the budgetary allocation, sufficient and efficient staff, living space, proper monitoring and supervision and appropriate approach. The CDCs have little or no control over the rehabilitation policies and are obliged to keep all the children are sent to it regardless of its capacity. Even they have not any control over the period of stay in the CDCs of the delinquent. So they cannot make any plan for any individual delinquent. So it is difficult to assess the CDCs role in the correction of the juveniles. There are at least three goals that the CDCs are generally accomplished: the segregation of seriously delinquent children from the larger community; the preparation of delinquent children for a successful re-entry into the community; and rehabilitation of delinquent children to the community. But the close custody with punitive attitudes towards delinquent children; the discipline is maintained within the CDCs through counseling, physical punishment, denial of privileges and sometimes keeping isolate. In case of serious emergencies, the threatened juveniles are transferred to adult jail or the two other CDCs. The way the legal apparatus are operating in our legal system is nothing but exercise of power (Foucault, 1975).

When he sees himself exposed in this way to suffering, which the law has neither ordered nor envisaged, he becomes habitually angry everything around him; he sees every agent of authority as an executioner; he has no longer think that he was guilty: he accuses justice itself(Foucault,1975:266)

CHAPTER 8 CONCLUSION

8.1 Conclusion

8.1 Conclusion

By examining the multidimensional aspect of juvenile delinquency in this anthropological study titled ‘Dynamics of juvenile Delinquency and Legal Implication: an Anthropological Study’ has generated multiplex findings. This study has examined the dynamics of juvenile delinquency and its legal connotation and these have been discussed through the following two features: 1) Dynamics of juvenile delinquency, 2) Legal Implication. The dynamics of juvenile delinquency has been focused on the diversified dimensions of delinquent behavior: demographic dimension, socio-economic dimension, ecological dimension and finally its nature and causes has been addressed extensively. On the other hand legal aspect has been analyzed by focusing on the major apparatus that has been empowered by the law to address the issues legally.

Incident of juvenile delinquency is one of the biggest challenges of the country as everyday a certain portion of our youth become involved in criminal activities. It affects both the victims as well as the doer. The juveniles are the future of our nations. So if they got themselves involved in criminal activities it will bring a severe socio-economic consequences for the juvenile, his family, the victim and overall for the whole country. This study is endeavors to understand the existing situation of the juvenile delinquency in Bangladesh society from various dimensions which will help to go into the deeper of the problem and it will make a room for the policy level to prevent as well as control this menace in Bangladesh.

In Bangladesh society, centralized government has the legitimized power or authority to formulate any law and through its main three organs; law enforces agency, i.e. police department, Courts i.e. Judge, adjudication and Child Development Centers i.e. (CDC). It can use the power to force compliance with rules or laws. At present the Bangladesh government through formulating Children Act, 2013, engaged the above three legal institutions to solve the problem legally. Police are usually first spot of contact within formal legal system for the juvenile delinquent as the legal process begins with Arrest. Children Act, 2013 clearly directs how police personnel should arrest a juvenile offender and their further activities to address and handling the juvenile cases. Juvenile court is another key component of juvenile justice system and the Children Act, 2013, also clearly direct how the court performs its role while dealing with juvenile cases. To

rectification and rehabilitation of juveniles, in other words to correct the antisocial behavior of the juvenile offenders Bangladesh government established three child development centers popularly known as Children Development Center (CDC) at *Tongi, Jessore and Konabari* so far, under the ministry of social welfare. So the role of CDCs is an influential discussion as it is the most important government establishment to correct the juvenile behavior, which is the main objective of the country's juvenile justice system. Researchers focused specifically on CDC of Tongi and Konabari at Gazipur district as a case study.

This study used both qualitative and quantitative research methods. The quantitative part consisted of the basic socio-demographic information that were gather through sample survey by using interview schedule and later analyzed statistically. The qualitative dimension came from case study, life history, observation. Work with KII, open-ended discussion and pauses of gossip and interpreted as ethnography. So this ethnography became both qualitative as well as quantitative.

To review the literature on juvenile delinquency intensively an extensive investigate was carried out. In this regard only Bengali and English language based writings were included both from national and international publications. The literature that has been reviewed in this study is interdisciplinary in nature. It has been covered all most all allied social sciences. But focus has been put on qualitative research. Referred journal, books, master's thesis, M.Phill thesis and Doctoral dissertation which were printed or online version were the main sources of literature.

The theories regarding juvenile delinquency and its legal aspect has been analyzed from various directions because the main focus of this study has been to develop an in-depth understanding of the contemporary juvenile delinquency issues, and its correctional process i.e. Legal aspect. As the objective of this study is to analysis the dynamics of juvenile delinquency and its legal implication from anthropological perspective, theoretical construction has been made on legal anthropological approaches alongside with some prominent and relevant sociological as well as criminological explanations. To delineate the dynamics of juvenile delinquency, Sutherland (1939), Cohen, L. E., & Felson, M. (1979), Hirschi and Gottfredson (1990), Agnew (1992) and Regoli and

Hewitt's (2000), perceptions are found relevant in this study. On the other hand correctional process has been discussed on the basis of Foucault's (1975) thought of penitentiary panopticon.

The concept of juvenile delinquency has been analyzed from different perspectives as it has been considered a multi-disciplinary field of inquiry. Deviant behavior is recognized as a socio-cultural problem and at the same time, also a legal phenomenon. So it has been seen as cultural entity and anthropologist seen deviance as disputes. So most of the anthropologist examined the various types of disputes among various cultural settings or societies as well as their dispute management systems (Malinowski, 1926; Hoebel, 1941; Nader, 1990). For this reason, the concept of juvenile delinquency is merged, most times, with the criminality or offence or disputes, therefore the existence of ambiguity in the use of terms such as crime, delinquency, etc. Foucault (1975) in his *Discipline and Punish* expressed delinquency as anomaly, deviation, potential danger and illness. Bortner, (1988) argued that, the most widely recognized and consequential definitions of delinquency are those contained in legal statutes. A juvenile is a child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult. In the legal provision of Bangladesh, criminal responsibility of a child is the age limit between 9-18 years. So, in this study the term juvenile delinquency has been used to refer to the juveniles' actions that violate the law of Bangladesh, as this legal definition of delinquency governed the children criminal behavior in Bangladesh society.

The objective of this study was to investigate the dynamics of juvenile delinquency in Bangladesh and it was revealed through different dimensions and demographic dimension was one of the key research areas. There is no doubt about the fact that the demographic dimension of juvenile delinquency is dynamic and it could be manifested through scientific investigation. In the field of juvenile delinquency study, age of the delinquent is one of the major demographic components to investigate. Findings on age differences in crime are clearer than any other differences. Findings from the field indicate that different age groups are likely to involve different types of crime. So, age makes a difference in criminal behavior. Criminal rates are found highest in the age group of 15-16. Accordingly, this study findings indicate that juveniles above 15 years of

old involved more than 65 percent of total respondents (Table -1) and they committed crime like murder, rape etc. So with the increase of age severity and violent nature of crime also increase. Age differences of juvenile delinquency are the most common findings: all findings indicate the same result. Seeing these trends of findings Brame & Piquero, 2003, has referred it as a “resilient empirical regularity”. Hirschi and Gottfredson (1983) also suggested that age has a direct effect on crime. Shoemaker (2010) argued that various age groups commit a disproportionate amount of crime, in part because of the influence of their peers and their lack of stakes in conformity. However in this study found a different scenario. It was found from case of Tamim (case- 7) that a boy below his 14 committed an adult crime like rape. This was due to the influence of porno movie as well as favorable family environment and the unconsciousness of the guardians. Moreover, culture of Bangladesh society is male dominance and sexism is ever present. Fictional heroes from movies and television are frequently embodiment of romance and violent. They learn from the movies or plays that romance is the only function of a young boy. To win the heart of the heroine, heroes irritate them frequently. The juvenile are vulnerable to adopt this culture of romance and eventually they fall the peril of women repression crime.

As the relation between gender and crime is vast as well as paradoxical and as it is of the most important factors to explain criminal behavior (Adler et. al. (2004); this study has tried to find out the sex dimension of the juvenile delinquency. It was found from this empirical study that only 8 female juveniles were incarcerated in CDC, while the total numbers of male juveniles were near about 400 irrespective of the period of staying in CDC in different allegations. Hagan (1985) argued that girls engage less delinquency because their behavior is more closely monitored and controlled by parents, especially the mother in patriarchal families. For the culture of Bangladesh society this argument is fairly relevant. However, though there is a variation in numbers, the severity of crime seems to be same. Female juveniles were accused of crime, like, murder, theft, drug trade, extortion as well as human trafficking. Boys are more prone to offences such as, theft, pick-pocketing, gambling, eve-teasing, murder, drug-peddler, etc., actually in our traditional society female delinquency has been considered insignificant compared with male delinquency. While girls commit fewer offences than boys, the nature of girls’ and boys’ delinquency is not greatly different in this country. Adler (1975) argued that, as the

social and economic roles of women changed in the legitimate world, their participation in crime would also change. Equalization of social and economic roles leads to similar behavior patterns, both legal and illegal, on the part of both male and women. This study also showed that the pattern and causes of male and female delinquency are becoming more alike, life history-1 and 2, represents how both the sexes involved in severe crime like homicide. This finding is consistent with the findings of Lindsey, L. L. (2011). Lindsey argued that the gap between the genders regarding criminal behavior exists due to the gender role socialization.

There is no doubt about the fact that the nature and causes of juvenile delinquency is dynamic and it is manifested through this anthropological investigation. This investigation produces a summing-up of the questions surrounding juvenile delinquency in Bangladesh. However, the present study has revealed the spectrums juvenile delinquency in Bangladesh and it can be characterized and categorized by Murder, Women and child repression, Theft, Drug related crime, Dacoity and Robbery, Hijacking, Fighting, Carrying or trading Arms, Human Trafficking, and Abduction and so on.

This study has revealed that impoverished conditions, absence of father or mother, low educational attainment, low parental supervision, revengeful mentality, favorable situation are the main causes of juvenile delinquency. The life history of Marium (Life History-1) shows that she had been pushed into the world of crime through her neighborhoods instigation and from her revengeful mind. As well with the support of her friends could able to commit the crime. Her unaffectionate family condition and absent of mother put her heartbroken situation. The history of Marium is in the line with the proposition of the differential oppression theory (Regoli & Hewitt, 2000) which hold that delinquency is an adoptive reaction by children who are exposed to parental maltreatment and oppression. Hence Marium's decision to kill her step-sister can be inferred as a strategy she used to stop her brother's as well as her maltreatment from her step-mother and sister.

In the similar manner Sumaiya Akhter (case study-14), Sujjan (case study-8) is in CDC due to her step mother. These familial factors are also revealed by the studies of Islam

and Khatun, 2013; Chowdhury et al., 2012; and Hoque & Salam 2008. In relation to family structure and roles in Bangladesh culture and society, children were reared up by the extended family members. It was the members of extended family and the society as a whole control the behavior of the children. But due to globalization, industrialization and urbanization social and cultural changes are happening rapidly in Bangladesh, as well, altered the structure of the family as well as the family norms. Nuclear family norms have taken the position of joint family. In a nuclear family environment children are deprived of affection, supervision and monitoring. When both parents are in work, it became more appalling. Children are not properly taken care of. Hirschi and Gottfredson (1990) in their General Theory of Self-Control argued that parental monitoring and discipline are significantly negatively related to low self control. Effective parenting enhances adolescent development of strong self-control which combats delinquency. On the other hand, when adolescents are deprived of the requisite warmth and support from their parents, their chances of getting into delinquency increases. In this study it was found that some of the juveniles did not get their requisite as a child. The case of Shamim (Case study-11), Rahat (Case study-4), Kamal (life history-3), Munna (Life History-5), Sujana (case study-8,) are the example in which poor supervision, lack of emotional support, no family discipline, no supervision and rejection can make delinquent behaviour. On the other hand Tamim (case study-7) is an example of how low self-control of a juvenile leads in a world of crime. Hirschi (1969:203) also is of the opinion that a child who does not like school, the child who is not concerned about opinion of parents and teachers, the child who tells lies and doesn't believe in the values held by his parents, is likely to feel that the demand of law are binding on his conduct. The case of Salman (Case study-1), Imtiaz Uddin Mohan (Life history-4) supports the postulate of Hirschi (1990). Salman and Imtiaz involved crime due to their low respect to his family value. How low family attachment contributes a lot to become a child deviant is revealed from the case of Salman and Imtiaz. However, this study also revealed that some delinquents come from favorable family relationship (case study-7). So this study yielding this conclusion that it cannot be assumed that all the delinquents are from broken or unfavorable family relationships.

It was found from the study that juveniles have involved criminal activities by the influence of their peer association (Life history-5, case study-6, and case study-12),

Deviant peer influence into cigarette and use of various drugs seems to be a ingredients for the juveniles to frequent involvement in delinquency. This finding is in line with the findings in the literature which suggest that, the relationship between delinquent peer and delinquency is eminent (Sarkar, 2008). Moreover, the findings are in also consistent with the differential association theory (Sutherland, 1939) which suggests that, when adolescents come into contact with deviant peers, it increases their propensity of imitating such behaviours. On the other hand Tania's family possessed a criminal history. Her grandmother and father were involved in criminal activities. As a result her family environment is a fertile land for being involved in crime. Her illicit relation with her father's friend is an expression of anti-social behavior; although she believes that she was the victim of her step-mother.

Prior and Paris (2005) in their study, argued that most of the youth are in crime because of poverty, which drove them into criminal act for survival. On the other hand, K.M. Banham Bridge (1995) showed that a different set of causes is involved in each individual case. It has been observed from this study that most of the juvenile from the two CDCs belongs to the lower economic category which mirrors the prevailing economic condition of their family. Most of the families in this study face financial problem. So the Parents want their children to assist them in work field instead of going to educational institutions. Sometimes parents cannot afford their children with all basic requirements of human life, specifically food and clothing. Then the poor children involved some work which can provide their food and clothing. Imtiaz's (2014) findings have a link with this study. They even bother to know whether the work is legal or illegal, which is consistent with Agnew (1992). In 'Brothers in Crime' Shaw (1972) produced the official records and life history of five brothers of a family where it was depicted that the family was so poor that the mother was compelled to work. In spite of all their efforts the children became delinquent. The life history of Kamal, case of Anis, Rahat, hamim, all are significant evident to support the General Strain Theory of Agnew (1992) and poverty related examples (Life history-3, 4, case study-4). But it is not all about the picture.

A different scenario also found in this study. Juveniles from high economic and social position also involved criminal activities. Morium (Life History-1), Imtiaz (Life History-

4), Sadman (case study-12) from well-off families, but their peer group, revengeful mind and lower parental affection and supervision compelled them to involve crime. However the types and causes do vary between the poor and rich family background children. Children from impoverish condition involve crime like theft, hijacking, arson and drug carrying due to meet their basic needs whereas children from high economic background involve crime like murder, sexual harassment and drug trade due to excitement, take revenge and being trapped (Table-6).

The juveniles spend their early childhood in poverty prone area with high incidence of crime. When they migrated from village to city, they were the witness of much trivial anti-social behavior in their neighborhood. Pilferage, fight and quarrel over silly matters were very common. All family members sleep in the same room. The residential areas of Arif, (case study-15), Sujana (case study-8) were backward and the living conditions were very poor. These reflect the notion of Shaw and McKay (1942). They believed that high-delinquency areas are characterized by competing and conflicting attitudes and values. There are more adult criminals there and the children are greater likelihood to choose a criminal way of life. By studying in context of Bangladesh, Islam and Khatun (2013) argued that every crime has a relationship with the place or location where it is committed. It is evident from this study that rural to urban migration in search of better income and living in troublesome, congested urban areas is an ingredient to juvenile delinquency.

The Routine Activity Theory of Cohen, L. E., & Felson, M. (1979) regarding crime analysis particularly juvenile delinquency seems more suitable for studying the causes of juvenile delinquency in Bangladesh. In the present study, it has been noticed that a considerable amount of respondents mentioned that they commit crime due to the lack of parental supervision and the case study (case no. 7) revealed that he did the rape, a heinous crime because of he got the favorable chance and the whole situation permitted him to commit that. So it was found that different causes are responsible for different offences. In particular, this study has revealed specific causes for specific offences. However, most of the experts attributed the incidents to the lack of proper guidance, absence of moral teaching at the family level and school and over all whole society. This study finding argued that it is not possible to narrow down the cause of delinquency in

Bangladesh within a single umbrella; rather a 'web of causes' is behind the juvenile delinquency in Bangladesh.

In the total correctional process all the government organs are interrelated. So if any organ of this process fails to perform its due role it would make vulnerable to the all process. Foucault (1975) argued that to correct the delinquent the biographical knowledge and a technique for correcting individual life is utilized in the penitentiary operation.

The police station is the first place to address the juvenile offenders. Various studies (Rahman, 2003; Ferdoushi 2012; Islam and Sikdar 2014) indicated that police officers have no clear idea on the provision of Children Act, 1974 and matter related to juvenile justice. The findings of this study also support these studies. It was found from this study that police officer has little knowledge about Children Act, 2013. Almost all the respondent expressed their opinioned that, they have to face bitter experiences in the police station, particularly by the police forces. Most of the inmates have to stay in the police station more than 24 hours, beaten severely by the police, arrest with handcuff and so one. These findings are also consistent with Khan and Ahmed (2001). In some cases they demand bribe as a means of altering the types of allegation. Thus they manipulate (Foucault, 1975) the judicial proceeding.

In the case of Kamal (Life history-3) it was revealed that, from police station to development center his child right has been violated in every stage. The legal provision of Bangladesh did not as supportive as international standard. Due to poverty his family cannot engage a lawyer, who can stand for him. However he is one of the few examples who feel better and satisfied with the facilities provided by the development centers' authorities.

The correctional measures that are adopted in our legal system have been analyzed as of Foucault's concept of *panopticism*. The CDC, the palace where the correctional activities are carried out, is also the place of observation of the accused as well as convicted juveniles. This takes two forms such as surveillance and knowledge of each inmate, of his behavior, his deeper states of mind, his gradual improvement; The theme of

panopticon, that means at once surveillance and observation, security and knowledge, individualization and totalization, isolation and transparency-found in the CDC its privileged locus of realization. The penitentiary panopticon was also a system of individualizing and permanent documentation. The penitentiary technique and the delinquent are in a sense twin brother. Delinquency must to be known, assessed, measured, diagnosed, treated when sentence are passed (Foucault: Discipline and Punish, 1975). According to Foucault, (1975) solitary confinement is one way to get them to submit to authority. But the problem of overcrowding and lack of required staff creates the individualized services more critical. Due to infrastructural constraint all types, irrespective of age and severity of crimes of the inmates have to live together. This impedes the correctional process in proper way.

All the juveniles' daily activities and interactions are supervised and control by the CDC authorities. From morning to evening they have to act as directed by authority figures. Decisions like; when to eat, what to eat, when to bathe, when to play are regulated and imposed by the authorities. They have no choice to select food items. Day after day they have to follow the same rules, eat same food, and spend leisure in same manner. If a juvenile spend a longer period of time in CDC, he may lose his decision making power. Not only that there grow a tendency to commit suicide among some of juveniles (Life History-1 Morium). Abram (2008) through his study opined that, Psychological disabilities are highly prevalent in detention centers and suicide rates for incarcerated youth are two to four times higher than in the community at large. He argued that conditions associated with confinement, such as solitary confinement, crowding, and separation from friends and family can increase the risk of suicidal behavior. It was also found in this study (Life history-1, Morium). So, there need to large scale study to examine the mental health conditions of the juveniles' delinquents put in CDCs.

This ethnographic evidence shows that there is a class issue also existing among the juvenile inmates of CDCs. All accused inmates are not positioned as powerful. As this ethnographic evidence explored that the juveniles are frequently faced with physical abuse by fellow inmates in Gazipur CDC and sexual assault by persons in authority in konabari CDC. The report of sexual harassment against female juveniles is also found during their arrest and interrogation. The study of Khair and Khan 2000; Ferdoushi, 2010;

Rahman, 2011 also revealed this fact. The children suffered greatly at the hand of *baro vai*, whose mixture of hostility and kindness produced a peculiar atmosphere. Inmates who are senior in terms of the duration of staying and severity of crime, at the CDC themselves took decision whether they would punish anyone or not. They also take the decision that who will get new dress, who will perform what kind of duties, who will get permission to use slipper and so on. *Sabuj vai* and *Sumon vai* represented as a symbol of abusive headship within the CDC. They also exploit them by asking money, taking personal clothing given by their parents, eating food providing by parents and forcing them to play passive role in anal sodomy. If any inmates fail to meet their demand he has to suffer more; physical beating is very common. However the inmates are very much reluctant to say anything against the *baro vai*, due to the fear of further torture. When this study able to built rapport and also a close relationship with some of the inmates and make sure that nothing will be exposed before anyone within the CDC, then they agreed to say the real scenario of the CDC. One of the inmates showed the scratch mark in his body which was the manifestation of baste by the *baro vai*. To express the feelings about incarceration, most of the respondents opioned that they do not like this life (*Bandi jibon vallagena*). Expression of dissatisfaction about the free legal aid support for the poor one of the respondent utter in this way*Gariber sathe alla o nei* (God also not supports the poor).

The shabby and shaky look tore and dirt cloths represented the overall scruffy condition of the CDC. After interviewed with various stakeholders as well as observation of the CDCs' activities study found a summary of multivrities problems surrounding effective correctional services at CDCs. In this study it is explored the problems such as poor facilities, overcrowding, abuse by senior inmates and sometimes by staff (in the case of female juveniles), lack of security, untrained staff, insufficient staff and funding, lack of sincerity and inadequate health (Hoque and Salam 2008; Ferdoushi, 2010; Rahman, 2011) and educational services. To handle the record number of inmates with limited resources both monetary as well as nonmonetary is a major concern for the authority also. Due to the work load of the staff of CDC it is not possible to address the inmate individually. Rather they arrange a common counseling session every morning during assembly, where all inmates and all the concern CDC personnel remain present and say some ethical and moral words before the juveniles. Though it was postulated that all

juvenile should be treated individually, here the, penitentiary technique (Foucault 1975) can't be applied properly. However juveniles don't have knowledge about their rights within the CDCs. If a juveniles violets any instruction of the authority, he has to face solitary confinement for the boys and for the female physical punishment is applied.

The government staffs, working in CDCs remain apathy regarding the correction of juvenile behavior. They are not enough motivated to work with the juveniles. However, almost all the juveniles in Tongi CDC expressed their satisfaction towards the current administration during the field work (2015-16). They are affectionally treated by the present official in their short period of staying in CDC. They were unsatisfied with the treatment of the previous administration compare with the present.

“.....ager sir onek marto, ekhonker sir valo, amader mare na(The previous sir beat a lot; but present sir is good and does not beat us)”. There was no report of physical torture against any CDC authorities; mental harassment remains present, i.e. *Sirera bole amra manush na*(Sirs told that we are not human being). But the opposite picture was found about the administration of Konabari CDC. The female delinquents expressed their dissatisfaction towards the administration. There were both mental and physical harassments in CDC at Konabari. The body language of the staff members in Konabari showed that they are spending their bad time through this posting in CDCs which is supportive to the expression of the accused girls.

All the interviewed juveniles expressed that they want to be an ideal person in the society. They do never involve any illicit activities in future that bring them in this CDC. This feeling grows not because of the legal activities of CDCs rather it is due to the fear of the prevailing *culture of baro vai*. The CDCs have however failed to correct the behavior of the delinquent. The CDC also could not provide sufficient general and moral education among the inmates. In some cases juveniles tried to flee. Sometimes they failed and sometimes they succeed. In Tongi, CDC when this fieldwork was going on a juveniles successfully able to flee, in the time of assemble. By deceiving the eyes of authorities he could manage to flee. It was not the first case. In 2003, on April 22, a group of 26 boys were successfully fled from the CDC. By cutting the window grills and injured the security guard they were able to flee. The CDCs were developed to rehabilitate the juveniles into society. The juveniles from both rural and urban setting are

incarcerated in CDCs. But the training program is very much urban based. So the skills they develop from the CDCs do not match to the rural setting. So, if a juvenile has to stay a longer period in CDC, he will be unable to adjust himself within his rural setting.

This reflects the failure of existing correctional process in our legal system. It is evident from the study that the police, juvenile court and the CDCs lacks manpower, training, facilities, motivations, budget allocation and techniques to perform adequately as representative of the state. This study revealed that juveniles did not get the solicitous care and regenerative treatment suggested for children by the Children Act, 2013 as well as the UNCRC. When a juvenile found himself in CDC, for a greater or small period of time his world became narrower. He has to spend his time in a floor of a five storied building, strictly prescribed schedule and institutional hour without father and mother, sister and brother, friends and class mates and neighbors. He has to spend his time with guard, employee of the CDCs, and other delinquents who may be an accused of homicide, rape or others heinous crime that can creates another form of delinquent as stated by Foucault (1975).

It is accomplished that the legal process to deal with juvenile delinquency in Bangladesh is well-intentioned but less-implemented. The practices that are going on to correct the anti-social behavior of the delinquents need to be changed and improved. Though, institutionalization with academic education and vocational training programs are practiced in the official juvenile justice approaches, it is not a researched based design. CDCs do not follow any specific philosophy relating the correctional process in its practices. Neither it Punishment oriented nor Therapeutic oriented. CDCs offer some degree of educational and vocational services, which is nothing but an arrangement of time pass. Research is needed whether this training program, is helpful for their future adult life or the CDCs able to bring down the juveniles incarceration recidivism rates.

It is evident from the study that within the judicial process in all cases children are deprived of their rights and police, court and regulators of social control who have the power and responsibility to correct his behavior are indifferent about their duties. Moreover, it was supposed to apply the law, and to teach respect for it; but all its functioning operates in form of an abuse of power. Therefore, it seems Foucault's (1975)

perception about power works in this study. However, the overall condition of the juveniles in CDC can be understood by the following eagerness of a juvenile,

“.....I want to get release and go to my home, my family as early as possible. I want to continue my study again. I want to meet with my school friends again. I want to play with my play mate. I never disobey my parents. Please arrange my bail.”

Appropriate parenting, proper monitoring and supervision by the parents, moral and ethical education at home and school will be helpful to eliminate the indulgence of the juveniles in the world of criminality. To prevent and reduce juvenile delinquency in Bangladesh, the parents, teacher, police, judge, and the community people work together with compassion from their respective position. The mass media should play a vital role in building awareness through telecasting the fate and consequences of being criminal. As a ‘web of causes’ is responsible for the problem of juvenile delinquency; a ‘humanistic and holistic’ approach is needed immediately to address this problem properly and effectively.

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Annexure

Annexure I

Interview Guideline for Case Study

Briefing/Introduction

I need your opinion and cooperation to conduct my research work named ‘Dynamics of Juvenile Delinquency and its Legal Implication: An Anthropological Study’. The discussion will be depth and the information gathered from this will be kept confidential and will be used only for academic purpose.

Name of the Juvenile

Permanent Address

Present Address

Police Station

Name of Accusation

Stayed: From...

Room number of the Development Center:

Socio-Demographic information of the juvenile:

Names of family members of the juveniles	Relation with him	Living /Dead	Date of birth	Age	Profession	Education	Religion	Marital Status	Family Income	Source of family income	Living place	Type of family
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Criminal Behaviour and Legal Process and Practice related information

1	Describe your relation with your family members and your family life
2	Describe your daily activities in your family (Including religious activities)
3	Your opinion regarding rules and discipline in your family and relation between your parents
4	Tell about your friends (Close friends, activities, relation)
5	Describe your living place (Type of place, relation with neighbor, surroundings)
6	How did you pass time apart from family (School, College, Working place, Hangout place)
7	Describe regarding if any family member or friend who is associated with crime
8	Describe why and how are you being associated with crime (Have to describe if someone else is mentioned)
9	Describe how you or someone else committed the crime
10	Describe how you got arrested
11	Describe your experience in police custody (Existing is custody, behavior of police)
12	Describe your experience in court (Behaviour of the lawyer and the judge)
13	Describe how you have come to the development center (Start from being arrested.....)
14	Describe about your daily activities in the development center (When and what activities from start to end)
15	Describe the facilities you avail in the development center (Food, Clothing, treatment, education, trainings and entertainment)
16	Describe your relation with other inmates (Friendship, adverseries, cares, Governance, forcing, torture)
17	Describe your relation with the case-workers in the development center

18	Describe the correction process of your behavior in the development center
19	Describe if anything you feel bad about the development center
20	How do you express about anything you feel bad about the development center
21	Narrate the disciplinary measure in CDC
22	Describe about the overall condition of the development center (Observed through your own eyes)
23	Do you have any positive change within your behavior
24	Describe (if any) the type and reason of being associated with any wrongdoings after admitting in development center
25	Describe in details about the issues of the development center that will help you to again socialize and will stop you from being associated with criminal activities
26	What are the issues of the development center that will help you establish in the society
27	What are the problems of the development center (Experienced by your own)
28	What will be your suggestion that should be taken to correct juvenile delinquent Behaviour in CDC
29	How do you like to rehabilitate yourself after being released from the development center
30	Please state anything that has not being discussed

Annexure II

Semi-structured Questionnaire for the juveniles

Briefing/Introduction

I need your opinion and cooperation to conduct my research work named 'Dynamics of Juvenile Delinquency and its Legal Implication: An Anthropological Study'. The discussion will be depth and the information gathered from this will be kept confidential and will be used only for academic purpose.

Section A: Socio-economical and demographic Information:

- | | | |
|------------------------------|------------------|----------------------|
| 1. Name | 2. Father's name | 3. Age |
| 3. Sex | 4. Religion | 5. Marital Status |
| 6. Educational Qualification | | 7. Occupation |
| 8. Present Address | | 9. Permanent Address |

Section-B: Information about the familial and social environment of the respondent:

1. Educational Qualification of father
2. Educational Qualification of mother
3. Occupation of father
4. Occupation of Mother
5. Monthly family income
6. Type of your family?
7. How many siblings do you have?
8. Do your both parents alive?
9. Do they live together?
10. If no, whom do you live?
- 11 How was your relationship with your parents?
12. Relationship between parents
13. Report on consume drinks/liquor
14. If yes who consume?

15. What were the disciplinary measures did your family practice?
16. Nature of house and house hold accessories
17. Nature of living environment and neighborhood

Section C: Information about previous lifestyle:

1. Where did you live before enter the CDC?
2. Which whom did you spend most of your time?
3. Did you attend religious activities?
4. Did you involve any voluntary organization?
5. Do you have any record of running away from home and school?
6. Did you have mobile phone?
7. How did you buy the phone?
8. Ways of mobile phone usages
9. How did you collect phone bill?
10. What types of recreational activities you enjoyed?
11. If consume alcoholic substance which did you take?
12. From where did you get money?

Section–D Nature and cause of Juvenile Crime:

1. What accusation has brought against you?
2. What is your opinioned about the crime?
3. Was this your first accusation?
3. Did any member other than you in your family is involve in crime?
4. If yes who was involve?
5. Did any adult person were with you?
6. Who is responsible for your current situation?
7. What was the cause behind your involvement in criminal activities?
8. What was the cause of your being arrested?

Section -E Experience with Police

1. How did you contract with law?
2. Name of the Police Station
3. If you arrested by police, did police inform the following personnel
4. Did you stay at police station?
5. Were you in handcuffed?
6. Did police bind you with rope through the chest?
7. Were you beaten up at police Station?
8. Were you kept up with adult criminal?
9. Did police provide any food at police Station?
10. Do you notice any Help-Desk in that police Station?
11. Did Child Affairs Police Officer (CAPO) deal with your case
12. If yes, did she was a female officer If yes,
13. Did probation officer come at police Station?

Section -F Experience in Court

1. In what stage does your case remain?
2. In which court did your case death with?
3. Who appointed lawyer in favor of you?
4. Did the judge wear black coat in the court?
5. Did the counsel wear black coat in the court?
6. Did the police wear uniform in the court?
7. Did black coat/uniform make any unfavorable feelings in you
8. Did you have an opportunity to sit in the court?
9. If yes who sat beside you?
10. If there anyone other than concern person was present while the court process was going on?
11. How do you evaluate the overall environment of the court?
12. Where did you were sending by court?
13. How much time did you stay at adult jail?

Section-G Experience in CDC

1. Room Number of the Development Center
2. How much time do you stayed at CDC?
3. What was your mental condition at the beginning of staying CDC?
4. Has any problem now?
5. What kinds of materials does CDC authority provide for your livelihood?
6. Do you know what are facilities are to be provided by the CDC authority?
7. Does the authority provide food according the list that are hung on the list?
8. How many inmates are slept in one room?
9. Do you has do sleep with older inmate than you?
10. Do the older inmates impose any torture upon you?
11. If yes, what are its types?
12. What kinds of education do you receive in CDC?
13. In which training do you receive?
14. What recreational activities are available here?
15. How do you spend your time?
16. How does the case worker maintain contact with you?
17. Do you have involved any new crime after entering CDC?
18. If yes, which work do you have to done?
19. What kinds of diseases are prevailed among most of you?
20. Which arrangement do play significant role to correct your behavior?
21. Is any punishment imposed upon you in CDC?
22. Does the environment of CDC bring any negative attitude within you?
23. What will be your suggestion that should be taken to reduce the juvenile in delinquency in Bangladesh

Annexure III

Interview Guideline for Key Informant Interview (KII)

Briefing/Introduction

I need your opinion and cooperation to conduct my research work named ‘Dynamics of Juvenile Delinquency and its Legal Implication: An Anthropological Study’. The discussion will be depth and the information gathered from this will be kept confidential and will be used only for academic purpose.

Name:

Designation

Work Place

Duration of posting ... (From.....To.....Total.....)

<i>SL.No.</i>	<i>Opinion Item</i>
1	In your opinion what are the recent trends of juvenile delinquency in Bangladesh? (Types, severity, changing pattern)
2	In your opinion what are the major causes of juvenile delinquency in Bangladesh
3	State some words for the particular cause
4	In your opinion what are the major causes of male-female differences of juvenile delinquency in Bangladesh
5	Could you please enlighten in a few words about the ecological factors related to Juvenile justice in Bangladesh
6	Could you please enlighten in a few words about the present existing law related to Juvenile justice in Bangladesh
7	State your opinion about the suitability of the children act, 2013, with reference to the international standard.
8	Could you please inform the gaps/inconsistencies you notice in the present Acts?
9	Do you think the law is properly practiced in dealing with a juvenile offender by the police, lawyer, judges or other concerned authority? If not, what are the causes behind it?
10	What are the strengths in this child Act 2013, to address the juvenile offenders?
11	Please give your opinion about the custodial violence in different levels in dealing with the juvenile delinquent.

12	Please comment on the correctional initiatives that have been adopted for the juvenile offender in Bangladesh.
13	In your opinion, what is the present condition of Police station, Court and CDC in Bangladesh to implement the prescribe standard for the juvenile?
14	In your opinion what are the major constraint to implement the prescribe standard for the juvenile?
15	In your opinion what are the measure that should be incorporated in the police organization to implement the prescribe standard for the child
16	In your opinion what are the measure that should be incorporated in court system to implement the prescribe standard for the child
17	In your opinion what are the measure that should be incorporated for the police station to implement the prescribe standard for the child
18	Please comment on the correctional initiatives that have been adopted for the juvenile offender in Bangladesh
19	To ensure the rights of the juvenile in the correctional process in juvenile justice system, which section do you think need to be addressed most?
20	Do you have any other comments you would like to share, which is not included in this conversation? Please mention.

*Annexure IV***Categories of Respondents for KII**

Types of Respondents	Categories	Number	Selection Procedure
Superintendent of CDC	Tongi and Konabari	02	Purpasive
Police Officer	Tangail	01	Purpasive
Judge	Judicial Magistrate	01	Purpasive
Ngo Officer	BMJF	01	Purpasive
University Teacher	Jagannath University	01	Purpasive
Guardian	Parents of Juvenile	02	Purpasive
Total		08	Purpasive

Annexure V
Visual Presentation

(I) Children Engage with Fighting



Source: <http://www.assignmentpoint.com/arts/sociology/some-aspect-of-crime>

II) Children Engage with Drugs



Source: <http://www.google.com>

(III) Common Counseling Session in CDC, Tongi



Source: Field Work, 2015-16

(IV) Release from CDC, Tongi



Source: Field Work, 2015-16

Annexure VI**The Children Act, 2013****(ACT NO. XXIV of 2013)**

[20 June, 2013]

For the purpose of implementing the United Nations Convention on the Rights of the Child, this new law has been enacted.

(The provisions related with youthful offender and are relevant in this study)

PART I**PRELIMINARY****1. Short Title and Commencement-**

(I) This Act will be called the Children Act, 2013.

(II) It shall come into force in such dates as the Government may, by notification in the official Gazette, specify.

2. Definitions-

In this Act, unless there is anything repugnant in the subject or context,

1 (3) Children in Conflict with the Law is such a child who have been found accused or convicted according to sec 82 & 83

4 Child: A child means every human being below the age of eighteen, unless under the law applicable to the child, majority is attained earlier.

PART II**Appointment of Probation Officer, his Duties and Responsibilities-**

5. (I) the government shall appoint one or more Probation Officers in every district, upazila or metropolitan area

(II) 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.

(III) 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.

Duties and Responsibilities of the Probation Officer-

6.(c) where children in conflict with the law are sent to a Child Development Centre or any certified institute;

- (1) to prepare and preserve a separate file for each child;
- (2) to follow the procedure for alternative care as vided in section 84 of the Act;
- (3) to meet the child at regular intervals and to see him according to his desired time;
- (4) to monitor or observe that the parents, extended family members, or legal guardian; properly comply with the conditions relating to the supervision of the child;
- (5) to personally monitor whether or not the child is receiving formal and vocational education;
- (6) to inform the court of the child's behaviour, effectiveness/efficacy of the measures taken in respect of the child and to submit the report called for by the court at regular intervals,
- (7) to provide advice to the child with a view to making him or her sociable as far as possible and to render overall support for that purpose;
- (8) Perform any other duty which may be prescribed

PART III

Child Welfare Board and its Functions

7(II) The The National Child Welfare Board will perform the following dutues and Responsibilities:

- (a) to monitor, coordinate, review and evaluate the activities of the Child Development Centres and of certified institutes
- b. (2) to ascertain the gender-disaggregated number of such children and to advise the government upon collecting data and information about their ways or standards of living,

PART IV**Child Affairs Desk and Child Affairs Police Officer etc.**

Child Affairs Desk-

13. (1) Ministry of Home Affairs establishes a "Child Affairs Desk" headed by a "Child Affairs Police Officer" not below the rank of Sub-Inspector. Further provided that if there is a female Sub-Inspector working in the concerned police station, she shall be given priority while assigning responsibilities of the Child Affairs Desk.

The responsibilities and functions of the Child Affairs Police Officer-

14. Child Affairs Police Officer shall be following:

- a) maintaining separate files and registers for the cases involving children;
- b) where any child is brought to the police station;
- I) to inform the Probation Officer;
- II) to inform the child's parents or, in their absence, foster carer or the guardian or members of his extended family;
- III) to notify them of the date for producing the child before the court along with other details of the case;
- IV) to provide immediate mental support for the child;
- V) to arrange for his or her first aid and, if necessary;
- VI) to send the child to a clinic or hospital;
- VII) to take necessary measures to meet the basic needs of the child.

No joint Charge Sheet of child and adult-

15. If an adult and a child are alleged to have committed an offence together, there will have to be separate charge sheets, one for the adult and one for the child

PART V**Children Courts and its Functions**

16 (1). For the purpose of the Act and for trial of offences there under, at least one court is to be established in every district headquarter and in every metropolitan area as the case may be. Such court shall be called "Children's Court".

19 (1) The Children's Court shall conduct its sessions in such place, day and manner as may be specified by Rules.

(II) 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

(III) The court shall arrange for appropriate seating for the child and in case of a challenged child, where necessary, provide special seating

(IV) 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.

Persons Permitted to Present in the Court Proceeding-

23. No other person will be allowed to remain in court except the following

- a) The child concerned;
- b) The parents or, in their absence, foster carer or legal guardian, or, where applicable, members of the extended family;
- c) Officers and employees of the court;
- d) parties to the case or proceeding, Child affairs Police Officer, the concerned lawyer or any other person directly concerned with the case or proceeding including the Probation Officer and
- e) any person specially authorized by the court to appear or remain present.

Confidentiality of the Court Proceedings-

28. (1) In any case under trial before the Children's Court where a child is involved in the case or as a witness, no photograph or description of the child shall be published in any print or electronic media or through the internet which may directly or indirectly identify the child

(II) If it is apparent to the court that such publicity will not be harmful for the interest of

the child in which case the court may permit the publication of the child's photograph, description, news or report.

Matters to be considered by the Children's Court in passing any order -

30. When passing any order under this Act the Children's Court shall consider the following matters:

- a) child's age and gender;
 - b) physical and mental condition;
 - c) qualification and level of education;
 - d) social, cultural and ethnic background;
 - e) family's financial condition;
 - f) lifestyle of the child and his family;
 - g) reasons for commission of the offence, information regarding gang formation and overall background and surrounding circumstances;
 - h) the child's opinion;
 - i) social enquiry report and;
 - j) other ancillary factors that are expedient or are required to;
- be taken into consideration in the best interest of the child and his or her correction.

Social Inquiry Report-

31 (1) Within 21 days of production of the child before the Children's Court the Probation Officer is mandated to submit before the court a social enquiry report in the manner prescribed by Rules and a copy of the same shall be submitted to the nearest Board and Department.

31(2) The social welfare report shall include a description of the child's family, social, cultural, financial, psychological, ethnic and educational background and also regarding the condition and locality in which the child lives, as well as the circumstances under which the offence took place.

Restriction on Punishment of Child-

33.(1) Notwithstanding anything to the contrary contained in any law, no child shall be sentenced to death, imprisonment for life or 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. Provided further, the period of sentence may not exceed the maximum period to which the child could have been sentenced.

Provided further, that any time during the period of such detention the Court may, if it think fit, direct that in lieu of such detention, he may be detained in a certified institute until he reaches the age of 18.

33.(II) A child sentenced to imprisonment, shall not be allowed to associate with any adult prisoners.

Order of detention by a Children's Court etc-

34. (I) Where a child is found guilty of an offence punishable with death or imprisonment for 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;

Provided further, 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.

34. (II) Notwithstanding anything to the contrary contained in any law, a child whose behaviour, character and personality has changed positively and who has not been charged with an offence of murder, rape, robbery, dacoity, drug-dealing or any other heinous or serious offences, then the CDC or certified institute may take steps for his release as soon as he reaches the age of 18 and with that view recommendation may be sent to the government three months before he reaches 18.

Use of terminology when passing any order-

36. (1) Apart from the terminologies used in this Act, when passing any order the court may not use the terms "offender", "convicted" or "sentenced" in relation to children. Instead, the terms "a person found guilty of an offence", "a finding of guilt", or "an order made upon such findings", as the case may be, or such other synonyms as the court deems appropriate may be used.

PART VI**Arrest, Investigation, Diversion and Bail**

44 (1) No child below the age of 9 years may be arrested or detained under any circumstances.

(III) When a child is arrested, the police officer making such arrest shall immediately inform the Child Affairs Police Officer the reason for the arrest, the place of arrest and details of the allegations against him.....But the condition is that, No child shall be handcuffed or tied with a rope around his waist

Bail etc.

52. (IV) Where the child is not released on bail under the provision of (III), the Child Affairs Police Officer shall take steps to produce the child before the nearest Children's Court within 24 hours.

(V) When the child is produced before the Children's Court, the court shall either release him on bail or order for his custody/detention in a safe home or a Child Development Centre.

PART VII**Legal representation and Aids**

Legal representation etc-

55(1) No court shall proceed with the trial of any case without legal representation on behalf of a child in conflict or in contact with the law.

(III) If the parents or, in their absence, foster carer or legal guardian or members of the extended family of a child do not appoint a representative for the child or if such person is not available, or if no sufficient fund is available to engage a lawyer, then the Children's Court shall appoint a lawyer from amongst the panel of advocates of the District Legal Aid Committee or of the Supreme Court to conduct the case.

PART VIII**Child Development Center and Certified Home**

59. (1) The government should

Establish and maintain necessary number of Child Development Centers based on gender disaggregation for the accommodation, reformation and development of children who are ordered to be detained and those who are undergoing trial

Minimum Standards of Care -

63. (1) The Government by issuing office order and directive shall determine the minimum

standards for proper care of the children staying in the certified institutes.

(II) Children staying in the institute shall be categorized into different classes and kept separate according to the seriousness of their offence and taking into consideration their age:

It is specifically provided that children above 9 shall not be kept with children aged 10, and children above 10 shall not be kept with children above 12 in the same room and on the same floor. Further, in the case of children aged 12 and above, care must be taken in relation to their accommodation and as far as possible they should be accommodated in separate rooms keeping in mind the gravity of their offence, their physical growth and strength, etc.

(IV) The certified institutes should protect the best interest of every child staying there and to ensure their proper behaviour and appropriate education including vocational training.