
Juvenile Delinquency in Bangladesh: Causes and Challenges

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Abstract:

Juvenile delinquency is a burning issue all over the world. It may play as a role for the future crimes root. In Bangladesh, the juvenile justice is sometimes hampered due to the various laws conflict here. Though every child is innocent by birth, the circumstances like lacking of fundamental rights, proper care in family or society, bad company, various addictions etc. make him a juvenile delinquent. The crime whether it is theft, robbery, dacoity, hijacking, vandalism, or violence, eve teasing, offences relating to sex, consequently it hampers the social balance. The purpose of this study is to explore and understand the causes, difficulties and solutions of juvenile delinquency regarding Bangladesh. It would be very beneficial to understand juvenile delinquency for maintaining social structure.

Key words: Juvenile delinquency, Child, Bangladesh, Crime, Vandalism

1. INTRODUCTION

Children are the glorious part of a nation. The Children belong to a certain age limit, commit anti-social activities are called juvenile delinquency in general sense. Generally, the children belongs to the age of under eighteen years are called juvenile

[1]. In addition, children above 10 years and under 18 years are juvenile too [2]. The delinquency rate increases proportionately with the growth of child age until it is 18 years. Delinquency rate increases gradually with a peak around age of 17 [3].

Children are born as innocent. Numerous studies have reported the association of juvenile delinquency with such general social circumstances such as urban living, low socio-economic background, lacking of implementation of fundamental rights [4], proper care in a family, lack of parental care and affection, stigma of illegitimacy, social negligence, loneliness, lack of social outlets, proximity of luxury and wealth, poverty, physical factor (like malnutrition, sensory defects, drug addiction etc.), mental factor (like mental defect, adolescent emotional instability, sex habits and experiences etc.), broken homes, lack of recreational facilities, etc. various factors make him a juvenile delinquent. Other studies revealed that a connection between juvenile delinquency and low test-intelligence, ecological areas, sub-cultures, nationality, color, race, and disfunctioning endocrine glands [5]. The aim of this study is to explore and understand the causes, difficulties and solutions of juvenile delinquency regarding Bangladesh.

2. CONCEPT OF JUVENILE, JUVENILE DELINQUENCY AND JUVENILE DELINQUENT

Defining “Juvenile” is not so easy. It has some synonyms like minor, young, youth, adolescent, immature, etc. So, the sense of juvenile differs from country to country, statutory laws to statutory laws. If we go through the origin of the word of juvenile, then can find Latin term *juvenilis*, which denotes to the young person, literally youth guy [6]. We can say that, a juvenile is a child or young person who is not yet old enough to be regarded as an adult [7]. In case of determining the age of juvenile is tough. It is thought to be above 10 years of age and less than 18 years of age are seemed juvenile. For a better

concept, international law says, children's age less than 18 years are to be treated as juvenile as well [1]. In case of *Krishna Bhagwan v. State of Bihar* [8], in case of juvenile determining, Patna High Court; India, observed that the age shall be counted in that date in which date the offence is committed. In *Rajendra Chandra vs. Chandigarh Administration* [9], in case of trial the juvenile shall be trialed under the juvenile court according to the Juvenile Justice Act, 2000. So, we can explain juvenile like that, the children who don't achieve 18 years age limit are juvenile mainly. Actually, it is a child's maturity and mentality which is important to determine a youth as juvenile [10].

Often some children become habituated with the social culture where they live in. Some children commit such activities which are against the social value of which society they belong to. They make little mistakes, antisocial or illegal behavior [11], and minor crimes that gradually occur and these activities take the name as juvenile delinquency. The children who commit these offences are called juvenile delinquent. Juvenile delinquency or "juvenile offending" is a participation in illegal behavior by minors [12]. Actually, to define juvenile delinquent is not an easy task. It depends on various circumstances. According to Wikipedia, "juvenile offending", is a participation in illegal behavior by minors [13]. Some acts which are generally considered as juvenile's offence as- increase of violent and aggravated crimes among youth, increasing of drug related crimes, theft, robbery, dacoity, hijacking, culpable homicide, extortion, offences relating to drug, eve teasing, violation of trafficking law, flee from home and school offences relating to sex, pick pocket etc.

So, in very simple sense, the crimes which are committed by such persons who are under the age of adult age limit according to the statutory laws are juvenile and their crime is known as juvenile delinquency. A juvenile is defined as

a youth who is not old enough to be held responsible for criminal activities [14].

3. CRIMINOLOGISTS VIEW ON JUVENILE DELINQUENCY

There are many jurists who have given very important views to clarify about juvenile, juvenile delinquent and juvenile delinquency. Among them, some are-

- *Professor Sutherland* considered juvenile delinquency as antisocial behavior.
- *Cyril Burt* defines delinquency as antisocial tendencies of a child which ought to be a subject matter of official action.
- Thought of *Haskel* is that, juvenile delinquents are they who are sentenced as guilty by the juvenile court. It depends upon parents' attitude and nature, society's mentality on juvenile justice [15].
- *Friedlander* believes that delinquency is misconducts of a juvenile that might be dealt with under the law.
- *Ruth Shonle Cavan* (USA) observed that a child is to be regarded as delinquent when people suffer for his anti-social conducts; his family faces difficulties to control him [16].

In simple words, from the above views of various criminologists' opinions, it can be said that juvenile delinquency is a type of abnormal or antisocial behavior by a juvenile who is below an age specified by statute. In case of their abnormal behavior some acts like to disobey guardians, to make mistakes or commit such crimes which later become dangerous. And most of the criminologists' give argument that juvenile is determined by the statutory laws of a country and the juvenile delinquency also determined by the country and also on circumstances.

4. JUVENILE DELINQUENCY IN BANGLADESH

In Bangladesh, juvenile delinquency is increasing in a dangerous number. At the begging of this problem, there was delinquency like theft, robbery, dacoity, hijacking, extortion, eve teasing, violation of trafficking law, flee from home and school, offences relating to sex, pick pocket etc. Day by day, character of delinquency is changing. Drug addiction is now in this situation that it makes a juvenile totally out of control and compelling him to commit such type of harmful acts which are absolutely very much shocking to us all. Very recent, Oishi, daughter of Mr. Mahfuzur Rahman, Special Branch Inspector (Political Affairs), killed him and his wife Swapna Rahman brutally [17]. What she did is out of imagination as a human being. She was addicted and used to take yaba, a dangerous drug. So, this scenario is enough to show the current situation of juvenile delinquency in our country.

To define juvenile delinquency, there are various statutory laws in Bangladesh. Specially, according to the Penal Code, 1860; it is dealt with the provision of juvenile under the section 82 and 83. According to section 82 of this code, it is said that, if a child is under the age of 9 years old [18], then, s/he is a juvenile. In *State v. Md. Roushan Mondal@Hashem* [19] case, it is said that if a child above 9 years and below 14 years old, is not sufficient mature to understand a crime, shall not be treated as criminal and is exempted from criminal liability. Under the section 29B of the Code of Criminal Procedure, 1898; it is stated that juvenile are entitled to trial in juvenile courts [20]. The code provided for probation of good conduct to offender up to age 21. Under section 4 of the Children Act of 2013 (Shishu Ain-2013), children within the age of 18 is called a juvenile. In case of determining a juvenile delinquent, the date when that particular juvenile commits a crime shall be deemed to be his/her criminal responsibility according to the section 20 of the same Act [21].

5. CAUSES OF JUVENILE DELINQUENCY

In our society, juvenile delinquency is seen as a common phenomenon and we just avoid it. We never want to know the reasons behind the delinquency. Every incident has its reason and juvenile delinquency is not out of this. There are different theories of juvenile delinquency and many researchers have showed many causes [22-25]. Actually, it is itself a socially insufficient coordination on the individual part to troublesome situations. Each juvenile crime is the result of a complexity of causes. Common reasons of juvenile delinquency are as follows.

5.1 Family Conditions

One of the most important factors is controlled family which is liable for youth's socialization. A child gets his knowledge at first time from the family. It is his first education centre. From here he learns how to go ahead. If the family is a broken family then it hampers the mental condition of a child. If there is not good adjustment between father and mother, unaware parents, then it affects the child. If the child also has not a friendly relation with his parents, he cannot share his sorrows and happiness that makes him to do according to his wish and he becomes confused what is right and wrong. If the family bonding is against a minor's mentality then it may cause a serious problem like delinquency.

5.2 Educational Conditions

In case of juvenile delinquency, the condition of education is also important. In case of tendency of juvenile delinquency, sometimes school has important role. Like, accommodation of school, teaching methodology, rigidity, bad company etc. are responsible to involve juveniles to commit crimes.

5.3 Physical Factors

Physical condition is very important as a reason for juvenile delinquency. Malnutrition deprives one to lead an anxious life often. If a child is grown up with proper health care, the tendency of juvenile crimes could be reduced. When a child grows up with proper nutrition then his mind never allow him to behave any anti-social activities. Lack of sleep from various tensions makes a child different from other children. Nervous diseases and endocrine glands also cause juvenile delinquency. Endocrine disorders affect mentally and bodily of a child. These disorders include in one or two glands or total endocrine system may be disfunctioning.

Even drug addiction and bad company makes a child delinquent. When a child fails to take drug or is unable to collect it for lacking of money then to satisfy with drug and to collect it he commits hi-jack, dacoity, theft etc. Weather plays a vital role as a reason for juvenile delinquency. Weather has a great impact of human behavior. Criminologists' have given opinion regarding weather condition as a result of juvenile delinquency.

5.4 Mental Factors

Mentality has a great impact on juvenile. A sound minded child obeys their parents and society. If in any case his mentality disturbed, he gets interest to commit crimes. If a child has to struggle from childhood, if he has to live in poverty, lives in slum then his mentality gradually become to commit crime. Moreover, for sex habits in immature time provokes him to commit serious crime.

5.5 Economic Condition

Economy often play undoubtedly very important role to provoke a child to be a delinquent. There are many children who live under the poverty line, come from low socio-economic background, unable to lead a balanced life due to difficulties. To

go ahead in life, fight poverty and hunger stomach, they are forced to pick-pocket, theft, hi-jacking, etc. Even, only need of living, he becomes a member of criminal gang.

5.6 Media

Media, like television, computer, internet, Facebook, mobile phone etc. are sources to catch bad things sometimes and these are playing as a very vital role to make a juvenile delinquent. From drama, cinema, reality shows etc. they try to become a hero alike the drama. So, not thinking about the reality, they try to experience which may cause dangerous problems that convert into delinquencies.

5.7 Cultural Factors

Culture is the mirror of a society. It reflects the social value. If the child is in touch of good culture then his mentality grows up with nice and proper thoughts. If the child is not in good touch of culture, it may influence him to be delinquent. Many times, various cultured people mix with each other. Often, multicultural young people cannot absorb the situation and commit offences.

5.8 Urbanization

Day by urbanization is developing in high number. Day by day, juveniles want to show as they are urban. So, showing their smartness, they do wrong works thinking that it shows their strength.

5.9 Migration

Migration is one of the most accurate causes of youth offences. People are now migrating from villages to cities. New environment, new people, new experiences are bitter sometimes. Juveniles become unable to settle new place and unconsciously they become engaged in delinquencies.

5.10 Using Internet

Internet is now available to all. Though it has good aspects, without understanding its proper utility juveniles do its abuse. In internet many action games, virtual world's attractive activities, chatting in Facebook is available. The dangerous porno is so available that it is enough to destroy juvenile's mentality is.

5.11 Other situation

When a juvenile becomes addicted with drug, bad company of friends, frustration, loneliness, love-affair relation, then he loses his common sense and becomes violent. That time he fails to conduct his good attitude and does anti-social activities.

6. SOLUTIONS

Juvenile delinquency is increasing in a dangerous number in our country and this is a very challenging issue too. There are a lot of ways to control or minimize juvenile delinquency such as-

- i. At first, it is to be clearly defined to whom we shall say juveniles. Because, for this lacking, juvenile delinquency is occurred. To define juvenile, international conventions like CRC (The convention of the Rights of the Children), UN directions etc. should be followed.
- ii. The children Act-2013 (Shishu Ain, 2013) should be followed very carefully.
- iii. The juveniles who are addicted, are committed sexual offences should be given proper education and care in this aspects.
- iv. In every city, villages there should introduce juvenile section related office who will help people to understand the juvenile delinquency and its way to remove and make a juvenile delinquent good.
- v. The number of Juvenile Correctional Centers should be increased with the proportionate to the juvenile

delinquent. There should be police system to take care the juvenile delinquents. Children are entitled to trial in juvenile court and this decision came from the case Bangladesh Legal Aid and Services Trust (BLAST) v. Bangladesh and others. The judges, the lawyers, the probation officers and the parents of the juvenile must be careful about the problem and try to solve the problem with great care.

- vi. Certainly there should be arranged seminars, conferences at whole country round the year and review a yearly system to notice on the development of the juvenile by government.
- vii. In school educational system, this topic is to be introduced with proper clarification; having good quality of teaching methodology, environment, modern facilities.
- viii. Parents and the society members must be aware of the child and they have to give protection to the child sincerely. They should be friendly with their kids.
- ix. Good cultural system should be provided to them. All have to pay attention to their child's activity, companion, attitude etc.
- x. If a child become addicted or commits simple crime, then he is entitled to get proper knowledge about the wrong from the family and society. If needed then he is to be sent to the correctional center for drug addiction.
- xi. When a child comes from the correctional center, he is to be cordially taken in the society and everyone should pave the way of leading a sound life.
- xii. Correctional Center's numbers and facilities of modern world should be increased with the wave of time. They should be given appropriate chances to prove themselves.
- xiii. Government should pay valuable attention to fulfill the basic needs of child, work for the awareness of people, and all necessary steps should be properly taken to apply with importance.

7. CONCLUSION

Honestly saying, juvenile delinquency is a curse for a society. It is not a present problem but a problem since ancient period. For this matter, a society lags behind of prosperity. It is true that if a backbone is weak then the body could not be well. Juveniles are the backbone of a nation to go forward. In our country juvenile delinquency is a great issue which needs to overcome. So, to protect the adolescents, the issues have to be get concerned by the people of Bangladesh and also to the Government. Parents should be very much aware about the problem. The society also should come forward to fight that issue. By identifying the issues Government should take necessary steps to challenge it with the new modern need of time.

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