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# **Under-Aged Prison Inmates in Bangladesh**

**A Sample Situation of Youthful  
Offenders in Greater Dhaka**

**Retired Police Officers Welfare  
Association Bangladesh**





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**Dr. M Enamul Hoque**  
Principal Researcher

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## Chapter-1

### Executive Summary of the Study

The study conducted during 2003 under the title, “Under Aged Prison Inmates in Bangladesh: a Sample Situation of Youthful Offenders in Greater Dhaka,” aimed principally at identifying the targeted persons by number, nature of offence, criminality trends, present state of cases along with family status and social circumstances. Current study was aimed at the following:

1. Updating the previous study reports including exact number of under aged inmates in six Prisons and two Correctional Homes as was at the end of the year 2003.
2. Find out condition of the Prisons and Correction Homes (in terms of food, space, toilet, hygiene, education, recreation etc.) and suggest recommendations for improvement of Prison condition. The study was also to cover the Correctional Homes.
3. Recommend improvement in the Juvenile Criminal Justice System.
4. To submit 10 case studies of the inmates including 5 female inmates.

The field 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). Numbers of inmates interviewed from the two ‘Unnoyon Kendra (Correction Center)’ are 52 males and 21 females. 24 males and 5 females were from Dhaka Central Jail and remaining were from other 5 District Jails namely: - Narayanganj, Munshiganj, Ghazipur, Narshingdi and Manikganj. 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 more than 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/garments/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.

Average family size is 5.14 person. Average number of siblings is more than 3 and modal value of the siblings is 4/5. During the study conjugal relations between the parents of the inmates were not found very satisfactory. Of the parents living together (61.11%), 16.66% were always quarrelling and 64.58% are often quarrelling. 91.67% inmates had informal friends and 8.33% stated that they had no friends. In informal life of the inmates, there were friends and the average number was about 5 (modal value). Modal value was 3 during the study conducted in the year 2003. This means that juveniles have more friends as compared to the past.

Of all the inmates examined, it was seen that 7.58% inmates were the leaders among the friends, 62.88% were mid level leaders and 29.54% were followers.

The major recreational activities of the inmates were games 31.94%, watching TV (21.53%), witnessing documentary films (9.03%) and mixing/gossiping with friends 20.83%. A section of about 28.45% of the inmates had political connection particularly in joining procession, meetings, strikes etc. This number during the year 2003 was 24%.

41.67% of the inmates committed first offence singly and 45.83% committed first offence in a group. Modal age in both the cases is 14 years. Habitual theft, extortions, group venture, possession of illegal arms/explosives, sex perversion, suspect in murder cases were stated to be the first offence by the inmates.

In Prisons / Correctional Homes skin diseases, particularly scabies (56.97%) are widespread. As regards this disease, there is some improvement over the past. During 2003, this percentage was 88.23%. It may be mentioned that RPOWAB provides regular treatment to the juvenile inmates free of cost. Medical attention to the inmates needs to be improved further. Visits by the guardians often created problem in this aspect. On the whole, the attitude of the inmates was still found to be remorseful. Outcome of such study and follow up action / evaluation thereof, may hopefully improve their lot to a desirable goal.

## Major Findings of the Research

1. **Universe** : 279 ( April, 2008 )  
 Sample Size : 144  
 Sample Distribution and Area Covered :  

<b>Dhaka</b>	<b>29</b>	<b>Narayangonj</b>	<b>08</b>
<b>Narshingdi</b>	<b>15</b>	<b>Munshigonj</b>	<b>07</b>
<b>Gazipur</b>	<b>09</b>	<b>Manikgonj</b>	<b>03</b>
<b>Unnayan Kendra for Boys</b>	<b>52</b>	<b>Unnayan Kendra for Girls</b>	<b>21</b>
  
2. **Male- Female Distribution** : Male 80.56 %  
 Female 19.44 %
  
3. **Dominant Age-group** : Between 12 and < 16 years ( 64.58%); in case of Female : 75 %
  
4. **Inmates with educational attainment** : 31.25% did not attend school
  
5. **Largest representation by Area** : Out of Greater Dhaka 34.03 % and next Dhaka Metropolitan City area 27.78 %  
 Largest representation from among the 32 P.Ss. including GRP : Mirpur (20%)  
 Notable charges / complaints : Holding Illegal arms (10.14), Theft (22.92%)  
 Murder (18.05%) and Narco-offence 13.19%
  
6. **Present state of the case** : Under trial (89.58%)  
 Jailed, under safe custody and correction : 10.42%
  
7. **Modal duration of imprisonment / committed to Unnayan Kendra** : 3 months ( 49.30%)
  
8. **Case Progress :**  
 Hearing : Nil in : 34.31% cases  
           1-2 times in : 35.77% cases  
           11-12 times in : 5.11% cases  
 Prayer for bail : 42.36%  
 Contact with Probation officer : Nil  
 [ under Probation Act, 1964 and Children Act, 1974 there is ample scope for probation. ]  
 Recommendation for Probation : Nil

<b>9. Family Circumstances of the Inmates</b>	:	
Modal value in family-member	:	5
Average family size	:	5.14
<b>Fathers' Major Occupations</b>		
Small business	:	23.33 %
Rickshaw/Van pulling	:	17.50 %
Cultivation	:	13.53 %
Service	:	11.67 %
Job in a Shop	:	13.33 %
<b>Mothers' Major Occupations</b>		
Housewife	:	62.59 %
Maid servant	:	7.19 %
Small Business	:	8.63 %
Garments	:	7.91 %
Family income		
Modal income	:	Taka 3001-5000
Average income	:	Taka 4000 +
Parents are divorced / living separately	:	18.06 %
Death/absence/no relations between parents	:	19.44 %
Parents living jointly	:	61.11 %
Conjugal relationship ( in 61.11 % cases )	:	Always quarreling 16.66%, often quarreling 64.58%.
Average No of siblings	:	3 +
Modal value	:	4 & 5
Special care taken by Mother	:	in 76.39% cases
Father	:	in 7.63 % cases
Modal value of Inmates position among the siblings	:	Eldest of all ( 38.19%) Youngest of all (17.36%) 2nd born (25.70 %)
Houses accommodating families	:	Rented ( 47.92%) Owned ( 44.44 %) No definite houses 6.25%
<b>10. Major Occupations of the Inmates were</b>	:	Factory/ Auto workshop work 20.14% Student 19.44 % Rickshaw / Van Puller 6.94 % Service 14.58 % Unemployed 9.03%
<b>11. Social Life Beyond Family</b>		
Inmates having informal friends	:	91.67 %
Inmates with no friend	:	8.33%

Modal value in the number of friends	:	05	
Average number of friends	:	Nearly 05	(4.94%)
Inmates as leader among friends	:	7.58	%
Inmates as middle order friends	:	62.88	%
Inmates as followers	:	29.54	%
<b>Major occupations of the friends</b>	:	Student	46.21 %
		Petty Business	10.61 %
		Job in a Shop	18.18%
		Rickshaw/Van pulling	10.61 %
		Unemployed	22.73 %
<b>Friends having educational background</b>	:	Illiterate	12.88%
		Primary	49.24%
		Secondary	34.85 %
		Higher Secondary	3.03%
<b>Past time Group activities</b>		Games	31.94 %
		Cinema	9.03 %
		Enjoy TV/ Radio	20.83 %
		Aimless Movement	7.63 %

## 12. Political Involvement

Inmates having political linkage : Nearly 28.45% of the total having involvement in joining political procession joining political meeting, picketing during *hartal*.

## 13. First Offence

First offence committed singly : 41.67% [A common tendency to hide about age and offence was noticed ]

The modal age : 14 years

First offence committed in group including older person : 45.83%

The modal age : 14 years (Observation : as above)

## 14. Nature of Offence

Habitual theft	:	22.92
Victim as suspect under murder cases	:	18.05
Women & Child oppression	:	13.19
Narcotic	:	13.19

**15. Usual Diseases the Prison Inmates suffer from** : Scabies 56.97%

**Medical Attention** : Prison Doctor attends 44.29%

**16. Problems Faced in Prison** : No / Little recreation, Restriction of seeing guardians, want of sports goods.

**17. Guardians visit to Inmates** : Nearly in 53% cases not regular/ no response from the inmates about it.

**18. Attitude of the inmates** : Noticeably Remorseful towards the wrong done.

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# The Study Background and Methodology

## Chapter- 2

# Introduction & Historical Background

1. Criminal Justice System Administration is mostly handled by four organs e.g. Police, Prosecution, Court and Correction. Police as law enforcer takes up the complaint, Prosecution is supposed to analyze the potency of the ingredients of offence, Court is to weigh the intention and commission of the undesirable conduct and Correctional Institutions are supposed to be the place of lamentation and thereby amending the wrongful habits to become a part of normal citizenry, which may be attained through reintegration of the offender in society and thereby offer the scope for rehabilitation of the deviants.
2. Youthful offence today occupies an important position. Of the pervasive and increasing social problem throughout the world have made the pundits to concentrate on this issue more than any other one mainly due to special thoughts that they are the national potential and unless they are harnessed duly their aspirations and capabilities may not be put into gainful avenues. Rather there is increasing doubt that these may be counterproductive ones to disturb the societal fabrics, which varies considerably from state to state depending on culture, ethnicity, moral values and circumstances prevailing.
3. International laws in the area of Juvenile Justice are substantial and detailed. In assessing Justice System for children of any country, those international standards are generally used as testing tools. The level of consistency with these standards indicates the level of quality of the domestic standard of any country.
  - 3.1. The official start of Juvenile Justice occurred in Chicago, U.S.A in 1899 with the founding of the first separate Juvenile Court. Thereafter within 20 (twenty) years Juvenile Court was replicated throughout Europe. The first expression of international concern about the situation of Children came in 1923 through “Declaration Geneva” under the aegis of League of Nations. In 1948 General Assembly of the United Nations adopted a new instrument named “Declaration of the Rights of the Child”, containing ten basic principles of Child Welfare and Protection. In international arena, the focus on Children was sharpened in 1979 when Poland placed a formal proposal and General Assembly unanimously adopted the Convention of the Rights of the Child on 1989.
  - 3.2. The CRC is the first legally binding international instrument to incorporate the full range of human rights- civil, cultural, economic, political and social rights. It was designed to look at children as entire human beings and because “Umbrella Rights” Article 37 and 40 qualified by Article 3 state that in all actions whether undertaken by public or private Social Welfare Institutions, Courts of law, Administrative Authorities of Legislative Bodies, the ‘Best interest of the Child’ shall be a primary consideration.
    - 3.2.1 In this connection the matter of amelioration of conditions of arrested juvenile delinquents have also been referred to section 37 of the CRC in a detailed manner- States Parties shall ensure that:
      - (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age;

- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

3.3. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice alternatively referred as Beijing Rules followed by Prevention of Crime and Treatment of Offenders held at Milan, Guidelines for the prevention of Juvenile Delinquency better known as Riyadh Guidelines and Protection of Juveniles Deprived of their Liberty (JDL) held at Havana in 1990 are the milestones for the Children Welfare.

4. Apart from the major instruments the following can also be counted to augment the cause of Child's right.

- 1 Universal Declaration of Human Rights.
- 1 International Covention on Civil and Political Rights.
- 1 Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment.
- 1 UN Guidelines for Action on Children in Criminal Justice System.
- 1 UN Standard Minimum Rules for the Treatment of Offenders.
- 1 UN Standard Minimum Rules for Non Custodial Measures (popularly known as Tokyo Rules).
- 1 UN Basic Principles for the Treatment of Prisoner.
- 1 UN Code of Conduct for Law Enforcement Officials
- 1 UN Body of Principles for the Protection of All persons under any form of Detention or Imprisonment
- 1 UN Basic Principles on the use of Restorative Justice Programmers in Criminal Matters.

## **Domestic Scenario: -**

5. Bangladesh is one of the first country to sign and ratify the United Nations Convention on the Rights of the Child (UNCRC). Since the ratification some significant strides have been made towards its implementation. However, it is a long way to attain the desired goal. In Bangladesh, laws regarding children rights and protection are not contained in our Statute rather they are present in various laws and statutes e.g. The Constitution, The Penal Code and The Children Act 1974. The Children Act, which actually predates the UNCRC by 15 years categorically, prohibits death sentence and life imprisonment against a child can only be given in very special circumstances. Generally, a Certified institution has been recommended for detention of youth. Children are also protected by this law from abusive parents and guardians. Victimized child may be committed to Certified Institutes or approved Shelter Homes.

5.1. The provision of Safe Custody often result in deprivation of liberty without cause. As regards violence against children- the crude reality is that society as a whole hardly recognized this as problem. In face of pressure from within and outside Govt. in collaboration with various NGOs have been working hard to enact Special Laws but often these are wasted due to improper implementation. However, there is one good symbol that there has been rising awareness and both the civil society and the concerned authorities are mentally better equipped than before to protect the children as far as practicable. Close monitoring by the task force created by the then Prime Minister's Office and NGO Coalition are closely monitoring the glaring instances of abuse of CRC. Through Media, Workshops, Seminars and human right activists things are improving- though not very perceptible- gradually to attain the slogan for the "Best interest of the Child" and not punishment rather correction is the better process to reintegrate the deviant in the society so that they do not suffer from social stigma rather contribute their mite as normal members.

## **6. Progress for the Children Conflict with Law shown below-**

- 6.1. In 2004 Parliament passed Birth & Death Registration Act 2004 –to enforce mandatory birth registration to be compulsory by 2008.
- 6.2. Minimum age of penal responsibility rose from 7 to 9 in 2004.
- 6.3. Moreover the law of the Child Ombudsmen is reportedly under preparation.
- 6.4. Henceforth for Primary Medical Information (PMI) bulletins were published by MOWCA and together with UNICEF- held many workshops.
- 6.5. Children Act (CA) 1974 has been included in Police Academy, Detective Training School, Police Training Centers and also Magistracy, Judiciary training course.
- 6.6. National Task Force has developed training for law enforcers related to Child welfare.
- 6.7. Probation Officers have been place in all districts.
- 6.8. Separate I.O / Magistrate sanctioned for child related cases in different courts.
- 6.9. Number of confinement is decreasing.
- 6.10. NGO's helps to start Day Care Center in Central Jail.
- 6.11. NTF is keeping the issue on priority.
- 6.12. High Court at times become very pro-children in their Judicious Verdict.
- 6.13. The very name KUK is significant.
- 6.14. 'Breaking the Silence' non-commercial sexual abuse of children- documentary helped create awareness.
- 6.15. Penalty for helping youthful offenders abetting and instigating is considered seriously.
- 6.16. Mass Media's positive contribution- they are doing quite appreciable reporting.
- 6.17. Special case of orphans disabled, street children, children in brothel, child prostitute, *e.g.* at Jamalpur, Tangail and Rajbari are worth mentioning.
- 6.18. Training of prison officials such as pro-children lecture, seminars, workshops are being done more effectively.
- 6.19. Parent's responsibility for helping their wards as per CRC- need be more highlighted.
- 6.20. Legal Aid Assistance- prepared by Law Commission is a step forward for the help to the needy parents/guardians of the children.
- 6.21. Citizen Charter propagate by Police Head Quarter, KUK will be another milestones.



7. Children are the future citizens of nation. Youthful offence or Juvenile delinquents simply means- the offence committed by a youthful offender under a particular age limit and for Bangladesh this age limit is 16 years. Juvenile delinquency refers to the failure of children and youth to meet certain obligations expected of them by the society in which they live. Juvenile delinquency is not a mere legalistic concept as it is sometimes taken to be. Psychologists, Sociologists, Psychiatrists or Social workers have attached different meanings of the term. To Psychologists the Juvenile delinquents are youngsters whose special type of behaviour patterns shows deviations from acceptable norms. To lawyers they are minors. To Judges they are simple neglected children. But to us Juvenile delinquency is characterized as behaviour that violates specific legal norms so as to provide a firm basis form legal action against the behaving individuals or groups. Juvenile delinquency is a complex problem in many parts of the world especially in Asian countries due to various causes. Sharp rise in Juvenile delinquency in most countries of the world in recent years has caused great alarm. This problem is getting acute day by day and in Bangladesh also the incident of Juvenile delinquency has increased manifold during the recent past due to decreased social control, rising aspirations, lack of opportunity and consequent frustration.

7.1. The following chart will show the number of various crimes committed by the Juvenile delinquents in Dhaka Metropolitan City since 1990 to 2007: -

**Table : 1**

Year	Theft	Dacoity	Arms and Explosive	Terrorism and collision	Nari Nirjatan	Murder	Narcotics	Safe Custody	Doubtful	Vagabond	Others	Total
1990	23	01	01	04	01	02	00	01	08	01	02	44
1991	37	05	03	05	03	03	02	05	67	19	31	180
1992	45	07	06	10	06	04	01	04	29	05	20	137
1993	32	10	13	02	01	01	01	03	28	05	17	113
1994	45	12	13	20	02	05	04	28	19	50	16	113
1995	68	04	52	10	02	05	08	48	48	58	26	329
1996	93	18	51	40	10	09	12	11	123	41	87	495
1997	102	17	39	17	10	09	09	23	128	17	68	439
1998	140	19	46	24	27	10	16	28	126	26	64	526
1999	141	22	61	30	14	10	16	17	125	30	85	551
2000	103	20	61	21	11	19	17	32	199	35	56	574
2001	101	23	72	22	17	21	17	42	171	43	36	565
2002	115	24	67	26	15	17	19	31	165	35	47	561
2003	104	23	69	28	15	19	15	33	151	31	37	525
2004	109	21	63	26	13	16	17	30	141	27	30	495
2005	90	26	67	32	15	19	20	35	130	36	33	503
2006	113	20	71	30	22	15	37	22	121	35	42	528
2007	105	15	58	18	31	05	34	38	63	23	40	430

7.2. It has been observed that with the advancement of industrialization and urbanization Juvenile delinquency is increasing. However, Juvenile delinquency in Bangladesh is mainly an urban phenomenon. The incidence of Juvenile delinquency in rural area is comparatively low. Besides Juvenile delinquents are a fraction of the total offenders in the society.

8. In a recent survey it has been found that “street urchins” in Bangladesh numbers 4,45,226, out of which 3,38,807 lives in Dhaka. Majorities of them are involved in committing crimes of various natures. Juvenile delinquency is not only a matter for Bangladesh but also a concern for the whole world. So, Bangladesh is not alone in its struggle to control delinquent behaviour. In the absence of any serious sustained and scientific research it is very hard to find out the real nature of Juvenile delinquency in our society. The following are the causes for delinquency: (1) the degradation or decay of moral values in every sphere of the society. (2) Absence of parental fection, insufficient family care and above all a peaceful family atmosphere. (3) Witnessing of undesirable movies particularly dealing with crimes and sex offences etc.

## **Juvenile Court:**

9. The Children Act provides, when a juvenile court has been established for any local area, such court shall try all cases in which a child is charged with the commission of an offence and shall deal with and dispose of all other proceedings under this Act, but shall not have power to try session triable cases as mentioned in part (vi) of the Children Act (sec-5 sub sec- 1). It also provides that when a Juvenile court has not been established for any local area no court other than a court empowered under section- 4 shall have powers to try any case in which a child is charged with the commission of an offence or to deal with or dispose of any other proceedings under this Act (sec- 5, Sub sec- 2).

9.1. As per sections 3 & 4 of Children Act 1974 powers of trial conferred on juvenile courts were as follows- (a) The High Court Division, (b) A Court of Session, (c) A Court of an Additional Session Judge and of An Assistant Session Judge (d) A Sub-Divisional Magistrate (e) A Magistrate of the first class. But after the separation of judiciary from Administration the following amendments have been made by the Ministry of Law, Justice and Parliamentary Affairs vide Gazattee notification No- justice-4/5C-1/2005/1242 dated 20.11.2007- Chief Judicial Magistrate/ Metropolitan Magistrate in stead of Sub-Divisional Magistrate & Magistrate of the first class. But except 3 KUKs (Kishore Unnayan Kendra Tongi, Konabari and Pulerhat) the home like atmosphere as describe in the Children rules 1976 are still absent in the trial courts.

## **Kishore / Kishori Unnayan Kendra (Remand Home):**

10. Under Section 20 of the Children Act 1974, the Bangladesh Govt. has established Kishore Unnayan Kendra for the purpose of the detention, diagnosis and classification of children committed to custody by any court or police. It is not the traditional Remand Home or Hajat rather, in spirit, it may be turned as the Observation Center. The Juvenile offenders are kept in this Unnayan Kendra for the interim period from the time of taking up of the case for hearing. In order to cope with the increasing problem of Adolescent delinquency, the Govt. of Bangladesh has established 3 (three) institutions (another new one is under construction) specially aimed at improving Adolescent justice and Correctional services through all the three institutions which have been recognized as National Institutions under the Ministry of Social Welfare comprising of – A Juvenile Court, A Remand Home and A Correctional Institute namely-

10.1. Kishore Unnayan Kendra, Tongi, Gazipur- It was commissioned on June 30, 1978 with a capacity of 200, but recently the capacity has been increased to KUK, Pulerhat, Jessore- It was commissioned on 26.12.1992 with a capacity of 150.

10.2. Kishori Unnayan Kendra, Konabari, Gazipur- It was commissioned on 10.12.2002. It has a capacity of 150 exclusively for the housing, reforming and rehabilitating young women Adolescent delinquents.

10.3 The chart attached below showing the figure of the inmates in various Development Centers from May, 2007 to November, 2007-

**Table : 2**

<b>Names of KUK</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	<b>Total</b>
KUK, Tongi	147	154	163	148	141	136	105	994
KUK, Konabari	27	29	31	34	34	37	29	221
KUK, Jessore	106	108	121	120	117	94	91	757
<b>Total</b>	<b>280</b>	<b>291</b>	<b>315</b>	<b>302</b>	<b>292</b>	<b>267</b>	<b>225</b>	<b>1972</b>

## **Laws-**

11. Law is an important instrument of empowerment. Different laws regulate different aspects and dimensions of our social, political and economic lives and in so doing law can also empower citizens.

11.1. The Children Act, 1974 (Act no- xxxix of 1974) was promulgated in Bangladesh repealing the Bengal Children Act, 1972 (Act ii of 1972) and the Reformatory Schools Act, 1897 (Act viii of 1987). Subsequently the Children Rules 1976 has also been framed. Initially the Act was enforced in the whole of the district Dhaka vide notification no.- 315- L/ 76 dated 11th September, 1976 which was subsequently extended throughout the country vide no S.R. no 127-L/E 9/80 dated 20th May, 1980. This is an Act aiming at consolidating and amending laws relating to the custody, protection and treatment of children and trial and punishment of youthful offenders under the age of 16. Out of 78 sections in the Children Act, the following sections are very important namely- sec- 2(f), 6, 11, 13(2), 17, 32, 48, 50, 51, 53, 55, 65, 67, 70 and 71.

11.2. Other laws such as the Penal Code, The Code of Criminal Procedure, Police Regulations of Bangladesh (PRB), Factories Act, Public Safety (special provisions) Act, 2000 and 'Nari o Shishu Nirzaton Ain-2000' also contain provisions regarding children in conflict with the law.

### **Age / Legislation**

12. There have been consistently confusion relating to the age of child, which mainly varies with CRC / CA that indicate 18 years and 16 years respectively. This issue of age was continuously discussed at various level but the age has not been raised from 16 to 18 as yet. But the immunity age of child has been raised from 7 to 9 and the laws have been revised accordingly. But the problem remains within various domestic laws where for different purpose, different laws indicate different age ceiling. These are shown in (appendix- D). Perhaps times has come to synchronies and codify the new legislation.

### **Jail / Correcting the Correctional Institute**

13. In good many countries in different part of the world, they prefer to use the word Correctional Institute. We have also in our country the nomenclature like that for reformation of the Juvenile Offenders. Of late, the Govt. under the Directorate of Social Services has renamed that as Kishore / Kishori Unnayan Kendra. This engulfs the coverage of not only confinement of the victims but also utilizing their potentiality for the development of the country through different vocational occupation. This is laudable indeed. But recently these centers have become subjects of severe criticism for mismanagement, malpractices and mischief to the very slogan of "Welfare of the Children and Best interest of them".

14. Similar is the condition in Jail where some of the children are kept with their Under Trial/Convict mothers. Govt. has started 'Day Care Centers' to help them for education in collaboration with NGO's but there exists the other side of the coin. The inmates are subjected to inhumane and degrading nature of treatment and at times oppressed, tortured and sexually harassed. The Govt. appointed Non Official Jail Visitor who meets once in a quarter. Perhaps this committee needs to be given more importance and their suggestions may be taken seriously for implementation. The meetings could be more helpful had it been monthly, so that close monitoring of the exact picture could be exposed/evaluated correctly.

### **Immoral Trafficking of Children:**

15. Bangladesh has landlocked border with India and Nepal. Allegedly at times the poor children are used for giving them good food, comfortable life and taken near border at 'Brokers Den' only to be smuggled out of the country. Then they are sold and the victims are to suffer inhumane life including being materials for pornography. In recent past Bangladesh National Woman Lawyers Association have brought back some of the victims. Earlier they had been instances of very young boy being used as jockey of the Camel in Abu Dhabi. National Awareness Programme has reduced such heinous activities.

### **Abuse in Profession:**

16. Some instances are there when the children are being crippled to draw sympathetic consideration of the passersby for begging purpose. On certain occasion it is also seen that small kids are being given sleeping materials to keep them quiet in the lap of women beggars- this is also a social malady.

### **HIV/ AIDS**

17. Bangladesh is one of the most densely populated country and the per capita income is comparatively lower than many others. Drug has attracted some Children, who under the influence of their peers, have been eluded to try drugs and gradually become habitual in this harmful practice. But more pathetic is the tale of the young boys particularly- who are used in sex-trade, sodomy, pornography etc. And in the process, they are affected by HIV/AIDS menace, which is more dreadful than any other disease or ailments.

18. The case study of different Safe Custody, Remand Home and Unnayan Kendra present a grim picture where the tender aged boys are inhumanly subjugated for sexual exploitation. This has led to the complicity and the victim has become a subject of HIV/AIDS. The authorities, who are supposed to look after the welfare of the detained children, are at times become oppressor instead of being protector. In case of female *i.e.* young girl child, things are also not desirable as some of them are sexually harassed by the authority or mates and at times consequently they become patients of HIV/AIDS. This could be stopped right at the beginning if the supervision is strict, effective and no undesirable activities are allowed during the confinement period.

19. Before we go for farther elaboration of objective, purpose, methodology, case example, it is felt necessary to note that this very study speaks of not only the awareness but also cooperation of all, otherwise RPOWAB would not have been in a position to continue their sustained noble venture of Assistance Plan for Juvenile Delinquents so long and we are grateful to all of you for extending your helping hand for such laudable feature.

### **Alternative Options:**

20. Jail is the last resort for Children and all concerned need to bear this thing in mind. Then comes Remand Home, Safe Custody, Certified Home, Govt. approved Reformatory, Private sponsored Shelter Homes, NGO's initiative to run/manage resort for the children. Some other institutions are also doing good in this respect, which are also noteworthy. But in reality these have been too much overcrowded and the inmates do not feel comfortable there. Various complains e.g. Sodomy, Sexual harassment and harrowing tales of mishandling and maltreatment make one feel dehumanised and begets sense of revenge and violence.

21. What's even more worrying is the long-term effect of the Criminal Justice System on these children. Once they appear in Court and are sentenced to a formal disposal, mainly custody, they begin to feel themselves as criminal and much more likely to continue to behave in similar manner in their later years. Once defined as criminals in their own eye and to the eyes of society, they obviously find it much more difficult to adjust to the real world and this may lead to further disastrous future.

22. Hence the focus of Juvenile Justice should be to ensure that the treatment of every child found guilty of a criminal offence should be his/her reformation, reintegration into his/her family and social rehabilitation. And this is where 'Community Based Services' should be of utmost significance. In a country like Bangladesh where traditional values, family ties, social ethics and moral dictums form the core of the society behavior, Community based option is deemed to be the most important element. And it can emphatically be said that this is the solid foundation wherefrom Social stigma can be withered out of the victims, who may in turn come forward to render his/her best like normal citizen.

### 23. The Universe and the Sample

There are as many as 279 under-aged inmates- male and female under the age of 18 years in the Dhaka Central Jail, District Jails of Narayangonj, Munshigonj, Gazipur, Narshingdi and Manikgonj including the correctional institutes- one for male and other for female in the study area. The distribution of inmates by location has been spelled out in the Table- 1, as presented below:

**Table: 3 : Number of under aged Inmates available in Prison and Kishore Unnayan Kendra (KUK) and the sample drawn**

Inmates	Dhaka		Narayangonj		Munshigonj		Gazipur		Narshingdi		Manikgonj		KUK for Boys	KUK for Girls	Total
	M	F	M	F	M	F	M	F	M	F	M	F			
* Number of Under aged inmates available	41	06	08	00	07	00	07	02	24	00	03	00	150	31	279
No of inmates interviewed	24	05	08	00	07	00	07	02	15	00	03	00	52	21	144
Sample in %	58	83	100	100	100	100	100	100	62	100	100	100	34.66	67.74	51.61

\* March, 2008

**Note : (1) In case of the inmates of Juvenile Development Center, Police cases and guardian case have taken into account.**

The number of inmates taken as sample has been shown in the above table according to locations and sex. The total number of sample drawn for study ultimately stands at 144.

The variations seen in sample principle are due to total size in respective places, shortage of time and the plan adopted to tentatively complete the study in time. It is noteworthy that in case of the children with their mother (who are born /with) were not chosen for study; and only the police cases and guardian cases in juvenile development centers have been interviewed for study.

## Operational Definition of the Concepts used in the Research Title

24. Before we go for operational definition of the terms, we may look into some conceptual analysis of the popular term, ‘juvenile delinquency’. It connotes innumerable activities, which are classed as illegal, anti-social, a social or immoral. So, it is such a broad spectrum that is difficult to define in common terms, equally acceptable on all hands. It, however, ordinarily refers to the anti-social acts committed by persons under a given age which are either specifically forbidden by law or may lawfully be interpreted as requiring some form of official action.
- 24.1. According to some, children having committed delinquencies are neglected persons, to some others, young criminals. To some, they are victims of circumstances and to some others, they are said to be the victimizers also.
- 24.2. There are as many as four different aspects of delinquency:
- 1) legal delinquents (those committing anti-social acts and defined by law);
  - 2) detected delinquents (those detected who reach agency);
  - 3) alleged delinquents (those apprehended are brought to court); and
  - 4) adjudged delinquents (found guilty)
25. Three considerations are attached to the district status of delinquency:
- a) Age and criminal accountability of the accused need to be studied in view of intentionally, capacity of judgment or understanding, the consequences of an act;
  - b) For ensuring social obedience of the child the parental responsibility is eternal, also traditionally recognized by law. In case of parental failure there are legal provisions to check the problem for greater social protection; and
  - c) State guardianship over children is acknowledged in all modern democratic societies in addition to that on orphan, abandoned, neglected and the deviant children.
26. In Bangladesh context, it is said under Section- 82 of BPC that no act done by a child under 9 years can be called an offence and according to section -83 it is also pointed out that no act committed by a person within the age bracket of 9-12 years be taken into cognizance provided during commission of the act he was in sense and able to appreciate the harmful consequences of that act.
27. Children are innocent; criminal propensity is not inborn. It is the family relationship and social environment in which they grow up are responsible, to a large extent, for crime causation. ‘One among every ten criminals in the country is a child, it is so reported in a recent study. (source:- Bangla Daily Janakantha, Dhaka)
28. ‘**Under-aged Prison Inmates**’ would mean in the present study person’s male or female up to the age of 18 years, living in 6 jails (5 district jails and 1 central jail) including those in 2 Juvenile Development Centers (for Boys and Girls) in Greater Dhaka.
29. ‘**Youthful Offenders**’ would refer to those persons under 18 years of age that are accused of certain offences under law. The term “youthful” has a particular reference to The Children Act, 1974.

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## Rationale of the Study

30. Universally it is admitted that the children are the future of the nation. So due care and all sorts of arrangement should be a must for the upgrowing and mental development of the children. The parents, society and the state are mainly responsible for achieving the goal. Any negligence or any deviation will entail serious bad consequence but observing in the present position it is found that big portions of the children are going astray. In view of this situation, proper action and due care from all concerned are a crying need to bring the children in right path.

Considering the deteriorating situation, many other organizations have come forward to save the children from ruination. RPOWAB, in its program through APJD, is striving hard for the welfare of the youthful offenders right from 1990. RPOWAB through seminar, workshop, symposium, orientation, training creating awareness amongst the public. Moreover, the organizations viz. Police, Magistracy, Social Welfare and Jail Authority have been moved to take due care and take legal action in context of the Children Act, 1974.

For the last 18 years, RPOWAB has been working in this sector, to minimize the youthful offence but it could not be stopped. Govt. of Bangladesh through National Task Force for the release of the detained children has taken tremendous steps to minimize the juvenile offences. So there is a necessity for research to find out the reasons for recurrence of youthful offence.

## Study objectives

31. The overall objective of the study is to upgrade and make to unravel the situation of youthful offence by figuring out the number of under aged persons in prisons together with the cause and circumstances associated.

The specific objectives are, however, to:

- 31.1 visit the prisons and locate under aged prisoners;
- 31.2 include 10 case studies for the inmates ;
- 31.3 conduct interviews for necessary data collection changes for imprisonment, socio-economic background; and factors as they consider responsible for offence - causation;
- 31.4 know the period of stay at the prison(s) and the treatment meted out to them in respect of housing, judicial discipline, food, overall behaviour pattern;
- 31.5 know the probation system, rehabilitation and recreation of the inmates; and
- 31.6 prepare recommendation for policy makers for welfare of this young victim group in conflict with law.

The Development Centers / Institutions managed by the Government were taken into account for the same purpose.

## Study Methodology

32. The study is by type a baseline one. Prisons in all the district of greater Dhaka (e.g. Dhaka Munshigonj, Narayanganj, Manikgonj, Narsinghdi, and Gazipur) were taken under the study to ascertain the problem and the number of the under aged inmates. However, the age of the inmate - population are up to 18 years in case of both male and female. Other than this, inmate population, some selected agencies dealing with the problem like Family, Police, Prison, Magistracy and Social Welfare Department are potential sources to supplement the information about the problem. More than 50 % of the inmates were interviewed. In selecting the respondents, various offences committed & different age group of youthful offenders were included.

### Questionnaire Development and Data Collection

33. A structured questionnaire was developed to collect data from the inmates. In developing the questionnaire, the consultants and the APJD Social Welfare Officers worked together. The questionnaire was pre-tested by the Social Welfare Officers and then finalized. Final version of the questionnaire contained two major parts – Part-I for the inmate's basic and personal information and Part-II for their offence, judgments, correction, health condition, addiction etc. For other agencies, open-ended guides were applied for additional but relevant data collection. The said under aged prison inmates have been grouped into 4 (Four) by age(s) e.g. < 9 years; 9 - <12 years; 12 - < 16 years; and 17 - < 18 years.

Four Social Welfare Officers of the APJD project and others concerned collected data through face-to-face interview of the respondents by visiting Jails and Unnayan Kendraws.

### Data Analysis and Report Preparation

34. At the end of data collection, the Social Welfare Officers edited data, transferred data into tabulation sheets and prepared tables under the guidance of the Consultants. Finally, the Consultant analyzed data and wrote the report.

## Constraints of the study

35. Any research work on youthful offence is complicated and multidimensional for many reasons. The methodology for data collection in the present study is based on sample and direct interview on a structured schedule. **Researches on such a problem usually need a long time and an ethnographic approach. In the present study, the sample population represents a section of prison inmates. It was, therefore, difficult to exercise the usual anthropological method for data collection covering observable the qualitative aspects.**

In spite of all sincere efforts there were some unavoidable situations that need special mention. **The interview with the respondents in prison took place in the office room in presence of the prison officer. The inmates were also taken to the rooms in a group and the researchers were not in a position to discuss about various issues confidentially.** For such obvious reasons, the emphasis was more given on the target, not actually on the process of undergoing an ethnographic study. Moreover, the interest shown in methodology to meet victims' family, police and magistracy could not be served due to shortage of time.

Budgetary limitations were also a factor in the study. With such a small budget it was also difficult to look into the problem more closely by arranging professional human power with better incentives. Documentation by means of photography was not permissible in most of the situations. In prison, it was absolutely prohibited. Supplementary views that could be available through this means were not possible. Anyway, the schedule for interview prepared was very much pre-tested and over & again checked with the practical realities in the Prison / Development Centers. As far as possible and practicable, the data were processed in scientific manner for developing a better output.



## Chapter - 3

# Prison Life in Bangladesh

1. Jail is an old and sensitive institution. Jail is an important institution of Criminal Justice Administration. It helps much in crime control and maintenance of law and order. There are 69 jails including two special jails in Bangladesh. In the jails there are about one hundred thousand prisoners, although the capacity is only 27,150. The main responsibility of the jail authority is to look after the prisoners, ensure hundred percent security and bring discipline from in disciplined life. With this end in view, the jail authority has taken up some steps to make corruption free and effective administration, which have been appreciated by the all concerned.

### There are four types of Prisoners in our jails-

- 1.1 Convicts:** Prisoners who are sentenced by different courts. They are officially termed as 'convicts' and they are identified with a personal 'number'.
- 1.2 UTPS:** Prisoners against whom there are allegations, but trial is in progress. They are officially called Under Trial Prisoners (UTP). The number of UTPs is always on steady increase because of the traditionally delayed judgement process. One has to stay in jail with this status for years together.
- 1.3 Detenu :** Persons ordered for detention for political or other reasons related to law and order are called detenu. Under section 54 of the Cr.PC 1898, on good many occasions' people are arrested without any complaint. They are also UTPs.
- 1.4 Under Safe Custody:** Persons who are kept under special custody are known as 'Safe custody Prisoners'. The inmates, under such custody are generally women and children. Of late, safe custody prisoners of the Dhaka Central Jail has been shifted to someother places.

### 2. Prison Overcrowding

Prison overcrowding is a common problem throughout the world. But the magnitude of overcrowding in Bangladesh has taken a serious shape. In June 2008, it was known from the Prison Directorate that there were near about one Lac prisoners inside 69 jails in the country. This number exceeds the total capacity by 3 (three) times.

#### 2.1. Mis-management and Malpractices

The number of persons for incarceration has thus substantially increased. Moreover, the said number is increased one step further due to the fact that in good number of cases, bails are not granted liberally as per provision of Children Act.

The I.G of Prison heads the Prison Administration. There are Ranges comprising some districts in the country and in each range there is one DIG, Prison as the administrative head. In each Central Jail there is one Superintendent, one Jailor, a few Deputy Jailors, one Sergeant, one Subedar and a good number of Jamadar and Constables. It is pertinent to note that long term convicts and UTPs are kept in central jails, in District Jails under 5 years and only short term UTPs are usually kept in Sub-jails. During British rule, the Bengal Jail Code, which was introduced by British in 1864, is the basis for administering jails.

The latest Jail Code reformation/ modification took place in 1937. The second edition in 1867, the third in 1882, the fourth in 1896, the fifth in 1910 and the sixth in 1931. After 1937 no basic change took place. In colonial period, it is needless to say, the nature of Jail Code introduced was coercive and politically motivated. No intention was to establish human rights based justice system for benefit of the society. It is interesting to note that the British authorities during the period of 1864 to 1947 felt the need for basic change in jail code, which they did for six times. After that, some Commissions were formed but the Jail Code still remains unchanged.

**Statistics of detained Children under the age of 18 years (Under 16 years and 16 – 18 years) dated 1st May 2008**

**Table : 4**

Sl. No	Name of the Jail	Under 16		Under 18	
		Boy	Girl	Boy	Girl
1	Dhaka Central Jail	04	02	06	--
2	Mymensing Central Jail	06	04	15	--
3	Kashimpur Central Jail-1	03	--	03	--
4	Kashimpur Central Jail-2	03	--	08	--
5	Kashimpur Central Jail-3	--	--	--	--
6	Faridpur District Jail	--	--	--	01
7	Tangail District Jail	--	--	02	--
8	Jamalpur District Jail	05	01	--	--
9	Sherpur District Jail	01	02	05	--
10	Kishoregonj Dist. Jail	--	--	12	--
11	Gazipur District Jail	--	02	05	--
12	Narayangonj District Jail	07	--	01	--
13	Narshingdi Dist. Jail	13	--	15	--
14	Manikgonj Dist. Jail	02	--	--	--
15	Munshigonj Dist. Jail	04	--	05	02
16	Netrokona District Jail	03	02	06	01
17	Rajbari District Jail	--	--	01	--
18	Gopalganj District Jail	01	02	01	--
19	Madaripur Dist. Jai	--	--	01	--
20	Shariatpur District Jail	03	--	--	--
21	Rajshahi Central Jail	04	--	19	01
22	Rangpur Central Jail	--	--	04	--
23	Pabna District Jail	02	--	03	--
24	Bogra District Jail	04	--	07	--
25	Dinajpur District Jail	09	--	10	--
26	Shirajgonj Dist. Jail	--	--	06	--
27	Joypurhat District Jail	01	--	03	--
28	Gaibandha Dis. Jail	--	--	--	--
29	Natore District Jail	03	--	--	--
30	Nagaon District Jail	--	--	01	--
31	Nawabgonj District Jail	02	--	03	--
32	Nilfamari District Jail	--	--	--	--

Sl. No	Name of the Jail	Under 16		Under 18	
		Boy	Girl	Boy	Girl
34	Kurigram District Jail	--	--	--	--
35	Lalmonirhat Dist. Jail	--	--	--	--
36	Panchgarh Dist. Jail	05	--	--	--
37	Comilla Central Jail	05	--	11	--
38	Chittagong Central Jail	13	03	39	--
39	Sylhet Central Jail	04	--	03	--
40	Cox's Bazar Central Jail	07	02	17	02
41	Maulavi Bazar Dist. Jail	03	03	01	01
42	Habigonj District Jail	03	01	01	--
43	Laksmipur District Jail	--	--	--	--
44	B.Barria District Jail	05	01	--	--
45	Feni District Jail	01	--	04	--
46	Rangamati Dist. Jail	--	--	--	--
47	Sunamgonj Dist. Jail	01	--	07	03
48	Noakhali District Jail	03	01	05	01
49	Bandarban Dist. Jail	--	--	--	--
50	Khagrachari Dist. Jail	02	--	05	02
51	Chandpur Dist. Jail	01	--	02	--
52	Jessore Central Jail	03	--	02	--
53	Barisal Central Jail	--	--	01	--
54	Khulna District Jail	06	--	--	--
55	Kustia District Jail	07	01	03	--
56	Patuakhali Dist. Jail	02	--	05	--
57	Bhola District Jail	--	--	--	--
58	Barguna District Jail	02	--	--	--
59	Pirojpur District Jail	02	--	--	--
60	Bagerhat District Jail	--	--	--	--
61	Jhalokathi District Jail	02	--	--	--
62	Shatkhira District Jail	--	03	01	--
63	Narail District Jail	--	--	--	--
64	Magura District Jail	--	--	--	--
65	Jhinaidah District Jail	--	--	--	--
66	Meherpur Dist. Jail	01	--	--	--
67	Chuadanga Dist. Jail	03	--	--	--
	<b>Total</b>	<b>161</b>	<b>30</b>	<b>248</b>	<b>14</b>
		<b>191</b>		<b>262</b>	
	<b>Grand Total</b>	<b>453</b>			

### 3. First Day of Incarceration

Persons are taken to prison towards end of the day and kept in transit camp of 70' x 30' size. The camp is always overcrowded; severe congestion, and no space for sleeping. In such awful situation torture for all is a must; the prison staff members including the 'mate' - all become cruel to them and start slapping, beating along with scolding by obscene language. All these are reportedly nothing but a means/source of taking bribes.

However, the work of 'Case File' starts early in the morning on the following day. In the quickest possible time, the task of case file is completed without classifying the prisoners according to offence such as under section 54 Cr.PC, narcotic offence or under-age etc.

The next phase is to allot cell or '*khata*' and as a part of this at 6 A.M. in the morning. Their health is not checked for any serious ailment or otherwise. Alternatives to minimise the torture is reportedly managing the 'mate' or 'writers' otherwise. After this part, comes the allotment of plate, *bati* and blanket. At about 9/10 A.M the breakfast with a bread (atta) and spoonful molasses is served. Mate and security personnel, at about 11 A.M., specify for the prisons the cell or '*khata*'. The size of cell is 7' x 10', uneven number of prisons from 7-13 are accommodated here. '*Khata*' is a large room for ordinary prisoners of about 50. Not less than 150 prisoners are accommodated in the present situation.

#### 3.1 Jail Hospital

Among the inmates in prisons, scabies is a must and dysentery and diarrhea are common. This is run under the supervision of civil surgeon. Number of doctor and compounders is insignificant. Treatment is also inadequate. The beds in the hospital are of usual standard. Food and diet are also a bit different then prison. For this advantage, there is a constant desire among the prisoners to get admission in the hospital; not always for treatment but for better living. In this area also, there are reportedly malpractices. It was reported that in lieu of money one can be the patient and get admission in hospital, Observers say, 'Jail hospital serves more as a 'paying guest house' than it is meant for.'

#### 3.2 No Separate Arrangement for Convicts / UTPs

Under trial prisoners and convicts are the two types of prison population. But for them, there is no separate arrangement. The small difference between them, as observed, is that the UTPs can put on own dresses, the convicts are given dress by the jail authorities. The UTPs are not supposed to be used as labour in the jail, but in practice it is.

According UM Section-616 of the Jail Code, prisoners are to be grouped into six. They are civil prisoners, under trial prisoners, women prisoners, and male prisoners <21 years of age, under-aged prisoners and the adult convicts.

#### 3.3 Jail : Not meant for children

Keeping children in jail is clear violation of Jail Code. There is no provision for keeping a child of <16 years of age. If someone is charged with criminal offence, he is being placed in the Kishor Unnayan Kendra, not in jail. According to report of Prison Directorate on 1 May, 2008, there were 191 children <16 years and 262 children <18 years. Women have co-relation with children. Minor children may sometimes accompany mothers in jails. Some pregnant mothers may also give new birth of children in the jail. Recently a Day Care Center established in Dhaka Central Jail for those children who is along with her/his mother.

In order to curb down the flow of delinquents in jails the Bangladesh Govt. feels that imprisonment or confinement should be the last resort not the first". It has been observed that Adolescent delinquents when sent to jails they were deprived form basic necessities of life and have to endure very abusive behaviour from adult prisoners and jail authorities as well as authorities of KUK (Kishore/ Kishori Unnayan Kendra) and Vagabond Homes. They also gets abusive treatment from the law enforcing agencies during pre-trial, on-trial and post-trial period- physical and psychological abuse of children by adult inmates in jail. Due to their inadequate access to education and recreational facilities in Jail and in KUK and Vagabond home they were deprived form their basic rights and violating CRC.

### 3.4 Visit Harassment

The interview system with the prisoners by the relatives is very troublesome and harassing. The 'visit fee' is not enough for holding interview with the prisoners. Some extra budget is invariably required to complete the interview. Besides, the environment is so noisy that none of the parties can make themselves satisfied by hearing each other.

In the recent year the following steps taken by the Jail authority for the welfare of the prisoners are shown below :

- 1 Forming of jail security unit.
- 1 Vocational training for prisoners.
- 1 Introduction of `Darbar` system for solution of the problems of prisoners.
- 1 Canteen for prisoners.
- 1 Establish Bakery and confectionary for prisoners.
- 1 Mass education
- 1 Recreation arrangement for prisoners.

The important steps taken for the welfare of the prison guards shown below:

- 1 Change of uniform.
- 1 Divisional and departmental sign.
- 1 `Darbar` system for prisoners.
- 1 Entouchment of training.
- 1 Musketry practice for prisoners.
- 1 Participation in National Parade.
- 1 Athletic competition in jail & inter jail.
- 1 Publish Jail magazine.
- 1 Observance of Jail Week.
- 1 Jail family welfare committee.
- 1 Departmental Store.
- 1 Introduce of health scheme.
- 1 Organizing private fund.
- 1 Scholarship for meritorious student of jail authority.
- 1 Establishing dairy firm.

We hope that in future jail will become a Correctional Institute for all kinds of prisoners. They will return in our society as a perfect people who makes welfare for his/her family, society and the state.

**Table : 5**

Jails under greater Dhaka by time of Establishment Capacity, Present Number and Number of Juvenile				
Jail	Estd.	Capacity	Present Number	Number of Juvenile
Dhaka	1788	2500	12,236	47
Narayangonj	1922	150	-	08
Gazipur	1986	70	-	09
Norshingdhi	1983	224	858	24
Manikgonj	1998	100	545	03

## 4. Administration and Management of Prisons

4.1 The administration and management of the prisons in Bangladesh is carried out according to the rules and acts as enumerated in volumes I and 2 of the Jail Code, formulated by colonial rulers during the 19th century. These rules and acts include the Prisons Act IX of 1894, as amended, relating to the management of prisons; the Prisoners Act V of 1871, as amended; the Prisoners Act 111 of 1900? as amended, relating to the management and training of prisoners; the Civil Procedure Code relating to the management of civil prisoners; and Act XLV of 1860, as amended, of the Bangladesh penal code.

The 67 prisons in Bangladesh can be divided into two major types:

4.2 **Central Jails:** For the confinement of prisoners under trial, administrative detainees and convicted prisoners sentenced to a term of imprisonment, including imprisonment for life, and the death sentence. There are eight such central jails, which could also be called maximum security prisons.

**District Jails:** Located at the headquarters of the district, they are used for the confinement of all categories of prisoners, except those convicted prisoners whose sentence exceeds 5 years. District jails also hold long term convicted prisoners if ordered by the Inspector General of Prisons/ Deputy Inspector General of Prisons. There are 56 such district jails, which might could be called "medium security prisons".

The Ministry of Home Affairs, through the directorate of prisons, exercises overall responsibility for proper management of the prison system. Each prison is administered by sergeants, guards and other prison staff, under the supervision of the superintendent of jails. In the districts, the highest civilian official, the Deputy Commissioner, oversees the working of the jails, and is expected, along with district judicial officers, to visit the jails to supervise their management and receive complaints from prisoners. Health services to the prisoners are provided by the staff of the district hospital. The main medical conditions for which prisoners are treated include diarrhea and dysentery (42%), fever, including typhoid fever (25%) skin disease (20%), malnutrition (8%), psychological problems (1.5%) and heart problems (1%). The high frequency of diarrhea and skin disease is due to poor sanitation conditions prevailing inside prisons.

**4.3 Accommodation:** The living conditions of prisons in jails are unhygienic. This is due to overcrowding of the prisons with the large numbers of "under trials". Two types of accommodation are available in prisons: cell accommodation and accommodation in association wards/ dormitories. Cell accommodation- This is for accommodation of classified prisoners, execution of jail punishment, segregation of confessed prisoners, and prisoners condemned to death. Association wards - For all types of prisoners, including hardened criminals, occasional offenders, and youth offenders, Prisoners are required to sleep together in single dormitories, accommodating about 100 to 150 prisoners. Hardened criminals influence occasional and youth offenders who form gangs within the prisons, mostly with a view to committing serious crimes after they are released. Hence jails have become "storehouses" to train criminals.

Moreover floor space allocation bears witness to the poor conditions in which prisoners are kept. Under dormitory rules, each prisoner is entitled to 36 sq. ft. of floor space; however, overcrowding has reduced the space available per prisoner to 15 sq. ft. in certain wards, prisoners have to sleep in shifts owing to lack of space. Finally, life in prisons is made worse by the smells of carbon dioxide, nicotine, sweat, and urine emerging from uncovered urinals, which create an unsanitary atmosphere inside the congested wards. These are painful examples of the denial of the legal rights of inmates.

**Prisoners' food-** There are two kinds of diets for inmates. Ordinary prisoners received 2,800 to 3,000 calories per day, which is considered satisfactory by the Institute of Public Health Nutrition. However, so called "classified prisoners" receive an additional amount of food. The existence of this privileged class of prisoner creates dissatisfaction among ordinary inmates. Furthermore, the manner in which the prisoners are required to eat their meals- sitting on the ground under the open sky, rain or shine, is unacceptable.

**4.4 Clothing and bedding :** The current striped, coarse uniform worn by ordinary prisoners is considered most demoralizing. A bed consists of two blankets, one to spread on the floor, and another to use as a pillow. This is both inadequate and degrading. Such conditions are detrimental to prisoners' physical and mental health, and in violation of their human rights.

**4.5 Lack of Monitoring of Prisons:** District Magistrate and /or deputy commissioners are required to visit the jails once a week under rule 48 of the Jail Code, vol.I. However, they seldom perform this duty, thus allowing serious violations of prison rules by prison officers to go undetected. This can lead to discipline problems in the jails, potentially leading to insecurity throughout the country. The judicial authorities concerned often fail to perform their duties. This causes delays in the disposal of long pending cases, which remain undetected, denying prisoners their rights to put forward grievances to the relevant magistrates or judges, and to end prolonged detention without trial. The irregularity of monitoring visits can be detrimental to the rights of prisoners. It is also evident that complaints against prison staff from prisoners to inspecting officers and visitors often result in maltreatment, thus worsening the conditions in prison even further. Hence, few prisoners currently dare to complain to inspecting officers or visitors.

Welfare measures for the benefit of prisoners are extremely inadequate. There are no trained social welfare officers in prisons to investigate physical aspects such as food, clothing, medical care, sanitation, and water supply within the prisons. There are no trained social workers or psychologists to provide for the psychological needs of prisoners. It should be mentioned that there are no programmes in Bangladesh's prisons for the reform and rehabilitation of offenders. This contributes to the rising crime rate, since most prisoners return to society, not as reformed individuals, but as hardened criminals.

There are about 257 children below the age of 16 under trial in various prisons of the country. Of These about 52 children are detained in Dhaka Central Jail. From the available statistics, we gather that some 5,500 adolescent convicted prisoners between the age of 16 to 21 are confined in various jails of the country. They are exposed to serious contamination by the adults in the jails meant for all classes of prisoners.

#### **4.6 Recommendations:**

- 1 Outdated laws and procedures concerning prisons should be amended to institute a more humane and sophisticated approach.
- 1 Speedy implementation of the recommendations of the Bangladesh Jails Reform Commission Report of 1980 .
- 1 The Prison Directorate should have its own medical services, with doctors who are interested in providing medical services in prisons as a career, to be recruited Ministry of Home Affairs through the Public Service Commission.
- 1 There should be separate segregated wards in prison hospitals to treat prisoners suffering from infectious disease and drug addiction;
- 1 All prisoners should have access to court proceedings.
- 1 The system of visits should be improved so that it provides checks and balances on the administration of prisons.
- 1 The conditions for prison officers and staff should be improved. All staff must be trained up on child rights, women rights.
- 1 A reform program should be introduced whereby individual prisoners are given treatment based on their different needs. Vocational, academic and religious training facilities should be made available to individual prisoners for their reform and re socialisation. Diagnosis of individual prisoner's treatment needs is essential.
- 1 Training of prison staff and the police and reforms to increase their capacity should be made a priority.
- 1 Advanced research as undertaken in other countries on the nature and number of crimes committed by people of various age groups, mental profiles of criminals, juvenile delinquency, investigation techniques and use of modern equipment, should be undertaken. With this end in view, the establishment of a "Research Institute for Police Science" is recommended.

Munshigonj	2003	149	-	07
KUK for Boys, Tongi	1978	200	150	150
KUK for Girls, Konabari	2002	150	31	31

## **Kishore and Kishori Unnayan Kendra ( KUK )**

### **5. Background**

Under the Department of Social Services (DSS) there are two Correctional Institute for boys- one at Tongi, Gazipur and the other at Jessore. The National Correctional Institute (NCI) for Boys at Tongi (now KUK for boys) is the oldest and was established in 1978 with a capacity of 200 inmates. The second one was established in 1995. There was no institute for girls at that time. In December 2002, Kishori Unnayan Kendra was established at Konabari, Gazipur, with a capacity of 150 inmates.

### **6. Aims and Objectives**

Under the Bangladesh Children Act, 1974, a girl below 16 years is called Juvenile. Without keeping the under trial or convicted girls on charges of various types of offence in Jail, a vow is taken through this institute to train and re-educate through different methods of corrections like case work guidance, vocational training and counseling, so that they can readjust in the free environment of the society.

### **7. Kishore Unnayan Kendra, Tongi**

Name of the Institution	:	Kishore Unnayan Kendra
Administrative Directorate	:	Department of Social Services
Administrative Ministry	:	Ministry of Social Welfare
Functions started	:	June 1978
Quantity of Land of the Institution	:	3.71 Acre
Approved seat capacity	:	400
Present Number of Inmates	:	150
Branches	:	Juvenile Court Juvenile Hajat Correctional Institute
General Education	:	Approved up to class Five but proposed has been submitted up to SSC
Technical Tread	:	(1) Electric (2) Automobile (3) Tailoring (4) Carpentry
Division of the Inmates	:	(1) Police Case / Court Case (2) Guardian Case ( with reference to section 33 of Children Act 1974) (3) Safe Custody (Destitute, floating etc. with reference to section 32 of Children Act )
Number of Building	:	09
Accommodation for the Inmates	:	1) Sher-e-Bangla House 2) Nazrul House 3) Bangabandhu House 4) Bhawal House
Number of officers and staffs	:	67

Vacancy	:	19
Total Staff Present	:	48
Monthly allocation of the inmates	:	1800/= ( One thousand eight hundred only ).

## 8. Kishori Unnayan Kendra

Name of the Institution	:	Kishori Unnayan Kendra
Administrative Directorate	:	Department of Social Services
Administrative Ministry	:	Ministry of Social Welfare
Functions started	:	10 December, 2002
Quantity of Land of the Institution	:	1.5 Acre
Approved seat capacity	:	150
Present Number of Inmates	:	35
Branches	:	Juvenile Court Juvenile Hajat Correctional Institute
General Education	:	Approved up to class Five
Technical Tread	:	(1) Electric (2) Poultry (3) Tailoring (4) Embroidery
Division of the Inmates	:	(1) Police Case / Court Case (4) Guardian Case ( with reference to section 33 of Children Act 1974) (5) Safe Custody (Destitute, floating etc. with reference to section 32 of Children Act )
Number of Building	:	06 building with shed
Number of officers and staffs	:	49
Vacancy	:	17
Total Staff Present	:	32
Monthly allocation of the inmates	:	1800/= ( One thousand eight hundred only ).

## 9. Programs to be Implemented:

The following programs would be implemented:

- Maintaining the inmates, taking care, maintenance and providing security.
- Assuring medical treatment of the inmates;
- Building a good character human development among the inmates by means of religions / Moral education, social case work; psycho social motivation, therapeutic counseling etc. for correction and social reintegration.
- Helping the adult girls rehabilitated through marriage; and

## 10. Boys / Girls to be Referred to the Institute:

Appropriate authority like Probation Officer or Police Officer, as per order of the juvenile court or by order of the Magistrate, may take necessary steps to place one as an inmate of the Institute. The following procedure, however, are followed:

- Referred by the court;



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# Data Processing and Analyzing

## Chapter- 4

# Socio-Economic and Demographic Background of the Inmates

### 1. Age of the Inmates

The inmates under study were between the age brackets of 9 and 18 years. Male-female distribution in four age-groups have been pictured in Table-1.

**Table : 6 : Inmates by Age -groups and sex.**

Age Group	Frequency		Total	%
	Male %	Female %		
< 9 years	00	01	1	0.69
9 and < 12	8	0	8	5.56
12 and < 16	72	21	93	64.58
17 and < 18	36	6	42	29.17
Total	116	28	144	100

It is satisfactory to note that among the inmates only one female was found aged 9 years.

Majority of about 65 % of the inmates fall within 12 and <16 years of age-group, while 5.56% inmates are aged between 9 and 12 years. Trend of concentration of male is higher in 12-<16 years than female.

### 2. Religious Affiliation

Inmates by religious identities were Muslims and Hindus. Out of the total inmates, 4.17% were Hindus with one female inmate. Remaining are all Muslim with 96.43% female and 95.69% male.

**Table : 7 : Inmates by Religious Affiliation.**

Religion	Frequency		Total	%
	Male %	Female %		
Muslim	111 (95.69)	27 (96.43)	13	95.83
Hindu	5 (4.31)	1 (3.57)	6	4.17
Total:	116 (100)	28 (100)	144	100

### 3. Present Address

Efforts have been made to introduce the inmates by their present address, which may reflect an aspect of total antecedents. There were 104 inmates from Dhaka city. Table -3. 1 describes the inmate's district wise with reference to Upazilla. It shows that District Headquarters and Industrial Area contributed more inmates than relatively rural and remote area. This may be because of poverty and unemployment in that area.

**Table : 8 : Present address of the Inmates male-female by Zilla and Upazilla**

District	Name of Upazila/ Thana	Male	Female	Total	District Total
<b>Gazipur</b>	Sripur	2	-		14
	Kapashiya	-	-		
	Kaligonj	1	-		
	Gazipur	1	1		
	Tongi	5	1		
	Kaliakoir	2	1		
<b>Munshigonj</b>	Shirajdikhan	1	1		11
	Srinagor	-	1		
	Munshigonj	3	1		
	Louhigonj	-	-		
	Tongibari	4	-		
	Gogaria	-	-		
<b>Narayangonj</b>	Bandor	-	-		8
	Fatullah	3	-		
	Shonargoan	1	-		
	Araihazar	2	-		
	Rupgonj	1	1		
<b>Norshindhi</b>	Monohordi	-	2		14
	Belabo	1	-		
	Shibpur	3	-		
	Polash	-	-		
	Raipur	-	-		
	Narshindhi	8	-		
<b>Manikgonj</b>	Manikgonj	2	-		3
	Shaturia	1	-		
	Doulotpur	-	-		
	Gheor	-	-		
	Shibaloy	-			
	Singair	-			
	Horirampur	-			
<b>Dhaka</b>	Savar	4			5
	Keranigonj	1			
	Dhamri	-			
	Nobabgonj	-			
	Dohar	-			
<b>Out of Greater Dhaka</b>		30	19		49
<b>Total</b>					<b>104</b>

Total 40 Inmates were found in DMP area.

The table shows that all the forty (40) inmates were male. Mirpur Thana has contributed the highest number being 8. Table 3.2 can be seen at a glance.

**Table : 9 : Present address of the Inmates by D.M.P Thana (PS).**

District	Name of Thana	Male	Female	Total
<b>Dhaka Metro-Politan Area</b>	Adabor	-	-	-
	Ashulia	2	-	2
	Badda	-	-	-
	Biman Bandor	-	-	-
	Cantonment	1	-	1
	Dhanmondi	-	-	-
	Demra	2	-	2
	Dokkhin Khan	-	-	-
	Gulshan	-	-	-
	Hajaribagh	2	-	2
	Jatrabari	2	-	2
	Kotwali	2	-	2
	Khilgaon	-	-	-
	Kamrangir-char	1	-	1
	Kafrul	1	-	1
	Khilkhet	-	-	-
	Lalbagh	1	-	1
	Motijheel	1	-	1
	Mohammadpur	4	-	4
	Mirpur	8	-	8
	New Market	-	-	-
	Polton	1	-	1
	Pollobi	1	-	1
	Ramna	2	-	2
	Sutrapur	2	-	2
	Shampur	1	-	1
	Shabujbagh	1	-	1
	Shah Ali	-	-	-
	Shahbagh	1	-	1
	Tejgaon	1	-	1
Turag	-	-	-	
Uttora	1	-	1	
Uttor Khan	2	-	2	
G.R.P	-	-	-	
	<b>Total</b>	<b>40</b>	<b>-</b>	<b>40</b>

#### 4. Educational Particulars

Education is the backbone of a nation. It is a basic need of human being for leading a better life in the society. Although a good number of 31.25% did not attend school at all but it is hopeful that 50.69 % of the inmates had primary education while 18.06% had secondary education. From last few years govt. has given due importance in education by providing not only free education but also helping the poor with money and free supply of books. Due to this effort, percentage of education is also increasing gradually. Table- 4.1 may be seen.

**Table : 10 : Inmates' Educational Attainment.**

Education	Frequency		Total	%
	Male	Female		
Did not attend school	35 (30.17)	10 (35.71)	45	31.25
Primary	60 (51.72)	13 (46.43)	73	50.69
Secondary	21 (18.10)	5 (17.86)	26	18.06
<b>Total</b>	<b>116</b> <b>(100)</b>	<b>28</b> <b>(100)</b>	<b>144</b>	<b>100</b>

**5. Causes of Illiteracy / Drop out Education.**

Education is the primary need of human being but there are considerable percentage of illiteracy / dropouts. The table below shows that 41.66 % i.e. highest number is due to poverty. The poor class families engage their children in different work for their livelihood instead of sending them to school for education. 20.14% did not get education due to involvement in criminal cases, 16.67% did not like education and the remaining 15% due to some other reasons as shown in the table. To cope up the situation efforts have been taken (discussed in para-4).

**Table - : 11 : Causes of Illiteracy / dropout education.**

Opinion about educational pursuit	Total	%
Poverty	60	41.66
Bad association	10	6.94
Illness	2	1.39
Bad environment	3	2.08
Regarding case	29	20.14
Did not like education	24	16.67
Family disturbance	6	4.17
Take the shoulder of the family	5	3.47
Child Marriage	2	1.39
Bitten by Teacher	3	2.08
<b>Total</b>	<b>144</b>	<b>100</b>

**6. Family Size**

To find out the causes of Juveniles offence at the family level, it is relevant/ appropriate to see the size of family in which the inmates belong. It is seen in the table-5 that a good number of inmates (23.61%) have families with five members. The average size is, however, 5.14%, that has relevance with the national statistics. This size is also higher with the slogan of Govt. that is "Two children is enough". Since maximum inmates belong to lower class family and if the size of the family is higher, there remain scope of less facilities to provide education as well as other needs. Hence the size of the family should remain within the meaning of the govt. slogan.

**Table : 12 : Inmates by Family Size.**

Size	Frequency		Total	%
	Male	Female		
01	-	-	-	-
02	03	02	03	3.47
03	08	03	11	7.64
04	23	06	29	20.14
05	27	07	34	23.61
06	23	04	27	18.75
07	16	05	21	14.58
08	12	00	12	8.34
09	02	00	02	1.39
10 +	02	01	03	2.08
<b>Total</b>	<b>116</b>	<b>28</b>	<b>144</b>	<b>100</b>

\* Average Family size 5.14

### 6.1 : Inmates' Siblings

It is found from another angle of inquiry that about 44.44 % inmates had 4-5 brothers and sisters in the family. The average number of siblings is around 4. The table concerning this information may be seen in the Appendix-A. 1.

### 6.2 : Inmates' Position

Inmate's position among siblings is sometimes an asking question. Here, in this study, it is seen that 17.36 % inmates were the youngest and 38.19% were the eldest. The information also reveals that inmates occupying the second position were more than 25.70%. With this information, the traditional question of 'position' becomes immaterial. However, the table may also be seen in the Appendix-A.2.

## 7. Inmates' Occupation

The Table below shows that there are 13 categories of works where the inmates were involved. Maximum number of 20.68% were in factory / Garments/ Automobile work which follows 19.44% studentship. 14.58% inmates had service while 9.72% were involved in small business. Only one had no job other than theft / Terrorism / Drug selling. Further details are given in the Table- 6.

**Table : 13 : Inmates Occupation.**

Occupation	Frequency	%
Cultivation	2	1.39
Factory / Garments / Automobile Workers	29	20.14
Rickshaw / Van puller, Driver, Helper	10	6.94
Small Business	14	9.72
Student	24	19.44
Service	21	14.58
Job in a Shop keeping	7	6.25
Small cottage	3	2.08
Theft / Terrorism / Drug selling	1	0.69
House hold work	8	5.55
Maid servant	7	4.86
Unemployed	13	9.03
Others (day labour, Guard, workshop, cow boy	5	3.47
<b>Total</b>	<b>144</b>	<b>100</b>

## 8. Family Circumstances.

Information regarding siblings' education has been depicted in table- 7 below. It shows that in 44.44% cases they have education up-to primary level while 30% have up-to secondary level. The percentage of 17.36% did not attend school. Table- 7 describes below:

**Table : 14 Siblings having Educational attainment.**

Education Level	Total	%
Didn't attend School	25	17.36
Primary	64	44.44
Secondary	43	30.00
Higher Secondary	6	4.17
only child	4	2.78
Trace less	2	1.39
<b>Total</b>	<b>144</b>	<b>100</b>

## 9. Living Conditions of Inmates' Parents.

The available data in Table-8 below describe that in 61.11% cases inmates parents are alive and living together in the family. They appear to have less control over the inmates i.e. children. In 15.97% cases father died and in 2.78% cases mother died. Thus it appears that 18.75% inmates were half orphan and in .69% cases inmates are fully orphans. A good number i.e. 18.06% have their parents alive but unfortunately lives separately.

**Table : 15 : Living condition of the Inmates' Parents.**

Parents condition	Frequency	%
Father dead	23	15.97
Mother dead	04	2.78
Father Mother both dead	01	0.69
Separation / living separately	26	18.06
Living Together	88	61.11
Tress less	2	1.39
<b>Total</b>	<b>144</b>	<b>100</b>

## 10. Conjugal Relations of the Parents

Out of 65.28% families having parents alive and living together have no quarrel in 18.75% cases, while 16.66% cases are always quarreling and 64.58% cases parents quarrel frequently. In cases where the parents always quarrel, there prevail unhealthy atmosphere in the family. Growing children in such family may get discouraged and spoiled. (Appendix table-3)

## 11. Occupation of the Parents

### 11.1 Fathers Occupation

The father are engaged in as many as 9 types of occupation like cultivation 13.33%, small business 23.33%, rickshaw/van puller, driver and helper 17.50%, service 11.67%, others occupations are factory worker, day labor job in a shops etc. A section of 4.17% of the fathers are unemployed. Table- 9.1 may be seen.

**Table : 16 : Fathers' Occupation.**

Occupation	Frequency	%
Cultivation	15	13.53
Factory Worker /Garments	8	6.67
Rickshaw/ Van puller, Driver, Helper	21	17.50
Small Business	28	23.33
Unemployed	5	4.17
Service	14	11.67
Day labor	7	5.83
Job in shop keeping	10	8.33
Others (contactor, work in abroad, Ayurvedic physician)	16	13.33
<b>Total</b>	<b>120</b>	<b>100</b>

*Note : Fathers dead in case 24 cases .*

### 11.2 : Mothers' Occupation

As regards mother's occupation it reveals that in 62.59% cases they are housewives. Remaining 8.63% are small businessman, 7.91% are factory/garments workers, and 7.19% are caretaker/maid servant. In 1.39% cases mother are in jail and 5 mothers are dead. Thus it appears that about 35% are more or less earning from different means. Table 9.2 with speaks details.

**Table : 17 : Mothers' Occupation.**

Occupation	Frequency	%
Housewife	87	62.59
Cultivation	3	2.16
Factory Worker / Garments worker	11	7.91
Small Business	12	8.63
Caretaker/ Maid Servant	10	7.19
Service	1	0.72
Job in tailoring shop	3	2.16
Mother in Jail	2	1.39
Others	10	7.19
<b>Total</b>	<b>139</b>	<b>100</b>

*Note : Mothers dead in case 05 cases .*

## 12. Family Income

Income of the inmates' family play a very vital role to build up the carrier of the inmates. Table- 10 below speaks of different categories of families having different income.



**Table : 18 : Total Family Income.**

Taka	Total	%
3001-5000	63	43.75
5001-7500	40	27.78
7501-10,000	20	13.89
10,000>	21	14.58
<b>Total</b>	<b>144</b>	<b>100</b>

From the figures it indicates that nearly 50% of the families earn Tk 3000- >5000 monthly. 27.78% have their income Tk. 5001-7500, 13.89% have their income Tk. 7501-10,000. Now a days cost of living is very very high due to abnormal increase of daily essential commodities mainly food grain. This categories of families represents highest inmates having average income Tk. 4000.00. Their income is not sufficient. This situation creates an avenue to know about the situation of the Children of well to do class. It is commonly observed that regardless of economic status some children are involved in anti- social activities like drug addiction etc. today .

### 13. Aim in Life of the Inmates

The figure shown in table 11 below it appears that 14 types of aim have shown in which majority i.e. 28.47% had their aim to be a service man, which follows 15.28% to be businessman. Rest inmates had their aim in different jobs. It appears that inmates had no higher ambition because they were born & brought up in insolvent family and the environment was such that they could not dream of becoming renowned in future.

**Table : 19 : Inmates Aim in life that he/she used to cherish.**

Aim	Total	%
Business	22	15.28
Mechanic/ Led / Welding/ Electric	4	2.78
Work in a Shop	5	3.47
Student	9	6.25
Abroad	6	4.17
Driver	10	6.94
Teacher	8	5.56
Service	41	28.47
Doctor	8	5.56
Engineer	7	4.86
Become a house wife	4	2.78
Sports (Player)	2	1.39
Garments Worker	5	3.47
Quran-e- Hafez	2	1.39
Others	11	7.64
<b>Total</b>	<b>144</b>	<b>100</b>

### 14. Education prior to Imprisonment

From the Table –12 shows that the inmates mostly had very poor background. 31.15% did not attend school at all while 48.61% were drop out before they were promoted to class V. A total negligible number i.e. 29% read up to certain stages. Thus inmate's attainment in education before imprisonment was not hopeful. It is learnt from the statistic that a majority of number played truancy in groups. For more detail information Appendix- A 5.1 & 5.2. may be seen.

**Table : 20 : Inmates Educational Attainment prior to be here.**

Class	Frequency	%
Did not attend school	45	31.25
Dropped out	70	48.61
< V	5	3.47
V - VII	15	10.42
VII - X	9	6.25
<b>Total:</b>	<b>144</b>	<b>100.00</b>

**15. Inmates' Friendship Group**

Very often crime is group activity. Without associates it is not very easy to commit crime alone particularly crime against property and those of violent nature. With this end in view, they were questioned about their friends they had in their earlier group life. Table –13 below shows that 15.97% had five friends, 15.28% had four, 13.19% had two, 12.50% had three, 10.42% had ten friends and 8.33% had no friends.

**Table : 21 : Number of Friends the Inmate had.**

Number	Frequency		Total	%
	Frequency			
	Male	Female	Total	
01	10	4	14	9.72
02	16	3	19	13.19
03	15	3	18	12.50
04	18	4	22	15.28
05	15	8	23	15.97
06	9	2	11	7.64
07	3	2	5	3.47
08	2	-	2	1.39
09	1	-	1	0.69
10	2	-	2	10.42
10 >	14	1	15	0.69
No friend	11	1	12	8.33
<b>Total</b>	<b>116</b>	<b>28</b>	<b>144</b>	<b>100</b>

**16. Occupation of Friends**

Generally a man keeps his friends of the same likings. There is the need for knowing the occupation of friends. Table –14 below reveal that there were 13 categories of work of which 'student' top the figure i.e. 46.21% as claimed. Then 18.18% in shop keeping & hotels. 10.61% each rickshaw/ Van puller and small business. 22.73% are unemployed while rest work in different jobs. 3.79% involved in theft, terrorism, drug seller and gambling.

**Table : 22 : Occupation of the Friends.**

Occupation	Frequency	%	N= 132
Cultivation	4	3.03	
Factory Worker / Garage worker	12	9.09	
Garments	9	6.82	
Rickshaw/ Van puller, Driver, Helper	14	10.61	
Small Business	14	10.61	
Caretaker/ Maid Servant	1	0.76	
Student	61	46.21	
Service	5	3.79	
Day labor	5	3.79	
Job in shop keeping, hotel	24	18.18	
Unemployed	30	22.73	
Theft/ Terrorism/ Drug	5	3.79	
seller, gambling	6	4.55	
Others			
<b>Total</b>			

·Multiple answer

### 17. Inmates' Position among Friends

As regards position of the inmates among friend it is found that only 7.58% where in leadership position, 29.54% are followers and 62.88% are friendly. From the picture in Table –15 below it reveals that representation from among the group members are found to be just friends and novices. Leaders did not represent much. This reflects that most leaders are not usually caught hold off. They remain engages in proscribed activities in the society. Table 15 may be seen.

**Table : 23 : Inmates position among the Friends.**

	Frequency	%
Leader	10	7.58
Follower	39	29.54
Friendly	83	62.88
<b>Total</b>	<b>132</b>	<b>100.00</b>

### 18. Past time Activities of the Inmates

The past time activities of the inmates as revealed on query have shown in Table –16. It is found that there are 13 types of recreation they enjoyed. These are mostly games, gossiping with friends, TV/Radio watching and the percentage are 31.94%, 20.83% and 21.53% respectively. A number of 9.72% spent time by sleeping, 7.64% in singing, 7.63% of inmates had aimless movement and 2.78% involved in barbarous and rowdism in the street. There are however no healthy means of recreation, which may sound nice. In case of lower class children they are mostly street oriented and uncared. Table -16 shown below.

**Table : 24 : Inmates' past time Activities.**

Activities	Total N= 144	%
Cinema	13	9.03
Reading	8	5.55
Games	46	31.94
Idle sitting	8	5.55
Enjoy Video games / T.V / Radio	13	9.03
Praying	6	4.16
Sleeping	14	9.72
Singing	11	7.64
Gardening	3	2.08
Accompany Family	6	4.16
Household work	7	4.16
Aimless Movement	11	7.63
Gossiping with friends	30	20.83
Radio/ TV watching	31	21.53
Vandalism & Rowdism in the street	4	2.78
Others	14	9.72
<b>Total</b>	<b>225</b>	

*Note : More than one answer was possible*

#### **19. Political Involvement of the Inmates**

To get a comprehensive view of socio economic background of the inmates, an attempt was also made to know their involvement in politics or association with political activities.

The response was 77.55% of the inmates had no political association while 28.45% of them were associated with politics. Of them 42.86% used to join procession, 35.71% used to attend meeting and 21.42% joined in picketing on Hartal days.

Majority of the inmates belong to lower class of families (discussed earlier) and their involvement in politics, in comparison, was not so less.

In summing up the above sub-heads it need to mention that Bangladesh is a developing country. A good percentage of population lives below poverty line. As a result facilities of education, health care and living condition are not up to mark. Being born and brought up in such circumstances/ environment it is not unlikely that some children may indulge in criminal activities.

To cope up of the situation Govt. as well as NGO's and some private organization have come forward whole-heartedly. This will hopefully usher a better future for the children. Data about this may be seen in Appendix Table-6.1 and 6.2.

## Chapter - 5

# Complaints for Imprisonment / Reference to Unnayan Kendra

### 1. Major Complaints

The major concern of the study is to unlock the causes and circumstances around the under-aged persons in which they have been incarcerated to prisons or Juvenile Development Centers (JDCs). It has been made clear at the beginning of discussion that police had to deal with in all cases of 144 persons. There are 5 (five) guardian cases have been entertained in this study.

On review of the criminal acts committed by the inmates, it appears that crime against person and crime against property and crime relating to illicit drug trafficking and abuses are present at the early stage of life. Acts including the possession of illegal arms / explosives by such under aged children are growing in the coming generations particularly in lower working class. This trend is more evident in urban societies.

Number & nature of offence as shown in the table appears that murder, theft and Arms cases are of alarming position. Including female child as many as 26 children (18.05%) are involved in murder case, 33 children (22.92%) are involved with theft, 10.14% are with illegal arms and 12.11 % inmates were involved in Women & Children Oppression Acts required be critically discussed and analyzed in the light of present socio-economy situation of the country. Cases of theft and Narcotics are related with poverty and economical needs of human being. But a child of tender aged involving with murder may be considered the activity of ferocious, cruelty and terrorism which need to be mentally and psychologically molded and motivated. Bad association is a factor behind of it.

There are 6 cases of safe custody of female child, which indicate the want of safety for the girl child in the present society in comparison with the male child. So the out look and responsibility of the entire society needs to be changed. Though the number of arrest under DMP act is not countable but to stay in custody for minor offence or for no offence for months or years to gather is very much objectionable in the eye of law and humanity.

**Table: 25 : Data regarding Imprisonment / committed to KUK Boys and Girls.**

Major Complaint	Male	Female	Total	% N= 144
Murder	25	01	26	18.05
Rape	01	00	01	0.69
Speedy Trial Act	03	00	03	2.08
Theft	25	08	33	22.92
Arms & explosives	15	00	15	10.14
Narcotics	17	02	19	13.19
Women & Children Oppression	10	04	14	12.11
Dacoity/ Robbery	02	00	02	1.39
Safe Custody	01	06	07	4.86
Suspicious Movement/54 Cr.PC	01	01	02	1.39
D.M.P Act/GD	03	01	04	2.78
Children Act	02	00	02	1.39
Guardians Case	01	03	04	2.78
Kidnapping	00	01	01	0.69
Hijacking	05	00	05	3.47
Others	05	01	06	4.16
<b>Total:</b>	<b>116</b>	<b>28</b>	<b>144</b>	

**Note: Total exceeds 100% due to multiple responses**

## 2 Duration of stay in Prison / Juvenile Development Center :

Statistics drawn about the duration of stay in prison/ juvenile development centers reveal that near about 50% of the inmates have been residing in places noted below for <3 months. On the other hand 18.75% have been for 3 months to <6 months. A sizeable section (11.11%), as found has been in prison / juvenile development centers (JDC) for more than one year. Since there is a law of Children Act 1974 prevailing in the country and spirit of the same is that no child will remain in prison/custody whatever offence he /she commits. But according to the table it is very much surprise that at least 4 (four) children are staying in prison / custody for 5 (five) years and 2 (two) children are staying in the custody/development center one for 6 years and another for 12 years which are very much concerning situation for the law, justice and humanity. It may be noted that by this time the Hon'ble Supreme Court has declared this kind of detention illegal and out of jurisdiction for the authorities concerned and occasionally show cause have been served to the departments & authorities for such illegal activities. To speak the truth the Children Act 1974 is not properly being implemented in the every sphere of justice throughout the country.

**Table : 26 : Duration of stay at the Prison / KUK Boys and Girls.**

Duration	KUK Boys	KUK Girls	Jails	Total	%
< 3 months	23	13	35	71	49.30
3 months to < 6 months	05	01	21	27	18.75
6 months to < 9 months	04	01	03	08	5.56
9 months to < 1 year	09	05	02	16	11.11
1 year +	09	04	03	16	11.11
5 years	01	03	00	04	2.78
6 years	-	1	-	01	0.69
10 years +	01	-	00	01	0.69
<b>Total</b>	<b>52</b>	<b>28</b>	<b>64</b>	<b>144</b>	<b>100</b>

## 3. Present state of the Cases :

Regarding present state of the cases it is seen that an overwhelming majority of the inmates (89.58%) are under trial and others are committed to jail or juvenile development centers. The details are in the tables :-

**Table : 27 : Present state of the case.**

State	Total	%
Under Trial	129	89.58
Jailed / Committed to Development Center	1+6 =7	4.86
Safe Custody	08	5.56
<b>Total</b>	<b>144</b>	<b>100</b>

The duration of stay of Under Trial Prisoners (UTP) in prison (49.30%) was for <3 months. This is not desirable and beyond the spirit of law prevailing in the country. But a question remains regarding the stay why under-aged children (16years) would at all be imprisoned and compelled to live with the adult criminals without caring for correction under the Children Act, 1974.

So this is a fact that neither Police nor the Judiciary is obeying the Children Act 1974. In this connection we may give emphasis on the proper and regular functioning of trial and quick disposal of the case. Govt. should appoint separate judiciary magistrate for the trying of the case in the concerned institutes. NGOs may take up the matter with the appropriate authorities.

## 4. Frequency of Court Hearing :

Six persons are now under correction at the JDC-Boys at Tongi & JDC-Girls at Konabari, Gazipur. Others are supposed to be under hearing. It is great regret to note that in maximum cases no trial took place. However in 35.77% cases hearing took place one or twice which may be taken in progress but not settled even after hearings. Hearing for three or four times took place in 10.22% cases but still the progress is not up to the mark. As per table in 5.11% cases hearing took place for 9 to 20 times, but the cases are yet to set aside. The table concerning all such information may be seen.

**Table : 28 : Information regarding Hearing by the UTPs / Persons in Remand.**

Times	Total	%
0	47	34.31
1 - 2	49	35.77
3 - 4	14	10.22
5 - 6	11	8.03
7 - 8	09	6.57
9 - 10	05	3.65
11-20	02	1.46
<b>Total</b>	<b>137</b>	<b>100.00</b>

**Note** : *Under Correction there are 06 persons and jail or imprisonment 1 person.*

“Justice delayed Justice denied” is a popularly known proverb since long past in the interest of upholding human rights. People committing crime at the beginning of life have been considered in the rights approach, and for which separate Children Act was promulgated with many more provisions for alternative socio-legal arrangements not to see them as criminal as such, but to see them in many cases ‘victims’ of odd circumstances of present social life. Therefore scopes through probation and aftercare for reconciliation and readjustment with the society have been suggested and opted for within legal framework. But this view is rarely followed in juvenile criminal justice system by the concerned agencies. Some extended court functions are involved here in this process but seldom are practically exercised. However, out of information received from the inmates it is learnt that in 34.31% cases no prayer for bail has been submitted. In case of the rest of course, moved for bail.

##### 5. Involvement Pattern in Crime Commission

From two angles, the involvement into crime committed by the inmates was studied, whether crime was committed singly by the inmates or jointly in groups. The second angle is about the age of persons involved in joint crime commission. Responses as are drawn from the inmates suggest that in 24% situations the inmates committed the offence singly or alone, and in large majority cases 67.36% the inmates are found to have committed crimes jointly with other associates.

**Table : 29 : Involvement of other persons in the criminal Incident by the number.**

Number	Frequency	%
1	25	17.36
2	22	15.28
3	18	12.50
4	11	7.64
5	07	4.86
6	06	4.17
7	03	2.08
8	02	1.39
9	01	0.69
10	00	00
11 - 15	01	0.69
16 -20/ 20 +	01	0.70
Safe Custody/Guardian case	13	9.03
Crime committed alone	34	23.61
<b>Total</b>	<b>144</b>	<b>100</b>

*Note : Crime committed alone = 34 ( 23.61 % )  
Crime committed jointly = 97 ( 67.36 % )*

Now regarding the question of number of associates, it is revealed from the table 4(A) that the persons under study were involved into the crime for which charged varies from one to twenty plus. But the major concentration (17.36%) is noticeable having one other person with him. The second highest concentration (15.28%) is with one person more. Crime committed in a group of 3 persons (12.50%) including the inmate occupies the third position. But the record is available that with the assistance of each other crime has been committed even by more than 20 (twenty) associates.

The next question about age of the persons involved in crime is shown in table 4(B) :

**Table : 30 : Involvement of persons by Age category.**

Age category	Total N= 144	%
Adult + Child	66	45.83
Child + Child	31	21.53
Crime committed alone	34	23.61
Safe Custody/ Guardian Case	13	9.03
<b>Total</b>	<b>144</b>	<b>100</b>

The persons under study give us an alarming message that near about 46% cases they committed crimes in association with adult persons. In about 22 % cases, it is seen that they involved into criminal acts with persons of same age. Sociologically it is said, crimes are usually committed in associations. This gives us a particular indication that the adult people are with them. So, the situation clearly suggests that at the tutelage of professional criminals most under-aged persons are being trained to build up criminal career. In such circumstances, it can also be clearly commented that the studied persons perhaps in no cases pioneered the crime mission. They are rather the apprentices and being trained in the underworld. The poor socio-economic background of the inmates might push the children involved in illegitimate opportunities handled by the upper world and the underworld criminals.

From the above table it may be commented that in many occasions a child is instigated and attracted to commit crime with the Adults. The reason behind this may be sought for.

## 6. Criminal Antecedents of the Inmates

The under-aged persons were interviewed in the context of some important variables like age and modality of committing first offence in life. The concept of first offence though ideally is accepted, practically it is difficult to ascertain/define particular act as the criminal committed for the first time. However, in spite of such ambiguity attempts are usually taken in criminological research to understand this matter.

### 6.1 Information about First Offence

The table -1(A) presents in three dimensions data about the criminal act first committed in the inmates' individual life. The statistics in 6.95% cases show that the first offence took place at the age of 9<12 years. At the age of 12<16 years it occurred in 63.19% persons and at the age of 16<18 it is in 29.86%. In above situations, the persons in higher number committed offence in associations with others. The table indicates relatively higher number of person committed first offence at a higher stage. It is more or less revealed that beginning from 9 to 18 years-persons have committed the first offence. It is commonly observed at all ages, higher number of persons committed in groups. About 41.67% inmates are found to have committed first offence alone.



**Table : 31 : Data about committing the First offence by mode and age :**

Age	Frequency		Total	%
	Single	In group		
9<12	4	6	10	6.95
12<16	42	49	91	63.19
16<18	14	29	43	29.86
<b>Total</b>	<b>60</b>	<b>84</b>	<b>144</b>	<b>100</b>

**7. Types of First Offence**

It is difficult to identify the first offence committed by a man in life. But since a child possesses a soft mind and by age he/she is tender and immature, most of them confessed their guilt easily. So far the records collected from the individual child by personal interview are placed in the table 1(B).

**Table : 32 : Types of First offence.**

The first offence	Male	Female	Total	%
Theft	18	09	27	18.75
Extortion /Speedy Trial	07	00	07	4.86
Carrying arms and explosives	23	00	23	15.97
Dacoity	07	00	07	4.86
Abetting in murder	25	01	26	18.06
Nari-O-Shisu Nirjatan	08	03	11	7.64
Drugs carrying and abuse	15	02	17	11.81
Kidnapping	01	01	02	1.38
Suspicious movement/54 Cr.PC/GD	03	04	07	4.86
Hijacking	03	01	04	2.78
Safe Custody	02	06	08	5.56
Guardians Case	02	03	05	3.47
<b>Total</b>			<b>144</b>	<b>100</b>

The table gives a picture of committing eleven common identifiable offences namely theft, extortion, carrying arms & explosives, dacoity, abetting in murder, drugs carrying & abuse, kidnapping, suspicious movement/54 Cr.PC, Nari-O-Shisu Nirjatan and hijacking. During this period no children was arrested under Special Power Act.

On analyzing the nature & gravity of offence, none can be considered lightly though these are identified as first case of an individual. Out of ten headings serial no.- 2, 3, 4, 5, 6, 7 & 8 related occurrence fall within the category of heinous crime. So, these sorts of criminal activities, though recorded for the 1st time, must be dealt with appropriately for well being of the incumbent as well as for the society. In this occasion, we can hope for the best by molding the soft mind of the child with legal advantage given by laws of the land including motivational and correctional treatment available in the JDCs. But during our visit to the prisons and JDCs, it was observed that the children of different age groups, which is not very favourable for their correction and ultimate re-socilisation in the society. As the child of today is the National asset of tomorrow, his/her first offence should be dealt with leniently and sympathetically so that the child is rectified for future to become a worthy citizen for the nation.

## Chapter - 6

# Family Crime Causation / Scenario in Prison/ Kishore Unnayan Kendra

### FAMILY SITUATION CONDUCTIVE TO CRIME CAUSATION

#### 1. Problematic Situation in the Family

The study was conducted to find out whether and to what degree family environment affected the inmates in getting involved in crime. It was observed that adverse family environment negatively influenced the inmates, which resulted in involvement in crime. Given below is a table showing adverse family environments and relative effect on the inmates.

**Table : 33 : Situation problematic in the Family**

Situation	Frequency	% N= 122
Death of Father / Mother	23	18.85
Chronic sickness of Father/Mother	21	18.00
Mental / drug Addict cases	11	9.02
Unemployment (Father/ Mother)	6	4.92
Immoral/criminal persons/ Guardian in prison	9	7.38
Guardian in Jail	3	2.46
Step - Mother / Father	27	22.13
Poverty / Bad Environment	23	18.85
Absence of Father and Mother	9	7.38
Negligence by the parents	2	1.64
Separation between Father and Mother	12	9.84
Father in Abroad	5	4.10
Friends evil company	7	5.74
<b>Total</b>	<b>158</b>	

*Note : More than one answer was possible*

From the above statement it appears that out of 144 inmates interviewed, 22 inmates stated that they didn't have any adverse family environment. 122 stated that they had several adverse situations in the family. Having step-mother/father was the highest (27) – 22.13%, followed by poverty (23) – 18.85% and chronic sickness of father/mother also affected largely (21) – 18%. Another significant situation, which resulted in their involvement in crime, was divorce/separation between father and the mother (12) – 9.84%.

**Table: 34 : Inmate's opinion whether any of the above has relevance with his criminal activity**

Relevance	Total	%
Yes	113	92.62
No	09	7.38
Total	122	100

Out of 122 inmates (113)-92.62% admitted that adverse family environment was the cause of their involvement in criminal activities.

#### 2. Guardians' Attention after Incarceration

Study revealed that large number of guardians/parents visited their wards regularly (72-50%). 29 inmates stated that they had irregular visit by their parents/guardians. 37 inmates did not have any visit at all. 6

inmates stated that their parents/guardians did not know about their present whereabouts. It was observed that apathetic/negative attitude of some of the guardians had worsened the mental state of the inmates and had adverse prolonged effect in their mind, comparing with those who had regular visits by their parents/guardians.

**Table: 35 : Information about Guardians' visit to the Inmate.**

Visit of Guardians	Frequency	%
Regular visit	72	50
Irregular visit	29	20.14
No visit	37	25.69
Parents do not know where about of the children	6	4.17
<b>Total</b>	<b>144</b>	<b>100</b>

On perusal of table No. 2 .2 given bellow, it appears that the guardians who paid visits to their wards in the KUK/Jails also did counseling to the inmates in different ways. 40.59% guardians gave verbal consolation and advice, 13.86% stated that they were trying for their early release, 40.59% stated that they were trying to get them released on bail, 18.81% advised them to be good, 2.97% advised for saying prayers, 1.98% for taking food properly, 1.98% guardians advised them to abide by the rules of the institution, 1.97% only wept after meeting their wards and 36.63% had no response at all.

Some of the guardians showed indifferent attitude towards their wards. This had considerable negative effect in the mind of the juvenile in custody. Only proper sympathetic attitude of the guardians and other concerned people will have positive effect, which would help inmate's correction, re-socialisation and ultimate rehabilitation.

**Table : 36 : Data about the nature of advice given by the Guardian.**

Advice	Frequency	Total N= 101
Give consolation / advice	41	40.59
Possible attempt for realize	14	13.86
Trying for bail	41	40.59
Advice for correction	19	18.81
Advice for prayer	3	2.97
Advice for taking food for regularly	2	1.98
Shows helplessness	3	1.98
Abide by Institutional rules	2	2.97
Not response	37	36.63
<b>Total</b>	<b>162</b>	<b>100.00</b>

*Note : More than one response was possible  
Guardian did not meet their children = 43 (29.86).*

### 3. Opportunities available in Prison / Correctional Institute

The inmates of the prisons and the correctional institutes were questioned regarding the facilities/opportunities for both general education and vocational training. From their replies it was understood that there are generally three types of education namely general education, vocational training and religious/moral education. It was also observed that the inmates were not generally keen in general education. Participation in vocational training in prison was not very encouraging also but in the correction centers, situation is comparatively better.

On perusal of the second part of the said table, it appears that there are facilities for vocational training in most of the institutions. Training subjects are embroidery (10.96%), sewing (34.25%), carpentry (10.93%), welding (2.74%), automobile (13.70%) and electric (15.07%). Newcomers (15.71%) have not yet started any training. The inmates, who are staying there/ likely to stay there for a longer period, took vocational training more seriously as compared to the inmates who were under trial/on remand.

**Table : 37 : Data about opportunity for education/ vocational Training in the prison/KUK**

	Opportunity	Frequency	Total	%
Jail	General Education	-	71	49.31
	Vocational Training	-		
	Moral / Religious education	Yes		
Juvenile Development Center	General Education		73	50.69
	Moral / Religious education	-		
	Vocational Training	-		
			144	100
<b>Received Vocational Training</b>				
	Embroidery		8	10.96
	Sewing		25	34.25
	Carpentry		8	10.96
	Welding		2	2.74
	Automobile		10	13.70
	Electric		9	12.34
	Not received (New comers)		11	15.07
	<b>Total</b>		<b>73</b>	<b>100</b>

**4. Usual Ailments in Prison/Correction Institute**

It appears from the statements given by the inmates that 40.28% of them have not suffered from any disease. Among the remaining inmates, skin diseases, particularly scabies (56.97%) are widespread. During 2003, this percentage was 88.23%. This means that this common disease reduced considerably during the current year. Other common sicknesses are cold fever 13.95%, eye diseases (8.14%), chest pain (12.79%), gastric pain (11.63%), headache (13.95%), rheumatic fever (3.48%), allergy (3.48%), orthopedic problem (6.9%), general weakness (9.30%) and other common ailments. It may be mentioned that RPOWAB provides regular treatment to the juvenile inmates free of cost.

**Table : 38 : Inmates having the disease and usual recurrence of Diseases in the prison**

Recurrence of Diseases	Frequency	%	N= 144
<b>Not Sick</b>	58		40.28
<b>Sick</b>	86		59.72
	<b>144</b>		<b>100</b>
	Cold Fever	12	13.95
	Scabies / Skin disease	49	56.97
	Eye diseases	7	8.14
	Body Pain	7	8.14
	Chest Pain	11	12.79
	Gastric Pain	10	11.63
	Waist Pain	4	4.65
	Headache	12	13.95
	Diarrhoea	2	2.32
	Toothache	2	2.32
	Hepatitis	2	2.32
	Insomnia	3	3.49
	Tumer	1	1.16
	Asthma	2	2.32
	Rheumatic Fever	3	3.48
	Allergy	3	3.49
	Orthopedic	6	6.97
	General Weakness	8	9.30
	Bleeding from throat	1	1.16
	<b>Total</b>	<b>86</b>	<b>100</b>

*Note : More than one responses was possible*

## 5. Medical Facilities

In the prisons, Medical Officers were available for treatment of the inmates but required amount of medicines were not available. Some inmates even stated that although supply of medicine was inadequate, it was more difficult to get the medicine. In case of serious sickness, the patient is referred to the specialised Medical Hospital.

**Table : 39 : Data about Medical facilities available and the inmate received.**

Medical Facilities	Frequency	% N=144
Doctor in Prison / KUK	52	36.11
Medicine not available	68	47.22
Process of getting medicine is complicated	10	6.94
Referral to outside Hospital or Clinic	5	3.47
Guardian	14	9.72
NGO (Retired Police Officers Welfare Association)	35	24.31
<b>Total</b>	<b>184</b>	<b>100</b>

*Note : More than one responses was possible*

On further perusal of the statement of the inmates examined (table 5), it appears that 36.11% said that doctor was available for treatment. 47.22% said that doctor was not available at the time of need. Process of getting medicine was found to be complicated to 6.94% of the sick inmates. 3.47% of sick inmates were referred to outside Hospitals. Guardians attended their wards while sick was admitted (9.72%). N.G.O. (RPOWAB) medical care was acknowledged by 24.31%.

Medical attention to the inmates needs further improvement. On the whole, the attitude of the inmates was found to be remorseful.

There is a proverb - 'health is the root of all happiness'. So the environment of good health is a crying need everywhere. In view of this programme the research team had the opportunity to visit Gazipur jail where the jail campus was found to be a good model for nice environment of good health. Inside road and gardening were very attractive to visitor. The room where the juvenile delinquents are housed was found to be very neat and clean. The monsoon can easily pass through the room. In the child development center of Tongi the environment was found to be good. The inmates are kept in a north facing four-storied building where the south side is open having no building structure near by. The boys live in healthy atmosphere. There is a play ground in the campus for physical exercise and games. Recently the Govt. has increased allotment of fund per head, so the standard of food has increased a bit. It is found that many boys suffer from scabies though they are given washing soap. There is arrangement of medical officer for their treatment. Moreover, Retired Police Officers Welfare Association gives some medical help occasionally. Some boys were found physically weak. More medical help should be given to the inmates. Intensive care should be taken for their health.

## 6. Labour-based Activity in Prison of the Correctional Institute

The inmates of Jail and JDC perform some physical work. They are kept engaged in some physical labour. If they are not engaged in work their imprisonment will seem to long and intolerable. There is a proverb that, "idle brain is a devils workshop". Having no work it is likely that they will think about sexual abuse, make people force/rebuke, beat/quarrel with each other, misbehaviour etc. The Jail/JDC authority tries to keep them engaged in physical labour in different ways. And their programs are shown bellow.

**6.1 Jail :** After counting at 5.00 A.M. they are allowed to sleep again. They complete their breakfast between 8.00 and 9.00 A.M. They attend some Bengali and Arabic class. At 12.00 P.M. they go to bath and have their lunch. After rest they move here and there in the afternoon. They complete their dinner at 8.00 P.M. and go to bed. This sort of daily routine helps them to live in homely atmosphere.

The physical labour includes folding of bed, sweeping of floor, collection of leaves in Jail Campus, watering in the garden, earth cutting, bringing vegetables and cutting for cook, carrying drinking water and physical exercise, taking care of other children, washing cloths etc.

**6.2 KUK :** The activities of KUK are very much disciplined. They do their day-to-day works all together. There is opportunity for reading and writing as well as technical/ vocational education. These help them to build mental and physical get up. Some of them also work in the kitchen and help the cook. They attend in the field by rotation besides there are facilities for indoor games. They have made a good flower garden in their campus.

## 7. Internal Environment of Prison

### Difficulties faced in living with adult criminals-

In the Correctional Centers, Juvenile delinquents do not live with adult criminals. But in jails, this facility to some extents is otherwise. Adult prisoners have opportunity to get along with the juvenile inmates. On perusal of table 5 it appears that 27.78% of the adult criminals behave well with their juvenile inmates. Rest of the inmates had different complaints against adult criminals' namely sexual abuse (20.83%), rebuke or apply force (15.28%), demanding money (10.42%), beating or assaults (21.53%), obstruction from taking meal (5.56%), problem in bathing (31.25%), problem in sleeping (22.22%), compelling to do message (3.47%), compelling to wash cloths/cleaning (13.89%) and creating obstruction while getting different opportunity (10.42%). This table may be seen.

**Table : 40 : Difficulties faced in living with the Adult Prisoners.**

Difficulties	Frequency	%	N= 144
Behave well	40	27.78	
Sexual abuse	30	20.83	
Rebuke/ Apply force	22	15.28	
Demand money from the guardians	15	10.42	
Beat/ assaults	31	21.53	
Obstruct in taking meal	8	5.56	
Problem in bathing	45	31.25	
Problem in sleeping	32	22.22	
Compel for body message	5	3.47	
Washing cloths / cleaning	20	13.89	
Obstruct in different Opportunities	15	10.42	
<b>Total</b>	<b>263</b>		

*Note : More than one answer was possible.*

Sodomy and getting body message involving the juvenile inmates are very common features in almost all the prisons in the country. Although, there is a clear instruction by the Govt. to keep the juveniles in segregation, they are not/can not be kept in the same way due to serious overcrowding, which in some prisons have exceeded by even 10 times. This problem needs to be attended immediately.

## 8. General Problems faced by the Inmates in Jail/KUK

There are basically three things, which need to be considered for the prison population, specially the juveniles. These are, **a.** correctional treatment, **b.** proper training for ultimate rehabilitation and **c.** ensuring children rights. It was natural that the inmates, who had been kept inside the prison/KUK, would not likely to stay there. They had lot of complaints, but only the genuine one has been taken in to consideration.

On perusal of the information given in table-6, it appears that the juvenile complained about the following problems, i.e. confinement in room 19.44%, no/little recreation 52.78%, quarrelling amongst the co-inmates 8.75%, harsh discipline 28.47%, substandard food 13.97%, inadequate food 22.22%, problem of space/non availability of blanket and sleeping facilities 30.56%, lack of opportunity for proper education- 15.97%, restriction in meeting guardians 34.70%, Delay in trial of the case 17.36%, Sexual abuse 11.11%, stealing/snatching of meal 15.28%, lack of sports facilities 43.75% and problems of water/bathing 16.68%.

Because of the resource constraint, some of the important and genuine problems could not be attended although the authorities concerned were found to be sincere. After talking to them, it was learnt that many proposals for improvement of the facilities are pending with the Govt.

**Table : 41 : Problems faced by the inmates in prison/ Kishor Unnayan Kendra.**

Problems	Frequency			Total	%
	Jail	KUK (Boys)	KUK (Girls)		
Confined in room	17	6	5	28	19.44
No/ little recreation	65	10	1	76	52.78
Quarreling among the inmates	4	15	8	27	18.75
Harsh discipline	25	11	5	41	28.47
Sub-standard food	15	5	3	23	15.97
Inadequate food	19	12	1	32	22.22
Problems of space, No blanket, No sleeping	38	6	-	44	30.56
No opportunity for education	23	-	-	23	15.97
Restriction in seeing guardians	42	8	-	50	34.70
Delay in prosecution of the case	21	4	-	25	17.36
Sexual Abuse	10	6	-	16	11.11
Stealing / Snatching of meal	14	8	-	22	15.28
Lack of sports materials	47	13	3	63	43.75
Problem of water/ bathing	24	-	-	24	16.68
<b>Total:</b>	<b>364</b>	<b>104</b>	<b>26</b>	<b>494</b>	

*Note : More than one answer was possible*

## 9. Personal Adventurous Experience of the Inmates

The inmates of Jail and KUK mostly come of poor family. Due to poverty they have to face they are habituated in different adventures. Due to struggle for existence they are fond to be adventurous. About 39% admitted that they had adventurous incidents in their life. They gave 27 kinds of adventurous activities. Different information comes out from them and its degree was also different.

Those who disclosed about their adventurous activities, like association with friends, free movement and also want to work outside family disciplines. They become easily involved with crime in absence of family governance and bad companion. They are organized adventures whereas their works are such as :- rescue a child from fire, coming to the town alone, elopement, stealing of fruits from garden, inscribing names by cutting own skin, climbing the hills, salvaging from drowning, catching and charming snakes, weight lifting, breaking hands by falling from tree, crossing river, rape, carrying arms, hijacking, throwing stones to police etc. It seems the petty crimes from childhood lead them to bigger crimes.

## 10. Drug-Linkage

From the information given below in table-7, it appears that 34.11% of inmates are in the habit of smoking and 22.14% are addicted to drugs. Common drugs taken by the inmates are heroine, marijuana, ganja, hashish, tablets, wine, beer, etc.

**Table : 42 : Inmate having the smoking habit and drug abuse by type**

Smoking		Drug Addiction		Kinds of Drug	Others drug addiction information		
Addicted	Non addicted	Addicted	Non addicted		Addicted	Not addicted	Not known
52	92	29	115	Cigarette	35	104	5
(34.11)	(63.88)	(20.14)	(79.86)	Battle Leaf			
				Hashish	(24.31)	(72.22)	(3.47)
				Ganja			
				Charosh			
				Tablet			
				Bear			
				Wine / alcohol			

It was surprising to note that although the prison and the correctional home are well protected, drugs are brought inside. The matter was discussed with the prison authority. They stated that strict checking is done at the entry point including those on duty inside the prison. Some cases were reportedly detected during checking and severely dealt with. This excuse by the prison authority may be true partially. But fact remains that drugs are brought inside by some ways and it is the duty of the authority concerned to stop it effectively.

### 11. Sexual Harassment

The incidents of sexual harassment both in Jail and Development Center are not uncommon as found during interview. As sex is a natural instinct, so out burst takes place in opportune moment. The existence of aggressive element is the main cause of sexual harassment. They compel the juniors for sexual urge. Primarily they abuse the victims sexually, then it becomes a regular practice. In case of complaint, the authority gives punishment to both the parties. But where there is no complaint the offender goes unpunished. In Tongi Development Center, the rule is that one person will sleep in one bed but some of the inmates share the bed facilitating sexual relation. At present, there are only one hundred and forty inmates at Tongi Development Center. Now there is accommodation for over four hundred boys. No two boys should be allowed to share beds. Strict and effective vigilance can minimise this practice.

### 12. The Inmates Personal Complaint

**Table : 43 : Inmate having complaint of first order against person's inside/ outside Family for his /her own present situation.**

Complaint against	Total	%
Father/ Mother	20	21.74
Police	16	17.39
Brother/ Sister	5	5.43
Muscleman Area	3	3.26
Shop owner	6	6.52
Step Mother	8	8.70
Neighbour & Relative	15	16.30
Friend	12	13.04
Others	7	7.61
<b>Total</b>	<b>92</b>	<b>100</b>

Note : 92 persons have such complaint, others did not have any complaint.



Regarding the nature of complaint/ imputation, situation may be seen in table -9.1. As many as nine types of complaints have been identified by the inmates. Table-9 .2 shows those information in brief. The inmates were found to have blamed others for their criminality/criminal involvement. There was hardly anybody, who owned his mistake. From the information given above, it appears that 7.61% identified others as responsible for getting them involved in crime. Issues identified as responsible are, ill treatment by father/mother (21.74%), police (17.39%), brother/sister (5.43%), local hoodlums (3.26%), shop owners (6.52%), stepmother (8.70%), neighbour/relatives (16.30%), friends/peers (13.04%). Highest numbers identified as responsible is father/mother, followed by police, neighbour/relatives and friends.

**Table : 44 : Nature of complaint against person's inside/outside Family for his / her own present situation.**

Nature	Frequency	%
Separation of parents	3	3.26
Cruel attitude of guardian	6	6.52
Wrong peer support	22	23.91
Sexually abuse	4	4.35
Entangled in false cases	31	33.70
Influence of 'big brother'	13	14.13
Unhealthy environment of Family	3	3.26
Neglected by family	10	10.87
<b>Total</b>	<b>92</b>	<b>100</b>

On perusal of information in table no 9.2, it appears that only in 3 cases (3.26%), separation of parents has contributed negatively to the inmates. Other complaints were guardian's cruel attitude 6.52%, wrong peer support 23.91%, sexually abused 4.35%, entangled in false cases 33.70%, influence of big brothers 14.13%, unhealthy environment inside family 3.26% and neglected by family 10.37%.

Among the prisoners interviewed in jails and KUK, almost every inmate was found to have stated that they were actually 'not guilty'. It was evidently clear that they were not telling the truth. A very negligible percentage was found to be repented about their acts.

### 13. Criminality among Young People

**Table : 45 : Opinion about why Juvenile criminality is increasing day by day**

Opinion	Total	%
Poverty	70	48.61
Enemy	6	4.16
Evil Company	54	37.50
Carelessness of parents	30	20.83
Frustration	3	2.08
False cases	5	3.47
Bad company	6	4.16
Influence of Big brother	8	5.55
lack of understanding consequence	9	6.25
Break of family tie	6	4.16
Neglected / Unkind family treatment	11	7.64
Drug addiction	6	4.16
Lack of education	1	0.69
Unemployment	1	0.69
Victim of circumstances	6	4.16
No response	4	2.78
<b>Total</b>	<b>219</b>	<b>100</b>

*Note : More than one answer was possible.*

These are some of the social facts that have been contributing towards criminality/criminal behaviour of the Juveniles. From the information given in table 10, it appears that poverty contributes 48.61%, enmity 37.50%, bad company/association 4.16%, cruelty of parents 20.83%, frustration 2.08%, false cases 3.47%, lack of knowledge about consequences 6.25%, break of family ties 4.16%, neglected and unkind family treatment 7.64%, drug addiction 4.15%, lack of education 0.69%, unemployment 0.69%, victim of circumstances 4.16% and no response was received from 2.78%.

The above factors, as depicted in this table, might be the cause/causes for getting them involved in crime partially or wholly. But these alone are not responsible for criminal behavior/acts of juveniles. Because of the complexity of human minds, a final conclusion cannot be given. But it is evidently clear that situation and causes vary from case to case.

Criminologists have classified criminals in three broad categories. These are criminals by chance, criminals by habit and criminal by instinct. If one commits anything antisocial/criminal act in a certain mental condition they can be termed as criminal by chance, if some one commits particular crime in a planned way, this can be termed as criminal by habit and if one can not stay without committing any antisocial act, is a criminal by instinct. Number of criminals by chance and habit are comparatively more. Juvenile delinquents are mostly delinquents by chance and rarely by habit. These are the group, who can be easily corrected and rehabilitated. As such, attitude of the people responsible for management of correctional institution and prison should be motivated and prepared accordingly.

#### 14. Rehabilitation

The Inmates of Jail, JDC want to be rehabilitated in different ways after release. 16(11.11%) of the Inmates desired to work in factory/ motor garage. More than 14.28% want to be a small trader. About 13.89%, who are arrested in student life want to continue their study. About 12.50% want to get any job while 11.11% want to be a rickshaw puller or driver. About 6.94% want to work as sewing operator. The Inmates released from Kishore/ Kishori Unnayan Kendra, who got training in technical / vocational training want to work according to the technical training received at the Center. Some of the Inmates want to go back to their previous profession after release.

**Table : 46 : Opinion of the Inmate about what he / she would do after release**

Opinion about pursuit	Total	%
Rickshaw / Van puller, Driver, Helper	16	11.11
Factory Worker / Garage worker	22	15.28
Small Business	21	14.58
Back to the Village/ Guardian	13	9.03
Student	20	13.89
Service	18	12.50
Day labor	3	2.08
Work in a Shop	10	6.94
Sewing	10	6.94
Abroad	4	2.78
Housewife	2	1.39
Silent	3	2.08
Others	2	1.39
<b>Total</b>	<b>144</b>	<b>100</b>

## Chapter- 7

# Responses of the Inmates for Correction / Socialization

It has been observed that before coming to the prison or Development Centre the friends with whom they mixed- most of them were of criminal propensity.

1. Since the Inmates are under aged and mostly illiterate and belongs to lower class and middle class family and of poor parents. None of them were leaders of their respective peer groups. So they could not express fully their desire but whatever we have grasped has been mentioned in the table.
2. During data collection it came to our notice that there are as many as 279 (two hundred seventy nine) inmates are in the six prisons and two Development Centers out of which the number of male inmates are 240 (two hundred and forty) while the number of female inmates are 39 (thirty nine). We have interviewed a total of 144 (one hundred and forty four) inmates including 28 females. Out of 144 male 116 and female 28. Of the male 116- 52 in the Tongi KUK and rest in the six prisons of Greater Dhaka. Out of 28 females 21 females are in Konabari KUK and rest 07 are in six prisons of Greater Dhaka District. Thus the total percentage is 51.61%.
3. During data collection it has been observed that some of the inmates did not like to confess the offence they committed but most of the inmates we found have said they did somewhere something wrong and so came to prison/Development Centers. It has further come to our notice that many inmates are victimized either by vested interested group or other factors within the family. Girl inmates in majority cases are victim of circumstances.
4. During our visit to KUK Tongi and KUK Konabari it came to our notice that there is no permanent Magistrate posted in the Juvenile Court. The Magistrate usually comes to the Court twice a week and the power of the Magistrate is also limited *i.e.* they are not empowered to hold session triable cases.

**Table : 47 : Responses of the Inmates for their Friends Outside Prison.**

Sl. No.	Response	Frequency	%
1	Be good	55	38.19
2	Motivate not to commit misdeeds	16	11.11
3	Not to commit mistake like them	13	9.03
4	Avoid to become victim of circumstances	11	7.64
5	Avoid bad company	10	6.94
6	Obey Parents/Guardians	09	6.25
7	Inspire to work earnestly	08	5.56
8	Be a food student	05	3.47
9	Religious moral activities	02	1.39
10	No Response	15	10.42
	<b>Total</b>	<b>144</b>	

5. During data collection the Inmates in the Prisons as well as in the two Development Centers were asked as to what will be their message towards friends outside and the response received from them has been analyzed and arranged systematically in a tabular form which can be seen in following table. If we analyze the table then it will be evident that the Inmates stressed upon the word “Be good” and the percentage is 38.19 then follows “motivate not to commit mistake”, “Avoid to become victim of the circumstances”, “Avoid bad company”, “Obey Parents/Guardians”, “Inspire to work earnestly”, “Be a good student”, Be religious etc. 10.42% did not responded- they looked blank.
6. The authorities in the KUK are facing lot of difficulties in producing inmates in the Court due to non-availability of transport, fuel etc. The KUK needs to be upgraded since there is less recreational facilities, the vocational training given to the inmates are practically of no use and the education given has practically of no impact on shaping the inmates mind. Though the medical facilities are not sufficient and there is no full time medical officer. But so far the informations regarding atmosphere and facilities available in the KUK at Konabari are as follows-
  - 6.1 Sufficient healthy atmosphere is being maintained by the management of KUK for girls.
  - 6.2 Inmates of the KUK are being supplied toilet shop and washing shop. During mnistration period the inmates are always supplied with fresh clothing.
  - 6.3 There are instances that mothers have given birth children and on those occations both mothers and children have been offered extra care.
  - 6.4 In the KUK supplied meals are always with proper food value.
  - 6.5 There is arrangement of facilities for providing immunization for the newly born babies.
7. The RPOWAB visits the KUK once in a month and provides medical help to the inmates which also does not fulfill their purpose. The KUK Konabari is a very nice establishment but the employees working their on ad-hoc basis under project as such they are not getting salary regularly- causing mismanagement and not in a position to take proper care of the inmates. Although there is a generator and a vehicle with driver but due to non-availability of fuel those things could not be used in time of need causing serious dislocation in day to day work.
8. In reply to this question the Superintendent of KUK Boys (Tongi) said that 80% of the released inmates have established themselves satisfactorily and they kept contact with the KUK authorities time to time. The poorer classes of the inmates have found jobs for their existence but those who were involved in drug addiction cases mostly went back to their former habits instead of being corrected.
9. The superintendent of KUK girls gave out that at the time of release from this center the inmates bear a high moral not to indulge in any immoral or antisocial activities in future but in reality many of them do not get congenial atmosphere in the society. But still about 80% of such inmates are able to rehavitated them with the main stream of the society.

## Chapter- 8

# Common Key Observations and Views of Prison / KUK

### 1. Common Key Observations

"For Children Prison will be the last resort, not the first"- Theme of the National Taskforce of Juvenile Justice Affairs.

During data collection, the entrusted officers made through interrogation, interaction and exchanged views with the children in Prisons and Juvenile Development Centers (JDC)/ Kishore/Kishori Unnayan Kendras (KUK) and in the light of the opinion and sentiment expressed by the children, key observations are as follows:

- 1.1 On major occasion the children under prison are victim of circumstances. They become abused, mislead and misguided by the vested interest groups or quarters. Wrong association is a main cause and factor behind the misdeeds committed by the children. Negligence role of the parents or guardians and at random action of police some times play a bad role to lead a child to the dark life in the custody of Prison and JDC. .
- 1.2 There is a will in children to turn into normal social life though they don't like to confess the offence they involved in. But at the same time many children were found to have said, they did somewhere some thing wrong.
- 1.3 As per Jail Code it is the general practice to keep the Children separately. All the inmates under aged 21 years are defined as Child and they are living together even at night. Since the over aged and tender aged is in the mixing atmosphere, there is enough scope of exchanging the views, thoughts and sentiment of each other. Even the facts of *Sodomy* and *Homo Sex* will be very much natural and daily affairs in that brick surrounded Kingdome.
- 1.4 Crime is related with drug abuse but during interrogation rather when their opinions are sought regarding drug abuse in the Prisons and JDCs, they have expressed their strong commitment not to step into that world in future. It can be believed that at present the Jails and KUK/JDCs under review are some what free from drug abuse.
- 1.5 Huge numbers of girls are spending their lives in Dhaka Central Jail, Narashingdi District Jail and Konabari JDC-girls. On personal interview the facts have come to light that in majority cases girls are the victims of circumstances. So to say in all the cases, tender aged girls came from the poor and lower class family who are not properly cared in the family atmosphere and occasionally they had to come out from their family in search of livelihood. Primarily it is a fact and natural that they had an intention to survive by physical labour and honest hard work in garments factories and house hold duties, but due to tender age, physical growth and want of social security sense, occasionally they have been allured and trapped by the interested quarters. By this way the girls have been misguided and mislead in the hands of so called well-wisher and in a dark moment the innocent girl is sold and trespassed to the hands of criminals and ultimately they are compelled to walk into the world of sex work and some times it becomes the means of career and profession. Trafficking and selling of girls is a simple thing in Bangladesh. Many of the tender aged girls in custody of Jails and JDC/KUK have long history and deepest pangs and sorrows and whenever they get an opportunity, they clear up their breasts full of pains. Remembering the face of parents, brothers and sisters and the days of past of the family life the

tender aged boys and girls are shedding tears sitting in the surrounded 4 walls of Jails and JDCs and counting the days to be freed from this dark world. But the practical system of Justice and society is not in favour of quick dispose of the cases. So far the facts are disclosed, these are very much pathetic and deplorable which need to be rectified and changed for the betterment of the future society.

- 1.6 Since they are under custody of Jails and JDCs for no offence or for trifling offence, a good number of Children are developing a revengeful attitude to-wards those persons or group of quarters for which they have been victimised and suffering in this odd situation. It is natural that in few cases these sorts of attitude may make them mentally agitated to take serious revenge after release.
- 1.7 As a citizen of an independent country, a child in respect of sex, cast and creed has the right to enjoy the facilities of food, health and education. But these are not facilitated in the institutes adequately. Minimum educational program are maintained everywhere but this are not up to the standard and consistent with the present curriculum of the recognized educational institutions prevailing in the country. Minimum standard syllabus covering Bengali, English, Arabic and Mathematics must be taught and practiced so that a child whenever released and come out may adjust with the normal society. Minimum *Religious Education* should be continued for all the inmates. Proper *Health Care* is not available in the Jails and JDCs as a result skin disease, diarrhea and stomach disease are commonly prevailing there. The research teams are also afraid of spreading / infecting *Venereal Diseases (VD)* inside the institutions if the competent physicians do not properly and regularly check them up. To build up good physic a tender Child should be given sufficient quantity with adequate calorie of food. But the children opined that they require more varieties of foods and the team also feels the changing food items for the up growing Children in custody.
- 1.8 During visit to the Jails and JDCs under investigation it is seen that some practical trade programs are available everywhere but these are not facilitated with sufficient equipment and training materials. Arrangements are not up to mark and not coping with the present needs of the incumbents. Among 5 Jails only Dhaka Central Jail has some trade programs and the authority appears taking some interest to build up the children with minimum attitude for embracing better life in the days coming. Since a long time of life of a child is ahead, she/he should have more and more facilities in the field of trades, arts and crafts. The JDCs are bitterly facilitated and arranged though not sufficient than the Jails. In all the institutions emphasis must be given on *Vocational Training* for both male and female Child. With regular motivation class, moral and ethical sermon, soft minds of the tender aged children may be molded towards the better aim of life.
- 1.9 All the jail authorities are maintaining the principle of separate accommodation for the child of both male and female. But for want of sufficient accommodation inside the jail, somewhere the authorities are undone and they manage the inmates in the mixing atmosphere occasionally. In Dhaka Central Jail, there is complete separate arrangement for the *Male Child* but the *Female Children* are living with the adult women. Situation of Narashingdi Jail is worst than the others. For want of separate accommodation male children are living at *Hospital Ward* with older prisoners, who are even convicted for heinous crimes. This association may development bad habit in the mind of tender aged children.
- 1.10 Arrangement of accommodation in JDCs appears better but the atmosphere is a whole needs to improve. To speak the truth accommodation in jails are so acute that the children used to sleep and take rest by rotation or by shift. But we should not forget that above all there is Children Act 1974 in every sphere of life for a child.
- 1.11 Among five jails under discussion only Dhaka Central Jail is provided with some legal and ethical supports. Full time social welfare officer/ probation officer of DSS are on duty in the Dhaka Central Jail. But so far the inmates of other 5 jails ie.- Narayangonj, Narshingdi, Gazipur, Manikgonj and

Munshigonj are not acquainted with the Probation Officer/Social Service Officer of the concerned locality. Motivation and probation services are not at all available for the inmates in custody. In every district there is an “*legal aids service*” and so many recognized NGOs who are supposed to be dedicated for the children in custody but the role of NGOs for the interest of the inmates are very poor. But in respect of food and other welfare matters, JDCs are more or less better than the jails.

- 1.12 Since there is no full time *Judiciary Magistrate* in the JDCs, inmates are staying there months and years like long term convicts. But concerned authorities are fully aware of laws of the country and Probation Act etc. So to say, the laws and acts relating to children are in records not in practice which should not be continued any more.
- 1.13 During the visit of jails and JDCs an open secret thing has come to knowledge of the research team that practice of *sodomy* and *homo sex* is continuing among both the boys and girls. It is also learnt that the matter is known to the jails & JDCs authorities but since there is no complain openly and sometimes the practice is going on mutually, the authority has nothing to do as action or anything for rectification. Since this sorts of practice may be called the serious offence and very immoral by nature, ways and means should be found out to stop this nasty activities.
- 1.14 Another thing has come to the knowledge of the working team that some male children especially in the custody at JDCs possessing some mental action and agitation for being deprived from legal justice and optimum facilities. Since they are moved by emotion and tender sentiment, sometime they become unbalanced and failed to control themselves. Finding no other alternative the boys use to hit on the different parts of their own bodies with the broken glass, pin, pieces of stone etc. As a result some cut marks are available with many of the inmates of the JDC-Boys. Matter relates somewhat psychological. Treatment in the light of morality and ethical aspect may be emphasized. To cheek up this undesirable and unwanted things the authority should came up with proper welfare and quick to dispose of the legal matters.

## 2. Views of Prison Authorities

As complementary work the research team attempted to procure information from prison authorities under certain guidelines. Prison officials of Dhaka Central Jail & four others district jails (Munshigonj, Manikgonj, Narayangonj and Narshingdi) were contacted for above purpose. Except Dhaka Central Jail, all others were established after independence. For habitation that means over crowding problems mainly, all the jails under went physical changes once or twice after the establishment. At the same time facilities for the prison officials and employees have also increased.

- 2.1 The trend of juvenile inmates is increasing in prison and separate arrangements for keeping juvenile inmates are available in all but Norshingdi jail. They are staying at hospital ward where the adults are also living. Age of child (21 years) according to Jail Code requires revisions, the officials opined. The age may be determined according to the UN Charter.
- 2.2 Educational opportunities in Jails are informal and this encompasses religions and in some parts general. Teachers are recruited from among the educated adult inmates for educating the younger children. The DC office usually supplies books and other educational materials. The religious education is given about prayers, fasting, hadith etc. No one is however, found in any jail regularly appointed for this purpose. In jail there are minimum facilities for physical training for the children.
- 2.3 In prisons there is no provision for trade training for the children. Besides this, there has no project for social rehabilitation of the convicts, especially children.
- 2.4 Natures of crimes presently recorded among the juveniles according to them are bomb-blasting, possession of illegal arms, drug abuse, theft, women oppression, suspicious movement and abetting in crime.

Food items:	In the Morning	:	Bread of Ata with molasses (according scale)
	Lunch	:	Bread of Ata with vegetable, meat/ fish, pulse
	Evening	:	Rice, Fish / meat, vegetable

Average expense against food per child is Tk. 28-35 per day. Others are 3 blankets, 1 aluminum plate, 1 glass (clothes if available through charity). Convicted persons are additionally entitled to soap, oil etc.

- 2.5 There is serious over-crowding in the prisons. Children are not kept segregated, rather they are with adult prisons in a ward where it is perhaps possible to accommodate 20/25 persons but it is seen more than 80-100 persons are there in.

### 3. View of Kishor/ Kishori Unnayan Kendra's Authorities

Attempts were taken to contact the authorities of the Kishor/Kishori Unnayan Kendra (KUK - one for Boys and the other for Girls) in Greater Dhaka to draw upon their views on the situation of under aged prisons. A total of 5 persons were interviewed for the purpose.

- 3.1 All the inmates in both the Institutes are children according to the Children Act, 1974 and it is administrated as per this Act & the Children Rules 1976. The trends of intake are gradually increasing day by day. Three types of educational facilities are available in the KUK for Boys. These are *Formal, Non-formal and Informal*. These were explained by the Acting Superintendent of the KUK as having General School up to class V standard; Religious Teaching and Recreational cum Literary Activities.
- 3.2 There are four distinguishable trade-training facilities in KUK of Boys. These are *Electrical, Carpentry, Tailoring & Sewing* and *Automobile*. House Parents, Caseworkers do their jobs professionally to motivate the inmates to return to normal life. But since there is no rehabilitation and after care services, the children again commit crime even after release.
- 3.3 It is not gratifying that both the KUKs do not have any project for social rehabilitation of the juvenile offenders, which is very fundamental to juvenile justice system. The Acting Superintendent, however, opines that crime control and prevention is possible within the existing socio- legal system.

Food Item:	Morning	:	Rice with pulse/vegetable/potato;
	Lunch	:	Rice with pulse & fish/meat/vegetable/egg;
	Evening	:	Rice with pulse & vegetable.
The weekly food menu is	:	Meat	- 3 days;
		Fish	- 2 days;
		Egg	- 1 day;
		Vegetable & Milk (occasionally)	- 1 day.

Other facilities the inmates enjoy are : clothing, medical aid and bedding.

- 3.4 On an average the daily expense for each inmate in JDCs-Boys & Girls Tk. 30.33. Since one contractor appointed for the whole year supplies the food items, quality of food is not always checked and tested properly and strictly. Superior officer should look into the matter sincerely and honestly.
- 3.5 Under professional correction whichever treatment is required, the authorities attempts to do so. There are of course, some practical difficulties in dealing with juveniles in a confined environment due to loopholes in the present system as well as in the role performance of the worker. Always professional personnel cannot deal with the problem of juvenile offence.
- 3.6 Other important information about KUK for Girls is also alike. The thing is that KUK for Girls was established in 2002 with a capacity of 150 inmates. Presently only 35 inmates are there. There is a Juvenile Court but till data collection time no case was administered in the court. It is, however,



gratifying to note that the institute has been established with all required facilities for correction. It is still in the beginning phase. However, the problems presently identified by the Acting Superintendent and House Parents: inadequate medical facility and before intake of the inmates there is the necessity for pregnancy test and HIV/AIDS test. These things could, however, be done in collaboration with Medical Hospital.

- 3.7 The authorities opined that though inmates are the victims of circumstances, they should have the option to correct him/her in the KUK after trial. They also opined that such an effort would surely help to restore the victim's suffering from psychosocial problem. And for girl offenders such an effort would create an outstanding field for correction. From their working experiences, they says that the children in conflict with law need love and care, guidance and moral counseling; and understanding that they are not criminals; whatever they have done is correctable; and they have scope for social rehabilitation etc. feelings. Through collective effort at the institute all concerned need to fulfill this end.
- 3.8 At present there are 35 girls in the KUK Konabari but it is sad that only 7 (seven) girls are taking general education in the school. In all 4 teachers are taking classes with this minor number of students. 4 trades were introduced in the institution but training on *Paltry Farm* and *Electric Works* are suspended for last 2 years. *Tailoring & Sewing* and *Embroidery Training* are being taken only by 12 and 21 girls respectively. Considering the better future of the inmates' general education & trade education should be compulsory to all. The research team considers that present situation should be changed. To our opinion every inmate should be engaged in different trades and professions to spend their time and earn efficiency to make herself as the worthy citizen and an earning member after releasing from the JDC. Otherwise the proverb "*An ideal brain is a devils workshop*" will prevail in the minds of the inmates of institution.
- 3.9 Practically the KUK of Tongi is provided with big playground and open space. But on the plea of security, the boys are not given the scope of game, leisure and recreation out side to the dormitory, though it is the part of the modern correction system. Number of staffs and securities appear sufficient, so the cause to control the boys for want of manpower is a vague ward. To rectify the minds of the juveniles, attractive atmosphere of game and sports should be arranged regularly.
- 3.10 It is a fact that the accommodation capacity of Tongi KUK is 400, but at present there is only 187 children of different cases. But for want of bedding and cots the children use to live with doubling each other, for which habit and tendency of *sodomy* and *homo sex is* increasing day by day specially for mixing with junior and senior inmates. This is inhuman, unhygienic and injustice for the children. This may cause bad effect on the minds of the tender boys. The whole things are to be reviewed and changed for the welfare of the children.
- 3.11 There is no fulltime trying/ judicial magistrate for the KUKs. One magistrate from Gazipur District is given additional responsibility/duty to try the cases at KUKs. But as the magistrate is busy in multifarious functions generally she/he does not hold court regularly as a result the children are deprived from required rights and facilities and for want of regular disposal of cases the numbers of under trail inmates are increasing day by day.
- 3.12 It is hopeful that according to Section 48 of Children Act 1974 the practice of granting bail or sending to child care centers to the children are being practiced in the police stations. In the connection the role of Dhaka Metropolitan Police is appreciable. Mr. Syed Abdur Rouf, Officers in Charge of Shabuj Bagh Thana said in this year they were released 3 children who are arrested in GD.

## Chapter- 9

# Recommendations and Policy Measures Need for Deed

That in spite of extant good laws at times misuse and abuse of authority not only by law enforcement officials but also magistracy need be taken in to due consideration otherwise this will remain a thematic study only. And here a legendary case cited which is self-explanatory. The High Court Division of the Supreme Court intervened *Suo moto* to release one Nazrul Islam of Satkhira after 12 years of incarnation in a prison cell. Nazrul was implicated in 12 Criminal Cases at the age of 9. Of the 12, he was acquitted in 2, sentenced in 1, implicated but not charged in 4, implicated but not named as accused in 5 cases. He was arrested in 1980 and acquitted in 1992. In the Judgment the Court observed that this situation shows the malafide action of some interested persons aggravated by carelessness of the relevant officers of Police Station as well as negligence and callousness of the Magistrates concerned along with the staff of the Courts.

This is not an isolated incident. There are reported and non reported cases where the children are deprived of their right to be treated in accordance with the law and their right to liberty and sent to prison in gross violation of the norms and principles of the national legislation and international standard. This refers to *Md. Nasir Ali vs State* 42DLR 1990-89- the trial of a Child convicted of murdering of his father was declared void for not being held in accordance with the Children Act, 1974- but unfortunately he also spent 12 years in Jail for no fault of his.

The child is denied his/her rights mainly because police officer offend tend to increase his/her age to make matters easier for preparing chargesheet. If 'Child' then age must be written in red ink and underlined, separate charge sheet, duplicate copy and other extra work hence the tendency is there to easily write adult. The police have also simple answer that to him age appeared like that- as there is no birth-registration certificate. However, under the aegis of UNICEF much headway has been made in this respect and hopefully that excuse will not be tenable very long as by 2008 it is likely to be made compulsory.

Till some improvements are made, a programme should be devised to offer legal support to the child in the Court. Good Lawyers/Social Volunteers, Probation Officers can convince the Court to send the victim to Remand Home, Safe Custody instead of Jail.

*Police, Magistrate-Judge all need be convinced of the impact of torture, harassment, sufferings of child and for that purpose "Humanizing Campaign" can change their mindset while the Community Leaders can act as Watchdog to ensure due protection and care.*

Political parties use Children-mere so in recent past decades our experience necessitates that strong voice be raised not to allow anyone to use them as tool in anti-state and anti-social activities. Perhaps legal provision may be resorted to ban using the minors for political interest whether by Party in Power or the Opposition.

Evaluation and close Monitoring on Children in Police Custody and Jail before Review Committee- will definitely go a long way to help the victim to be rescued from unlawful harassment, be it confinement or otherwise shelter, in safe custody or elsewhere.

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Since the family is the central unit responsible for the primary socialization of Children, Governmental and Social efforts to preserve the integrity of the family, including the extended family, should be pursued vigorously. The society has a responsibility to assist the family in providing care and protection and in ensuring the physical and mental well being of the children. However, the responsibility of the parents / guardians can not be underestimated.

For the purpose of deciding the appropriateness of discharge or determination of proceedings, a set of established criteria shall be developed within legal framework. For minor cases the prosecutor may adopt suitable non-custodial means which is more child-friendly.

Pre trial detention shall be used as a means of last resort in criminal procedure. Sentencing authorities may dispose of the cases as following :-

- 1 Verbal Sanction
- 1 Admonition
- 1 Reprimand
- 1 Warning
- 1 Conditional Discharge
- 1 Status penalties
- 1 Times/Economic sanction
- 1 Confiscation of an expropriation Order
- 1 Restitution/Compensation Order
- 1 Suspended/Deferred Sentence
- 1 Probation and Judicial Suspension
- 1 Community Service Order
- 1 Referral to an Attendance centre
- 1 House Confinement
- 1 Other mode of Non-Institutional Treatment
- 1 Combination of the measures listed above

Post sentencing disposition may include many more of which the following are noteworthy-

- 1 Half-Way House
- 1 Work on Education Release
- 1 Various forms of Parole
- 1 Remission
- 1 Pardon

It is obvious that the resource and ability of the KUK / Jail is limited and they are unable to offer the welfare services in the branch of education, health, counselling moral and ethical skill development, rehabilitation etc. so there is enough scope for the NGOs to play active roles to improve the situation.

With a view to speedy disposal of the cases relating to child court Police, Investigating authority, NGO and the Probation Officers may work in close cooperation with each other.

In the situation of helpless and careless child National Task Force/ District Task Force including NGOs for the child in custody may play more active and welfare role by monitoring the cases, families and respective courts.

Constant close supervision conducted by the authority may be increased within the house premises and moral counselling also be increased to prevent immoral activities including Homo-sex.

Make instruction in reading, writing, arithmetic and other subjects compulsory up to the SSC standard both for children in KUK boys & girls. Arrange provision for the sufficient and accredited teaching staff for various facilities.

Ensure that the right of the child to communicate with family and friends is upheld at all times which are enshrined in the extant laws of the country.

Medical facilities in all detention centers to ensure adequate supplies of essential medicines and diagnostic equipment, the presence of a licensed medical practitioners availability in the premises at all times, and psychological counseling for better grooming.

Upgrade the accommodations for children to provide adequate bedding, with mattresses for each child, flushing toilets, visiting areas, and a range of recreational equipments therein.

Establish modern vocational training centers facilities with computers, mobile repara, latest technologies etc. in each facility housing children, with professional instruction likely to prepare them for future employment and also to ensure that juveniles are adequately remunerated for any labor performed.

Promptly investigate reports of sexual abuse by KUK & Jail staff and suspend any accused staff from duty pending completion of the inquiry. Prompt medical examinations should be conducted in the event of such a complaint. In case of physical violance against children and sexual abuse by the staffs of KUK & Jail must be similarly dealt with.

Require juvenile courts, in disposing of cases, to take into account the character, age and circumstance of the child, as well as the report of the Probation Officer and direct juvenile courts to dispose of cases with a view to promoting the best interests of the child, including his or her reintegration into society.

Determinations to retain or transfer a child should be made with a view to keep the children in the least restrictive possible environment which should be cardinal principle of the welfare of the child who are to be treated as members in conflict with law- not as criminal.

Linkage with relevant agencies and activities for non custodial measures within the framework for health, housing education, labor and mass media's assistance increase awareness building.

In order to fulfill the objectives, Police Officers who frequently or exclusively deal with juvenile shall be specially instructed and trained. In large cities *e.g* Metropolitan/ Divisional/ District to deal with the Juvenile cases a separate Juvenile Police Unit may be established.

After investigation of alleged offence- where the case of a Juvenile Offender has not been diverted- she/he shall be dealt with by the competent authority (Court, Tribunal, Board, Council & Arbitration) according to the principles of fair and just trial.

The procedure for dealing with Juvenile Offenders shall in any case follow the minimum standards that are applied almost universally for any criminal defendant under the procedure known as "due process of law" where the well-being of the Juveniles shall be guiding factor as the consideration of his/her case. The competent authority shall have the power to discontinue the proceedings at any time- keeping in view pro-children mentality.

No Juvenile shall be removed from parental supervision, whether partly or entirely, unless the circumstances of her/his case make this absolutely necessary. The placement of a Juvenile in an

institution shall always be a disposition of last resort and for the minimum necessary period each case shall from the outset be handled expeditiously, without any unnecessary delay.

Records of Juvenile Offenders shall be kept strictly confidential and closed to the third parties. Records of offenders shall not be used in adult proceedings in subsequent cases involving the same offenders.

*Professional education, inservice training, refresher courses etc shall be utilized to maintain and enhance acumen & competence of all personnel dealing with Juvenile cases. Efforts shall be made to ensure fair representation of women and disabled in Juvenile Justice Agencies.*

It was observed that the state of affairs in respect of Probation System is not up to the desired level. It is recommended that more effective Probation System be introduced. Number of Probation Officers should be increased. Releasing on probation for ultimate correction should be practiced, specially to the Juveniles for the first time offenders. At present this number is negligible though there are scope for a higher target.

On entry to the Unnayon Kendras/ Jails, causes of their involvement in crime should be evaluated by qualified Psychiatrist and the treatment pattern should be prescribed accordingly. Because the inmates develop negative attitude towards attempt for their correction as the prevailing circumstances seem not to be conducive for their normal vocation thereof.

The treatment given to the Children in conflict with law, at the Jails, Development Centers/ Kishore-Kishore Unnayon Kendra etc. were not very encouraging considering the treatment aspect. As the treatment meted out to them from the very beginning should be benign and of positive tone.

It is recommended that qualified dedicated and highly trained people are deputed at the reception centers, dormitories and other places of contact with the children. They, in no way, should be treated as criminals.

NGOs, social organisations, religious institutions, schools etc. should take up initiative with a view to creating awareness among the target group about the adverse effect of involvement in crime and to checkmate so that they are not sent to the Unnayon Kendras/Jails.

Different NGOs working in relation to Child Right and Juvenile Offenders are doing good job but unfortunately there are lack of coordination amongst them which need to be ensured without further delay.

In Bangladesh through the endeavors of multiple NGOs the awareness campaign is gaining ground but through the Government concerned agencies the fruits of the pro-children program need be attained in a better way at the possible earliest through pro-active role which will surely help our objectives immensely.

Efforts need be continued to promote scientific cooperation between different countries in the field of Non-Institutional Treatment. Research, Training, Technical Assistance and exchange of information should be furthered through close collaboration with all relevant organs of UN Secretariat to attain the desired goal for leaving behind a “Better World” to our posterity.

## Chapter - 10

# Case Studies

### Case Study-1

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**Name & Address-****Lipa (14)**

D/o Giasuddin

Mother's Name- Habia

P/A : Chardawla,

Karimgonj, Kishoregonj,

A/P : Mohammadpur

**Source-**

Adabor P/s Case No- 8(3)08

Section- 381 Bangladesh Penal Code

Lipa lived with her parents, brothers and sisters at Kishoregonj. She is second among five brothers and sisters. Her father was employed in agricultural work and also engaged in some trade. Mother earned her living by working in others house. The earning thereby could not support them properly.

The family came to Dhaka leaving their village and lived in Mohammadpur. Her father took up the business of fruits and vegetables and her mother started working in different houses. Lipa also took up work in a house due to wants. Her works was to look after a baby and observe television.

The house lady was of bad character. Her house was a haunting place of a good number of people. She earns a lot in this way. But master of his house did not know anything in this respect. He could know everything later on and abused her. This created unpleasantness in the house. The house lady thought that Lipa communicated all these to her husband. Lipa was severely beaten and lodged a case alleging that she stole Tk. 1,00,000.00 and got her arrested by the police. In respect of living and fooding, she is much better in Konabari than she was in Jail. She observed TV as source of game, still then she did not like the confined life. Her parents have sold out everything and paid to the lawyer for her release but everything in vain. When she was in Jail her parents came to see her but here they can not come because of money, which they cannot afford.

She feels that if she could have been released from the case she could help her parents. It is painful that the efforts for her release, her parents are now penniless.

### Case Study-2

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**Name & Address**

Md. Solaiman (15)

S/O- Late Mr. Hannan Sheikh

Mother's Name- Afia Begum

Vill-Dugarpurdi

P.S- Rajoir, Madaripur

**Source**

Rajoir Ps case no.- dated 27(8)05

Section- 302/34 Bangladesh Penal Code

After the death of Md. Solaiman's father, his mother again married. He and his younger sister live with their mother's new family. His stepfather lived in Dhaka. He was in study. One day his stepbrother said that his (Solaiman) father could not be found. Perhaps, he has been killed. Solaiman went to Dhaka But could not trace him out. After some days the villagers rescued the corps of his stepfather inside a bag. His stepbrother accusing him and his mother, filed a case and police arrested them.

Solaiman had a mind that by continuing study he would go up. During his course of studies he used to play cricket. He was fond of observing cinema. What a fate he is now an accused of a murder case. After his arrest he was in Madaripur Jail. Police took him under remand for seven days and he was beaten. He was in Hospital as a result of Police beating.

Now he is in Tongi KUK for the last one year. He is much better here than he was in Jail but he is suffering from scabies and cold.

Due to the false case lodged by his stepbrother he himself and his mother are in Jail. His younger sister is also in Jail with her mother and it is very painful for him.

He has a mind to take up studies if he is released from the case.

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## Case Study-3

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**Name & Address****Shahin (13)**

S/O: Late Mobarak Hossain Lalu Miah ,  
M/Name : Pervin Begum,  
Present Address: Mollah's Teck,(Beside the Udoyan School)  
Dargabarri, Dhaka.

**Guardian Case**

**Permanent Address:** Village: Noushinpur,P.S: Hizla, Barishal .

Shahin's father died when he was just a baby. Of the two brother and sister. Shahin was younger. Shahin entered into cloth business to shoulder the responsibility of the family when he was a student of class VI. His mother carried on with the business and he helped her. Gradually Shahin due to bad association started going astray. As he was father less his bad activities increased. He did not listen to her mother. For days together he used to stay with his friends. At one stage he started stealing from the shop. Having no other way her mother took him to Kishore Unnayan Kendra (KUK) Tongi as she knew that for such boys there is an organization existing by the name. He came here on 21/1/2008. He was allowed to have a correction for 3 month as per 33 section of Children Act.

He was not feeling well here. He felt for his house and felt bad for his mother. Here he is taking training on tailoring. He had however no scabies before but got scabies after coming over here. He feels that after taking 3 months training he can run a tailoring shop after release from here. He is repentant for his activities and he promises not to resort to any bad activities.

## Case Study-4

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**Name & Address-**

Azizul Huq (12)  
Late Mohammad Ali  
Mother's Name- Jerina Khatun  
Bainnakanda, Durgapur, Netrokona

**Source-**

Habigonj P/s GD No.- 1042  
Date- 25/9/06

Azizul Huq (12) lived with her mother along with one brother and one sister at Durgapur Baiyanna Bazar in the house of his grandmother (mother's mother). His father died long before. Mother Jerina Khatun worked in different houses earning about three thousand taka only. This does not meet their ends. Two years ago she was also serving in different houses and earned about two thousand yearly. In the confined life he remembers his past memories. He was very fond of tending cattle in the open field and playing here and there.

His grandmother used to rebuke him now and then. He could not bear this behaviour of his grandmother and one day left the house with an unknown person. He came to Habigonj in Sylhet. The man got him seated in front of a Hospital and went away. Perhaps, Azizul Huq was taken away with the object of smuggling him. But a Police van came and took him to Habigonj Police Station and got the case entered in GD. As the boy comes within the preview of Children Act he was sent to Kishore Unnayan Kendra, Tangi. He is well here but he is a secluded type of boy talks very little. His vacant look is indicative of that his life is end. His mother did not come to see him even after receiving mobile phone from his uncle. There is no case against him. He may be released if anybody comes up as surety. He also says confidently that none will come up to take him from there. Without committing any offence he is living with the children who have committed offence. He feels that he could not tolerate abusing of his grandmother. It pains him now that it was not proper to leave the house without mother's consent. Now he is determined to stand on his own legs and will take in some job if released from here.

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## Case Study-5

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**Name-** Taslima (14)  
**Father-** Manik Mia  
**Present Address-** Rajar Dewri, Boyra Bazar, Dhaka.

**Source :**  
DMP – Kotwali P/S case no- 2 (4) 08  
Section - 381 Bangladesh Penal Code

Permanent Address- Monohordi, Narshingdi

Taslima's father was a farmer at Narshingdi. Taslima and her sisters are six in number. They had no brother. Taslim was eager to go to school for education but her poor father had no means to educate the Children. As a result they got married before attaining full maturity. Taslima came to Dhaka for works after completing class- (vi). The housewife was very short tempered. Another girl of the same age also worked with Taslima. The house owner was a debauch. In absence of the housewife, the house owner used to abuse both the girls. Taslima and Sharmin did not dare to disclose it to the house lady. Both of them decided to flee away from the house. They broke an earthen bank and got about taka two hundred and went to Narshingdi with this money. The house owner lodged a F.I.R of taking taka sixty four thousand against both of them and brought them to Dhaka from Narshingdi under arrest.

Both of them are now staying in Tongi Development Centre. The case is sub-judice. They could not engage lawyer for want of money. They are well but feel for the home. They say their prayer regularly. As they have come just seven days ago so could not learn technical works. Taslima is thinking about taking training on sewing. After release she will try to get a job in any garment factory.

### **Opinion of the Observer-**

The girl gives an innocent look. While talking she was weeping incessantly. I gave her consolation, as I had nothing to do for her except consolation.

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## Case Study-6

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Munni D/O Nurul Haque of Chowrangi, Ps-Galdang, Dt. Nilphamari became distressed after the death of her only earning father. Her brother began living in separate house. Without finding any other means to survive her mother with two daughters including munni came to Dhaka. Munni took the job as a maid servant in a house of a college teacher at Dhanmondi. Though Munni had ambition to go to school for education but it could not be materialized due to poverty.

During the leisure Munni used to watch the Television programme. The neighbouring maidservant came to her and developed friendship. The neighbouring girl instigated her to steal the house owner's ornaments. Primarily Munni did not agree to the proposal but later succumbed.

She stole gold ornaments weighing 84 (eighty four) grams and handed over to her girlfriend. Her mother also used to come to this house and was involved with this theft. The house owner lodged F.I.R. against Munni and her mother at Dhanmondi Police Station vide case no 65(12)07 n/s 381/411 BPC. Police arrested mother and daughter in the case and forwarded to Court for trial. Both the mother and daughter are now in Central Jail, Dhaka. Munni is now getting general education including Arabic. Munni is eager to get technical education.

Munni is now very much repentant of her misdeeds. She confessed her guilt and expressed in a crying mood that she would never commit such a crime again. It was the result of other's instigation and her mistake. Bail prayer has been submitted for her. On getting release she will go back to her village home and work for self dependence.

The girl appeared to be an offender. During interrogation she admitted that out of seven tolas of gold she only got one golden chain and one ring. She appeared to be very much repentant of her misdeed.



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## Case Study-7

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Name- Al Mamun Shamim (10)  
Father's Name- Jahurul Haque (Foster Father)  
Mother's Name- Ranu Ara Begum  
Address- Vill-Damdama, Kaligon, Ps- Jhinaigati, Dt- Sherpur.

**Source :**  
Sherpur P/S G.D. Entry No- 463,  
Chief judicial Magistrate, Sherpur.

Ten years old Al-Mamun Shamim had no idea that those who so long knew as father and mother were not his real parents. At the age of two and a half he was rescued by his foster father Johurul Haque from the hands of his traffickers. At present ASP Johurul Haque is on leave preparatory to retirement. Jahurul Haque tried heart and soul to give back the rescued child to the real Parents. He informed the Police and published in newspaper with photo but all his efforts were in vain. He could not find out the identity of the boy. Finally he kept the boy to his wife as his son so that he could look after his old grandmother after maturity. Shamim was admitted in the village school but he was not attentive to studies. He passed all the day with fellow friends who were all wicked and petty gamblers. The so-called friends instigated him to steal money from house. Accordingly he stole taka twenty thousand from underneath a pillow kept for performing *Haji* and gave it to his friends who purchased a video game by it. Gradually Shamim's notoriety exceeded all limits. He stopped going to school. He lived with foster grand mother and did not obey anybody's order. One day he broke open the Almira of his grand mother (foster) and stole golden ornaments. Jahurul Haque handed him over to Sherpur Police Station and made a G.D entry. After staying in Sherpur Jail for two months, his present address is now at Tongi development centre. He is now staying here. During interview he was weeping and repented for his misdeed. He firmly believes that his foster father will take him back.

The interviewer talked to his father but he expressed that he tried his best to make the boy good but all his endeavour were in vain. When asked about the future of boy, the father replied that he had nothing to do and it was not possible for him to take the responsibility any more. Shamim is learning electrical works in this institution.

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## Case Study-8

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Name- **Rana**, Age- 16 years  
Father's Name: Choru Mia  
Mother's Name- Banu Begm  
Address- Village- Balikhara  
Police Station- Burichang, District- Comilla

Rana's father is a petty businessman beside doing house hold works. Seven years ago after separation of the parents Rana came to Dhaka with his mother. His mother runs hotel business. Rana lives in a rented quarter with his mother near Kamlapur Railway Station. Rana is second out of three brothers and two sisters. Though he is quite illiterate but others are up to primary level. Due to poverty and breaking of the family he was deprived of schooling. He appeared to be very simple and mild. In the family his mother took care of him.

In the slum he got some friends. Some of the friends were involved in drug selling. Rana was picked up to sell ganja by a drug seller of Kamlapur Area. After a days sale he got take one hundred only. Four cases were started against Rana at Motijheel PS, vide case No- 100(2)2008, n/s 19(8)(12) of 1990, etc. He was caught red handed while selling ganja. After staying for 25 days at Central Jail, Dhaka, he came to Tongi Development Centre on 15.2.08. His case is now sub-judice.

While selling the ganja he was arrested thrice by Police. He was first arrested at the age of 13. In every occasion the drug sellers managed his release from Jail. Previously he was once in Development Centre. After staying for six months the Development Centre Authority handed him over to his mother. During his stay in the Centre he got training in sewing beside general education. Here he got disciplined life beside opportunity for games. Having no scope for rehabilitation he got back his old friends at home. In consequence he became involved in selling ganja again. For realization he did not want to sell ganja for which he was involved in the case by the former masters. There were four cases against him. Rana wants to come out of the circle and does not want to live in Dhaka. After release he will straight go to his village home and start new business and will never mix with bad associates.

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## Case Study-9

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Name- Puspa (15)  
Father- Khaleque Molla  
Mother- Mojia Khatun  
Permanent Address-  
Vill.- Chengchar, Ps- Matlab, Dt.- Chandpur

Reference:  
Ramna Ps case no 51(4)03 n/s  
Nari O Shishu Nirzaton Ain/ 2007 (9)

Puspa was brought up in a poor family in more or less good condition. In her Childhood her father left them and went away where he married another women. Thereafter she lived with mother in grave poverty. Her mother used to earn by sewing old clothes which was not sufficient for maintenance. Her maternal uncle gave taka three thousand per month as subsidy to meet the expenses. Though her brothers read up to class (ix) but she went up to class (i) only. She helped her mother in sewing Nakshi Katha. They also earned some money by poultry farming.

Driven by poverty- Puspa was trying to find out some means how to earn more money. Her mother had a godson with whom Puspa consulted and decided to come to Dhaka for taking a job anywhere. Her mother did not agree but Puspa was adamant and came to Dhaka with the brother. The environment of Dhaka was different. Her brother used her as a phynsidyl can carrier. Puspa was very much unwilling in this job and vehemently objected to this work. Her brother confined her in a Tin shed behind Ramna PS. In connivance with Police her brother involved her in a kidnapping case. The so-called brother outraged her modesty for which she was mortified. Ramna Thana Police assaulted her in the Police Station.

Puspa has been at Konabari Development Centre for the last six years. There was hearing of her case for twenty times in the Court. Puspa is now not well. The cheerful face of Puspa is now full of malancholy and suffering from headache. She has become thin and gloomy. The judge does not listen to her. Her mother has no means to engage lawyer. Her mother meets her in the Court and weeps helplessly.

According to Puspa, she has been living as a prisoner for last six years in a false case. She is fed up in the Centre. She thinks of committing suicide in many of the times. She desires that if once could come out on release she would work in butics to ameliorate the sufferings of her mother.

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## Case Study-10

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Name- Sharmin Akhter (14)  
Father- Abul Hossain  
Mother- Sarra  
Address- North Tola Bhuni  
Brahminpara, Comilla.

Reference:  
Joydevpur PS case no 21(3)80  
n/s Drug control Act 19(1) 7(14)

After the death of father Sharmin's (14) mother married again. She was being brought up in the family of stepfather. She was subjected to regular torture with her disabled mother. So, she had no opportunity to read and write though she wanted it. In the family the number of stepbrother and sisters is three. Her step father is a farmer and had difficulty to run a big family with his limited income. Sharmin was unwanted in the family. In the village she had one aunt who used to quarrel with her mother regularly. She was upset with this. Not a single day passed without quarrel.

One day she left the house after quarreling with her stepfather. One woman enticed her with taka five hundred. In exchange of taka five hundred she carried three KG of ganja up to Gazipur and was caught by Police. A case was registered against her in the Police Station. Sharmin now always weeps. A mild and simple girl has now become a prisoner in Gazipur Jail. The other prisoners caress her. This life was not her choice. Hence, she remembers her mother. She remembers her dead grand mother and younger brother Rika. Her maternal sister came to visit her in Gazipur Jail. If once released, she will read and write. This is now her only dream.

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# Appendixes

## Appendix-A

কারাগার	উন্নয়ন কেন্দ্র
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### বৃহত্তর ঢাকা জেলার কারাগারসমূহে কিশোর নিবাসীদের অবস্থা

(কিশোর ও কিশোরী উন্নয়নকেন্দ্রসহ)

সাক্ষাৎকার অনুসূচী

(সংগৃহীত তথ্যাবলী শুধুমাত্র গবেষণার কাজে ব্যবহৃত হবে)

অপ্রাপ্ত বয়স্ক কারা নিবাসী সম্পর্কে ব্যক্তিগত তথ্য :

১. নাম : .....
২. পিতার ও মাতার নাম : .....
- ৩.১ বর্তমান ঠিকানা : .....
- ৩.২ স্থায়ী ঠিকানা : .....
৪. বয়স : ৯ বছরের নীচে ৯-১২ বছরের নীচে  
১২-১৬ বছরের নীচে ১৬-১৮ বছরের নীচে
৫. ধর্ম : ইসলাম হিন্দু বৌদ্ধ খ্রীষ্টান
৬. শিক্ষাগত যোগ্যতা : নিরক্ষর প্রাথমিক মাধ্যমিক  
উচ্চ মাধ্যমিক অন্যান্য .....
৭. বর্তমান পেশা :  ছাত্র  শ্রমিক  চাকুরী  বেকার  অন্যান্য .....
৮. পরিবারের মোট সদস্য সংখ্যা কত? :
- ৯.০ ভাই-বোনের সংখ্যা :  মোট  ভাই  বোন
- ৯.১ ভাই-বোনের মধ্যে অবস্থান :  জ্যেষ্ঠ  মেজো  সেজো  সর্বকনিষ্ঠ  একমাত্র সন্তান
- ৯.২ ভাই-বোনদের শিক্ষাগত অবস্থান : .....

১০. বাসস্থান :  নিজস্ব  ভাড়া  ভাসমান
- ১১.০ পিতা-মাতা সহ অবস্থান :  একত্রে বাস করে  বিচ্ছিন্ন বাস করে
- ১১.১ বাবা-মা ঝগড়া-বিবাদে নিয়োজিত হয়? :  প্রায়ই  মাঝে মাঝে
- ১১.২ পরিবারের মধ্যে কে বেশি তোমার যত্ন নিত? :  মা  বাবা  ভাই  বোন  অন্যান্য
১২. পিতার পেশা : -----
১৩. মাতার পেশা : -----
১৪. পরিবারের মোট মাসিক আয় :  ৩০০০১-৫০০০ টাকার নীচে  ৫০০১-৭৫০০ টাকার নীচে  
 ৭৫০১-১০০০০ টাকার নীচে  ১০০০১ টাকা ও তার উপরে
১৫. তোমার জীবনের লক্ষ্য কি ছিল? : -----
১৬. এখানে আসার পূর্বে তুমি কোন ক্লাশে পড়তে : -----
১৭. তুমি কি কখনো স্কুল পালিয়েছো? :  হ্যাঁ  না
- ১৭.১ [ উত্তর হ্যাঁ হলে] :  প্রায়ই  মাঝে মাঝে  খুব কম সময়
- ১৭.২ তুমি কি একা না কয়েকজন মিলে স্কুল পালাতে? :  একা  দলে
- ১৮.০ তোমার কতজন বন্ধু ছিল? :  জন
- ১৮.১ বন্ধুদের মধ্যে তোমার স্থান কি ছিল? :  নেতা  অনুসারী  সঙ্গী
- ১৮.২ বন্ধুদের পেশা কি ছিল : ১ -----  
২ -----  
৩ -----
- ১৮.৩ বন্ধুদের শিক্ষাগত অবস্থান কি? : -----
১৯. তোমার অবসর সময়টা কিভাবে কাটাতো? : ক.-----  
খ.-----  
গ.-----
- ১৯.১ রাজনৈতিক কোন কাজে তুমি জড়িত ছিলে? :  হ্যাঁ  না  
( উত্তর হ্যাঁ হলে) কি কাজ করতে : -----
২০. তুমি হরতালে/অবরোধের দিনে কি কি কাজ করতে : ক.-----  
খ.-----  
গ.-----
- ২০.১ এ কারণে তোমাকে কোন সময় পুলিশ আটক করেছিল কি? :  হ্যাঁ  না
- ২০.২ পুলিশ তোমার সাথে কি রকম আচরণ করেছিল? : -----
- ২০.৩ বিজ্ঞ হাকিম তোমার সাথে কিরূপ আচরণ করেছিল? : -----
- ২০.৪ প্রবেশন কর্মকর্তা/প্রতিষ্ঠান কর্তৃপক্ষ কিরূপ আচরণ করেছিল? : -----

কারাগারে/উন্নয়ন কেন্দ্রে আগমন সম্পর্কিত তথ্য :

1.

আগমনের তারিখ	অভিযোগ	মামলার সূত্র	সংশ্লিষ্ট ব্যক্তি / প্রতিষ্ঠান
	১		
	২		
	৩		

- ১.১. এখানে কতদিন যাবৎ আছ? :  বছর  মাস  দিন
- ১.২. এর পূর্বে আর কখনো কারাগার/উন্নয়নকেন্দ্রে ছিল? :  হ্যাঁ  না  প্রযোজ্য নয়
- ১.৩. [‘হ্যাঁ’ হলে কতদিন আগে? :  দিন  মাস  বছর
- ২.০. তোমার মামলা এখন কি পর্যায়ে আছে? :  বিচারাধীন  সংশোধনাধীন/সাজাপ্রাপ্ত  
(মামলা বিচারাধীন হলে)
- ২.১. কোর্টে এ যাবৎ কতবার শুনানী হয়েছে? :
- ২.২. (সাজাপ্রাপ্ত/সংশোধনাধীন হলে) কতদিনের জন্য সাজা/সংশোধনের আদেশ হয়েছে?  মাস  বছর
- ২.৩. তোমার জামিনের আবেদন হয়েছে কি? :  হ্যাঁ  না
- ২.৪. প্রবেশন কর্মকর্তার সঙ্গে তোমার কিম্বা অবিভাবক বা কোর্টের সঙ্গে যোগাযোগ হয়েছে কি? :  হ্যাঁ  না  
(হয়ে থাকলে)
- ২.৫. প্রবেশনে তোমার মুক্তির ব্যাপারে কোন সুপারিশ আছে কি? :  হ্যাঁ  না
- ৩.০. তোমার মামলার ঘটনার সঙ্গে কেউ জড়িত ছিল কি? :  হ্যাঁ  না
- ৩.১. [উত্তর হ্যাঁ হলে] উক্ত ঘটনার সঙ্গে আর কতজন জড়িত ছিল? :  জন
- ৩.২. তাদের মধ্যে বয়স্ক ও শিশু কতজন ছিল? :  বয়স্ক  শিশু
- ৪.০. এটি কি জামানতে তোমার প্রথম অপরাধ? :  হ্যাঁ  না
- ৪.১. প্রথম অপরাধের সময় তোমার বয়স কত ছিল? : ..... বছর
- ৪.২. প্রথম অপরাধের পিছনে কি কি কারণ ছিল? ক. ....  
খ. ....  
গ. ....
- ৪.৩. এরূপ অপরাধ করতে তোমাকে কি কেউ প্ররোচনা দিয়েছিল? :  হ্যাঁ  না
৪. [ হ্যাঁ ] তারা কে/কারা? : .....
- ৪.৫. তোমার জীবনের প্রথম অপরাধ কিভাবে করেছিলে? :  এককভাবে  দলীয়ভাবে

- ৪.৬ (উত্তর দলীয়ভাবে হলে) বয়স কেউ জড়িত ছিল কি? :  হ্যাঁ  না
- ৫.০ নিচের কোন কোন অবস্থা তোমার পরিবারে রয়েছে?
- |   |   |
|---|---|
| <input type="checkbox"/> মা/বাবার মৃত্যু                                    | <input type="checkbox"/> মা/বাবা দীর্ঘদিন অসুস্থ            |
| <input type="checkbox"/> পরিবারে মানসিক/মাদকাসক্ত সদস্য রয়েছে              | <input type="checkbox"/> বেকারত্ব (বাবা/অভিভাবকের ক্ষেত্রে) |
| <input type="checkbox"/> নৈতিকতা বিরোধী/অপরাধমূলক কাজে কেউ সংশ্লিষ্ট রয়েছে | <input type="checkbox"/> অভিভাবক কারাবন্দী হিসাবে রয়েছে    |
| <input type="checkbox"/> সৎ মায়ের উপস্থিতি                                 | <input type="checkbox"/> অন্যান্য (নির্দিষ্ট কর)            |
- ৫.১. তুমি কি মনে কর এ ধরনের অবস্থা তোমার সুষ্ঠুভাবে বড় হতে বাধার সৃষ্টি করেছে? :  হ্যাঁ  না
- [ উত্তর হ্যাঁ হলে ] কিভাবে? : -----  
-----
- ৬.০ অভিভাবকরা কি তোমার খোঁজ নিতে কারাগারে/উন্নয়নকেন্দ্রে আসেন? :  হ্যাঁ  না
- ৬.১ [ উত্তর হ্যাঁ হলে ] তা কি? :  নিয়মিত  অনিয়মিত
- ৬.২ সাক্ষাতে তারা তোমাকে কি উপদেশ দিয়ে যান? : -----  
-----
- ৬.৩ পড়ালেখা ছেড়ে থাকলে কেন? : -----  
-----
- ৬.৪ এখানে তোমার কি পড়ালেখা করার সুযোগ হয়েছে? :  হ্যাঁ  না
- ৬.৫ (উত্তর 'না' হলে) এখানে পড়ালেখার ইচ্ছা আছে কি? :  হ্যাঁ  না
- ৬.৬ এখানে কারিগরী শিক্ষার সুযোগ আছে কি? :  হ্যাঁ  না
- ৬.৭ (উত্তর হ্যাঁ হলে) কারিগরী কি কি প্রশিক্ষণ এখানে নিচ্ছ? : -----
- ৬.৮ এখানে নৈতিক/ধর্মীয় শিক্ষার কি কি সুযোগ রয়েছে? : -----  
-----
- ৬.৯ এখানে কি মনে হয় যে, জীবনে তুমি কিছু ভুল করেছিলে? :  হ্যাঁ  না
- ৭.০ এক রুমে কতজন থাক? :  জন
- ৭.১ রুমের আকার কি? :  ফুট  দৈর্ঘ্য  ফুট  প্রস্থ
- ৭.২ তোমাদের মধ্যে এখানে সাধারণ কি কি রোগ দেখা দেয়? : -----
- ৭.৩ বর্তমানে তোমার কোন অসুখ আছে কি? :  হ্যাঁ  না

- ৭.৪ [ উত্তর 'হ্যাঁ' হলে ] কি অসুখ? : -----
- ৭.৫ অসুস্থতার সময় কিভাবে চিকিৎসার ব্যবস্থা হয়? : -----
- ৮.০ তোমার ধূমপানের অভ্যাস আছে কি? :  হ্যাঁ  না
- ৮.১ ধূমপান ছাড়া আর কোন আসক্তি আছে / ছিল? :  হ্যাঁ  না
- [ হ্যাঁ হলে ] নেশার নামগুলো কি কি? : -----
- ৮.২ তোমার জানামতে এখানে অন্য কেউ মাদকাসক্ত আছে কি? :  হ্যাঁ  না
- ৯.০ উন্নয়নকেন্দ্রে কি কি কাজ করতে হয়?
- ক. ----- খ. -----
- গ. ----- ঘ. -----
- ঙ. ----- চ. -----
- ৯.১ কারাগারে দিনে কি কি কাজ করতে হয়?
- ক. ----- খ. -----
- গ. ----- ঘ. -----
- ঙ. ----- চ. -----
- ১০.০ প্রাপ্ত বয়স্ক কয়েদীদের সাথে থাকতে তোমার কি কি অসুবিধা হয়? -----
- 
- 
- ১০.১ তোমার জীবনে এমন কি কোন অভিজ্ঞতা আছে যা তোমাকে পীড়া দেয়? :  হ্যাঁ  না
- ১০.৩ [ উত্তর 'হ্যাঁ' হলে ] সেটি কি? -----
- 
- ১০.৪ তোমার প্রতি প্রাপ্তবয়স্ক হাজতী/কয়েদীরা কেমন আচরণ করে থাকে? : -----
- 
- 
- ১১.০ কারাগারে/উন্নয়নকেন্দ্রে মোটের উপর তোমার কেমন লাগছে? : -----
- ১১.১ তুমি এখানে কি সমস্যা অনুভব কর তা নির্দিষ্ট করে বল?
- ক. শৃংখলাজনিত -----
- খ. খাবার সংক্রান্ত -----
- গ. বিনোদন/খেলাধুলা সংক্রান্ত -----



১২.০ তোমার পরিবারের বাইরে অথবা পরিবারের মধ্যে কারো বিরুদ্ধে অন্য কোন অভিযোগ আছে কি?  হ্যাঁ  না

১২.১ [উত্তরে হ্যাঁ হলে] কার প্রতি.....কি অভিযোগ.....

১৩.০ সমাজে কিশোর অপরাধ দ্রুত বেড়ে চলেছে এর কারণগুলো কি বলে তুমি মনে কর?

ক. -----

খ. -----

গ. -----

১৪.০ (পিতা-মাতা থাকলে) এখান থেকে মুক্তি পেয়ে তুমি কি করবে? :-----

১৪.১ (পিতা-মাতা না থাকলে) তুমি কিভাবে পুনর্বাসিত হতে চাও? :-----

১৫.০ তোমার বন্ধু যারা অনেকটা তোমার মত তাদের প্রতি তোমার কি বক্তব্য? :-----

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সাক্ষাৎকার গ্রহণকারীর পর্যবেক্ষণমূলক বক্তব্য :

ক।

খ।

গ।

তথ্য সংগ্রহকারীর নাম ও স্বাক্ষর

তারিখ

এপিজেডি রিসার্চ সেল/আর.পি.ও.ডব্লিউ.এ.বি/২০০৮

ডিটেকটিভ ট্রেনিং স্কুল ভবন, রাজারবাগ, ঢাকা।

**Table : 48 : Inmates having the number of Siblings**

Size	Frequency		Total	%
	Male	Female		
01	02	02	04	2.78
02	19	05	24	16.67
03	<b>27</b>	<b>04</b>	<b>31</b>	<b>21.53</b>
04	<b>26</b>	<b>06</b>	<b>32</b>	<b>22.22</b>
05	<b>24</b>	<b>08</b>	<b>32</b>	<b>22.22</b>
06	12	03	15	10.42
07	02	-	2	1.39
08+	02	-	02	1.39
Trace less	02	-	02	1.39
<b>Total</b>	<b>116</b>	<b>28</b>	<b>144</b>	<b>100</b>

**Table : 49 : Inmates Position among the Siblings**

Position	Total	%
Eldest	55	38.19
2nd born	37	25.70
3rd born	23	15.97
Youngest	25	17.36
Only child	4	2.78
<b>Total:</b>		<b>100</b>

**Table : 50 : Conjugal Relationship between the parents**

Nature	Frequency	%
Didn't quarrel	18	18.75
Often quarrel	62	64.58
Always quarrelling	16	16.66
<b>Total</b>	<b>96</b>	<b>100.00</b>

**Table : 51 : Person in the Family by whom the inmate was best taken care of**

Person	Frequency	%
Father	11	7.63
Mother	110	76.39
Sister	05	3.48
Brother	03	2.08
Others	08	5.56
N/A	07	4.86
<b>Total</b>	<b>144</b>	<b>100</b>

**Table : 52 : Frequency of Playing Truancy**

	Frequency	%
Most often	07	17.07
Sometimes	30	73.17
Rarely	04	9.76
Total	41	100.00

*Note : No. of inmates did not attend school = 45*

**Table : 53 : Inmates played truancy singly/ in group**

	Frequency	%
Single	16	39.02
In group	25	60.98
Total	41	100.00

**Table : 54 : Inmates political Involvement**

Nature of Involvement	Frequency	%
Active Political worker	33	28.45
No Association with Politics	11 1	71.55
Total	144	100

**Table : 55 : Inmates having matters with political before coming here.**

Matter	Frequency	%
Join Procession	18	42.86
Political Meeting	15	35.71
Picketing in hartal	9	21.42
<b>Total</b>	<b>42</b>	

*Note : 33 respondent.*

**Table : 56 : Educational level of your friend who is in the top.**

Education Level	Total	%
Didn't attend School	17	12.88
Primary	65	49.24
Secondary	46	34.85
Higher Secondary	4	3.03
<b>Total</b>	<b>132</b>	<b>100</b>

**Table : 57 : Housing condition of the Inmates.**

Housing Condition	Total	%
Own	64	44.44
Rent	69	47.92
Floating	9	6.25
Others	2	1.39
<b>Total</b>	<b>144</b>	<b>100</b>

**Table : 58 : Behaviour of Police after arresting the Inmates.**

Behaviour	Total	%
Behave good	36	25.89
Leather batten / bitten by hand	65	46.76
Bitten in Remand	5	3.60
Rebuked	22	15.83
Attempt to sexual harassment	3	2.16
Threat to implicating criminal cases	3	2.16
Current shock	2	1.44
Catching the ear	3	2.16
Kick/ Use hot water	8	5.76
Demanding money	12	8.63
Use hand cup	1	0.72
Kept me unfed	3	2.16
<b>Total</b>	<b>163</b>	

*Note : Multiple comment taken from 139 respondent except 5 guardian cases.*

**Table : 59 : Behaviour of Magistrate after arresting the Inmates.**

Housing Condition	Total	%
Did not Talk	56	38.89
Behave good	44	30.55
Not meet	25	17.36
Only Talk	13	9.03
Did not listen anything	1	0.69
Not Applicable (Guardian Cases)	5	3.47
<b>Total</b>	<b>144</b>	<b>100</b>

**Table : 60 : Behaviour of Probation Officer after arresting the Inmates.**

Housing Condition	Total	%	Comments
No Idea about Probation Officer/ Social Welfare Officer	71	49.31	Respondent are Children in jails
Behave good	73	50.69	Respondent are children Kishor & Kishori Unnayan Kendra
<b>Total</b>	<b>144</b>	<b>100</b>	

## Salient Features of the Childrens Act 1974

### 1 Definition of Children and age Determination

- Section 2 (f): A child means a person under the age of 16 years.
- Section 66: Whenever a person is brought before any criminal court and it appears to the court that he is a child, the court shall make an inquiry as to the age of that person and, for that purpose shall take such evidence as may be forthcoming at the hearing of that case, and shall record a finding thereupon, stating his age as nearly as may be.

### 1 Initial Contact with the Law Enforcing Agencies and Bail

- Section 48: Where a person apparently under the age of 16 years is arrested on a charge of non-bailable offence and cannot be brought forth with before a court, the officer in charge of the police station may release him/ her on bail.
- Section 49: Where a person apparently under the age of 16 years having been arrested is not released on bail, the officer in-charge of the police station shall cause him/her to be detained in a remand home or a place of until he can be brought before a court.
- A court on remanding for trial a child who is not released on bail, shall order him to be detained in a remand home or a place of safety.
- Section 50: Immediately after the arrest of a child, it shall be the duty of the police officer or any other person affecting the arrest to inform the Probation Officer of such arrest in order to enable the Probation Officer to proceed forthwith in obtaining information regarding the antecedents and family history and other material circumstances likely to assist the Court in making its order .
- Section 13 (2): Where the Child is arrested, the officer in charge of the police station to which he/she is brought shall forthwith inform the parent or guardian of such arrest, if found and shall also cause them to be directed to attend the court before which the child will appear and specify the date of such appearance.

### 1 Jurisdiction and Trial

- Section 4: The powers conferred on a Juvenile Court shall be exercisable by the High Court Division, a Court of Session, a Court Additional Sessions Judge and of an Assistant Sessions Judge and a Magistrate of the first class.
- Section 6: No child shall be charged with, or trailed for any offence together with an adult.
- Section 7 (2) : In the trial of a case in which a child is charged with an offence a Court shall sit in a building or a room different from that in which the ordinary sittings of the Court are held, or on different days or at different times from those at which the sitting of the Court are held.
- Section 8 : When a child is accused along with an adult of having committed an offence, the case shall be separated and transferred to the Juvenile Court and empowered to exercise the powers of

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Juvenile Court.

### **Punishment**

- Section 51: No child shall be sentenced to death, transportation, or imprisonment unless the court is of the opinion that the crime committed is of so serious nature or the child is so unruly or depraved that he can not be committed to a certified institute, the child can be sentenced to imprisonment.
- Section 15: For the purpose of any order which a court has to pass under the Children’s Act, the Court shall have regard to the following factors: the character and age of the child; the circumstances in which the child is living; the reports made by the probation officer, and such other matters required to be taken into consideration in the interests of the child.
- Section 53: A court may discharge any young offender after due admonition, release on probation of good conduct or commit a child to the care of a fit person executing a bond with or without sureties.

### **Confidentiality and Non- stigmatization**

- Section 9 & 10: The trial of Juveniles shall be held in camera i.e. only people directly involved in the case and the officers of the court can be present during the trial. The court may also ask people not involved with the case of withdraw.
- Section 16& 17: The report of Probation Officer or any other report considered by the Court under 15 shall be treated as confidential and publication of report of proceedings, photograph of child leading directly or indirectly the identify of such child is prohibited and punishable by a fine of Tk. 200.
- Section 70 & 71: Words convictions and sentenced can not be used in relation to children and when a child is found to have committed any offence, the fact that he/she has been so found shall not operate as a disqualification for any office, employment or election under the law.

### **Probation officer for specialized Assistance**

- Section 31: A Juvenile Court may appoint Probation Officers from among suitable persons in the districts, if there is no Probation Officers in its area and may appoint a Probation Officer in its area and may appoint a Probation Officer for a particular juvenile. His duties to be under the supervision of the Juvenile Court and where no court exists, the Court of Sessions.
- Duties of the Probation Officers include: visit or receive visits from the child at reasonable intervals; see that the conditions of bond are fulfilled; report to the court as to the behaviour of the child; advise assist and befriend the child and, where necessary, endeavor to find him suitable employment; and perform any other duty which may be prescribed

### **Institutions and Accommodations**

- Sections 2 (j) : Place of safety includes remand home, or any other suitable place or institution and where such institutions is not available, in the case of male children only a police station in which arrangements are available or can be made for keeping children in custody separately from other offenders.
- Section 20: “Remand Home” is a place established and maintained by Government for the purposes of detention, diagnosis, and classification of children committed to custody by the Court or Police.

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## The Statutes Related with the Children

S.I.	Name of Statute	Act No.	Reference	Page No.	Age Limit
1	The Constitution of People's Republic of Bangladesh				
2	The Penal Code, 1860	Act XLV of 1860			7 (but 12 if not mature)
3	The Divorce Act 1869	Act IV of 1869	BC Vol. I	246	16 for boys and 15 for girls
4	The Mines Act 1923	Act IV of 1923	BC Vol. X	5	15
5	The Child Marriage Restraint Act 1929	Act IV of 1929	BC of Vol. XI	77	21 for boys and 18 for girls
6	The Bengal Vagrancy Act 1943	Bengal Act VII of 1943	EPC Vol. VI	247	14
7	The Factories Act 1965	EP Act IV of 1965	EPC Vol. VIII	605	18
8	The Children (Pledging of Labour ) Act 1933	Bengal Act II of 1933	BC Vol. X	184	15
9	The Children Act 1974	Act XXXIX of 1974	26 DLR (BS)	212	16
10	The shops and Establishments Act 1965	EP Act VII of 1965	EPC Vol. VIII	721	12
11	The Majority Act 1875	Bengal Act IX of 1875	BC Vol. II	218	18
12	The Railways Act 1890	Act IX of 1890	BC Vol. III	314	
13	The Guardians and Wards Act 1890	Act VII of 1890	BC Vol. III	292	18
14	The Code of Criminal Procedure 1898	Act V of 1898			
15	The Workmen's Compensation Act 1923	Act VIII of 1923	BC Vol. X	105	15
16	The Naturalization Act 1926	Act VII of 1926	BC Vol. XI	1	21
17	The Suppression of Immoral Traffic Act 1933	Bengal Act VI of 1933	BC Vol. XI	186	18
18	The Payment of Wages Act	Act IV of 1936	BC Vol. XI	300	18
19	The Employment of Children Act 1938	Act XXVI of 1938	BC Vol. X	604	15
20	The Dissolution of Muslim Marriage Act 1939	Act VIII of	PC Vol. 9	716	
21	The Orphanage and Widows Homes Act 1944	Bengal Act III of 1944	EPC Vol. VI	261	18
22	The Minimum Wages Ordinance 1962	Ordinance No XXXIX of 1962	PC Vol. 14	293	18
23	The Tea Plantation Labour Ordinance 1962	Ordinance No. XXXIX of 1962	PC Vol. 14	531	15
24	The Juvenile Smoking Act 1919	Bengal Act No. II of 1919	BC Vol. IX	26	16
25	The Brostal School Act	Bengal Act No. I of 1928	BC Vol. XI	68	16-21
26	The Probationer of Offender's Ordinance 1960		PC Vol. 13	513	16-21
27	The Maternity Benefit Act 1939	Bengal Act No. IV of 1939	EPC Vol. VI	1	18
28	The Births, Deaths & Marriages Registration Act 1886	Act XI of 1886	BC Vol. III	228	
29	The Vaccination Act 1880	Bengal Act No. V of 1880	BC Vol. II	374	14
30	The Mines Maternity Benefit Act 1941	Act No. XIX of 1941	PC Vol. 10	156	18



## The Statutes Related with the Children

**Appendix-E**

Sl.	Name of Statute	Act No.	Reference	Page No.	Age Limit
31	The Special Marriage Act 1872	Act No III of 1872	BC Vol. II	66	18 for boys and 14 for girls
32	The Limitation Act 1908	Act IX of 1908	BC Vol. II	4	18
33	The East Bengal Maternity Benefit (Tea Estates) Act 1950	E B Act No. XX of 1950	EPC Vol. VIII	133	18
34	The Code of Civil Procedure				18
35	The Evidence Act 1872	Act No. I of 1872			18
36	The Contract Act 1872	Act No. IX of 1872			18
37	The Partnership Act 1932	Act No. IX of 1932	BC Vol. XI	153	18
38	The Emigration Ordinance 1982	Ordinance No. XXIX of 1982	34 DLR BS	155	
39	The Suppression of Violence Against Women and Children Act 2000	Act No. 8 of 2000	52 DLR	30	14
40	The Bangladesh Passport Order 1973	P O No. 9 of 1973	25 DLR BS	104	
41	United Nations Convention on the Rights of the Children	1989			
42	ILO Convention on Prevention & Immediate Action for the Elimination of the Worst Form of Child Labour				
43	SARRC Convention on Prevention and Combating Trafficking in Women & Children for Prostitution				
44	Worst form of Child Labour Recommendation (No. 190) 1999	ILO No. 19			
45	Acid Tribunal Act, 2002				
46	Christian Marriage Act, 1872				

<b>Member NGOs of Bangladesh Shishu Audhiker Forum</b>			
<b>Sl. No.</b>	<b>Name of the NGO</b>	<b>District</b>	<b>Phone/ Mobile</b>
1	AKOTA	Gaibandha	0541-282/682
2	ANNESHA	Chittagong	01819102753
3	Action for Human Development Organisation (AHDO)	Kustia	07023-421
4	Adarsha Polly Unnayan Songstha (APUS)	Jamalpur	01711408742
5	Ain O Salish Kendra (ASK)	Dhaka	8315851
6	ALO Shechcha Shebi Polly Unnayan Sangstha	Kushtia	01711284646
7	ANTAR	Dhaka	8123889
8	Action for Social Reformation (ASR)	Jhenidah	045161208
9	Al-Falah Bangladesh	Dhaka	8130827
10	Alliance for Cooperation and Legal Aid Bangladesh (ACLAB)	Dhaka	8129400
11	Aparajeyo Bangladesh (AB)	Dhaka	8115798, 9135969
12	Ashass Mohila Unnayan Songstha	Dinajpur	053161060
13	Assistance for Slum Dwellers (ASD)	Dhaka	9118475
14	Association for Bangladesh Social Advancement (ABSA)	Noakhali	032152660
15	Association for Integrated Socio-Economic Development for Underprivileged (AISEDUP)	Jhenidah	045162616
16	Ananya Kallyan Sangathon (AKS)	Bandarban	036162864, 036162350
17	Association For Social Action and Improvement (ASAI)	Magura	048863590
18	Association for Community Development (ACD)	Rajshahi	880721770660
19	Association for Realization of Basic Needs (ARBAN)	Dhaka	88028122250
20	Association for Rural Development and Studies	Dhaka	9343006
21	Association for Social Development (ASD)	Tangail	011071823
22	Association for Social service and Development	Brahmanbaria	34000851-6207
23	Association for Socio-Economic Development (ASED)	Habigonj	0171975443
24	Association of Voluntary Action for Society (AVAS)	Barisal	0431-54524
25	BASTOB	Dhaka	
26	BIKASH-Bangladesh	Panchagarh	0562-61656
27	Bakultali Mahila Sangshad (BMS)	Kurigram	
28	Balipara Nari Kalyan Samity (BNKS)	Bandarban	0361-62660
29	Banchte Shakha	Jessore	0421-66436
30	Bangla-German Sampreeti (BGS)	Dhaka	9124318
31	Bangladesh Association for Community Education (BACE)	Dhaka	0171783500
32	Bangladesh Association for Social Advancement	Mohakhali	9862468
33	Bangladesh Centre for Development Project (BCDP)	Nawabgang	0781-56241
34	Bangladesh Development Service Center (BDSC)	Dhaka	8121826
35	Bangladesh Institute of Theatre Arts (BITA)	Chittagong	880-31-610262
36	Bangladesh Inter-religious Council for Peace and Justice (BICPAJ)	Dhaka	9141410
37	Bangladesh Legal Aid and Services Trust (BLAST)	Dhaka	8317185
38	Bangladesh Manobadhikar Sangbadic Forum (BMSF)	Dhaka	9141462
39	Bangladesh National Women Lawyers Association (BNWLA)	Dhaka	8125866
40	Bangladesh Protibondhi Foundation (BPF)	Dhaka	415880, 9351625
41	Bangladesh Rural Advancement Through Voluntary Enterprise (BRAVE)	Barisal	04323-8006
42	Bangladesh shishu Kallyan Parishad (Bangladesh Council for Child Welfare-BCCW)	Dhaka	9564257
43	Barendra Advancement Integrated Committee (BAIC)	Chapai Nawabganj	0781-56158
44	Barendra Development Organization (BDO)	Chapai Nawabganj	0172054187

45	Banaful Social Welfare Organization (BSWO)	Chittagong	880-031-652822
46	Bikalpa Unnayan Karmashuchi (BUK)	Barisal	0431-2173346
47	Bonochaya Mohila Kallayan Samity	Khulna	041-731694
48	Bosti Unnayan O Karmo Sangstha (BUKS)	Rajshahi	01711943944
49	Bulbul Samaj Kallyan Sangstha (BSKS)	Jessore	0421-68910
50	Center For Rights and Development (CRD)	Dhaka	9001371
51	Center for Community Development & Research	Rangamati	0351-61211
52	Center for Development Communication (CDC)	Dhaka	9344424
53	Center for Media Research (CMR)	Dhaka	8126758
54	Center for Rural Child Development (CRCDD)	Chittagong	031-2550745
55	Centre for Evelopment Services (CDS)	Dhaka	8111319
56	Centre for Training and Rehabilitation of Destitute Women (CTRWD)	Dhaka	8112213
57	Charkhali Social Development Organization (CSDO)	Patuakahali	0441-63350
58	Chetona Samaj Kallyan Kendro	Shariatpur	9899729
59	Chinnamul Shishu Kishore Sangstha (CSKS)	Dhaka	8618802
60	Coastal Development Organization for Women (CDOW)	Satkhira	0171705409
61	Come To Work (CTW)	Dinajpur	01712041915
62	Commitment for Advanced Learning Society (CALS)	Jhenidah	0451-61192
63	Community Development Association (CDA)	Dinajpur	0531-64428
64	Community Participation and Development (CPD)	Dhaka	9132862
65	DRISTI	Comilla	880-81-67583
66	Darial Union Jana Kallyan Sangstha (DUJKS)	Barisal	0431-2176058
67	Debi Chowdhurani Palli Unnayan Kendra (DCPUK)	Rangpur	0521-67731
68	Deesha Samaj Kalyan Sangstha	Jessore	0421-65312
69	Development Education and Peace (DEP)	Khulna	041-721567
70	Development Organization of the Rural Poor-DORP	Dhaka	9130101
71	Dhaka Ahsania Mission (DAM)	Dhaka	8119521
72	Diganta Somaj Kalayan Samity (DSKS)	Pabna	0732-756234
73	Dustho Mohila Punarbason Kendra (DMPK)	Narail	04823-56229
74	EC Bangladesh	Dhaka	9120040
75	ETU Foundation	Satkhira	9000785
76	Ekota Samaj Kallyan Sangstha (ESKS)	Lalmonirhat	01715385279
77	Forum for Cultural and Human Development (FCHD)	Dhaka	7216270
78	Gharoni	Dhaka	8153226
79	Ghasful	Chittagong	01711820845
80	Gono Kallyan Kendra- GKK	Brahmanbaria	0851-53124
81	Gono Unnayan Prochesta (GUP)	Dhaka	8113216
82	Grameen Development Society (GDS)	Barisal	0431-52719
83	Grameen Unnayan Songstha (GUS)	Comilla	081-69972
84	Grassroots Level Development Programs (GLDP)	Dhaka	8157308
85	Green Bangladesh (GBD)	Chittagong	88-031-637367
86	Habitat and Economy Lifting Program (HELP)	Bagerhat	0468-62634
87	Hanger Free World	Dhaka	8121280
88	Homeland Association for Social Improvement (HASHI)	Noakhali	8111186
89	Human Rights Development Project (HRDP)	Satkhira	0471-64667
90	Human Rights First the Child (HRFC)	Dhaka	88-02-9893494
91	Humanity Welfare Association (HWA)	Khagrachari	0371-62242
92	Integrated Rural Development Foundation (IRDF)	Lalmonirhat	0591-605
93	Integrated Service for Development of Children and Mothers (ISDCM)	Dhaka	8125365
94	Integrated Social Development Effort (ISDE)	Chittagong	031-671727
95	Integrated Village Development Society (IVDS)	Dhaka	9111515
96	Integrated Community Development Association (ICDA)	Barisal	0431-2173088
97	Jagorani Chakra Foundation (JCF)	Jessore	0421-72218
98	Jagorani Jana Kallyan Shanstha (JJKS)	Chapai Nawabganj	55961
99	Jagorani Sangstha	Gopalganj	0171442242

100	Jagruti Unnayan Songstha (JUS)	Thakurgaon	0561-52660
101	Jaintia Shinnomul Sangstha (JASHIS)	Sylhet	08229-88043
102	Jhalakati Development Society (JDS)	Jhalokathi	01716447152
103	Jhanjira Samaj Kallyan Sangstha (JSKS)	Dinajpur	63640
104	Jiban Sandhani Samaj Kalyan Sangstha (JSSKS)	Narayanganj	01711843452
105	Jogajog	Chittagong	622138
106	Jugantor Samaj Unnayan Sangstha (JSUS)	Chittagong	031-613210
107	Jumchab Metta Foundation	Rangamati	0351-62658
108	KNKS (Karapara Nari Kalyan Shangstha)	Bagerhat	0468-62046
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114	Laxipur Dustha Mohila Silpa Songstha (LDMSS)	Rajshahi	0172860585
115	Lead Samaj Kalyan Sangstha	Chittagong	0172248333
116	Light House	Bogra	02-8022706
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119	Love Thy Neighbour (LTN)	Barisal	0431-53944
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121	Madaripur Mahila Unnayan Sangstha (MMUS)	Madaripur	01716141005
123	Maer Anchol	Khulna	041-730946
124	Manab Kallayan Parishad (MKP)	Thakurgaon	0561-53659
125	Manab Unnayan Kendra	Meherpur	0791-424
126	Manab Unnayan Sangstha (MSS)	Dhaka	880-2-9125038
127	Manosika	Lalmonirhat	0591-278/404
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130	Mohila O Shishu Shikha Paricharja kendra (MSSSPK)	Dhaka	9330144
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155	PRODIPON	Khulna	01711-548807
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189	Sangkalpa Trust	Barguna	04455-75122
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233	Srijanshil Shishu Kallayan O Punarbasan Sangstha	Dhaka	01711-137673
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