CHAPTER - V

THE JUVENILE JUSTICE SYSTEM IN BANGLADESH
Juvenile Delinquency has for sometime past been a subject creating much social concern and as such has prompted many investigators and researchers to probe into its causes. The most interesting aspect of the subject of juvenile delinquency is that in very age it has been regarded as a problem peculiar to the contemporary society while the fact is that like adult criminal behaviour it has always existed in some form or the other and there is no apparent reason to expect that it will not remain so in the future. It is therefore necessary that as much meticulous care as is possible is taken to mould the behaviour and outlook at every step and stage. Blind severity in youth tends to produce anti-social attitude in maturity (Ahamed 1966). It is sometimes argued that delinquency is not a criminal status. But this view has been exploded by Paul W. Tappan who asserts that euphemistic terminology such as “hearing” instead of “trial”, or “disposition” instead of “sentence” should not conceal from us the fact the nature of entire procedure may be little different from that of a criminal court but it may be even worse, for it may abandon the fundamentals of justice in the guise of promoting superior justice (Tappan 1951: 170).
Chamberlain's court is the forerunner of our modern juvenile courts. Marine society was established in 1756 with the object of recruiting the active boys to serve on the board of kings' ships as servants. Judges were sending delinquent boys to this society, instead of sending them to jail. These workshops may called our present industrial schools. A prototype of these workshops was later called the House of Refugee for orphans and delinquents. Under the old English laws, a diversity of methods was used by courts to handle children. The English court of chancery dealt with neglected and destitute children.

July 1, 1899, marks the official birth date of the juvenile court. On this date the law became effective at the Circuit court of Cook County (Chicago) in Illinois. This was the 1st recognition of a separate area of legal court for juvenile behaviour. The juvenile court of today can trace its backgrounds to the early English Common Law and to the development of chancery or equity jurisprudence. The common law is unwritten law developed by judges on a case-by-case basis in their application of the customs of the country to individual situations. Chancery jurisdiction, on the other hand, arose from
concern over the property of children. The present day juvenile court has profiled from the differential treatment of children in specialized correctional institutes, as well as from the development of the concept of probation, which had its origins in the use of the suspended sentence.

**A BRIEF ACCOUNT OF SEPARATE TREATMENT MEASURES FOR JUVENILE DELINQUENTS IN INDIAN SUB-CONTINENT**

The juvenile court is a product of social reform, and as Flynn (1954) has stated it, the reformers know and what they wanted is to remove children from the contamination of contact with adult delinquents to extend the protection of the state to delinquent as well as to neglected and dependent children, to provide help for those in trouble. The function of the juvenile court is not of punishment but only to cure the individual. Juvenile delinquents are the most pertinent and pressing problem of the existing society. It touches many homes, affects many juveniles. The Juvenile Justice System tries to remedy discordant social elements.

Juvenile delinquency is not a recent phenomenon, either in Bangladesh, Pakistan, India, or elsewhere in the world. The role of treatment agencies in dealing with juvenile delinquency problem is very important in changing our
A group of addicted youngsters (potential member of *usthabaz* group) engaged in smoking *gaza* (ganja)
The National Institute for Correctional Services, Tongi
society. Today the solution of this problem is a matter of great concern to our community life. It is common knowledge that social manners and customs undergo changes with drift of time. The society, the culture, the norms and values which fondly hugged certain mores as beneficial and sacrosanct at one time gives up them later on as unnecessary elements. As the society evolves from the nonliterate to the civilized state many of its socio-cultural and traditional values undergo metamorphosis beyond recognition. Innocent, innocuous, sacred and inviolable acts are discarded as dreadful, harmful and impious. Normal conduct becomes abnormal. Much valued rituals are despised and ridiculed. In such circumstances, the state, representing the collective will of the society, steps in and enacts laws declaring such acts delinquents, prohibiting commission of those acts and laying down punishments for the transgression of these laws.

"The United Nations" has passed "declaration of rights of children" in this way. "As per provision" a parent should not administer any punishment for any delinquency to a child who is under five years of age. Children of such tender age should be nursed and educated with love and affection only. After the age of five punishment may be given in some suitable form such as physical chastisement or rebuke by the parents. Towards the later half of
childhood however punishment should be gradually withdrawn and replaced by advice from the age of sixteenth up-ward, sons and daughters should be treated as friends by the parents (United Nations 1953:5).

In the Mughal period the executive laws had essentially a religious and ethical and there was no law concerning juvenile delinquency in particular. When British conquered India, the English Law, with certain modifications was applied in the presidency towns of Bombay, Calcutta and Madras, In all other parts of India the courts were mainly guided by Mohammedian law with local modifications(Attar 1964 :5).

An attempt was made in India during the British period to reform the administration of justice as well as improving the condition of children which played an important part in accelerating the evolution of the special legislation and effective ways for dealing with children such an idea inspired the foundation of the David Sasoon Industrial School in Bombay in 1843 to encourage the apprenticeship.

Before the British rule, Hindu and Mohammedan laws were in force in Indo-Pakistan subcontinent, none of these laws had any specific reference to juvenile delinquents (Bhattacharyya 1979:7). A India penal code was
however, drafted the commission but ultimately it did not take place on the India statute Book until assent from the authority (Haikarwal 1934:17). In the beginning of the latter half of the nineteenth century the Government of India felt the need of enacting laws pertaining to children. In 1850 the Apprentices Act was passed as an all India measure. It was the first juvenile legislation in India then the Indian penal code 1860, the first important codified law of the land was introduced. Sections 82 and 83 of the code relate to juvenile delinquents by defining the low age-limit for delinquent responsibility and the operations of the concept of discernment in the case of juvenile delinquents. Further the Criminal Code was enacted in 1861 and modified in 1884 and 1898. Section 29 (B), 399 and 562 of this code related to the treatment of juvenile delinquents.

The first special law dealing directly with the treatment of juvenile delinquents was the Reformatory School Act-1870. This Act provided for discharging of the children on admonition, restoration to parents on band and release on licence. The special feature of this Act was to facilitate transfer of children from one state to another state. It also introduced a separate channel for processing neglected and destitute children through the children welfare
boards. In all other states, juvenile delinquents were sent to prisons dwelling with the adult delinquents.

At the beginning of the twentieth century a movement was gradually gaining ground in the correctional field. In the year 1919 the Indian Jail Committee was set up by the Government of India. This committee played a vital role in passing special laws for the better interest of the children. This committee emphasized the importance of separate treatment of juvenile delinquents for their rehabilitation. One of its recommendations was: "The creation of Juvenile court for the hearing of all cases against children and young persons is desirable and the procedure in such courts should be as formal as elastic as possible".

It further recommended to adopt the British Children Act of 1908 in India. Another of its recommendation which touched upon juvenile delinquency was that juvenile prisoners should be given education. In pursuance of this recommendation, Madras, Bengal and Bombay passed their children Acts in 1920, 1922, and 1924 respectively. These acts made provisions for juvenile court, probation services. Institutional treatment, place of detention and other relevant services congenial to the treatment of juvenile delinquents. These acts also provided preventive services in addition to
remedial measures. Preventive services were provided specially to those who were in need of care and protection. It is worth noting that in Calcutta, as far back in 1914 a juvenile court was established along with a house of detention.

In Pakistan until 1953 the Bombay Children Act 1924 was in force in Sindh and Karachi city only. In all other areas of Pakistan including erstwhile East Pakistan (Bangladesh) the Reformatory School Act 1897 was in operation under the authority of the said juvenile court was, however established in Karachi in 1938 But no reformatory school existed for the young delinquents until 1928 when the Bengal Borstal Act was enacted and a Borstal School was set up in Bankura of undivided Bengal.

The Murapara Borstal School due to the partition of India in 1947, the Borstal School in Bankura came under the administration of the Indian Government. However, the Murapara Borstal School in the District of Dhaka started functioning in 1949. Under the Borstal Act a delinquent between age 15 to 21 years can be detained in the Borstal School for a period not exceeding 3 years.

The Murapara Borstal School had the capacity to accommodate 200 inmates. But it was functioning with slightly more than half of its 200
inmates. The inmates of the school were placed in 4 houses according to their age groups. There were 13 inmates from tender age to 15 years in Pink House. In the Blue House there were 39 inmates aged 15 to 18 years. In the third category called Green House, there were 19 inmates of the age group 18 to 21 and 35 inmates above 21 years ever associated with White House (Afsaruddin 1965:53). The juvenile delinquents after trail in the general court were sent to this school for correction this was, however, the only institute in erstwhile East Pakistan (Bangladesh) in the field of correction. But the arrangement, the training and the staffing pattern of the school were not much satisfactory. Now the Murapara Borstal school is defunct (Ahmadullah et al.1964).

**A BRIEF DESCRIPTION OF THE NATIONAL INSTITUTE FOR CORRECTIONAL SERVICES, TONGI**

A number of laws are in force in Bangladesh dealing with the protection, maintenance and well being of the children. Most of these have enacted during British rule in India, there after adopted in Pakistan and much latter in Bangladesh. However the Bangladesh has enacted a most important law protecting the interest of the children, their well-being and upliftment named “The children (shishus) Act, 1974”. There are some other laws touching the interest and the development of the faculty of the children named

The law securing the interest of the children is scattered in different Acts and statutes as follows:

The sections 82 and 83 of the Bangladesh Penal Code provides that nothing is a delinquency which is done by a child under seven years of age and that nothing is an delinquency which is done by a child above seven years of age and under twelve who has not attained sufficient maturity of understanding to Judge the nature and consequence of the conduct or the occasion.

The National Institute for Correctional Services was established in 1978 with one Juvenile court, One Remand Home and One Training Institute. It started functioning since June, 1978 towards accomplishing the objectives of trial, custody, protection, treatment, and reformation of the juveniles and youthful delinquents under 16 years of age under the provisions of the Bangladesh Children Act, 1974 and the Children Rules, 1976. The ultimate goal is to rehabilitate the delinquent children in the society with worth and dignity.
POLICE AND JUVENILE DELINQUENCY

Juvenile Delinquency is one of the primary concerns of the police. They play very important and sensitive role in the prevention and treatment of juvenile delinquency. Delinquency prevention has been an important part of police work since the independence of Bangladesh in 1971. Police are supposed to secure evidence, effect arrests and present cases in court. Probation officer, Parole officer, Judges and Social case workers are supposed to guarantee the legal rights of the delinquent.

The function of the police in relation to juvenile delinquency may be appreciated in two distinct contexts i.e.a) the duties assigned to them under the juvenile enactments, and b) the activities and programmes for the prevention of delinquency launched by the police departments themselves.

1. Duties under the Acts: Under the Children Act 1974 it is the policeman or officer with whom the neglected or juvenile delinquent has the process commences under the law. The police has been given the discretion to release or not to release a juvenile delinquent on bail after his arrest and before he is being produced before the court. According to the Children Act, the police officer is required to report the matter to the juvenile court and
handover the juvenile into the custody of Remand Home within 24 hours of his apprehension.

2) Other Functions and Activities: The police may keep an eye on potential delinquents and difficult children and act even before the need may arise to take formal cognizance under the legal provisions.

Rough handling in police lock-ups could cause a permanant injury to the juvenile's personality where by the purpose of juvenile justice system is lost at its very first stage. Moreover one of the objectives of the Juvenile Acts is to protect the juvenile getting stigmatized of as a criminal. That is the reason police do not hand cuff the juvenile when he is apprehended. All those who are responsible for bringing children to the notice of the law constitute the “input”. In case of uncontrollable children, it is generally the parents who report the child to the court. But most often, it is the police who are the first point of contact for the delinquent.

JUVENILE COURT

Juvenile Court is intended to provide rehabilitation for persons below a certain age who have committed certain violations, in order to shield juveniles from vengeful punishment and to reform them. It is rooted in social welfare
philosophy (Cherief 1969 : 88). According to the section No 3 of the Children Act 1974, the first juvenile court is interested with the liability of trying cases to the person 16 years of age are charged as of a youthful delinquent prescribed in the section No (n) of Children Act 1974.

The juvenile court is a product of social reform. The function of the juvenile court are as follows:

The Juvenile court can usually assume jurisdiction only upon prima facie evidence that i) a law or statute has been violated by the child or ii) that the child is in a condition of delinquency.

The juvenile court assumes to treatment responsibility for the cases it refers at intake to others, and it retains no treatment jurisdiction in those agencies. The analysis of its operations of the functions of juvenile court requires two separate inquiries, the first in to its legal and administrative function and the second as a treatment agency.

As a legal and administrative agency the juvenile court is as are its one personnel and procedures and the organized social services of the community. The impact of the court as a “community children care agency” is in part dependent upon the portion of the delinquency problems it serves and the
selectivity of its intake that is "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" The children Act 1974, section No.5. In many jurisdictions especially those lacking in unofficial agencies for child care, this is just no way of determining to what extent the court intake and the community load of problem cases coincide. But in jurisdictions in which there are other public and private child care agencies, comparison of their loads compared to court intake and examination of their function as a source of referred to and from the court for treatment can throw some light upon the court share on handling the delinquency problem.

Chart No. 1

ORGANIZATIONAL STRUCTURE OF THE KISHOR (JUVENILE) COURT

MAGISTRATE (First class-1)

 Probation Officer-1 Gro (Government Registration Officer)-1  Prosecution Officer-1  Stenographer-1

   Bench Assistant-1  Literate Constable-1  Office Assistant-1

Source: National Institute for Correctional Services, Tongi
Designed by: Mir Shamsur Rahman
The powers conferred on a juvenile court by the section 4 (e) of the Children Act 1974 is exercisable by a Magistrate of the first class. He/she is assisted by his/her own staff as well as the 4 Social Case Workers of the Juvenile Correctional Institute.

CHARACTERISTICS OF KISHOR (JUVENILE) COURT

The court is visualized as parens patriae (the power of guardianship over persons under disabilities) to act in place of the parents in case of their failure to take proper care of the child or their being, about to supervise and support him. The salient features of the Juvenile court is reflected in the following aspects.

i) Separate hearings for children cases (section 7 and 8 of the Children Act 1974):

The juvenile court meant exclusively for children. The court is either distinct and independent of ordinary courts in terms of personnel or may be parts of the ordinarily courts with widen jurisdiction of section 76 (1 and 2) of the Children Act 1974. The principle that children are to be tried by juvenile court is, however, subject to certain exceptions. For example, a child charged with homicide must be tried by a higher court in Bangladesh (specially in the court of Session Judges), the juvenile court, Tongi does not have jurisdiction
in delinquents punishable with death or life imprisonment. (Section 5(3) of the Children Act 1974).

ii) Informal hearing

The proceedings in a juvenile court are very simple and like a conference taking place between the judge, the members and officers of the court, the parties to the case, other persons directly concerned in the case, parents or guardians of the child and such other persons as the court specially authorizes to be present. The issue in the juvenile court generally speaking is not whether the child committed an alleged offence since that is ordinarily not denied, but why he did so, and what is more relevant is social rather than legal evidence. The report of the social case worker assures great significance in this context (Section 9 (a, b, c, d) of the Children Act 1974).

iii) No right to engage lawyer

Since the procedure and evidence in a Juvenile court are of informal nature and the assumption is that every thing there is done in the interest of the child, there is no right to be provided to have an advocate for the child. But any such mother or female guardian may appear before the court by an advocate or agnate, (Section 13(5) of the Children act 1974).
iv) Protection from legal consequences stigma

The law provides certain safeguards to save the juvenile delinquents from the criminal stigma and from disabilities arising out of the legal consequences of an action by the juvenile court. No report in any newspaper, magazine or news sheet nor any news giving agency shall disclose any particulars of any case of a Juvenile delinquent. That is harmful for future career. (section 17 of the Children Act 1974).

v) Appeals and Revisions

An appeal and Revisions lie if the order is passed by a juvenile court or a Magistrate, a court of session or court of an Additional Sessions Judge or of an Assistant Sessions Judge, to the High Court Division (section 76 of then Children Act 1974).

PROCEDURES

The Juvenile court law assumes that official actions necessary when a child is allowed to have committed a violation of law or is in danger of delinquent behaviour but the chief object is not to administer punishment in accordance with the nature and seriousness of the delinquency. Punishment may be administered but therein considerations are i) the character and age ii)
the living circumstances and iii) the reports made by the social case worker.
The determination of guilt or the degree of guilt is not so important matter as it is in a criminal court. The welfare of the child is of chief concern of the juvenile court of Tongi (section 15 along with sub-section a, b, c, d of the Children Act 1974).

A child is brought into the juvenile court because of alleged delinquent behaviour and a petition is filed on his behalf. The purpose of the hearing is to determine the nature of the delinquents, the circumstances and environmental influences, the conditions of the home and other matters, in order to deal with the child, in the most effective manner. The case may be brought into the Juvenile court of Tongi, by the guardians, the parents, police and other public.

The treatment of a case is determined by the needs of the individual without reference to other actual or potential delinquents. The case may be dismissed or continued the child may be placed in Remand Homes (section 20 of the Children Act 1974), institutionalized or otherwise dealt with as seems best to the court. The court may investigate the institution or home in which a child is placed.
DISPOSITION OF THE CASES

The disposition of the cases and Juvenile court wardship are prescribed in the law, although considerable latitude is provided for the discretion of the Judges (Fredrick 1959). The juvenile courts a part of the judicial system of Bangladesh. It operates under the laws of the country, which specify its jurisdiction procedure and functions, the types of cases to be handled and the disposition of the cases.

The Juvenile cases handled by law enforcement agencies may be classified as:

i) Offences committed by the juveniles for which breaches adults would be punishable by fine or imprisonment;

ii) Behaviour problems, peculiar to children, such as truancy from school, running away from home and in corrigibility and;

iii) Depending, neglect, health, adoption other the types of welfare cases;

AGE LIMITS OF JUVENILE COURT

Some countries designate several age groups for the purpose of differential treatment procures. For instance, in France, juveniles are divided into two main groups; those from 13 to 16 being treated less severely than the juveniles between ages 16 and 18 who have committed, the same kind of
offence. The upper age limit for juvenile court jurisdiction in the Bangladesh ranging from 7 to 16 years old.

**REMAND HOMES**

"The Government may establish and maintain remand homes for the purposes of detention, diagnosis and classification of children committed to custody by any court or police" (Section 20 of the Children Act 1974).

Remand Home has been established in the interest of detention and safe custody of the juvenile delinquents for under trial interim period. The interim period provides adequate opportunities for the social case workers to observe the juvenile delinquents from a scrupulous view-point to take the further initiatives of the well-being of juvenile delinquents.

The main functions of the Remand Homes of Tongi are custody and protection, pending investigation and referred to juvenile court or to other agencies.

It may be noted that many delinquent events or case go beyond the notice of the police or are not generally recorded with the police as per the scope provided by the Bangladesh Children Act, 1974 under section 33. Therefore, some estimation of the situation of delinquency in the country may
also be attempted based on the statistics lying with the juvenile court or with the National Institute for Correctional Services.

Table - 5.1 : Number of boys Remanded, placed for correction at the Institute and granted probation by years since the inception of the Institute.

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Year</th>
<th>No. Remanded by Categories</th>
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<th>No. Placed for Correction by Categories</th>
<th>Granted Probation</th>
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<td></td>
<td></td>
<td>Guardian Police Total</td>
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<td>Guardian Police Total</td>
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<td>1</td>
<td>1978</td>
<td>54 00 54 049 00 49 02</td>
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<td>2</td>
<td>1979</td>
<td>45 07 52 039 00 39 05</td>
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<td>3</td>
<td>1980</td>
<td>128 20 148 076 15 91 05</td>
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<td>4</td>
<td>1981</td>
<td>196 27 223 142 09 151 05</td>
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<td>5</td>
<td>1982</td>
<td>177 147 324 146 66 212 15</td>
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<td>1983</td>
<td>344 65 409 249 43 292 08</td>
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<td>562 11 573 334 22 356 05</td>
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<td>1988</td>
<td>310 32 342 173 15 186 15</td>
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<td>12</td>
<td>1989</td>
<td>294 23 317 205 26 231 00</td>
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<td>13</td>
<td>1990</td>
<td>246 20 266 177 01 178 08</td>
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<td>279 25 304 211 44 255 08</td>
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<td>1993</td>
<td>341 44 385 258 46 304 12</td>
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<td>279 76 355 197 33 230 06</td>
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<td>19</td>
<td>1996</td>
<td>257 113 370 176 37 213 14</td>
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<td>20</td>
<td>1997</td>
<td>110 21 131 70 05 75 09</td>
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<td>(upto May)</td>
<td>5357 815 6172 3750 4 67 4217 159</td>
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<td>Source: National Institute for Correctional Services, Tongi.</td>
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</table>
A great majority of the boys were remanded at the institute on the request of the concerned guardians under section 33 of the Children Act 1974. Therefore, the situation seems to be alarming when considered in view of the relative inability of the guardians to control the children.

TRAINING INSTITUTE AND HOUSES

After trial if a juvenile delinquent is found guilty of delinquency the court depending on the merit of the case either orders for probation under the supervision of a probation officer or commit him to the Training Institute for Correctional and Rehabilitation indicating a time span.
ORGANIZATIONAL STRUCTURE OF THE INSTITUTION

SUPERINTENDENT-1

ASSISTANT SUPERINTENDENT-1

SOCIAL CASE WORKER-4

GRADUATE TEACHER-2

HOUSE PARENT-2

STORE KEEPER-1

RECORD KEEPER-1

HEAD GUARD-1

GUARDS-12

OFFICE ASSISTANT-1

(LOWER DIVISION CLERK)

ORDERLIES-10

DRIVER-1

MLSS-2

Source: National Institute for Correctional Services, Tongi
Designed by: Mir Shamsur Rahman.
At the institutional level the success and failure of the rehabilitation programmes is dependent on the organizational structure and staff of the social reformatory institutions. At the institutional level the Superintendent is the head and he is responsible for the day to day operation of the institution as well as the policies of the institution. He is assisted by administrative and maintenance personnel, custodial, supervisory personnel and treatment personnel. The Assistant Superintendent assists Superintendent in running the institution. He is helped by administrative staff consisting of Social Case Workers, House parents, Head Assistant cum Accountant, Steno-Typist, Office Assistant and the maintenance staff of the institution consists of Store Keeper, Head Guard, Orderlies, MLSS, Cooks, Record Keepers, Sweepers and Gardeners.

The custodial or supervisory staff is responsible for security and maintaining control over inmates. This staff supervises daily schedules and routines, and monitors the movement of inmates within the institution. “Any person to whose care a child is committed under the provisions of this Act shall, while the order is in force, have the like control over the children as if he were his parent, and shall be responsible for his maintenance, and the children shall continue in his case for the period stated by the court
notwithstanding that he is claimed by his parent or any other person". (72 of the Children Act 1974). The primary responsibility of supervisory staff is the "head count", which means determining whether the entire inmate population is within the confines of the institution. The supervisory staff mainly consists of Head Guard, Orderlies, Guard, Literate-Constable and House Parents.

The treatment-staff are responsible for instructional and rehabilitation programmes in the institution. The staff generally consists of Social Case Worker, who is assisted by Graduate Teachers, Assistant Teachers, Vocational Training Instructors, Physical Training Instructor and Religious Teacher. The successful treatment programme will achieve the ultimate aim of institutionalization i.e., rehabilitation of the juvenile.

The competent authority decides, under the Children Act 1974, that when a children's own home is not healthy enough to make him a law abiding citizen, then he is sent to social reforming institution. The institution acts as substitute home and the staff of the institution act as substitute parents. The rehabilitation of the children is possible when the institution satisfies some basic needs of the children. Now let us examine the role played by the
National Institute for correctional Services, Tongi in performing their functions with existing facilities.

LOCATION, PHYSICAL FEATURES AND LIVING CONDITIONS IN THE INSTITUTE

The National Institute for Correctional Services was established in first June 1978, is located in the Tongi Industrial Area, near Dhaka Metropolitan city, The physical characteristics of the Institute are-

i) The whole compound of the Institute-3 acre 71 decimal.

ii) 8 (Eight) buildings. (Admin-1, Juvenile Delinquent Dormitory-1, Officer’s Quarters-2, 3rd and 4th class employee’s Quarters-2, Barrack Tinshed-1, Another-1).

iii) Other Small-size building-5 (Guardroom-1, Pump House-1, Garage-1, Others-2).

According to the section 21 of the Children Act 1974 a minimum standard of accommodation will be provided for the inmates in the dormitory, class room, workshop, playground with proper care. (The Government may prescribe conditions subject to which any training institute, industrial school, educational institution or approved home shall be certified or recognized as the case may be for the proposes of this Act).
The dormitories where the inmates sleep are divided into 4 Houses. The name of the Houses are-i) Bangabandhu House, ii) Shera Bangla House, iii) Nazrul House and iv) Vawal House. Sufficient sleeping accommodation is not available. Because 4 cots are placed in each room. This type of system creates congested atmosphere.

There is no electric fan in the room. On the other hand electrical lines are not well furnished. There is no individual switching system. In time of garamkal (summer) the life of the inmates become miserable for the sultry weather.

The inmates are deprived of adequate opportunities to show their latent talency in the field of games and sports. The opportunity what they get is not sufficient. Mentionable there is a football field (cricket field and a badminton court) within the boundary of the Institute. But lack of proper initiatives by the concerned authority the inmates are unable to enjoy the recreational facilities.

In the Houses of the Institute it is found that there is a great paucity of pure drinking water. Bathing, cleaning plates and other washable acts are done by the same water that is used for drinking.
MEDICAL FACILITIES

According to the section 24 of the Children Act 1974, "any registered medical practitioner empowered in this behalf by the government may visit any certified institute or approved home at any time with or without notice to its managers or other persons incharge there of in order to report to the chief Inspector on the health of the inmates and the sanitary condition of the certified institute or approved home". But it is evident that the quality of medical equipments used in the Institute is poor quality. There is a part-time medical officer in this institute. He comes three days within a week but his actual attendance to the Correctional Institute is absolutely poor to mention.

There is no separate inpatient ward in the Institute. There is a full time compounder and a male nurse. It is found that the inmates of Tongi Correctional Institute suffer mostly from scabies, viral fever, due to the presence of unhygienic conditions in the environment and the institutional toilets, bathrooms where the disinfectants like phenyle is not used by the sweepers. The inmates do not get any emergency medical facilities.

According to the opinion of a social case worker of this institute, "Tk. 20 has been allotted for each inmate for the medical treatment per month, but barboths (Twelve-ghosts) are grafting the amount."
CORRECTIONAL SERVICES AND PROGRAMMES

There is no specific and well conceived plan for the observation of the newly admitted boys. The observation of the inmates is neither systematic nor scientific nor made in the true spirit of understanding and helping them to rehabilitate as law-abiding citizen. The programmes and services offered in the institute lack variety and are of very poor quality due to limited infrastructural facilities, and also due to indifferent attitude of the staff altogether. This makes reforming the newly admitted inmate a sheer exercise in following the rules rather than a meaningful effort in the direction of reforming and rehabilitation of the children.

The social case worker plays a very vital role in the correctional programmes and services of the institute. Here it is found that all the social case workers of this institute are female and Masters in different disciplines. The main role of a social case worker is to observe the way the inmate is adjusting to institutional environment, to review the programme made by the inmates in respect of conduct behaviour, attitude and outlook. A social case worker maintains case histories of inmates, supervises and controls organization of the games, drill, functions and all other extra curricular activities. She also plays an important role in understanding why children
behave in such a way and assisting the Superintendent in selection of proper educational vocational and other programmes for the inmates.

It is found that the case workers are burdened with the paper-works and indifferent towards the inmates of the institution. The written works are not a better proof of imperceptible working attitude because most of the case sheets are filled up by the institutional office staff go to futile. Thereby individualized treatment is neglected and proper diagnosis is not carried out before starting the treatment programme.

EDUCATIONAL FACILITIES

Education is imparted in the institution up to V standard level as per the Government syllabus with the special permission of the Dhaka Board they have started classes up to X standard. Apart from this the inmates are trained for appearing Secondary School Certificate Examination 1998 with the special permission of the Open University, Gazipur. In the institution there is a provision of sending some inmates for regular studies in outside schools after studying their aptitude, merit and previous educational records. It is evident from observation that all the inmates who are admitted into the institution are not getting the benefit of this facility, because most of the
inmates come from the lower crust of the society where education does not work as a significant phenomenon. A very few boys are sent to the outside school for further education because the authorities feel that the inmate may escape. Whereby it is shown that the institutional authorities failed to win the confidence of the inmates. These boys are dependent on the institutional authorities for love and affection and when they are not satisfied, the thoughts of escaping arise.

The teaching aids in this institution are quite primitive and are of poor quality. Teaching aids like blackboard, benches, tables, charts, picture cards and models are lacking and not used properly where they are available. They issue book, adequate slate (paper) etc., when there is inspection or visitors visit the institution. It is found that the teachers follow traditional and outmoded method of teaching and follow the syllabus of yore prescribed by the Government. But they should help children in developing proper attitude for studies by being more practical, imparting more interesting and stimulating knowledge whereby it may go along way in supplementing the efforts of the professional staff.
RELIGIOUS EDUCATION

Towards overcoming the restlessness, frustration, recidivism and moulding them law-abiding citizen of Bangladesh, the institutional authority impose religious bindings upon the juvenile delinquents. All the inmates of this correctional institute enjoy religious freedom. “Religious activities extirpate criminal attitude” is the ideal source of introducing religious bindings upon the inmates. Religious festivals are observed with due pomps and solemnity irrespective of religions.

VOCATIONAL TRAINING FACILITIES

The aim of vocational training programmes in the institution is to facilitate employment opportunities available in the community for their rehabilitation. And also to enable them to develop vocational skills so that when they venture out of the institution they might be able to stand on their won legs. Most of the school dropouts who have no further interest in studies, illiterates who are found sufficiently old for admission into educational classes are imparted training into different vocational trades like Automobile, Carpentry, House-wiring and Tailoring.
It has been observed that the training imparted in vocational programmes are outdated and traditional in nature. Four trades such as Automobile, Carpentry, House-wiring and Tailoring are arranged. A vocational training programme to be effective needs to be aligned not only to individual or personal need but also to the market demand in the community. A child in a particular trade should be sent taking into consideration about the paribars (families) occupational background, basing on their aptitude, capabilities. The quality of vocational training is of very poor quality because there is no prescribed syllabus by the government and the teachers follow their own way of imparting training. In training the instructors are constrained to allow the training to do the main technical operation for the fear of the material being spoiled. Without wastage it is impossible to produce a skilled craftsman in trade. It is found that upkeep and maintenance of the tool and equipment is in a very bad shape. When it was referred to authorities they say it is all due to financial constraints in the institution. Supply of raw material for various trades is not only inadequate but also irregular. Actual the vocational training programmes do not contribute much to the rehabilitation process of the juvenile delinquents.
SOCIAL EDUCATION

For the purpose of familiarization with socio-cultural norms and values to the juvenile delinquents, the concerned authorities have undertaken a massive initiative. It is visible among the inmates that i) the juniors obey respectively orders of the senior, ii) the system to pay respect to the olders by exchanging own religious protha (custom). iii) every seventh and twenty second instant, Parent-days are fixed. On the days parents meet with the inmates and give time-befitting guidance and advice for the well-being of their future.

RECREATION FACILITIES

The recreation may be in the form of Radio, Television, Library, Music, Indoor and outdoor games etc. Recreational facilities in the Correction Institute provide an opportunity for the youngster to have a good time and also it provides an outlet for sublimation for their energies and impulse. Recreation plays a vital role in a treatment programme of Correctional Institute, because it teaches youngster to utilize time in a constructive manner and helps them in modifying attitudes and behaviour. There are several activities within recreational facilities. Firstly, a weekly cultural function is organized in a regular basis in the auditorium of the institute. Secondly the
Researcher with the Superintendent, Social Case Workers, Houseparents and Probation Officers of National Institute for Correctional Services, Tongi
Drama staged by the inmates of the National Institute for Correctional Services, Tongi
inmates get a little bit of opportunity to be engaged in indoor as well as outdoor games. Thirdly the institute, is supposed to have a library facility. But it is observed the institute has a library in a meagrely position. Thus the children are not offered enough facility for acquiring extra knowledge by reading books and magazines.

During the holidays most of the inmates involve in cleaning the premises, washing their cloths and viewing Television for a short time. There is a 20” sonny colour Television at the auditorium of the inmate dormitory. Every Thursday of a week group-counselling is held. The inmates exchange their views during the time of group counselling.

Most of the inmates of this institute suffer from claustrophobia being confined 24 hours within the four walls of the institute. Inmates are taken for outing very rarely. When the competent authority releases the inmates on the expire of the period of the stay inform the parents or guardians of the probable date of his release.

Besides all these programmes, there are some other important activities that also need special mention. These are:
MANUAL LABOUR

It is the bounded duty to inmates to be participated in manual work everyday, within the campus of the institute, they pay their manual labour behind of cleaning bathroom, toilet, and vegetable garden. Manual labour changes the roseate viewpoint of life style. It helps them to pay esteem attitude to the dignity of labour and self-reliance.

VICTUALS AND APPARELS

After placement every inmate is provided with set of apparels and proper victuals.

YEARLY PICNIC

Every year on the 16th December, the noble Victory Day, the yearly picnic is organized on the joint financial contribution of the staff of the institute and the inmates.

GUARDIAN'S CONVENTION

Every after two or three months, guardian’s convention takes place in order to exchange ideas, views and suggestions between the guardians and
the Institute authorities which immensely helpful to decide jointly the future plan and initiative congenial to the inmates.

**LEAVE PROVISION**

Usually an inmate after the completion of two-third of the term can enjoy leave. But he may also enjoy the same on account of certain emergency situation like the death or severe malady to the nearest and dearest ones.

**RELEASE**

After the completion of full term or even before an inmate may be released if it is found that he has improved himself upto satisfaction.
Routine No.1: DAILY ROUTINE OF THE INMATES

i) 05:00 - 06:00 Giving up bed and engagement in saying prayer (Fazar Namaj).

ii) 06:00 - 06:45 Physical Exercise.

iii) 07:00 - 07:30 Breakfast.

iv) 07:30 - 09:00 Manual Work

v) 09:30 - 13:00 Schooling.

vi) 13:00 - 13:10 Saying Prayer. (Zahur Namaj)

vii) 13:10 - 14:00 Lunch.

viii) 14:00 - 17:00 Vocational Training.

ix) 17:00 - 17:10 Saying Prayer. (Ashor Namaj)

x) 17:10 - Upto Sunset - Indoor games/ Outdoor games.

xi) To say prayer (Magrib Namaj)

xii) Supper.

xiii) Upto 22:00 Preparation time for lessons, saying prayer (Esha Namaj), retiring to bed, witnessing TV, if needed.
INMATE'S WORLD

When juveniles enter into the Correctional Institute they find themselves in an unknown environment, where formal authority and control rests with the staff. Inmates are instructed about the formal rules of the institution by the staff and learn to obey them. There is superior and inferior relationships between the staff and inmates which insulates the staff world from the inmates world. The inmates in the Tongi Correctional Institute develop peer centred sub-culture and are passed on to each new set of inmates as they enter and become socialized into the institution. It is this sub-culture which has primary influence on the lives of juveniles while is in institution. With this it is evident that the staff control the institution and the inmates control each other, through a common system of values, attitudes and norms developed by older, bigger inmates, who are considered to be powerful in the inmates world.

When a new juvenile enters into Tongi Correctional Institute, his strength and weaknesses are tested by older juveniles on how he responds to the physical challenges depending upon the personality and behavioral orientation and factors which are brought into the institutional setting. Then
he is assigned his position in the inmates world. Depending upon his contacts with high status friends in the outside world.

The researcher examined the inmate social system of the *kishor apradis* (Juvenile delinquents) and described as a diamond shaped status hierarchy. The researcher has used the diamond shaped hierarchy taking the symbolic assistance from William B. Waegel (1989 : 214).

**INMATE SOCIAL SYSTEM**
At the top are the “khobjaira” where they set the tone within group and exercise control over other inmates. Conformity norms is enforced by this top clique through threatening and physical aggression. Beneath them are “khachhor”, whose status rests on their verbal abilities and their role in instigating and organizing delinquent activities within the institution (e.g. gambling). Similar to khob jaira, they manipulate and exploit the low-status inmates. In the middle are “niriho”, who cope with their incarceration by staying in the background and avoiding trouble. They too maintain emotional distance from the staff and cooperate with “khob jaira” at the top. At the bottom of the pecking order are “habagoba” and “faltho”. Verbally derogated by their peers as “punks” and “queers”, they are exploited and preyed upon by higher-status inmates, Thus this diamond shape hierarchy is a common feature of the Correctional Institute, in Tongi.

Mobility from one status to other is determined by the leader of the inmates. Moreover, the inmate code stresses the necessity of developing and maintaining social distance and he should always take the side of inmates against staff, police and manipulate the staff members of the institution. The “khob jaira” exploit the “habagoba” and “faltho” in the form of bullying or homosexual acts. It was reported by a majority of the boys that homosexual
activities were prevalent among the members of the inmate groups in addition to many other sex perversions (Sarker 1988: 156). Thus the inmate has to learn to cope with rules and expectations of formal and informal system of codes. Within the inmates world, the inmate suffers from personal defacement and personal disfigurement and they are disposed of their previous roles.

**NUMBER OF INMATES AND ATTITUDE OF INMATES TOWARDS INSTITUTIONAL STAFF AND FACILITIES**

1) Most of the inmates of Tongi Correctional Institution are brought against their will (Guardian case), hailing from poverty stricken, or *bustee* (slum) areas. Either they ran away or neglected by their parents. Now we can see the nature of cases filed against Juvenile delinquents in this Correctional Institute. (This figure has obtained in 18th August '97).

**TYPE OF CASE**

Table No. 5.2: Distribution of types of cases in the Houses of National Institute for Correctional Services, Tongi

<table>
<thead>
<tr>
<th>TYPE OF CASE</th>
<th>Name of the Houses</th>
<th>Bangabandhu</th>
<th>Shera-Bangla</th>
<th>Nazrul</th>
<th>Vawal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Police</td>
<td></td>
<td>03</td>
<td>36</td>
<td>18</td>
<td>05 = 62</td>
<td></td>
</tr>
<tr>
<td>(b) Guardian</td>
<td></td>
<td>24</td>
<td>19</td>
<td>16</td>
<td>25 = 84</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>27</td>
<td>55</td>
<td>34</td>
<td>30</td>
<td>146</td>
</tr>
</tbody>
</table>
According to the above table, the highest number of inmates come from the source of Guardian case. But the source of police case is not insignificant or negligible. The highest number of inmates live-in Shera Bangla House. The significant number of inmates those who come from the source of Police Case live in the Shera Bangla House).

2) Again we may be acquainted with the nature of delinquency the boys were generally charged with. Investigation conducted on the relative frequency of offence of those accused by police and those accused by guardians reveals the following picture.
Table No. 5.3: Percentage Distribution of juvenile delinquents at Tongi correctional Institute by the nature of offence, as accused by police and Guardians.

<table>
<thead>
<tr>
<th>Police Case</th>
<th>Nature of Offence</th>
<th>No. of juvenile delinquents (in %)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Theft</td>
<td>86.67</td>
</tr>
<tr>
<td></td>
<td>Murder</td>
<td>6.67</td>
</tr>
<tr>
<td></td>
<td>Smuggling</td>
<td>6.67</td>
</tr>
<tr>
<td>Total :</td>
<td></td>
<td>(N = 30)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Guardian's Case</th>
<th>Nature of Offence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Keeping bad company</td>
</tr>
<tr>
<td></td>
<td>86.76</td>
</tr>
<tr>
<td></td>
<td>Stealing property from own paribar</td>
</tr>
<tr>
<td></td>
<td>79.51</td>
</tr>
<tr>
<td></td>
<td>Truancy</td>
</tr>
<tr>
<td></td>
<td>85.51</td>
</tr>
<tr>
<td></td>
<td>Stealing other's Property</td>
</tr>
<tr>
<td></td>
<td>16.87</td>
</tr>
<tr>
<td></td>
<td>Smoking</td>
</tr>
<tr>
<td></td>
<td>50.60</td>
</tr>
<tr>
<td></td>
<td>Visiting Cinema halls</td>
</tr>
<tr>
<td></td>
<td>71.00</td>
</tr>
<tr>
<td></td>
<td>Drinking alcohol</td>
</tr>
<tr>
<td></td>
<td>9.60</td>
</tr>
<tr>
<td></td>
<td>Gambling</td>
</tr>
<tr>
<td></td>
<td>30.12</td>
</tr>
<tr>
<td></td>
<td>Robbery</td>
</tr>
<tr>
<td></td>
<td>2.40</td>
</tr>
<tr>
<td></td>
<td>Hijacking</td>
</tr>
<tr>
<td></td>
<td>1.20</td>
</tr>
<tr>
<td></td>
<td>Pick-pocket</td>
</tr>
<tr>
<td></td>
<td>2.40</td>
</tr>
<tr>
<td></td>
<td>Illicit Sex involvement</td>
</tr>
<tr>
<td></td>
<td>10.65</td>
</tr>
<tr>
<td></td>
<td>Violation of peace norm</td>
</tr>
<tr>
<td></td>
<td>3.61</td>
</tr>
<tr>
<td>Total :</td>
<td>(N = 83)</td>
</tr>
</tbody>
</table>

* This total exceeds 100 because one could be accused of several aprads at the same time.
From the above information we find the offenders to have been involved in activities covering offences against person, against property, against conduct standard and offences like gambling or prohibition (Mia 1983: 112).

3) The discussion with the 72 inmates regarding their opinion on the facilities available in the Correctional Institute and the treatment they received from the staff, brought to light the following facts.

Table No. 5.4: ATTITUDE OF INMATES TOWARDS INSTITUTIONAL FACILITIES AND STAFF

<table>
<thead>
<tr>
<th>Attitude of inmates towards the institutional facilities and staff</th>
<th>Total number of respondents</th>
<th>% (percentage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Good</td>
<td>34</td>
<td>47.22</td>
</tr>
<tr>
<td>(b) Average</td>
<td>18</td>
<td>25.00</td>
</tr>
<tr>
<td>(c) Bad</td>
<td>20</td>
<td>27.78</td>
</tr>
<tr>
<td>Total:</td>
<td>72</td>
<td>100.00</td>
</tr>
</tbody>
</table>

From the given Table, it has been observed that 47.22% of the inmates are satisfied with the facilities available and treatment meted out by institutional staff towards them. Followed by 25% of inmates who are some
what satisfied. And 27.78% of the inmates are not satisfied with the given facilities of the institute.

Staff- Staff Relationships in the National Institute for Correctional Services, Tongi.

The study revealed that most of them work in a typical bureaucratic way. Conflicts and rifts between superiors and sub-ordinates are a common feature and salient job-rivalry also visible in this institute. Further there is lack of co-ordination among staff of various departments within the Correctional Institute. Since there is no special training on juvenile delinquency and delinquents of the concerned authorities so they handle this complicated matter like a layman. Internal administration most of the time face confusion and stagnancy. Dynamic approaches are absent in the activities of the official staff. Systematic division of labour is not found in their activities or processing of various files, as well as administrative mechanism. There are number of informal groups based on the class of service, salary scale, localism, political support and thereby these differences act as impediments to the successful functioning of the institute.
Apart from the police, other authorised persons such as parents bring a child to the court. A very large number of cases are found as 'guardian cases'. The formal juvenile justice system is to be helpful and rehabilitative rather than punitive but in fact the distinction is often disappeared not always only because of the limits of knowledge and technique. The various aspects of the programmes such as education, vocational training, health, recreation etc., are not carried out properly.

The next chapter focuses on the indigenous preventive and correctional mechanisms.