

**DISSERTATION
ON
Crimes By Street Children: A Critical Analysis**

**Course Title: Supervised Dissertation
Course Code: LAW 406**

Submitted To:

Sk. Md. Habibullah
Senior Lecturer
Department Of Law
East West University

Submitted By:

Asif Mohammed
ID- 2018-2-66-005
Programme - LLB (Hons)
Department of Law
East West University

Date of Submission:

10 September 2022

Acknowledgement:

First, I would like to convey my gratitude to Dr. Md. Mehedi Hasan, (Assistant Professor and Chairperson, Department of Law, East West University) for giving me such an opportunity to do this research work. I am also incredibly grateful to my supervisor Sk. Md. Habibullah, (Senior Lecturer, Department of Law, East West University) for helping me to choose the topic for my thesis. I will remain ever grateful for his continuous guidance, patience, effort, advice, and effective suggestions throughout the research. Despite my initial shortcomings and unskilled or inexperience in legal research, his guidance for my work has been essential for completing this thesis. I am wholeheartedly grateful to him for all his efforts. I would like to thank Adity Rahman Shah, (Senior Lecturer, Department of Law, East West University) who gave me the basic knowledge during Criminal Law 1 course and Monira Nazmi Jahan, (Senior Lecturer, Department of Law, East West University) who gave me the best knowledge of her when I was doing the course of Criminal Law 2. I also want to thank respected Md. Pizuar Hossain (Senior Lecturer, Department of Law, East West University) who gave me the basic knowledge during Constitutional Law 1 course and Mohammed Ataul Karim (Former Senior Lecturer) who gave me the practical knowledge when I was doing Constitution Law 2. And finally, I want to thank my parents for the indefinable efforts they have given in my welfare, my studies and my past and future.

Declaration:

I hereby certify that the thesis has been composed solely by me and that it has not been submitted, in whole or in part, in any previous application for a degree. I declare that to the best of my knowledge and belief it does not contain any material previously written or published by another person except where due reference is made in the text.

Signature

Asif Mohammed
ID: 2018-2-66-005

Abstract:

This research work mainly deals with a critical analysis about street children crimes, nature of street children crimes and emergence of street children crime and prevention of street children crime. Many Articles of the Constitution of the People's Republic of Bangladesh 1972, The Penal Code 1860, The Children Act 2013 and special laws ensure to guarantee certain basic rights of the street children. In addition, this paper also discusses particular standards of international instrument for the rights of the street children and comparative discussion with the laws of Bangladesh. The laws of Bangladesh guarantee all the basic rights of the street children but implication rate of law is so rare. In this research paper, I tried to narrate the real situation of rights of street children and outline some recommendations and give suggestions which is the most important to ensure street children well and furnished environment. Finally, I concluded this paper with a short summary of the key issues. This research paper has been prepared on the basis of a qualitative research. The secondary resources of this study such as the legal statute, books, journal articles, and newspaper reports have been applied.

Abbreviations

Bangladesh Institute of Development Studies	BIDS
Convention on the Rights Of Children	CRC
National Children Policy	NCP
National Task Force	NTF
Non-Government Organizations	NGO
Universal Declaration For Human Rights	UDHR
International Covenant for Civil and Political Rights	ICCPR

Contents

Chapter-01	7
1.1 Introduction:	7
1.2 Research Methodology:	7
1.3 Research Question:	8
1.4 Scope and Aim:	8
1.5 Limitation:	8
Chapter:2	8
2.1 Definition Street children:	9
2.2 Types Of Street Children:	9
2.4 Factors for Emergence of Street Children Crime:	10
2.5 Process of Criminalizing the Street Children.	11
CHAPTER 3:	12
3.1 Organized crime by Street Children :	13
3.2 Street Children Gang Culture Crime:	15
Chapter-04:	15
4.1 Criminology and Criminology Theories Perspective For Street Children Crime:	16
Chapter 05:	19
5.1 Street Children Law and Rights according to National Legislation:	19
5.2 Street Children Rights and Law Under International Legislation:	22
Chapter 06	23
6.1 Suggestions For Eliminating street Children Crime	23
Conclusion	24
Bibliography	25

Chapter-01

1.1 Introduction:

Street children are visible in almost every country in the world. They stay in the street, not their wish. They live on the street because of some difficulties in their life. In Bangladesh, street children are estimated at 15 lakhs according to the Bangladesh Institute Of Development Studies (BIDS).¹ By living in the street, they engaged in criminal activities. Sometimes they engage in crime by their own will but maximum time they commit crime by syndicate criminal groups. The syndicate criminal groups engage street children in crime as they are vulnerable in nature. Majority of street children want to be free from committing crime but there is no available protection for them. There are many national and international laws and provisions for street children, but maximum time it cannot be executed properly. Famous Researcher Sally Atkinson-Sheppard says that street children are involved in crime for surviving their lives and worst form of child labor for street children is organized crimes.² Dena Aufseeser defines that facing violence is a common factor to the street children's everyday life and street children are recognized as a marginalized class by the society. One of the Renowned writers Ennew says that street children are viewed out of society, and nobody is interested to give them minimum rights.³

1.2 Research Methodology:

The research paper is combined with both qualitative and quantitative and also practical nature. It attracts field work, interviews, journals, articles, books, publication, law, survey, leading case, published research work and other online sources. Primary and secondary both data are attached in this research work. Primary data is about field work and interviews that are all about physical nature by face to face. Secondary data is based on books, journals, articles, leading laws, publication etc. It also refers to many national and international organizations and international laws as it is connected to research papers. The research area is specially in Dhaka city because

¹ Sally Atkinson-Sheppard, 'When crime is best of many options' (*DEVELOPMENT AND COOPERATION*, 03 March 2018) <<https://www.dandc.eu/en/article/street-children-are-involved-organised-crime-bangladesh#:~:text=They%20carry%20 weapons%2C%20sell%20 drugs.victims%20nor%20full%2Dbrown%20 criminals>> accessed 30 June 2022.

² Sally Atkinson-Sheppard, 'A rough life: exploring the involvement of street children in organised crime in Dhaka, (LSE 4th April 2018) <<https://blogs.lse.ac.uk/southasia/2018/04/04/a-rough-life-exploring-the-involvement-of-street-children-in-organised-crime-in-dhaka/>> accessed 30 June 2022

³ Dena Aufseeser, 'Street Children and Everyday Violence' (*Research Gate* 2017) <https://www.researchgate.net/publication/314266714_Street_Children_and_Everyday_Violence#pf12> accessed 30 June 2022.

maximum street children stay in Dhaka. Those children who are engaged with crime are included in the research paper, those who have not committed crime are excluded from research.

1.3 Research Question:

1. Why are street children involved in crimes?
2. What are the consequences of street children crime?
3. How can street children be free from it?

1.4 Scope and Aim:

The Scope and Aim of the research paper is given below.

- v To expose reasons why the street children engaged in criminal activities
- v To show about their criminal activity's consequences.
- v To Provide legal protection for stopping crime.

1.5 Limitation:

The limitation of this research paper is the resources are not available. Many of the laws are not updated releasing the present situation. Many Street children are not interested in giving their personal information and some of the time they give false information. There are no specific organizations to provide information about street children crime also case laws are not available in the book and website as a result no specific data has not been shown. Field work is not satisfactory due to time shortage. Many websites relating to street children crime don't access due to restrictions of the website and books are not available on offline and online.

Chapter-2

2.1 Definition Street children:

There is a complexity about street children definition worldwide. But some factors are common: they are homeless, depend on the street for livelihood, identity crises, deprived of parental supervision. Among the elements, it defines that street children are those who are generally poor and homeless; their livelihood is connected to the street directly and have no specific place for identity.⁴ Street children live in the city. In train stations, bus terminals, launch terminals, under foot over bridges they live because in that place there are opportunities to earn little money. As they are illiterate and not strong in physical nature, they are used to doing little work, so the train stations, bus terminals, and launch terminals are the best places for them to live.⁵

2.2 Types Of Street Children:

Usually, there are three types of street children.

- I. Street Living Children: They generally pass their time in the street, and they have no connection with their family because of physical and mental torture and they live on the street.
- II. Street Working Children: They generally pass their time by working on the street to earn money. They have a home to sleep in as they don't sleep on the street.
- III. Street Family Children: In this child they live with their family on the street.⁶

2.3 Street Children Crime Nature:

Every kind of crime committed by street children. It is an alarming indication for a country. Stealing food is common for street children. All street children commit stealing foods. The next mentionable crime by street children are drug addiction and drug dealing. Almost all street

⁴ 'ABOUT STREET CHILDREN' (CONSORTIUM FOR STREET CHILDREN 2019)
< <https://www.streetchildren.org/who-we-are/> > accessed 23 June 2022

⁵ 'Street Children' (Humanium) <<https://www.humanium.org/en/street-children/#:~:text=Street%20children%20are%20minors%20who,or%20can't%20return%20home>> accessed 23 June 2022

⁶ Kazi Murad Hossain, 'Protection Of Basic Human Rights Of Street Children;BangladeshPerspective' (The Law Bridge Publishers, September 15,2020)
<<https://thelawbrigade.com/human-rights/protection-of-basic-human-rights-of-street-children-bangladesh-perspective/>> accessed 26 August 2022

children are involved in this crime. Drug dealing and addiction are common crimes by street children.

Besides, extortion, pickpocketing, picketing, smuggling, drug addiction, drug supply, dacoity, political violence, gang culture, teasing, human trafficking, rape, gun business, threatening, robbery, watching porn, illegally property possession, offensive conduct, assault, sexual assault, terrorism, crimes are mentionable by street children.⁷

2.4 Factors for Emergence of Street Children Crime:

Poverty: There are many factors that are indicated for involving crime of street children in Bangladesh. It is well known that the majority of people in our country live under the poverty line. Poverty is the main component to involve in crime to the street children. Due to poverty, the street children become unemployed, and they have no income. As they have to survive, as a result they are involved in crime for providing food in a short time.

Vulnerable Environment: For reasons of a vulnerable environment many street children commit crime. As there is not enough space or protected space for living, they have to choose a vulnerable environment for living like train boggy, launch platoon, beside the street. These kinds of places lead to street children committing crime.⁸

Education Crisis: Almost all of them street children are uneducated. Almost all street children are illiterate. For lack of education, they cannot realize crime consequences and they have no realization about their life. This led to them committing crime easily.

Urbanization: As a result of urbanization, many children shifted to the city to lead life well. This increases the number of street children and as a result among them competition raises for survival. This is responsible for committing crime.⁹

Drugs Availability: As drugs are available in our country at a cheap price, street children are used to taking drugs. To take drugs is itself a crime. Street Children are also involved for supplying's drugs as they become out of suspension.

Involved With Mastaan: Mastaan leads them to commit crime, providing money, shelter. Under mastaan Street children commit offenses for satisfying mastaan.¹⁰

Political Influence: Different political parties use street children for increasing their power. As a result, many streets do crime by political influence to increase political leader power.

⁷ Sheppard (n 01).

⁸ Sumona Sharmin and Afrin Disha, 'Process of Criminalization Street Children In Bangladesh: an empirical Study in the city of Dhaka' (MBSTU 2021)

⁹ ibid

¹⁰ ibid

Social Influence: Social influence is one of the major factors for committing crime. Many times, street children are oppressed by society. Society people look down upon them. This oppressed nature of street children drives them to commit crime.

Mental Illness: Almost all street children are mentally ill. Because they have no support or affection from their family, most of the time people neglects them. They have no attraction to their life. For This result, they suffer various kinds of mental problems such as inferiority complex, panic disorder, social phobia, etc. This drives them to commit crime.¹¹

2.5 Process of Criminalizing the Street Children.

Street children are never criminals by birth. They become criminals through many ways.

Motivation By Others: Majority of the street children involved in crime are motivated by others. Many research papers show that the instigation by the surroundings make the street children more aggressive and offensive. As a result, they get involved in crime easily. In these circumstances, the street children are represented as a threat to society and society level them as lower grade people and marked as a society problem. By the maltreatment from the society, they became involved in crime.

Influence By Bad Companion: Many street children engaged in bad association. Bad association indicated involvement in crime. To follow the bad companion activities, they involved crime easily. In some time by the pasture of peers the street children start committing crime.

Family Pressure: As street children are poor, their family members pressure them to earn money. But most of the time they fail to get a legal job. Because maximum members of society have no trust in the street children for giving jobs. As a result, street children follow the illegal way of earning money. Hence, they are involved in criminal activities.

Motivation By Criminal Gangs- There are many criminal gangs or groups in this country specially in Dhaka city. They misguide and misuse the street children for involving crime. Criminal Gangs assure the street children that they will provide money and security shelter if they are involved in crime according to their instruction. For earning some money and protection, the street children are involved in crimes by the instruction of Criminal gangs.

By Own Responsibility: Many street children engage in crime by their own will. In some due to provocation of the circumstances they drive to involve in crime.

¹¹ ibid

Political Activates: Street children are used for political illegal purposes. Political leaders force the street children to join illegal political activities such as picketing, rumoring, and threatening to the opposite party, firing in vehicles etc. Some political elders control street children for committing crime for their illicit purposes.¹²

¹² Ibid

Chapter-03

3.1 Organized crime by Street Children:

Under Mastans: As it described that street children were involved in different crimes but many times they were involved in organized crime. In organized crime, the leader is called mastan who actually controls all crimes among the group.¹³ Mastans order the street children to commit contract killing, land grabbing, political violence, extortion money, human trafficking, drug dealing specially. Mastaan hires street children for committing crime as it is safe and reasonable compared to an adult person. Street children are the lower echelon of mastan groups but they play heinous roles in committing crime. It is observed that the street children are viewed as an innocent victim in Mastan Group as they are involved in the group to survive life and also get social status with protection. In the Mastaan group there is a boss who actually guides the street children. The boss gives the work to street children, if they can do it, they get money and get a position in the mastan group.¹⁴ Some mentionable organized crime by street children are described broadly.

A. Land grabbing

Maximum time land grabbing occurs in the slum. Street children stay in the occupied land until the landowner gives up the rights. Street children's physical presence and continuous threat of a mastan that landowner often quickly relinquishes his right to land. After grabbing the land, the mastan sells the occupied land to the market. Street children are well known about the illegal land grabbing practice. Some landowners say that after purchasing land, sometimes they don't use the land. If the Mastan knows that then mastan uses street children to grab the land illegally. As the landowner has no sufficient power, they cannot copy with mastan. Grabbing land illegally is a huge business because there is a huge amount of money transaction. Huge street children are used in this criminal

¹³ **মস্তান**, 'English Bangla Online Dictionary and grammar' <<https://www.english-bangla.com/bntoen/index/%E0%A6%AE%E0%A6%B8%E0%A7%8D%E0%A6%A4%E0%A6%BE%E0%A6%A8>> accessed 24 July 2022

¹⁴ Sally Atkinson, 'When crime is the best of many bad options' (*DEVELOPMENT AND COOPERATION*, 18 March 2018) <<https://www.dandc.eu/en/article/street-children-are-involved-organised-crime-bangladesh>> accessed 12 June 2022

activity. Sometimes clashes occurred. If the landowner is a power person, then a clash occurs. In this clash, street children die but the mastan becomes safe.¹⁵

B. **Hartal Violence:**

Bangladesh political situation is unpredictable. Many political parties give hartals for establishing their demands which are legal or illegal. In hartal time many political violence occurs. Street children are involved in hartal violence. The mastan hire the street children for occurring violence like picketing, throwing bomb, firing to vehicles also properties. Street children are the best option for political violence because they are ruled by the mastan. They cannot go beyond mastan order. Sometimes they are arrested and sent to jail, but they don't care about going to jail. They think that going to jail is the best option then staying on the street.¹⁶

C. **Drug Dealing:**

Mastans play a vital role in the drug market. They lead drug collection, supplying drugs, selling drugs, and collecting money from drugs. Street children are used for drug business by mastan. Mastan collects the drug from the border at wholesale rate then it distributes it at retail rate among the whole country. Mastan use the street children as it is easy for caring for street children. Street children get profit percentage after selling the drug. There are many groups among street children for drug business, some street children collect the drugs from mastan and some street children look up the customer and some street children sell it, and some street children give home delivery. Every activity is controlled and monitored by mastan.¹⁷

D. **Extortion and Toll Collection:**

This criminal activity is committed by mastan also street children under mastan instruction. In the slum dwellers, it is common practice. As the slum is not protected by any legal authority, the mastan controls it easily. Street children are used for collecting toll from the slum dwellers. If any slum dwellers refuse to give tolls, then the slum dwellers evacuate from his possession land. If any person wants to operate business in mastan territory, many times they demand extortion.

¹⁵ Sally Atkinson-Sheppard, 'The Gangs of Bangladesh Mastans, Street Gang and "illicit child Laborers" in Dhaka' (2016) 110-111

¹⁶ Sheppard (n 15) 111-112

¹⁷ ibid 112-113.

If the business man fails to extort money according to the mastan instruction, street children stop the businessman's business.¹⁸

E. **Contract Killing:**

In recent times, it was observed that the contract killing rate in Bangladesh is rising. After investigation of the matter, police authorities found unexpected result. They found that street children are involved in contract killing. The mastan hired the street children for contract killing. The street children get involved in the crime according to the mastan instructions. Generally, 14-16 years street children are used for contract killing as they are experts in gun operation. The mastan gives the photo and living and working of victims. The street children follow the victims. When the street children find the victim in a sweat able place, then street children kill the victims and flee from crime. As street children are so little in age, the victims never think that they will kill him. For the little age of street children, they become out of suspension about crime investigation. Street children also get some money and opportunities from the mastan for contract killing¹⁹.

3.2 Street Children Gang Culture Crime:

There are two basic roles performed by street children's gangs. One is maintenance oriented, and the other is a task-oriented role. The maintenance role describes to maintain harmony and not to conflict among members of the groups. For example, sharing all kinds of incidents and maintaining good unity among the gang members all time. Sometimes, the street gang members get attracted to another group to achieve goals and increase power for their criminal activities. Task functions include the criminal function. They plan for a crime and execute it by the task function. In the street children gang, there is a leader who operates the whole gang. The Gang leader the street children gang has specific territory to stay and commit criminal activities. Other gangs never enter their territory. Street children gang engaged in pickpocketing, stealing foods, extortion, theft, drug dealing crimes specially. After committing crimes, they share the resources among them.

¹⁸ Ibid 113-114.

¹⁹ Ibid 115-116.

Chapter-04

4.1 Criminology and Criminology Theories Perspective For Street Children Crime:

Involving in crime by street children, there are many criminology perspectives behind this.²⁰ Criminology studies focus from a social perspective. Criminology indicates why the human being is involved in crimes, and what is the impact for involving crime and how human beings can be free from committing crimes. Criminology works with street children crimes because it defines and identifies why the street children are involved in crimes and what are the consequences to the society and how the street children crimes can be prevented. Criminology examines the street children's behavior and interaction with the society. Criminology defines that gender and age are one of the major factors for committing crime. Criminology says that male gender involved in crime rate is higher than the female gender rate.²¹

Choice, Classical and Conflict Theory:

Choice theory defines that every person seeks opportunity to commit crime. Before committing crime, people use their rational mind to ask what the consequences arise after committing crime. Street children use their rational mind before committing crime. They seek opportunities to commit crime using their rational mind. When they find the opportunity with less risk than they commit crime easily.²²

Classical theory defines those human beings commit crime by their rational free will and know about the consequences of crime. Street children know if they commit crime, which will bring suffering for them, but they are involved in crime by their rational mind and willingly they commit crime. Here, classical theory is applicable for street children crime.²³

Conflict theory arises from the conflict of social class. The powerful society class dominates the lower social class. As a result, conflict occurs, and this conflict causes crime. Street children are lower class in our society. As a result, the higher class always dominates the street children.

²⁰ 'What is criminology? The study of crime and criminal mind' (MARYVILLE UNIVERSITY) <<https://online.maryville.edu/online-bachelors-degrees/criminal-justice/resources/what-is-criminology/#:~:text=Criminology%20is%20the%20study%20of,of%20people%20who%20commit%20crimes>> accessed 01 July 2022

²¹ Timothy Roufa, 'What is Criminology? Definition and Example of Criminology' (*the balance careers*, 02 July 2020) <<https://www.thebalancecareers.com/what-is-criminology-974589>> accessed 02 July 2022

²² Larry J. Seigal, 'Choice Theory, From Criminology (7th Edition, 2000) 112-145

²³ 'Classical Theory and Its Effects on Criminal Justice Policy Essay,(*bartleby research*) <<https://www.bartleby.com/essay/Classical-Theory-and-Its-Effects-on-Criminal-PKJXUWKJT>> accessed 12 July 2022

Street children's rational and legal rights are always ignored. For that their conflict arises between class and street children who commit crimes for accruing social class.²⁴

Critical, Labeling, Life Course Theory:

Critical theory gives priority to the elite person of society. Critical theory describes that the elite person of the society will define the law and crime definition. As a result, the other class of society people except the elite get ignored most of the time for defining law. Not elite people have no opportunity to give opinions about law and crime. As street children are not an elite person in our society, their activities are considered a crime by elite society.²⁵

Labeling Theory: Labeling theory describes what other people conceive of a human being when he is with a deviant. If a person has contact with a deviant or unlawful person, the person will be considered as a deviant person according to labeling theory. As street children maximum time engage with different criminal activities, so they are automatically leveled as a deviant according to leveling theory.²⁶

Life Course Theory: Life course defines that in the younger life stage if a person is influenced by crime, then in the rest of his life the crime incident influence for commit the crime. Street children grow up in a criminal environment. This criminal environment influences street children for committing crime in her life course.²⁷

Rational Choice, Routine Activist, Social Control Theory:

Rational Theory defines that a person thinks that he has any benefit for committing crime. If there any benefits arise from committing crime, then the person involved in criminal activities. Street children use their rational mind for committing crime. If Street children get offers for shelter, food, security, financial support then they get involved in crime. To get opportunity, street children become involved in crime by rational choice theory.²⁸

Routine Activity Theory: If there is enough chance to commit crime then the person involved in crime easily is defined in routine activist theory. Street children have enough opportunity to

²⁴ Michelle Seidel, 'Conflict Theory in Criminal Justice' (*Legal Beagle*, 19 November 2019) <<https://legalbeagle.com/5572456-conflict-theory-criminal-justice.html>> accessed 12 July 2022

²⁵ Ronald C. Kramer, 'Critical Criminology, Traditional Crime, and Public Policy' (1984) 11 *ISS* 02

²⁶ Ashley Crossman, 'An Overview Of Labeling Theory' (*Thought Co.* 03 February 2020) <<https://www.thoughtco.com/labeling-theory-3026627>> accessed 13 July 2022

²⁷ 'Criminology / Life Course Theory' (*Lawaspect.com*) <<https://lawaspect.com/criminology-life-course-theory/>> accessed 14 July 2022

²⁸ Christan Wickert, 'Rational Choice Theory' (*Soz Theo*, 26 November 2020) <<https://soztheo.de/theories-of-crime/rational-choice/rational-choice-theory/?lang=en> > accessed 19 July 2022

commit crime because there are no sufficient control mechanisms for controlling crime to street children.²⁹

Social Control Theory: The theory says that society has responsibility to establish norms and rules for maintaining social peace and law implication. But when society fails to maintain social norms and rules then people are involved in criminal activities. Here, street children are not considered as a society people as they are not bound by social control theory. As a result, they are involved in crime for lacking social controls.³⁰

Social Disorganization, Social Learning, Strain Theory:

Social Disorganization Theory: Due to social disorganization such as poverty, overpopulation, lower income, urbanization diver to people committing crime defines Social Disorganization Theory. Street children live below the poverty line, they are overpopulated, and their income is poor as a result they are involved in crime.³¹

Social Learning Theory: Social learning theory says that people learn from surroundings society. When any person commits crime, the surroundings observe it and absorb it in their mind. Street Children commit crime by observing the crime of others. To observe, they learn how to commit crime and then they become involved in crime.³²

Strain Theory: Strain theory explains that a human being is involved in crime if the person fails to reach his target goal. Street children are totally neglected, and they are totally stressed about their life. As a result, they are involved in crime for disappointing life.³³

²⁹ Charlotte Nikerson, 'Routine Activities Theory' (*Simply Psychology*, 11 January 2022)
<<https://www.simplypsychology.org/routine-activities-theory.html>> accessed 20 July 2022

³⁰ Michelle Ann Crawford, 'Social Control Theory' (*Research Gate* 2014)
< https://www.researchgate.net/publication/275154441_Social_Control_Theory > accessed 23 July 2022

³¹ Drew, 'Social Disorganization Theory – Examples, Pros & Cons' (*HelpfulProfessor.com*, 06 July 2022)
<<https://helpfulprofessor.com/social-disorganization-theory/>> accessed 21 July 2022

³² Ashley Crossman, 'What Is Social Learning Theory?' (*ThoughtCo*. 16 January 2019)
< <https://www.thoughtco.com/social-learning-theory-definition-3026629> > accessed 21 July 2022

³³ Robert Agnew and Heather Scheurman, 'Strain Theories' (*Oxford Bibliographies* 29 May 2015)
<<https://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0005.xml#:~:text=Strain%20theories%20state%20that%20certain,crime%20is%20one%20possible%20response>> accessed 21 July 2022

Chapter- 05

Many street children are worldwide but there is no specific law for street children. As they are children, they are bound to get rights according to children's rights. There are many national and international legislation for children. Street children have rights to get all kinds of legal protection which is given to children as street children are the part of children.

5.1 Street Children Law and Rights according to National Legislation:

Article 18(2) of the Constitution of the People's Republic of Bangladesh says that every form of prostitution is prohibited along with the child prostitution.³⁴ Street children are engaged in prostitution easily as a result Article 18(2) of the constitution is ignored. Street children involved the prostitution for livelihood because it is the effortless way for earn money. Some brokers play role of a go-between to get the clients for the street children prostitution. The punishment of sexual oppression to child is given 'The Prevention of Oppression Against Women and Children Act (2000) at section 07.³⁵ The punishment for sexual oppression is imprisonment not more than 10 years but not less than 02 years and with fine. But the reality is the implication of this law is zero rate and street children have no knowledge about their rights. Street children are regularly oppressed everywhere, and nobody cares about it. Society accepts child oppression as a normal way. If the street children want their right like their wage, treatment, food from their boss, the boss started torturing or give them less right.³⁶

Article 31 of the Constitution of the People's Republic of Bangladesh states the right to protection of the law to all citizens.³⁷ But all of the time street children are deprived from 'right to protection of law'. When they are arrested legally or illegally, they do not get any kind of legal aid. As a result, they suffer miserable lives. Besides, authorities are not concerned about their legal right. So, street children are ignored because no one is concerned about their right to protection of the law.

Article 32 of the Constitution of the People's Republic of Bangladesh defines the right to protection of life and personal liberty.³⁸ Though it is mentioned in the supreme law, in real practice the street children is miserable. Street children continuously die also injured every day but there is no sufficient measurement for protection of their life

³⁴ The Constitution of the People's Republic of Bangladesh, 1972, art 18(2)

³⁵ The Prevention of Oppression Against Women and Children Act 2000, s 07

³⁶ Rubayet Hamid and Gopakumar Thampi b, 'Rights of street children: Moving beyond rhetoric' (*The Daily Star* 20 November 2011) <<https://www.thedailystar.net/news-detail-210778>> accessed 05 August 2022

³⁷ (n 34), art 31

³⁸ (n 34), art 32

Article 34 of the Constitution of the Peoples Republic of Bangladesh states that every forced labor is prohibited. Street children are involved in forced labor because they agreed to engage force labor as they need for surviving life. So many street children are engaged in forced labor for their livelihood.³⁹

Street children is tortured in our country and nowadays it is common scenario. Street children don't get medical treatment properly and majority of the time they face cruel punishment for small crimes. But torturing street children, degrading treatment and punishment is a crime. Article 35 Constitution of the People's Republic of Bangladesh says that no person shall tortured or subjected cruelty and degrading punishment or treatment.⁴⁰ Here the constitution is violated as street children are tortured and faced cruel punishment. Section 70 of the Children Act 2013 defines the punishment of cruelty.⁴¹ If any person commits a cruelty offense to the children, the punishment is imprisonment extending to 05 years or fine extending to 01 lakh or both. Street children take cruelty to them easily. Sometimes we got news that street children are murdered only for simple theft. Besides, many street children are engaged in household work. The house owner torture the street children extremely for small mistake. So, street children are majority time get tortured with or without reasons anywhere.

Many parents forced their children to the street uniting their parental relationship. Abandoned of children by their guardian aged under 12 years is a crime under the penal code 1860, section 317. But maximum guardians of street children abandon their children as the guardians are not capable of providing their needs like shelter, food, treatment, clothes.⁴² The punishment for this offense is imprisonment extending 07 years or fine or both.

According to the Bangladesh Labor Act 2006, the minimum age working for any person is 14 years. But street children engaged in working fields from six -seven years due to acute poverty.⁴³ The employer takes the street children as street children are happy with low income.

In 1990, the Bangladesh government ratified the Convention on the Rights Of Children (CRC). The Bangladesh government ensured in the convention that they will give all kinds of rights according to the law.⁴⁴ But in reality, governments are not capable of maintaining the promise according to the Convention the Right Of Children as for lower resources.

The Ministry of Women and Children Affairs was established to ensure the law and rights to the women and children. One wing of this ministry works for street children. They give suggestions

³⁹ (n 34), art 34

⁴⁰ (n 34), art 18(2)

⁴¹ The Children Act 2013, s 70

⁴² The Penal Code 1860, s 317

⁴³ Bangladesh Labor Act 2006

⁴⁴ Convention the Rights of Children 1990.

to the parliament for enacting law and provision to the street children. These ministry guides to the other ministry ensure street children have a rightful life.⁴⁵

In 2011 National Children Policy (NCP) was accepted by the Bangladesh government to ensure the health protection, social protection, law protection, reproductive system protection and also safe environment protection to the children. But in reality, it is almost totally ignored.⁴⁶ There are not enough facilities for health protection in hospitals and crisis social protection in society. National Policy can play a positive role for the street children.

The Children Act 1974 which was the first children Act is the major law for the children. It characterizes the safety, care, treatment of the children in any environment and demand.⁴⁷ But Street children do not get any safety. They engaged in hazardous work like brick breaking, welding. As a result, they suffer serious physical and mentally problems.

The Penal Code 1860, section 82 described that the children under the age of 09 are not obligated to commit crime and section 83 of Penal Code 1860 states that between age 09 to 12 children do not reach the crime because they do not understand the danger of crime.⁴⁸ In reality, street children are used for crimes under 12 and they get arrested violating law.

In 2003 the National Task Force (NTF) was established for the betterment of children's lives. The High Court emphasized that the National Task Force will be established at upazila level to give facility to the children from prison arrival and also to social recovery.⁴⁹ In true nature, the National Task Force has not come into action. As a result, street children are deprived from National Task Policy action.

Many Non-Government Organizations (NGO) are working for establishing children rights. They are also working for ensuring children's health protection, sanitary protection, legal protection to the children. Non-Government Organization works to connect the government authority where children rights are violated. But the origination's rate is lower than the street children, it should increase.⁵⁰

⁴⁵ 'Ministry Of Women and Children Affairs' <<http://www.mowca.gov.bd/>> accessed 06 August

⁴⁶ National Children Policy 2011

⁴⁷ The Children Act, 1974

⁴⁸ (n 42), s 82

⁴⁹ 'NCTF Bangladesh (2005)' <<https://www.nctfbd.org/>> accessed 30 August 2022

⁵⁰ Dewan Alif Ovi; Street children in Bangladesh, ' Rights under the legislation and Government Roles' (*THE BUSINESS STANDARD*, 26 February 2021) <<https://www.tbsnews.net/thoughts/street-children-bangladesh-rights-under-legislation-and-government-roles-207697>> accessed 01 September 2022

5.2 Street Children Rights and Law Under International Legislation:

The first effort for giving protection to the children was taken by the League of Nations in 1921. The league of nations adopted conventions named prohibited traffic in women and children 1921. This convention defined that any kind of trafficking is prohibited worldwide. In 1926 another convention was adopted by the leagues of nations that is “Prohibited the Slavery in women and Children”. It prohibited all kinds of slavery to the children worldwide.⁵¹

In 1948 Universal Declaration For Human Rights (UDHR) was proclaimed for recognized human rights to all class people, children are also recognized for human rights under Universal Declaration for Human Rights (UDHR). It is mentionable that Article 25(2) of UDHR specially deals with childhood. Article 25(2) says that children are bound to get special care in all forms.⁵²

Most significant policy for the children was adopted in 1959 by the general assembly. The policy name was “Declaration of the Rights of the Child”. The policy vision aimed to give special protection, proper educational facilities, social security, ensure food facility, proper medical treatment, and well education to the children. Besides, children will be free from all kinds of exploitation, neglect, and cruelty that was described in this policy.

Under the fourth Geneva Convention 1949 states that children are entitled to get amicable treatment between national and international armed conflict in any stage.⁵³

International Labor For Minimum Age Convention 1913 organized by International Labor Organization said that minimum age for work is 15 years and specially for developing countries it is 14 years. In the case of hazardous work, it is 18 years fixed. But sorry to say, in our country it is totally violated everyday everywhere. From a little age, maximum street children engage in many jobs and maximum time it becomes dangerous.⁵⁴

Committee on the Rights of the child under United Nations observe every country about the implication of Convention of Rights of the Child. Committee of the Rights of the Child especially report about children selling, prostitution of children and pornography of children.⁵⁵

The International Covenant for Civil and Political Rights (ICCPR) states that every child has the right to maintain connection to their parents after the marital divorce. Just for the marital divorce, they cannot untie the relationship with their child.⁵⁶

⁵¹ Convention for Prohibited the Slavery In Women and Children 1921

⁵² Universal Declaration For Human Rights (UDHR) 1948 art 25(2)

⁵³ Fourth Geneva Convention 1949

⁵⁴ International Labor For Minimum Age Convention 1913

⁵⁵ Committiee on the Rights of the Child 1989

Chapter-06

6.1 Suggestions For Eliminating Street Children Crime

To stop any kinds of criminal activities and facilitate all kinds of facilities, it is mandatory to follow some guidelines or suggestions. As street children are committing crime continuously and deprived from all form rights, it must be stopped by following and establishing some suggestions.

1. Firstly, the Government should come forward eagerly. Government should ensure all constitutional rights to street children in every sector. Law force agencies should ensure the implication of constitutional rights, especially fundamental rights like right to life, right to live.
2. Secondly, the Government should focus on enacting special laws. Government should establish special laws for street children as they are vulnerable in all ways. Special law one and only will deal with street children right, remedy and punishment.
3. Thirdly, the Government should highlight their education, especially technical education. Technical education should be given as general education takes a plethora of times for employment. Government can give technical education by 6 months or 1 year's course at technical school.
4. Fourthly, the Government should make a special force that only deals with street children. Their dress code will be unique. They will work to ensure street children have a better life.
5. Fifthly, the Government should establish an emergency helpline number for giving street children facilities. In this emergency helpline for the street children anyone can give any information and get any types of help that will be related to the street children.
6. Sixthly, suggestion, the Government and NGO (Non-Government Organization) should come forward to solve their homeless and foodless crisis. As maximum street children are homeless and foodless state means government and NGO should establish a house for giving home facility and food facility.
7. Government should allocate a fixed rate budget for the street children in every budget year for ensuring their healthy life.

⁵⁶ The International Covenant for Civil and Political Rights 1966.

7. The last suggestion is for establishing a Rehab Center for treatment of drug addicted street children.

If the government and private sector come forward to eliminate street children crime and ensure their legal rights following the above suggestion, we can hope for a good world for the street children.⁵⁷

⁵⁷Md Tuhin Mia and Monirul Islam, 'Legal Protection of Street children in Bangladesh: with References to International and National Laws' (*Research Gate*, July 2021
<https://www.researchgate.net/publication/353669929_Legal_Protection_of_Street_children_in_Bangladesh_with_References_to_International_and_National_Laws> accessed 01 September 2022

Conclusion

After the above discussion, children don't not want to be recognized as street children. Surrounding circumstances make them street children. As street children, their life is always in danger. They don't know what will happen after a few seconds. They have no social recognition as normal society people. They get used as a tool of crime by mastan or any other people. Many laws and provisions are enacted to ensure their rights. But the effectiveness of those laws is totally zero. Many organizations work for the children, but their working field is to street children as their own wish. As a result, the outcome of the work is not coming into force properly. So, they have to work for the street children under proper guidelines. If the street children get good facilities in all fields, they can lead a healthy life as a general people, for that, the government has to play a significant role. Government have to focus on the reason why street children are raised. As the factor of emergence of street children arises, then we can hope for a good life for the street children. All the law and rights have to ensure street children in every sector of the state. If all the law and rights related to the street children can ensure we will establish best world to the street children

Bibliography

Books

1. Seigal LJ, ‘*Choice Theory, From Criminology* (7th Edition, 2000)
2. Sheppard SA, ‘*The Gangs of Bangladesh Mastaans, Street Gang and “illicit child Laborers” in Dhaka*’ (2016)

Governing Laws:

1. Bangladesh Labor Act 2006
2. National Children Policy 2011
3. The Children Act 2013
4. The Children Act 1974
5. The Constitution of the People's Republic of Bangladesh, 1972
6. The Penal Code 1860
7. The Prevention of Oppression Against Women and Children Act 2000

International Human Rights Conventions

1. Committee on the Rights of the Child 1989
2. Convention for Prohibited the Slavery In Women and Children 1921
3. Fourth Geneva Convention 1949
4. International Labor For Minimum Age Convention 1913
5. The International Covenant on Civil and Political Rights (ICCPR) 1966
6. Universal Declaration of Human Rights (UDHR) 1948.

Article:

1. Ronald C. Kramer, ‘Critical Criminology, Traditional Crime, and Public policy’ (1984) 11 ISS 02

Website and Blogs:

1. ABOUT STREET CHILDREN’ (*CONSORTIUM FOR STREET CHILDREN* 2019)
< <https://www.streetchildren.org/who-we-are/> > accessed 23 June 2022
2. Ashley Crossman, ‘An Overview Of Labeling Theory’ (*Thought Co.* 03 February 2020)
< <https://www.thoughtco.com/labeling-theory-3026627> > accessed 13 July 2022
3. Charlotte Nikerson, ‘Routine Activities Theory’ (*Simply Psychology*, 11 January 2022)
< <https://www.simplypsychology.org/routine-activities-theory.html> > accessed 20 July 2022
4. Chiristan Wickert, ‘Rational Choice Theory’ (*Soz Theo*, 26 November 2020)
< <https://soztheo.de/theories-of-crime/rational-choice/rational-choice-theory/?lang=en> >
accessed 19 July 2022

5. Classical Theory and Its Effects on Criminal Justice Policy Essay, (*bartleby research*) <<https://www.bartleby.com/essay/Classical-Theory-and-Its-Effects-on-Criminal-PKJXUWKJT>>accessed 12 July 2022
6. ‘Criminology / Life Course Theory’ (*Lawaspect.com*) <<https://lawaspect.com/criminology-life-course-theory/>> accessed 14 July 2022
7. Dena Aufseeser, ‘Street Children and Everyday Violence’ (*Research Gate* 2017) <https://www.researchgate.net/publication/314266714_Street_Children_and_Everyday_Violence#pf12> accessed 30 June 2022.
8. Drew, ‘Social Disorganization Theory – Examples, Pros & Cons’ (*HelpfulProfessor.com*, 06 July 2022) <<https://helpfulprofessor.com/social-disorganization-theory/>> accessed 21 July 2022
- 9.. Kazi Murad Hossain, ‘Protection Of Basic Human Rights Of Street Children;BangladeshPerspective’ (*The Law Bridge Publishers*, September 15,2020) <<https://thelawbrigade.com/human-rights/protection-of-basic-human-rights-of-street-children-bangladesh-perspective/>>accessed 26 August 2022
10. . Michelle Ann Crawford, ‘Social Control Theory’ (*Research Gate* 2014) <https://www.researchgate.net/publication/275154441_Social_Control_Theory> accessed 23 July 2022
11. Michelle Seidel, ‘Conflict Theory in Criminal Justice’ (*Legal Beagle*, 19 November 2019) <<https://legalbeagle.com/5572456-conflict-theory-criminal-justice.html>> accessed 12 July 2022
12. ‘Ministry Of Women and Children Affairs’ <<http://www.mowca.gov.bd/>> accessed 06 August
13. Md Tuhin Mia and Monirul Islam, ‘Legal Protection of Street children in Bangladesh: with References to International and National Laws’ (*Research Gate*, July 2021)<https://www.researchgate.net/publication/353669929_Legal_Protection_of_Street_children_in_Bangladesh_with_References_to_International_and_National_Laws>accessed 01 September 2022
- 14 ‘NCTF Bangladesh (2005)’ <<https://www.nctfbd.org/>> accessed 30 August 2022
15. Robert Agnew and Heather Scheurman, ‘Strain Theories’ (*Oxford Bibliographies* 29 May 2015) <<https://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0005.xml#:~:text=Strain%20theories%20state%20that%20certain,crime%20is%20one%20possible%20response>> accessed 21 July 2022
- 16.Sally Atkinson-Sheppard, ‘A rough life: exploring the involvement of street children in organised crime in Dhaka, (*LSE* 4th April 2018) <<https://blogs.lse.ac.uk/southasia/2018/04/04/a-rough-life-exploring-the-involvement-of-street-children-in-organised-crime-in-dhaka/>> accessed 30 June 2022
17. Sally Atkinson, ‘ When crime is the best of many bad options’ (*DEVELOPMENT AND COOPERATION*, 18 March 2018)<<https://www.dandc.eu/en/article/street-children-are-involved-organised-crime-bangladesh>> accessed 12 June 2022
18. Street Children’ (*Humanium*) <<https://www.humanium.org/en/street-children/#:~:text=Street%20children%20are%20minors%20who,or%20can't%20return%20home>> accessed 23 June 2022

19. 'What is criminology? The study of crime and criminal mind' (*MARYVILLE UNIVERSITY*) <<https://online.maryville.edu/online-bachelors-degrees/criminal-justice/resources/what-is-criminology/#:~:text=Criminology%20is%20the%20study%20of,of%20people%20who%20commit%20crimes>> accessed 01 July 2022
20. Timothy Roufa, 'What is Criminology? Definition and Example of Criminology' (*the balance careers*, 02 July 2020) <<https://www.thebalancecareers.com/what-is-criminology-974589>> accessed 02 July 2022
21. **मञ्जान**, 'English Bangla Online Dictionary and grammar' <<https://www.english-bangla.com/bntoen/index/%E0%A6%AE%E0%A6%B8%E0%A7%8D%E0%A6%A4%E0%A6%BE%E0%A6%A8>> accessed 24 July 2022

Newspaper Articles:

1. Dewan Alif Ovi, 'Street children in Bangladesh; Rights under the legislation and Government Roles' (*THE BUSINESS STANDARD*, 26 February 2021) <<https://www.tbsnews.net/thoughts/street-children-bangladesh-rights-under-legislation-and-government-roles-207697>> accessed 01 September 2022
 2. Rubayet Hamid and Gopakumar Thampi b, 'Rights of street children: Moving beyond rhetoric' (*The Daily Star* 20 November 2011) <<https://www.thedailystar.net/news-detail-210778>> accessed 05 August 2022
-