



Daffodil *International* **University**

Research Monograph On

“The Prison Systems in Bangladesh and the Violation of Human Rights: A Legal Analysis.”

Submitted By:

Dip Basak

ID: 221-38-024

Department of Law

Daffodil International University

This Thesis is Submitted as partial requirement to complete the Master of Law Degree in Department of Law of Daffodil International University (DIU)

Fall ,2022

“The Prison Systems in Bangladesh and the Violation of Human Rights: A Legal Analysis.”

LETTER OF APPROVAL

To

The Dr. Kudrat-E-Khuda

Head of The Department

Department of Law

Daffodil International University

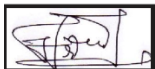
Subject: “The Prison Systems in Bangladesh and the Violation of Human Rights: A Legal Analysis.”

Dear Sir,

It’s a great pleasure for me to submit Stipulations in Muslim marriage: a comparative analysis between Bangladesh and Morocco. While preparing this research Monograph Paper I have attempted my dimension best to keep up the required Standard. I trust that this research monograph will satisfy your desire.

I hereby do solemnly declare that the work presented in dissertation has been carried out by me and has not been previously submitted to any other institution. The work I have presented does not breach any copyright.

I, along these lines, supplicate and Hope that you would be sufficiently benevolent to this exploration paper for advancement.



Dip Basak

Id: 221-38-024

LL.M. (3rd Semester)

E-mail: basak38-024@diu.edu.bd

Department of Law

Daffodil International University

Declaration

I hereby certify that the work available on paper has been approved by me and has not previously been submitted to any other organization. The work I have available does not infringe on any copyright.

Dip Basak.

.....

Dip Basak

ID: 221-38024

Program - LLM

Department of Law

Daffodil International University

Certification

This is certification that the research paper "The Prison Systems in Bangladesh and the Violation of Human Rights: A Legal Analysis" has been done by Dip Basak in incomplete fulfillment of the requirement for the degree of LLM program from Daffodil International University. This research monograph has been carried out successfully under my supervision.



.....
Dr. Kudrat -E- Khuda (Babu)

Head of the department

Department of Law

Daffodil International University

Acknowledgements

At the very beginning of my paper, I would like to thank some people for their generous support and encouragement during this project. First and foremost, I would like to thank my supervisor for all of his assistance and cooperation throughout the thesis, as well as for assisting me in maintaining focus and for her valuable suggestions, and most importantly, for sparing her valuable time. I would like to show my gratitude to Mr. Ather Sihab for helping me gather and access information on prisoners. I would like to express my heartfelt gratitude towards those who shared their thoughts and opinions during my research on prisoners. I sincerely thank them all.

Abstract

The rights of the prisoners are still not recognized, as other rights are recognized by the state and international instruments in Bangladesh. In Bangladesh, the prison system still follows the same outdated statutes and regulations as the British rulers. This paper explores the issue of prisoners' rights. The laws governing prisons in Bangladesh, namely, The Prisons Act of 1894, its accompanying Rules, and a range of internally issued circulars, notices, and orders, together form The Bengal Jail Code of 1920. Here, I try to draw the attention of the reader to the most invisible population and their legal status under the perception of the law. Furthermore, in order to cover broader issues such as a prisoner's legal status and prisoners' rights litigation, the later issues include recommendations and some ethical reflection in order to open a new prospect for prisoners' rights. Finally, we conclude the paper with the hope that it will reduce prisoners' sense of injustice and create their own citizenship room as individuals with a spirit of dignity.

TABLE OF CONTENT

CONTENT	PAGES
Title Page	i
Letter of approval	iii
Declaration	iv
Certification	v
Acknowledgement	vi
Abstract	vii
CHAPTER 1 INTRODUCTORY PARAGRAPH	1-4
Introduction	1-2
Statement of the Problem	2
Objective of the Study	2
Literature Review	2-3
Methodology of the Study	3
Scope and Limitation of the study	3
Chapter Outline	4
CHAPTER 2 HISTORY OF PRISON	5-6
Introduction	5
Development of Prison System	5
Definition of Prison	5
Development of Prison System in Bangladesh	6
Prisoners Law in Bangladesh	6

CHAPTER 3 PRISONERS' RIGHTS IN BANGLADESH	7-8
Introduction	7
Prisoners Human Rights	7-8
Rights under the constitution of Bangladesh	8
The Special Benefit for Women in Prison Act 2006	8
CHAPTER 4 PRISON CONDITION IN BANGLADESH	9-11
Introduction	9
Overcrowding	9
Corruption	9
Drugs Availability in Prison	9-10
Food, Health and Hygiene	10
Death in Prison	10
Political Prisoners	10
Prison, Where money in everything	10-11
Conclusion	11
CHAPTER 5 OBSTACLE OF PRISON SYSTEM	12-13
Introduction	12
Corruption	12
Unhealthy Living Condition	12
Unequal treatment at Prison	12
Insufficient Legal Aid	12-13
Conclusion	13
CHAPTER 6 CONCLUDING REMARKS	14-18
Recommendations	14-15
Conclusion	15
Bibliography	17-18

Chapter 1

Introduction:

No one is born with the desire to do wrong. People usually have to break the law because of a few specific things. People do bad things for many different reasons, such as socioeconomic, sociodemographic, and geopolitical ones. But everyone has to go to court and, if they break the law, they have to pay the penalties set out in the criminal laws of the country in which they were born. He or she can't say that the crime was done on purpose; it was caused by things outside of him or her. A person who has been accused of a crime may be held by the police for years before being found not guilty after a long time has passed. Most of the time he or she spends in jail is lost. They will never get this time back in their lives. Everyone is entitled to some basic freedoms. They can use these rights, but only within the limits set by the law in their own country. Without these basic human rights, society doesn't mean anything. "Human rights" and "rights" refer to all of the legal claims that people can make. Since the beginning of time, people have always had these kinds of basic rights. These freedoms are so important that a man can't imagine how he could live a good life without them. Any society that doesn't give people their rights is basically denying their dignity.¹ A successful criminal justice system is needed for many things, including protecting and promoting human rights. Criminal justice includes all of the steps in the legal process, such as when a case is filed, when it is investigated, when a charge is made, when it goes to trial, when the evidence is defended, etc. So, human rights show what the most important moral rules are for human civilization. Every country has its own criminal law, which says what actions or inactions are illegal and how they should be punished. A person who has been accused of a crime is called a "accused." People who have been accused and are being held in jail until they go to court are called prisoners. Every place where the law applies must give prisoners a chance to answer the charges against them. At the national and local levels, there are a number of things that are done to promote and protect the rights of the public and inmates in particular. Because of this, this paper talks about a number of important and great human rights instruments, such as the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, the 1957 Minimum Standards for the Treatment of Prisoners, the 1988 United Nations Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and a number of domestic laws. The way our justice system works now has some problems. Our legal system often has trouble because there aren't enough courts or judges all over the country. In order to protect the rights of prisoners, it is also important to look into the dirty conditions in jails that come from having too many people in them.² For criminal laws to be applied fairly and for the public to have faith in the criminal justice system again, it is important that prisoners' rights and interests are protected and that they get financial and emotional help. Because the system of criminal justice is so

¹ Marius Pieterse, „The Potential of Socio-Economic Rights Litigation for the Achievements of Social Justice: Considering the Example of Access to Medical Care in South Africa Prisons“ (2006)50(2) Journal of African Law 119.

² Graham Zellick, „Prisoners' Rights in England“ (1974) 24(4) The University of Toronto Law Journal 345.

important for protecting the rights of prisoners, the goal of this study is to find out what exactly hurts it.

Statement of the Problem:

The human rights violations committed against prisoners are one of Bangladesh's unreported issues. The government and people of Bangladesh never attempt to acknowledge the inmates' legal rights, which are safeguarded by both domestic and international laws. As a result, the problem has not been rectified. My research is solely focused on the topic covered below.

- Even though these rights are recognized by national and international laws, the human rights of prisoners are still not respected. The jail system in Bangladesh still operates under the antiquated British laws that were created in the 19th century.
- The right to a speedy trial is denied to someone who is being held in custody or being imprisoned. We can see that the suspects have been detained without being tried for a very long time.
- The state of the convicts is a significant additional issue. The cramped, compact cells are congested. The number of hospitals and healthcare facilities is insufficient.
- If we ignore this issue, humanity will be wiped out. Therefore, it is past time to defend human rights while incarcerated and to give inmates new possibilities so they can coexist in society with non-prisoners in a dignified manner.

Objective of the study:

The human rights of prisoners are a topic that is covered in this document. The principal objective of this research is to bring the reader's attention to the most marginalized group of people and their perceived legal standing. The following is a list of the study's precise goals:

- To become familiar with Bangladesh's present situation regarding inmates' legal rights.
- To determine the reasons why prisoners' rights are being violated.
- To make recommendations for improving conditions for prisoners in Bangladesh.

Literature review:

Many studies on the human rights of prisoners have been conducted in Bangladesh and elsewhere.

I read Rajib Hossain's article Prisoners' Rights and Reality in Bangladesh to gain better understanding of prisoner rights and reality in Bangladesh.

I also studied another article on Prisoners' Rights in Bangladesh: A Legal Observation with Recommendations by Md. Shawkat Alam Faisal to get the idea for the recommendation of what can be done to ensure the human rights of the prisoners.

I also studied Susan Easton: Prisoners' Rights: Principles and Practice. In her book, Susan Easton looks at how prisoners' legal rights have changed in the United Kingdom, the United States, and the Netherlands in recent years. Easton points out that the idea that people in prison have or keep legal rights has a bit of a bumpy past. In the UK, the Prison Rules, which for a while were the official rules for how prisoners were treated, said that they should be treated with respect and kindness.

Methodology of the study:

Information has been collected from both primary and secondary sources. The study adopts both qualitative and quantitative approaches in analyzing the issue. In this study, the law and practice in Bangladesh pertaining to prisoners' rights were investigated. In this regard, it has assessed the state of the laws and customs at the moment. A variety of research techniques have been utilized to give the study its final form:

- review of secondary literature and instruments on prisoners' rights;
- analysis of statutory law and case law relating to prisoners in Bangladesh;
- collection and analysis of relevant data.

Discussion of the theoretical issues based on secondary literature, such as books, journals, electronic resources, case law, statutes, and the constitution

Study Design: The study is empirical while also emphasizing past performance and potential outcomes.

Study Period: From 2010 to 2020, a ten-year period was covered by the study.

Scope and limitation of the study:

The research monograph named "The Prison Systems in Bangladesh and the Violation of Human Rights: A Legal Analysis" has covered the following discussion and area of study:

- The abstract idea of prisoners' rights in Bangladesh
- Government gaps, shortcomings, and barriers to exercising prisoner-related laws
- possible changes that could be implemented to gradually fill government gaps
- Due to the limited time span, the area of study only focuses on the relevant laws.

Chapter Outline:

The research paper is formulated into six chapter. The first chapter of the paper is set out the objective of the study, scope and limitation of the study, the mythology followed for the study, literature review and the justification of the study.

The second chapter basically the background chapter. The chapter has been formulated to understand what laws are follows during the British colonial days and present days relating to the prisoners.

The Third chapter is focus on the legal status of the prisoners in Bangladesh.

The fourth and fifth chapter enlightens the current prison condition and problem for the prison system.

Finally in the six chapter some recommendations have been provided which can be followed to bring positive changes in the present situation of the prisoners of Bangladesh.

Chapter 2

History of Prison

Introduction:

The most frequent usage of prisons in a criminal judicial system. Those who are accused of committing crimes may be detained while they await trial; those who plead guilty or are found guilty of crimes after a trial may get a sentence that includes a certain amount of time behind bars. Bangladesh's prisons are governed by legislation from the 19th century. In reality, a lot of people—especially the poor—get caught up in the criminal justice system and suffer human rights abuses. Many inmates endure hardships while they are being held in custody pending trial and are incarcerated for an extended period of time without access to counsel. The prison population can be decreased with creative, low-cost measures, as substantial advancements in Bangladesh have shown.

Development of Prison System:

It is reported that a prisoner who had been given a death sentence was held in a cell for three days during the reign of King Ashoka of India. The zamindari was in charge of maintaining these prisons. After the East India Company arrived on the subcontinent, principally jail management started to take on a new shape in 1818 with the promulgation of the Bengal Act for the imprisonment of royal prisoners. At that period, the current Bangladeshi cities of Dhaka, Rajshahi, Mymensingh (1793), Jessore, Comilla, and some district and subdivisional jails were constructed. However, the construction of a criminal ward at Dhaka Jail didn't start there until 1788. In addition, the adoption of the Code of Rules in 1864 established a coordinated method for the administration of all jails. In April 1927, the first juvenile prison opened its doors in Bankura, India. Calcutta Presidency, Alipore, Medinipore, Dhaka, and Rajshahi were designated as Central Jails in 1929's undivided Bengal. In the years following its declaration of independence in 1971, Bangladesh Jail (BDJ) had 43 sub-jails in addition to four central jails and 13 district jails. Due to an increase in the number of inmates, district jails were later converted from sub-jails in 1997. Bangladesh now has 55 district jails and 13 central jails.

Definition of Prison:

A location that is suitably set up and outfitted for the reception of people who are legally committed there for safe custody while awaiting trial or punishment is referred to as a prison, sometimes known as a jail or penitentiary. Individuals are typically denied a number of personal rights while physically imprisoned or interned in prison. In most cases, prisons are facilities that are a part of the nation's criminal justice system, and as such, imprisonment or confinement is a lawful punishment that the state may impose for the commission of crime.

Development of Prison System in Bangladesh:

The criminal justice system of Bangladesh, which houses its prisons, is under intense pressure. Millions of cases are backlogged, hurting the already overcrowded system. Additionally, it is claimed that corruption is widespread in the criminal court system. Additionally, there is a definite emphasis on punitive justice as opposed to restorative justice, since imprisonment is largely perceived as a tool to exact revenge rather than as a chance to improve the views of inmates toward the law and society.

In Bangladesh, prisons have typically been locked facilities. The fact that they are being debated in public and on a global scale is a very recent phenomenon. Recent events show how far Bangladesh has come in terms of prison reform and how much of a role model Bangladesh may be for the rest of the developing world.

Prisoners' Law in Bangladesh:

Bangladesh's current prison system was a colonial legacy given to it by the British. It is observed that jails continue to operate in accordance with antiquated British colonial laws that were drafted in the 19th century. The key A humane alternative to the harsh and horrific penal practices of the dark ages, the goal of the prison system was the detention and safe custody of inmates through suppressive and disciplinary measures.³ The Prisons Act (No. IX of 1894, as amended), the Prisoners Act (No. III of 1900, as amended), and the Identification of Prisoners Act all heavily cite the Bengal Jail Code of 1864, which was established to regulate the management of jail facilities, the confinement and treatment of inmates therein, and the upholding of discipline among them (1920). The Bengal Jail Code makes it clear that the provisions of the Penal Code (Act XIV of 1860 as amended), the Criminal Procedure Code (Act V of 1898 as amended), and the Civil Procedure Code (Act V of 1908), which deal with the confinement of prisoners, the execution of sentences, prisoners' appeals, lunatics, and similar issues, must also be observed.

³ Mazhar Hussain Bhutta, Muhammad Siddique Akbar, "Situation of Prisons in India and Pakistan: Shared Legacy, Same Challenges" (2012) 27(1) South Asian Studies 172.

Chapter 3

Prisoners' Rights in Bangladesh

Introduction:

We now have a new set of questions in light of all these new rights and modifications to prison policies and practices, namely: How far do prisoners' rights stretch and where do they lead? And the fundamental question still stands: Does it really matter? We must determine each prisoner's legal standing if we are to have any impact. In the beginning, legal rights Maintaining a right entail declaring one's own accountability, which calls on the other person to act patiently or with presentation. The legal human rights of a prisoner are thus "understandable as a legally enforceable claim that needs achievement or self-control."

Prisoners' Human Rights:

Due to their inherent worth as people, all prisoners must be treated with respect. There may not be any discrimination based on national or social origin, race, color, sex, language, religion, political or other beliefs, property, birth, or any other status. However, when local circumstances call for it, it is preferable to follow the cultural norms and religious beliefs of the group to which the prisoner belongs. A state's other social goals and its fundamental duties to advance the welfare and development of all citizens must be balanced with the obligation of prisons for the care of inmates and the defense of society against crime. All prisoners are guaranteed the human rights and fundamental freedoms outlined in the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol thereto, as well as any other rights outlined in other international instruments, with the exception of those clearly required by the fact of imprisonment.⁴ Many of the rights found in Part III of our Constitution are referred to as fundamental rights. The Universal Declaration of Human Rights' formulation of fundamental rights particularly impressed the Constitution's drafters, and if we compare Part III of the Constitution to the Declaration, we will find that the majority of the Declaration's rights have been incorporated into our Constitution as fundamental rights. The Covenant on Civil and Political Rights and the Covenant on Economic, Social, and Cultural Rights were two covenants that came after the Declaration. Our courts will not uphold those covenants because treaties and conventions, even those that have been ratified by the state, are not a part of the unless they are included in local legislation.⁵ However, the court may consider these conventions and covenants

⁴ The Universal Declaration of Human Rights, GA Res 217(III), UN GAOR, 3rd Sess, 183rd plenary meeting, UN Doc A/810(10 December 1948) Article 1.

⁵ The International Covenant on Civil and Political Rights, open for signature 19 December 2009, UNTS vol. 999 p. 171 and vol. 1057, p. 407(entered into force 23 March 1976) Article 10.

in order to interpret Part III's provisions, particularly in order to identify rights that are implied in more explicit rights like the right to life and the right to liberty.⁶

Rights under the constitution of Bangladesh:

The fundamental rights of a person are those that are listed in Part III of the Constitution. No one may get a second sentence for an offense for which they have already been found guilty and punished, according to Article 35(2). Additionally, the accused cannot receive a punishment that is larger than or different from what is specified in the legislation that was in effect at the time the offense was committed. According to Article 35(3), everybody who is accused of a crime has the right to a fast and fair trial before a court, which is a legally recognized entity. Without any intervention from outside parties, the court must be unbiased and independent. The statute or other law must also establish the court. The court will be accessible to everyone who falls under its purview. No one shall be "subjected to torture or to cruel, inhuman or degrading punishment or treatment," according to Article 35(5).

The Special Benefit for Women Convicted in Prisons Act 2006:

In accordance with this Act, a prisoner who has served more than half of their term is eligible for special privileges, including concessions. Any prisoner's conditional release, the aftercare services offered by the Department of Social Services for the social rehabilitation of a select few who have received trade training while incarcerated, and vocational training in block or batik, embroidery, hair cutting, bamboo and cane work, tailoring science, fabric making, and other related fields will be regarded as special benefits for female prisoners

⁶ Mahmudul Islam, Constitutional Law of Bangladesh (Mullick Brothers, 2nd ed, 2010) 88.

Chapter 4

Prison Conditions in Bangladesh:

Introduction:

At the moment, Bangladesh has a total of 68 prisons. There are 13 central prisons and 55 district prisons. One of them is a prison for women. The 68 prisons in the country have a total capacity of 34,706, but there are currently 73,701 people in them, which is more than double the total capacity. The BBC report, on the other hand, said that "Bangladesh prisons hold nearly three times as many people as they can hold." These people include people who are being tried, people who have been convicted, and people who are being held. But the exact number of prisoners changes every day. From the information given by the Directorate of Prisons, it is clear that only 8,500 people are in charge of 70–75 thousand prisoners.

Overcrowding:

There are 80 jails in our country, but 16 of them are inoperable. There are 46444 convicts in the remaining 64 prisons. Total prison capacity in Bangladesh is 21,589. Of these, 31020 are awaiting trial, while just 13178 have been convicted. According to dormitory regulations, each inmate is permitted 36 square feet of floor space. However, overcrowding has decreased the space per inmate to 15 square feet.

Corruption:

Due to the misuse of jail authority, inmates do not receive appropriate food, clothing, and other essentials. They generate false scarcity and can be purchased with cash by inmates. Within the prison, all forms of narcotics and lethal weapons are available. The wealthy and important convicts can purchase them for cash.

Drugs Availability in Prison:

Inmates receive narcotics from the jail administration. According to a report released on December 16, one of the principal jailers was apprehended while distributing drugs to the inmates. One jail official also confiscated twenty "Yaba" tablets. There are 9000 inmates at the Dhaka Central Jail, of which 900 are women incarcerated for drug-related charges. In the preceding paragraphs, I stated that prisoners are abused by the jail administration under the current prison administrative framework. Without financial payments, inmates cannot meet their requirements. Even jail officials distribute drugs to the inmates. Due to the issue of overpopulation, prisoners have a major housing issue. The fact that prisoners reside in the same cell during trial and after conviction is one of the key issues.

Food, Health and Hygiene:

The prisoners are served such low-quality food, and chronic blood dysentery has been a common disease among the prisoners. Kanak and Chowdhury specify in their paper that most of the prisoners suffer from malnutrition, which has a negative impact on their health and hygiene.

Death in Prison:

The majority of deaths in prison are caused by unsanitary circumstances and a lack of medical attention. Reports state that 41 inmates passed away in jail between January 1 and June 30. 40 of the captives among them died from disease. In her paper, Akhter highlighted a case in which a person was held in remand for three days by the police after claiming to be ill during questioning and being sent to jail, where he passed away on the third day.

Political Prisoners:

The government maintained there were no political prisoners, but opposition groups and human rights watchdogs asserted that many political activists were detained and tried on spurious charges, and that NGOs were denied access to inmates. In the sake of national security, the ordinance also grants the government the right to forbid phone companies from sending communications. Any license to offer communications services may be revoked by the government in times of a national emergency without paying the license holder any compensation. However, in order for the ordinance to become a permanent law, it must be adopted as soon as the legislature reconvenes. Police rarely issued warrants, even in cases unrelated to the SPA, and those who did so were not disciplined. The National Security Intelligence, the Directorate General of Forces Intelligence, and the Special Branch of the Police all used informants to track down and monitor those they believed to be the government's political adversaries.

Prison, where money is everything:

Before Corona, Nazmul Huda had been in Keraniganj Central Jail for around two months. “If you have money in prison, you can have anything you want.”

According to him, the prison is a hub for illegal commercial activity. Various forms of syndicates exist. This syndicate consists of both convicts and outsiders, but prison staff are the most dishonest members. There are also suspicions of illicit leasing of many jail blocks. A prisoner syndicate signed this lease in exchange for two and a half million rupees each month. It is up to people who enter prison — where they reside and how well they perform — to swap money for this perk. In jails, it is also possible to speak on the phone by entering a booth. However, there is the option to speak on the cell phone for hours. You must also pay money for this. Involved in this cell phone company is a network of prison guards. The phone is delivered at night and collected the following morning. Nazmul Huda further asserted that narcotics are

smuggled into the prison and that other additional drugs, including yaba and marijuana, are available for purchase inside the prison. In addition, he stated that the prison's drug industry is handled by a syndicate, stating, "From the outside, the prison's security system appears to be quite strong, but because of these syndicates, it is actually quite weak."

What occurred in Kashimpur Jail is not a recent development. Officially, Corona prohibits relatives from visiting their incarcerated loved ones, yet anything is feasible with so-called "VIP" administration. And outsiders can meet inmates under VIP management for a fee during normal business hours. There are separate rooms arranged. It applies to all, regardless of gender. Last week, Rashedul Islam Sunny was released from prison. "There was an agreement to meet for 10–15 thousand rupees if meetings were canceled during Corona," he explained. He also discussed numerous prison gangs, such as Nazmul. He stated, "Due to Corona, the syndicate is now charging Tk 100 per three-minute mobile phone call outside of the jail."

Conclusion:

The facilities in prisons are small since some inmates may spend the rest of their life there. Church facilities, exercise areas, common places for eating and socializing in lower security sections, and an educational facility with classrooms, libraries, and labs for working and studying are all available in prisons. Since prisoners are typically expected to share cells at lower-security facilities, such as those used to hold white-collar criminals, and since most jail sentences are lengthy, complex social and political structures develop among the inmates. People who have not yet been found guilty or who are in the process of being tried are crammed into Bangladesh's prisons. The resources accessible for rehabilitation are impacted by the shortage of space. In Bangladeshi prisons, there is only extremely little access to education, and there is inconsistent access to employment or vocational training.

Chapter 5

Obstacle of Prison System

Introduction:

Although we have fewer convicts than some other developing nations, we nonetheless experience many of the same issues that other nations face. Serious concerns about the jail administration have been made as a result of overcrowding, unsanitary living conditions, and recurrent inquiries about prison personnel. The following list of significant issues with jail administration in our nation is provided.

Corruption:

Corruption on the part of prison employees and, to a lesser extent, guard corruption, is endemic in penal institutions all over the world. Considering the authority guards have over convicts, these issues are to be expected; nonetheless, the relatively low wages guards receive greatly exacerbate the situation. Prisoners often offer bribes to guards in exchange for illegal items or preferential treatment.

Unhealthy Living Conditions:

Conditions in prisons are subpar because of overpopulation. Despite the fact that numerous prisons have implemented the aforementioned reforms and improved circumstances in areas such as nutrition, clothing, and hygiene, many inmates are still forced to endure subpar living conditions.

Unequal treatments at prison:

"Although prisons may be thought of as the world's leveling institutions where various factors could produce or develop vital effects on the confinement conditions of those with criminal records and their inmates as well as their behavior in prison, other factors play an important role in many countries," This report from Human Rights Watch specifically names nations with "strict" class systems in their jails, including Pakistan and India. It claims that, regardless of the crimes they have done or how they behave while in jail, a small proportion of the prisoners who are from the upper and middle classes are given preferential benefits under this system.

Insufficient Legal Aid:

Legal aid in Bangladesh is only offered to individuals who cannot afford to hire an attorney during the trial and not while the inmate is taken before the remand court. The usefulness of the nation's legal representation system to the poor is significantly diminished by the absence of legal aid until the moment of trial because the bulk of inmates, both those in lockup and those in

prisons, have not been tried. When many of them require such help, the attorneys are not available. Another issue with the legal assistance panels is the dearth of competent and effective attorneys.

Conclusion:

The term "imprisoned person" refers to a person who has been denied their right to personal liberty as a result of their conviction for any crime, and the term "imprisoned" refers to this state of being an imprisoned person. However, a person who has been arrested or found guilty must still be treated with regard for their basic dignity. Both article 21 of the Indian constitution and the universal declaration of human rights mention the protection of such dignities. The guidelines for prisoner security outlined in jail manuals must be properly followed, and well-equipped and trained prison staff must be hired to monitor security measures. Inspection by judicial personnel must be done on a regular and timely basis. For the inmates' social rehabilitation to be successful, all police and administrative departments must work together.

Chapter 6

Concluding remarks

Recommendations:

What, if anything, needs to be done to improve the imprisonment conditions for convicts in Bangladesh? Is there anything that may be suggested to enhance the current state of the cells while simultaneously preserving the convicts' well-being? Naturally, we will offer advice that could have both short-term and long-term effects. This is a government directive made pursuant to Section 6. The Jail Reform Commission's proposals that we are worried about in this instance are as follows:

In order to enforce the Probation of Illegal Order 1960, the Department of Law, fairness, and parliamentary relationships may be created and put into place.

There may be a chance to lessen the issues with the convicts by putting this law into effect. Taking a look at Section 4 of the Act, which addresses the conditional discharge of convicted individuals serving less than two years in jail depending on elements including the offender's age, nature, prior history, or physical or mental condition,

Second, suitable legislation may develop a legal framework to support the administration's choice to bring in a group of persons for service rather than custody. Bail, provisional release, adjournment of the judgment, trial, binding-over, fine, group of individuals, order repair, return, compensation, etc. are all alternatives to incarceration.

Third, judges and adjudicators could be instructed to apply the law of security cautiously and solely, based only on what is legal, in difficult-to-solve criminal situations. Educating police officers on their rights is another option.

Fourth, our nation's prison-related laws are out-of-date. As quickly as possible, these laws ought to be changed.

Fifthly, since prison is a correctional facility, everyone involved with it ought to be completely honest about their responsibilities. Additionally, it is important to keep an eye on how jail staff members are dressed.

Sixth, the government needs to teach the guards and employees of the prison to better serve the inmates.

Seventh, there should be an expansion of the jail medical facilities. There should be a hospital in each district.

In order for both male and female prisoners to find employment following release, vocational training needs to be updated. The more interaction staff have with convicts, the less disciplinary

they become, probably because conversation humanizes prisoners in their view, we must emphasize this based on ethical reasons. According to the study, convicts are more likely to alter their behaviors and lead better lives when they meet with prison employees on a regular basis.

Conclusion:

The state is responsible for ensuring that the inmates' individual rights are maintained, whether completely or in part, even if there is still much work to be done in this area. Let's say that, despite some of their rights being legitimately restricted, prisoners still have access to crucial rights like the freedom of expression and religion, the ability to work and vote, and the right to health care. The state may have responded by arguing that by committing significant crimes, convicts put themselves in a situation where they might not be able to exercise or enjoy their remaining rights. Therefore, the state is not required to provide them with any more assistance or This argument argues that one of the consequences of committing a crime is the incapacity to exercise or enjoy one's retained rights. misconduct. We can draw the state's attention to this issue because prisoners may well include some of the most despised members of society. In addition, in contemporary conflicts, treating prisoners with respect is crucial for legitimacy, and international human rights standards are viewed as important safeguards against poor treatment.⁷ The fundamental aspect of rights is precisely their accessibility to everyone, including those who, via their It could seem that some behaviors are less deserving of rights than others. It has nothing to do with virtue as a result.⁸ Recognizing prisoners as possessing basic rights would acknowledge their citizenship and, as a result, their status as citizens, but it would also entail recognizing a distinct category of rights stemming from their status as prisoners. That is the extent to which we can lawfully interfere with or restrict those rights that confinement compels us to curtail is another issue. We would need to look at Part III of our Constitution, which lists some essential rights for all of our citizens prisoners included in order to respond to these questions. Three major principles the human rights principle, the legality principle, and the proportionality principle can be used to address the idea of the prisoner's legal position. For discussion's sake, one could contend that criminal delinquency causes Lawbreakers to lose all of their rights. The reduction of offense and the imposition of legal sanctions is without a doubt one of the main justifications. However, to protect a prisoner's rights, access to the courts' obligation to ensure and to the advancements made in the recognizing that detained criminals have the fundamental right to access the courts. First, a quick summary of the international strategy for safeguarding prisoners' rights in general and their right to Particular protection is given to judicial access. As a final point, bringing a rights-based claim itself can encourage a prisoner's respect for the law by reinforcing his or her nationality.⁹ Finally, we expect that it will lessen

⁷ Susan Easton, „Constructing Citizenship: Making Room for Prisoners“ Rights“ (2008) 30(2), Journal of Social Welfare & Family Law 142.

⁸ Ibid.

⁹ Susan Easton, „Constructing Citizenship: Making Room for Prisoners“ Rights“ (2008) 30(2), Journal of Social Welfare & Family Law 142.

prisoners' feelings of injustice within the prison system, helping to maintain decent order. It might also fulfill legal requirements placed on states.

BIBLIOGRAPHY:

Books

- Alpert, Geoffrey P. (ed), Legal Rights of Prisoners (Saga Publication, 1st ed, 1980) 15.
- Islam, Mahmudul, Constitutional Law of Bangladesh (Mullick Brothers, 2nd ed, 2010) 88.
- Matin, Abdul, „The Jail Code with Law on Prison and the Prisoners“ (Madole Prokashani, 2nd ed, 1998).

Cases

- Bangladesh v. Shahjahan Shiraj (1980) 32 DLR (AD) 1.
- BLAST v. Bangladesh 57 DLR (2005) 12.
- Hussainara Khatoon & Ors v. Home Secretary, State Of Bihar (1979) AIR Supreme Court, 1360.
- Fazal Khan v. State (1962) 14 DLR (SC) 235
- Muhammad Hussain v. The State (1968) 20 DLR (WP) 25.
- Prem Shankar Shukla v. Delhi Administration (1980) AIR Supreme Court 1535.
- People’s Union for Civil Liberties & Anr. v. Union of India & Anr. (SC) SEPTEMBER 27, 2013 WRIT PETITION (CIVIL) NO. 161 OF 2004 <http://www.pucl.org/Topics/Law/2013/vote_none.pdf >access at 22 December 2017.
- Sunil Batra v. Delhi Administration (1980) AIR 1579 Supreme Court 1579.

Journal Articles

- Akbar, Mazhar Hussain Bhutta and Muhammad Siddique, „Situation of Prisons in India and Pakistan: Shared Legacy, Same Challenges“ (2012) 27(1) South Asian Study 172.
- Behan, Cormac, „Still Entitled to Our Say“: Prisoners“ Perspectives on Politics“ (2011) 51 (1) The Howard Journal of Criminal Justice 33.
- Breen, Jessica,“ Prisoners“ Families and the Ripple Effects of Imprisonment“ (2008) 97(385) An Irish Quarterly Review 60.
- Briant, Sophie, „The Requirement of Prisoners Voting Rights: Mixed Messages from Strasbourg“ (2011) 70(2) The Cambridge Law Journal 279.
- Easton, Susan, „Electing the Electorate: The Problem of Prisoner Disenfranchisement“ (2006) 69(3) the Modern Law Review 443.
- Easton, Susan, „Constructing Citizenship: Making Room for Prisoners“ Rights“ (2008) 30(2), Journal of Social Welfare & Family Law 142.
- Lazarus, Liora, „Conceptions of Liberty Deprivation“ (2006) 69(5) The Modern Law Review 740.

- L. Lippke, Richard, „Toward a Theory of Prisoners’ Rights” (2002) 15(2) Ratio Juris 122.
- Mbodl, Ntusi, „Should Prisoners Have a Right to Vote?” (2002) 46(1) Journal of African Law 92.
- Pieterse, Marius, „The Potential of Socio-Economic Rights Litigation for The Achievements of Social Justice: Considering the Example of Access to Medical Care in South Africa Prisons” (2006) 50 (2) Journal of African Law 119.
- Scott, Davit, „The Politics of Prisoner Legal Rights” (2013) 52 (3) The Howard Journal of Criminal Justice 234.
- Zellick, Graham, „Prisoners’ Rights in England” (1974) 24(4) The University of Toronto Law Journal 345.

Legislations

- The Constitution of the People’s Republic of Bangladesh, 1972.
- The Prisons Act of 1894.
- The Bengal Jail Code of 1920.
- The Penal Code, 1860.
- The Code of Criminal Procedure, 1898.
- The Probation of Offenders Ordinance, 1960.
- The Children Act, 2013.

Others

- AMM Shawkat Ali, Jail Administration, http://www.banglapedia.org/HT/J_0031.htm, access on 12/1/2018.
- Law Commission, Report on the Reference of the Government on Prison Reforms, Serial No. 54 (2003) 1.
- Ministry of Parliamentary Standing Committee on Home Affairs, Bangladesh Parliament, Remission and Procedure of Release of Long Term/Imprisoned Prisoners (2010) 132.
- Staff Correspondent, „2,054 Dhaka jail inmates made voters” The Daily Star (online) 16 February 2008 <<http://archive.thedailystar.net/newDesign/newsdetails.php?nid=23622>> access at 21.12.2017