



Prisoner's Rights in Bangladesh

Submitted by

Md. Zahid Hasan
ID NO:181-38-251
Program: LLM
Department of Law
Daffodil International University

Supervised

Dr: Kudrat - E - Khuda (Babu)
Associate professor
Section of law
Daffodil International University

Submission Date: 23 December 2018

DEDICATION

I dedicate my research work on the “Prisoner’s Rights in Bangladesh” to my parents.

DECLARATION

I hereby do gravely announce that the work accessible in paper has been approved out by me and has not been previously submit to any other organization. The work I have accessible does not breach any copyright.

.....

Md: Zahid Hasan

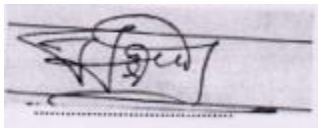
ID :181-38-251

Program- LLM

Department of Law

Certification

This is certify that the research monograph "Prisoner's rights in Bangladesh: An Assessment" has been done by Zahid Hasan in incomplete completion 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)
Associate Professor
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 of all, I would like to thank my supervisor for all kinds of help and cooperation throughout the thesis and also for helping me to maintaining the focus and also for her valuable suggestions and above all sparing her valuable time.

I would like to show my gratitude to Md. Rifat my best friend for helping me to gather and access the information on prisoner.

I would like to express my heart fell gratitude towards those persons sharing their thought and opinion during my research on prisoner. I sincerely thank them all.

Abstract

This document discover the matter of Prisoners' Rights. The principal goal of this research paper is to draw the attention of the reader to know about the most invisible population and their legal rights under the perception of law. In addition to cover broader issues like legal status of a prisoner, prisoners' rights litigation and also emphasize on the voting rights of the prisoners. Than include some recommendation with an aim to open a new prospect for prisoners' rights and conclude the paper with hope that it will reduce prisoners' sense of injustice and creating their own citizenship room as individual with the spirit of dignity.

Table of content

Chapter 1

Introduction

Introduction.	1
Statement Of The Problem.....	2
Objective Of The Study	2
Literature Review.....	3
Methodology Of The Study.....	4
Scope and Limitation Of The Study	4
Justification.....	4
Chapter Outline.....	5

CHAPTER 2

Background of prisoners' Law

Historical Development Of Prison System	6
Prisons In Sub-Continent	6
Prisoners' Law in Bangladesh.	6

CHAPTER 3

Prisoners' Legal Status

3.1 Introduction.....	7
3.2 Prisoners' Human Rights.....	7
3.3 The Legal Status of Prisoners In Bangladesh.....	8
3.4 Conclusion.....	8

CHAPTER 4

Prisoners' Rights Litigation: A Preliminary Analysis

Introduction.....	9
Existing Rights Of Prisoners In Bangladesh	
Rights Under The Constitution Of Bangladesh.....	9
Rights Under Bengal Jail Code 1920 And Prisons Act 1894.	10
Existing Problem of Prison System In Bangladesh.	11
Conclusion.	11

CHAPTER 5

Prisoners' Voting Rights

Introduction.....	12
Comparison Between Bangladesh And Other Countries About Voting Rights Of Prisoners.....	12
Voting Rights Of Prisoners In Bangladesh.	13
Conclusion.	14

CHAPTER 6

Recommendation.....	15
Conclusion	16

Chapter 1

INTRODUCTION

When we imagine a courtroom first thing always comes in our mind is the portraying of the blindfold lady with sword and scales which signify the impartial supervision of justice and its principal purpose is to ensure justice under law. Here raises a question whether the responsibility of law ends by ensuring the punishment only. From my perspective something is left and this is the responsibility of law and the society to protect the dignity of a convicted person who is mostly known as prisoner. Sometimes we forget that they are human beings like us and quarrel that prisoner don't have or must not be allowable to take pleasure in their human civil rights because they are sinners. From our child hood we all are taught that hate the sin, not the sinner but in reality we always hate the sinners who are mostly known as prisoners. This paper is concerned with the extent to which rights litigation may improve the quality of the lives of defenseless and downgraded prisoners. At this point I try to focus on the effects of certain fundamental rights contained in the Constitution of People's Republic of Bangladesh on prisoners. I am of the view that rights, nevertheless able of creation important aid to the chase of public justice." Moreover, it may be argued that how far the prisoners' rights extend and how far it can be possible to ensure the application of their rights. In this paper I will have an endeavor to narrowly focus on prisoner's legal status in the eye of the law. Prisoners are very rarely given reasons for decisions that affect them, however directly; nor do they have an opportunity to make representations before these decisions are taken in this paper, however attempt his taken to draw a highlight on prisoners' voting rights and how infringement took place behind iron cell regarding their voting rights.

Finally the most prominent feature of the issues plotted in this paper is the absence of supervision by the courts, to a lesser role of Legislature, leaving so much at the discretion of the prison authorities and recognize those rights which are guaranteed for the prisoners are silent behind prison cells.

STATEMENT OF THE PROBLEM

The rights of the prisoners is one of the unseen issue in Bangladesh. The Government of Bangladesh and the people of our society never try to recognize the rights of the prisoner which are guaranteed for them by the state and international instruments. As a result the problem is still unsolved. My research monograph is completely based upon the problem followed hereinafter

- The rights of the prisoners is still not recognized as these rights are recognized by the state and international instruments. In Bangladesh prisons system motionless follow the out-of-date statute of the British rulers which were frame in the 19th century.
- A person in his detention or imprisonment deprived from the right to speedy trial. We can see the accused are in the care without test for imprecise age.
- Another major problem is the condition of the prisoners. The cells are small and overcrowded. There is no enough numbers of hospital or health care facilities.
- If we ignore this problem, it will defeat the humanity. So it is a high time to protect the human rights behind the cell and it is time to develop a new possibility for the prisoners so that they can lead a life with dignity like other non-prisoners in the society.

OBJECTIVE OF THE STUDY

This document explore the subject of prisoners' human rights. The principal objective of this study is to draw the attention of the reader to know about the most invisible population and their legal status under the perception of law. The specific objective of this study has been stated below:

- To know the present situation of the legal rights of the prisoners in Bangladesh.
- To find out the causes of violation of prisoners' rights.
- To suggest measures for the improvement of the prisoners condition in Bangladesh.

LITERATURE REVIEW

Many works has been done on the prisoners' rights in Bangladesh and abroad. **Geoffrey P.Alpert** wrote a book named the Legal Rights of prisoners' under Saga publication. In his book he mostly emphasize on the status of the legal rights of the prisoners. The concept of prisoners' rights there has been a growing realization that once the door of the prison close behind them, unfettered access to the courts remains for them as fundamental a right as any they may have. If the lines of statement between the inmate and the judges are not reserved open, all of his other rights become illusory, as dependent entirely on the whim of prison officials.

(Liora Lazarus, 2006)To address the conception of the prisoners legal status three broad principle can apply: the human rights principle, the principle of legality and the principle of proportionality.

(Susan Easton, 2008) Here we can draw the attention of the state as the jail inhabitants may well take in some of the most hated members of the group of people and likewise, in contemporary conflict the deferential treatment of prisoners is necessary for legality, and global human rights principles are see as key guarantee of good quality action.

I read an article on Situation of Prisons in India and Pakistan by Mazhar Hussain Bhutta and Muhammad Siddique Akbar to get the idea of the British prison system.

I also study different Acts on prisoner's to increase my knowledge and idea. I analyze different internet based materials and relevant case laws for clearing my understanding about the prisoner rights.

METHODOLOGY OF THE STUDY

- The methodology of a research monograph includes qualitative method and quantities method in this research monograph but the qualitative method has been mostly utilized. Due to the limited time span I could not able to utilized the quantities method broadly.
- To get in depth knowledge about the subject document study, observational study, descriptive study and case study method has also been used.
- To reach to the conclusion of the critical study of the Bangladeshi Laws relating to prisoners' rights the qualitative evaluative method has been followed.

SCOPE AND LIMITATION OF THE STUDY

The research monograph named "**Prisoners rights in Bangladesh : An assessment**" has been covered the following discussion and area of study

- The abstract idea of prisoners rights in Bangladesh.
- Government gaps, the shortcomings and barriers of exercising the prisoners related laws.
- Possible changes that could be brought in order to fill up the government gaps gradually.
- The area of study only focuses on the relevant laws due to the limited time span.

JUSTIFICATION

Prisoners are the most invisible population in our society. All of these prisoners have some rights but the government has been failed to provide them all the rights under the perception of Law. The prisons of Bangladesh are aggrieved with various problems. If we look at the Section 4 which deals with the Accommodation of prisoner states that accommodation in prisons constructed and regulated in such manner for the separation of prisoners (*The Prisoner Act, 1894*). The total capacities of prisons are 33,570. However, a total of 68,700 inmates were staying in prison in December 2012 and among them, 46,919 were under trial prisoners and 21,681 were convicted prisoners and 100 were foreigners (*Odhikar, 2012*). In Bangladesh most of the women cell many children staying with their mother and on march 12, 2012 The High Court has asked the government for a report on health, education and nutrition facilities being provided to

the children staying with their mothers detained in jails(**New Age, 2014**) Presently in Bangladesh the death of Prisoners in the custody increasing day by day and various Human Rights organization like Ain o Shalish Kendra (ASK) and Bangladesh Legal Aid Service and Trustee try to raise the point in front of the Government but the this issue remain silent like all other current issues in Bangladesh. I have focused to work with this research topic "Prisoners Rights in Bangladesh: An Assessment" with the intention to bring a positive change in prisoners so that they can lead a life with dignity.

CHAPTER OUTLINE

The research monograph 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 rights of the prisoners under the perception of the law and violation of those rights or failure to fulfill those rights.

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

Chapter 2

Background of Prisoners' Law

Historical Development of Prison System

Bangladesh inherited present prison system from the British as colonial legacy. It is renowned that prisons motionless follow the outdated statute of the British regal ruler, which were frame in the 19th century. The main object of the prison structure was the imprisonment and protected care of prisoners from side to side oppressive and punitive events and this is a caring option to cruel and atrocious punitive method of the dim age. Until 19th century that the jail actions take sensible form when for the first time categorization, division, individualized action and occupational preparation of inmate, were given due deliberation .

Prisons in sub-continent

After the total power over sub-continent there was a obligation to alter the law connecting to prisons in British India and to give rule for the guideline of such prisons which under their manage an Act No. IX of 1894 was approved by the Governor General of India in Council on the 22nd March. The Prisons Act was compulsory on 1st July 1894 comprised twelve chapters and sixty two section on establishment, preservation, duty of prison employees and admittance, discipline, rights and obligation of prisoners. Act III of 1900, the Prisoners Act received the agree of the Governor General on 2nd February 1900 came into force at once and The Act included nine parts and fifty-three sections had the supervision on admission, removal, discharge, audience in court and service of prisoner etc..

Prisoners' Law in Bangladesh

The Bengal Jail Code of 1864 that is in procedure in Bangladesh nowadays also draw at distance end to end on the supplies of a figure of act such as the prison get deed (No. IX of 1894 as amended), Prisoners Act (No. III of 1900 as amended), recognition of prisoner Act 1920 with aspire to control the organization of jail establishment, imprisonment and action of the prisoner therein, and the preservation of regulation among them.

Chapter 3

Prisoner's Legal Status

Introduction

All of new rights and changes in prison programs and philosophy leave us with a new set of questions and those questions are How far do prisoners' rights extend, and to what end do they lead? And the bottom line remains the same: What difference does it make? To make a difference we have to identify the legal status of each prisoner. First of all, „Legal right“. „To maintain a right is to create an declaration of a responsibility on one more that entail also an act of presentation or patience on the other's fraction “.as a result, „the legal human rights of a prisoner can be understood as lawfully enforceable claim require the achievement, or self-control,

Prisoners' Human Rights

The rules of the prison were ambiguous and unspecific and due to this prisoners are life form ignorant of their happy and therefore, not capable to make sure their neutral request of their human rights. The nature and extent of prisoners' rights have been debated in courts and among professionals for long time. „adjudicators are worried with defensive and conserve those principles, institutions, benefit and affairs winning which civilization is establish and naturally, are of course sympathetic to such institutions that uphold and enforce the law, such as prison .the (UDHR) states that every one person beings are natural free and identical in self-respect and rights' Like all other country the Government of Bangladesh and the people who belong to this cultured society never try to recognize the rights of the prisoner as a human being which are guaranteed for them by the state and international instruments. *The International Covenant on Civil and Political Rights* which preserved the right of prisoner

The Legal Status of Prisoners' In Bangladesh

Part III of our Constitution contains number of rights which is called fundamental rights. The framers of the establishment were chiefly overcome with the formulation of the essential rights in the worldwide statement of person Rights and if we create contrast between parts III of the establishment with the statement, we shall discover that the majority of the human rights enumerate in the statement have establish put in our Constitution as basic civil rights. The statement followed two Covenants –Covenant on Civil and Political Rights and Covenant on Economic, Social and Cultural right. In the appear at of law, prisoners are populace not plants and fauna and Prison home are fraction of condition and the association cannot be detained at by prison bureaucrat and when Part III is appeal to by a illegal when a prisoner is troubled, the establishment suffer a upset To speak to the beginning of the prisoner lawful status three wide code can be pertinent: the human rights code, the normal of soundness and the code of proportionality .The human rights code establish the supposition that the government ,the decision-making and highly the judges respect person rights and the code of soundness and proportionality be pertinent in establish the legality of human civil rights limits or put one more technique they are the verbal message in which we give motive for human rights control.

Conclusion

Finally there have undoubtedly been great improvements this century in food, clothing, the relation between inmates and officers, the abolition of the silence rule, opportunities for association, and much else. But in so many respects the legal position of the prisoner in Bangladesh remains autochthonous. Unlike the rest of us, the prisoner may not infer that he can do whatever is not expressly prohibited. It should not be overlook that prisoner are person being they are also the inhabitant of our state though they misplaced their freedom as they are in jail but they have the person self-respect and the correct to parity previous to rule.

So, here the debatable issue is now it is high time to identify the legal status of the prisoners so that they can make their own individual citizenship room like other citizens.

Chapter 4

Prisoners' Rights Litigation: A Preliminary Analysis

Introduction

The newly emerging awareness of rights of convicted is phenomenon none shared by most of the free world and among jurists, statement and legal writers, a shift in emphasis has recently occurred from the "rights lost" to "rights remaining" to imprisoned convicts. The concept of prisoners' rights there has been a growing realization that once the door of the prison close behind them, unfettered access to the courts remains for them as fundamental a right as any they may have. If the appearance of message between the inmate and the judges are not reserved open, all of his other rights become erroneous, as dependent entirely on the notion of prison officials.

Existing Rights of Prisoners In Bangladesh_

4.2.1 Rights under the constitution of

Bangladesh

To defend the rights of a prisoner the access to the courts ought to ensure. Every court of justice is to open to all citizens. Every Court, in nonattendance of any state stipulation in the Code for that reason, must be deem to have, as intrinsic in its establishment, all such authority as are essential to do the right and to do a incorrect in the course of the management of fairness and when law give a person no matter which it gives him that with no which it cannot exist. Where the human rights of a prisoner, either under the establishment or under other law, are dishonored the writ authority of the court can and should run to his save The court has power and liability to intervene and protect the prisoner against disorder, crude or subtle, and may use habeas corpus for enforcing in-prison humanism and forbiddance of harsher restraints and heavier severities than the sentence carries. The judges are guardians of prisoners' rights because they have a duty to secure the execution of the sentences without excesses and to sustain the personal liberties of prisoners without violence on or violation of the inmates' personality. Conviction does not render a person a non-person and his rights cannot be at the whims of the prison official, his liberty within the jail precincts cannot be unreasonably and arbitrarily curtailed. Article 32 of our constitution provides that no person shall be deprived of life and liberty and as Article 32

includes both substantive and procedural due process, the principle laid down by the American and Indian Court is applicable in Bangladesh with full force. A person because of his detention or imprisonment does not be deprived of all his fundamental rights and he can claim his right to life and liberty even in detention or imprisonment as well.

4.2.2 Rights under Bengal Jail Code 1920 and Prisons Act 1894

As way of punishment handcuff may be used by the authority in jails under rule 716 of Bengal Jail Code and it may be iron bar handcuffs, spring-catch handcuffs or chain handcuffs. Handcuff may be imposed on the wrist in front or behind, by day or night for a period of not more than 12 hours a day.

Prisons Act Section 29 talks about solitary confinement of prisoners and any harsh isolation from the society by long, lonely, cellular detention is penal and so must be inflicted only consistently with fair procedure. Prisons Act 1894 Section deals with confinement in irons and it must be restored to only in gravest situation.

Remission earned on the basis of rules framed under Section 59 of Prisons Act reducing 20 years imprisonments to 14 years and after 14 years completion the matter to be referred to the Government for action and convict cannot claim 14 years as a matter of right. Prisoners can be released only in the exercise of the power conferred on the Government through part 491 of the Criminal process Code. Though the provision of Remission available for the prisoners but with restriction. Inspector General (Prison) are inform that presently more than ten thousand inmates who are convicted with lifelong imprisonment are staying in jails and the released process of 1042 inmates still on progression. This delay occurred because the Home Affairs Ministry asked documents like FIR, Charge Sheet, and judgment copy of those inmates though there is no such provision in Jail Code and Jail authority failed to produce those documents. As a result the progression of release of those inmates delayed with passage of time and he also claimed that as a condition of release asked for 20/30 years previous documents from the inmates is far away from humanity. However, to focus only on litigation would be too inadequate. Legislatures and executive agencies have also had key roles to play to protect the legal status of prisoners.

Existing Problems of Prison System in Bangladesh

The problem of criminality in prison is a great problem. The main reason of this is that the prisoners of different age, nature and character are kept in same room without classifying as a result the habitual criminal easily dominates over the fresher prisoners.

Another major problem is the health and medical condition of the prisoners. Most of the jail authorities in Bangladesh failed to fulfill Minimum standard set by the UN regarding the health hygiene, lighting, heating and ventilation inside the prison. The death in prison is a common scenario of every prison in Bangladesh. According to Ain o Salish Kendra in 2010, 17 prisoners under trial and 3 convicted prisoners died in jail custody. .

Single of the major factor is the state of the prison building. The cells are small and overfull, with poor hygiene and poor airing. Many of the buildings are not working and are, throughout the years, accommodating prisoner further than cell ability .If we look at the Section 4 which deals with the Accommodation of prisoner states that somewhere to live in prisons constructed and regulated in such manner for the separation of prisoners (*The Prisoner Act, 1894*).The total capacities of prisons are 33,570. However, a total of 68,700 inmates were staying in prison in December 2012 and among them, 46,919 were under trial prisoners and 21,681 were convicted prisoners and 100 were foreigners (Odhikar, 2012).

In Bangladesh most of the women cell many children staying with their mother and on march 12, 2012 The High Court has asked the government for a report on health, education and nutrition facilities being provided to the children staying with their mothers detained in jails (New Age, 2014).

There are some other problems such as violence in prison, Corruption in prison Department which need to be solved for the betterment of the prisoners in Bangladesh.

Conclusion

So it is indisputable that an unnecessarily prolonged detention in prison of under trials before being brought to trial is an affront to all civilized norms of human liberty. Law-makers would take an important step in defense of individual liberty if appropriate provision was made in the statute for non-financial releases. As well as the government should take initiatives to resolve the existing problem. Additionally all the prisoners should be treated as properly which can uphold the humanity.

Chapter 5

Voting Rights of Prisoners

Introduction

The basic future of our constitution is democracy and gratis and fair election would unaccompanied assurance the enlargement of a fit democratic system. Here fair means the equal opportunity of all people. It is difficult to imagine the immense impact of denial of the right to vote. If anyone wants to change things he has to vote. The right to vote give us the approach of self-respect or value. As a citizen we always believe that the right to vote converses dignity, humanity and attachment with the society and the state. If one can ensure prisoners right to vote, it can make a dissimilarity, at the starting stage mightn't, but slowly it can. Government of Bangladesh introduce legislation to permit prisoner to vote by postal ballot. However the request of this right currently is discontented.

Comparison between Bangladesh and other countries about voting rights of prisoners

South Africa is immobile in the throes of its self-governing growing pains, have had only two self-ruled elections since the country was first conceive a century ago and South African democracy can therefore be regarded as new, with all citizens finding their feet and testing the bounds of their new democratic world. The case of *Augusta and another v. Electoral Commission and others* is the only South African case where the Constitutional Court has considered the merits of allowing prisoners to vote. It is submitted that denying prisoners their right to vote punishes both them and South African democracy and it may be that prisoners are less likely to vote for the regime responsible for their confinement in response to their rights restriction.

Though the legal aspects of imprisonment in Britain have largely been ignored but The Grand Chamber of the European Court of Human Rights ruled six years ago, in *Hirst v. United Kingdom* (No 2) 74025/01 [2005] ECHR2260, (2006) 42 E.H.R.R. 41 that section 3(1) of the Representation of the People Act 1983, which provides a near total ban on prisoners voting, is

incompatible with Article 3 of the First Protocol to the European Convention on Human Rights. Here article 3 of the First Protocol of the European Convention on Human Rights state as “High Contracting Parties undertake to hold free elections at reasonable intervals

Voting Rights of Prisoners in Bangladesh

In Bangladesh a personality shall be entitled to be enroll on the electoral roll for a electorate bordered for the purpose of election to the Parliament if he is a inhabitant of Bangladesh, is not less than eighteen years of age, does not stand declared by a competent court to be of unsound mind and is deemed by law to be a occupant of that constituency If we consider this Article then we can claim that a prisoner who is a citizen of Bangladesh and who attains the age of eighteen can cast his or her vote and there is no ban concerning prisoners vote. If we observe Representation of the People Order, 1972 where a person referred to in sub-sections (3) and (5) of section 8 of the Electoral Rolls Act, 2009 following such person may cast their votes by postal ballot. A person who is detained in prison or other legal custody at any place in Bangladesh shall be deemed to be resident in the electoral area or constituency in which he would have been resident if he had not been so detained so prisoners can cast his or her vote. If any prisoner wants to cast his or her vote then he or she will apply to t paper for voting by postal ballot and the Returning Officer shall immediately upon the receipt of an application by an elector can take further step to cast his or her vote. In an interview A K M Zahir uddin Babu who is an Assistant Inspector General of Prison affirm that still they have no such records regarding the received of any such application from the prisoners to cast their respective vote. While the research is still in its initial stages, there is an absence of data on basic topics such as how many prisoner voters in Bangladesh and also the application of their right to vote. During the time of ninth Parliamentary Election in 2008 The Election Commission (EC) has so far listed 2,054 inmates of Dhaka Central Jail as voters and Sixty-seven jails across the country house around 80,000 prisoners and around 72,000 of them would be voters according to an estimate by the EC and they also claimed that they were listed before they came to jail. „Even though several nations do allow prisoners to vote by law, practical issues of registration are often problematic and obscure these rights“. Article 25(b) of the International Covenant on Civil and Political Rights Every citizen shall have the right to vote. So the participation of all people should ensure and also if proper atmosphere create for prisoners vote than it will give them the feeling of importance in the society. We

should also appreciate that the election is a mechanism, which ultimately represents the will of the people and the essence of the electoral system should be to ensure freedom of voters to exercise their free choice. The opportunity of prisoners vote has two significances one is it becomes an optimistic sign for a State and the second one is the indication of change which is much desired in a country like Bangladesh.

Conclusion

Finally democratic system is all about option and this choice can be better spoken by charitable the voters an chance to express themselves totally and by impressive least limits on their skill to make such a choice. In a prison, prisoner have less contact with outside world and there might be chance of absence of information concerning the parliamentary election and due to this prisoners may not be relevant to the Returning Officer of the constituency to cast their respective votes. So this issue should consider by the government and created an opportunity for prisoners where they can freely ensure their voting rights like other citizens of the country. If we look at South Africa having had only two democratic elections but still they are able to think about their prisoner's right to vote. Unfortunately in Bangladesh we had ninth parliamentary elections but still we struggle to create opportunity for a prisoner to give his or her valuable vote which can give them the feelings of importance in the society. There might be scope for argument from the side prisoners who had breached the social contract by their criminal acts could be regarded as temporarily forfeiting the right to take part in the government of the country which we see in the Hirst case in England but still we can say that it is also the responsibility of the State to ensure the free expression of the opinion of the all people even a prisoner also.

Chapter 6

Recommendations

What should be done about the prisoners' condition in Bangladesh jails, if anything? Is there something that one could recommend to improve the present condition in cells and which also protect the wellbeing of prisoners? Needless to say, we are going to give recommendation which can be made immediate implication or has long term impacts. This is a direction by the Government under section 6. The recommendations of the Jail Reform Commission with which we are concerned in this reference are as follows

Firstly, the suggestion of the department of Law, fairness and Parliamentary relationships for enforce the Probation of illegal order, 1960 may be established and implemented. By implementing this Ordinance there might be created the opportunity to reduce the prisoners' problems. If we look at the Act in section 4 which deals with the conditional discharge of the convicted having not more than two years imprisonment by considering some facts like the age, nature, past history or bodily or mind condition of the criminal.

Secondly, if the administration take a rule choice to bring in group of people service as an option to custody, a legal structure for the reason may be evolve by appropriate legislation .As option to custody such as, bail, provisional release, postponement of verdict, trial, binding-over, fine, group of people repair order, return, compensation, etc

Thirdly, the adjudicators annoying illegal cases and the judges may be sensitized to be relevant the obtainable law of security carefully and on legal deliberation and legal thought unaccompanied and not on any deliberation other than legal and the police officer may be sensitized to exercise

Fourthly, the laws relating to the prisons are outdated in our country. Such laws should be amended as soon as possible.

Fifthly, as we know that prison is a correctional center therefore everyone relating to prison should be very sincere about their duties. Additionally monitor of the presentation of prison employees should be undertaken.

Sixthly, for giving better service to the prisoners the government should provide training to the prisons officers and Staff.

Seventhly, the medical facility for the prisons should be increased. For all district there should be a hospital.

Finally Vocational training for both male and female prisoners should be updated so that they can find job opportunities after release.

From ethical reflection, need to emphasis on the additional contact employees have with prisoner the less disciplinary they become, perhaps because the communication humanizes prisoners in their eyes. The research also suggest that the more prison staff member engage with prisoner to change their behaviors and get better their life,

Conclusion

While a great deal work leftovers to be complete on the exact human rights of prisoners" keep completely or in fraction, but it should be admitted that State has the accountability to ensure those retained rights of the prisoners. In reply State might claimed that by commit crime of a grave type. Here we can draw the attention of the state as the prison population may well include some of the most reviled members of the community and similarly, in modern conflicts the respectful treatment of prisoners is essential for legitimacy, and international rights standards are seen as key guarantees of good treatment.

For purposes of discussion, there might be scope for argument that law breakers forfeit all their rights due to their criminal delinquency. The decrease of offense is, without any doubt, one of the middle mitigating aim of lawful sentence. However, to protect the rights of a captive the right of entry to the courts ought to ensure and to the progress achieved in the recognition of fundamental freedom as available also to confined felon, the right of access to the court. Initially a brief overview of the international approach to protection of prisoners" right in general and their right of access to the courts in particularly ensured.

Of course, we have reason to be optimistic about the voting rights of the prisoners because there is scope for prisoners to cast their vote by postal ballot. For instance, there might be scope for argument on how far the voting rights of prisoners are monitored by the lawful authority. This problem associated with a legislative approach and there might be less chance for a prisoner to cast their vote by postal ballot because they live distantly from the outside world due to their confinement

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 vs. Shahjahan Shiraj* (1980) 32 DLR (AD) 1
- *BLAST vs. Bangladesh* 57 DLR(2005) 12
- *Hussainara Khatoon & Ors vs Home Secretary, State Of Bihar* (1979) AIR Supreme Court, 1360
- *Fazal Khan vs. State* (1962) 14 DLR (SC) 235
- *Muhammad Hussain Vs The State* (1968) 20 DLR (WP) 25
- *Prem Shankar Shuklavs 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 20/ 03/ 2016
- 10. *Sunil Batravs 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 Prison 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*

- **Treaties**

- *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)
- *The Universal Declaration of Human Rights*, GA Res 217(III), UN GAOR, 3rd Sess, 183rd Plenmtg, UN Doc A/810(10 December 1948) art 1
- *The UN Standard Minimum Rules for the Treatment of Prisoners*, UN ESC Res 663C(XXIV) and 2076(LXII), UN ESCOR(31 July 1957 and 13 May 1977)

- **Others**

- AMM Shawkat Ali, Jail Administration, http://www.banglapedia.org/HT/J_0031.htm, access on 12/12/2016
- 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/news-details.php?nid=23622>> access at 21.03.2016