

# Prisoner's rights in Bangladesh



## Submitted by

Md. Sujon Ahmed

ID NO: 151-26-799

Batch 23rd

Department of Law

Daffodil International University

## Supervised by

Md. Safiullah

Senior Lecturer

Department of Law

Daffodil International University

Date of Submission : 12/11/2019

A research Monograph Submitted in Partial Fulfillment of the Requirement for the Degree of  
LLB (Hon's) program, Department of Law, Daffodil International University.

## DECLARATION

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.

.....

Md.Sujon ahmed

ID NO- 151-26-799

## Certification

This is certify that the research monograph "Prisoner's rights in Bangladesh: An Assessment" has been done by **Md. Sujon Ahmed(151-26-799)** in partial fulfillment of the requirement for the degree of LLB (Hon's) program from Daffodil International University. This research monograph has been carried out successfully under my supervision.

.....

Md. safiullah

Senior Lecturer

Department of Law

Daffodil International University. Dhaka.

## **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 Md safiullah 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 express my heart fell gratitude towards those persons sharing their thought and opinion during my research on prisoner. I sincerely thank them all.

Finally, I would like to acknowledge Retired Jailor Md. Abdur Rob for sharing his knowledge regarding prison and also for being my inspiration for doing this research paper on prisoner.

## **Abstract**

This paper explores the issue 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. Then 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

1.1 Introduction.....	8
1.2 Statement Of The Problem.....	9
1.3 Objective Of The Study.....	9
1.4 Literature Review.....	10
1.5 Methodology Of The Study.....	11
1.6 Scope and Limitation Of The Study.....	11
1.7 Justification.....	11-12
1.8 Chapter Outline.....	12

### CHAPTER 2

#### BACKGROUND OF PRISONERS' LAW

2.1 Historical Development Of Prison System.....	13
2.2 Prisons In Sub-Continent.....	13-14
2.3 Prisoners' Law in Bangladesh.....	14

### CHAPTER 3

#### PRISONERS' LEGAL STATUS

3.1 Introduction.....	15
3.2 Prisoners' Human Rights.....	15-16
3.3 The Legal Status of Prisoners In Bangladesh.....	16-17
3.4 Conclusion.....	17

## **CHAPTER 4**

### ***PRISONERS' RIGHTS LITIGATION: A PRELIMINARY ANALYSIS***

4.1 Introduction.....	18
4.2 Existing Rights Of Prisoners In Bangladesh	
4.2.1 Rights Under The Constitution Of Bangladesh.....	18-19
4.2.2 Rights Under Bengal Jail Code 1920 And Prisons Act 1894.....	20-21
4.3 Existing Problem of Prison System In Bangladesh.....	21-22
4.4 Conclusion.....	23

## **CHAPTER 5**

### ***PRISONERS' VOTING RIGHTS***

5.1 Introduction.....	24
5.2 Comparison Between Bangladesh And Other Countries About Voting Rights Of Prisoners.....	24-25
5.3 Voting Rights Of Prisoners In Bangladesh.....	25-27
5.4 Conclusion.....	27

## **CHAPTER 6**

<b>6.1 RECOMMENDATION.....</b>	<b>28-30</b>
<b>6.2 CONCLUSION.....</b>	<b>31-32</b>

# Chapter 1

## 1.1 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 argue that prisoners don't have or should not be allowed to enjoy their human 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, 'if purposively interpreted and consistently enforced, are nevertheless capable of making invaluable contributions to the pursuit of social justice'.<sup>1</sup> 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.<sup>2</sup> 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.

---

<sup>1</sup>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* p119.

<sup>2</sup> Graham Zellick, 'Prisoners' Rights in England' (1974) 24(4)*The University of Toronto Law Journal* p345.



## **1.2 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 still follow the outdated statutes of the British rulers which were framed 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 custody without trial for indefinite period.
- 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.

## **1.3 OBJECTIVE OF THE STUDY**

This paper explores the issue of prisoners' 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.

## 1.4 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 communication between the inmate and the courts are not kept 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 consideration of the state as the jail populace may well incorporate the absolute most castigated individuals from the network and comparably, in present day clashes the conscious treatment of detainees is fundamental for authenticity, and universal rights norms are viewed as key assurances of good treatment.

I additionally read a Journal named The Politics of Prisoner Legal Rights by Davit Scott. He tended to that the legitimate privileges of a detainee can be comprehended as lawfully enforceable cases requiring the achievement, or restriction, of specific activities with respect to the jail benefit.

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.

## 1.5 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.

## 1.6 SCOPE AND LIMITION 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.

## 1.7 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. One of the principle factors is the state of the jail structures. The cells are little and stuffed, with poor sanitation and poor ventilation. A considerable lot of the structures are separated and are, consistently, pleasing

detainees past cell limit. 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 aggregate limits of jails are 33,570. Be that as it may, a sum of 68,700 detainees were remaining in jail in December 2012 and among them, 46,919 were under preliminary detainees and 21,681 were indicted detainees and 100 were nonnatives( 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.

## **1.8 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**

#### **2.1 Historical Development of Prison System**

Bangladesh acquired present jail framework from the British as frontier heritage. It is noticed that detainment facilities still pursue the obsolete rules of the British pioneer rulers, which were encircled in the nineteenth century. The primary goal of the jail framework was the control and safe care of detainees through suppressive and disciplinary measures and this is a helpful option in contrast to cruel and merciless correctional techniques for the dim ages. Until nineteenth century that the reformatory developments took useful shape when out of the blue arrangement, detachment, individualized treatment and professional preparing of prisoners, were given due thought. It was the law of the time which never enabled any state detainee to try and think about his essential rights that the individual couldn't be behind the banish at one time or discharged from the directions of the expert at the other on the desire of the controllers.

#### **2.2 Prisons in sub-continent**

After the total mastery over sub-landmass there was a prerequisite to alter the law identifying with penitentiaries in British India and to give principle to the direction of such jails which under their control an Act No. IX of 1894 was passed by the Governor General of India in Council on the 22nd March. The Prisons Act was implemented on first July 1894 contained twelve parts and sixty two areas on foundation, upkeep, obligations of jail staff and confirmation, control, rights and commitments of detainees. Act III of 1900, the Prisoners Act got the consent of the Governor General on second February 1900 came into power without a moment's delay and The Act included nine sections and fifty-three segments had the direction on confirmation, evacuation, release, participation in court and work of detainees and so forth. The starting point of prison organization dependent on a complete law goes back to 1864 when the Government of

Bengal confined a definite correctional facility code and Until 1864, imprisonment organization was done by methods for sporadically issued roundabout letters and general requests. There had been a result on no consistency in the correctional facility method. However, The Bengal Jail Code of 1864 developed in the subsequent years into a compendium of rules and regulations issued from time to time and meant for the superintendence and management of all the jails including the subsidiary jails throughout the province.<sup>3</sup>

### **2.3 Prisoners' Law in Bangladesh**

The Bengal Jail Code of 1864 that is in operation in Bangladesh today also draws extensively on the provisions of a number of Acts such as the Prisons Act (No. IX of 1894 as amended), Prisoners Act (No. III of 1900 as amended), Identification of Prisoners Act 1920 with aim to regulate the management of jail establishments, confinement and treatment of the prisoners therein, and the maintenance of discipline among them.<sup>4</sup> The Bengal Jail Code includes clear instructions that the provisions of the civil procedure code (Act V of 1908), criminal procedure code (Act V of 1898 as amended) and the Penal Code (Act XIV of 1860 as amended), which relate to the confinement of prisoners, execution of sentences, prisoners' appeals, lunatics, and the like, must also be complied with.<sup>5</sup>

---

<sup>3</sup>Ali AMM Shawkat, *Jail Administration*, <[http://www.banglapedia.org/HT/J\\_0031.htm](http://www.banglapedia.org/HT/J_0031.htm), > access at 02/02/2016.

<sup>4</sup> Ibid

<sup>5</sup> Ibid

## Chapter 3

### Prisoner's Legal Status

#### 3.1 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?<sup>6</sup>To make a difference we have to identify the legal status of each prisoner. First of all, 'Legal right is defined in jurisprudence as an interest recognized and protected by a rule of right and it is any interest in respect of which is a duty, and disregard of which is a wrong'.<sup>7</sup> 'To guarantee a privilege is to make a statement of an obligation on another that involves either a demonstration of execution or self-control on the other's part'. Thusly, 'the legitimate privileges of a detainee can be comprehended as lawfully enforceable cases requiring the achievement, or restriction, of specific activities with respect to the jail benefit'.

#### 3.2 Prisoners' Human Rights

The rules of the prison were ambiguous and unspecific and due to this prisoners are being unaware of their content and therefore, unable to ensure their impartial application of their rights. The nature and extent of prisoners' rights have been debated in courts and among professionals for long time. 'Judges are concerned with protecting and conserving those values, institutions, interests and relationships upon which society is founded and unsurprisingly, are naturally sympathetic to such institutions that uphold and enforce the law, such as prison administrators'<sup>8</sup>. *The Universal Declaration of Human Rights (UDHR)* states that 'all human beings are born free and equal in dignity and rights'<sup>9</sup> Like all other countries 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 as

---

<sup>6</sup> Geoffrey P Alpert. (ed), *Legal Rights of Prisoners* (Saga Publication, 1st ed, 1980) p15.

<sup>7</sup> *Fazal Khan vs. State*(1962) 14 DLR (SC) p235.

<sup>8</sup> *Ibid* p238

<sup>9</sup> *The Universal Declaration of Human Rights*, GA Res 217(III), UN GAOR, 3<sup>rd</sup> Sess, 183<sup>rd</sup> Plen mtg, UN Doc A/810(10 December 1948) Article 1.

‘All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person’.<sup>10</sup> It applies to all persons deprived of their liberty including prisoners also. There are some other rights such as safety in prisons, communication with the outside world. The right to complaint and inspection.

### **3.3 The Legal Status Of Prisoners' In Bangladesh**

Part III of our Constitution contains number of rights which is called central rights. The composers of the Constitution were especially awed with the plan of the essential rights in the Universal Declaration of Human Rights and on the off chance that we make correlation between parts III of the Constitution with the Declaration, we will locate that the majority of the rights identified in the Declaration have discovered place in our Constitution as principal rights. The Declaration pursued two Covenants – Covenant on Civil and Political Rights and Covenant on Economic, Social and Cultural Rights and our courts won't implement those Covenants as arrangements and Conventions, regardless of whether confirmed by the State ,are not part of the Corpus juries of the State except if these are consolidated in the metropolitan enactment. Anyway the court can investigate these Conventions and Covenants as a guide to translation of the Provision of Part III especially to decide the rights understood in the rights like appropriate to life and the privilege to freedom. In the eye of law, detainees are people not creatures and Prison houses are a piece of State and the Constitution can't be held under control by prison authorities and when Part III is summoned by a convict when a detainee is damaged, the Constitution endures a stun. To address the origination of the detainees legitimate status three expansive guideline can apply: the human rights standard, the rule of legitimacy and the rule of proportionality. The human rights standard set up the assumption that the council ,the official and vitally the Judiciary regard human rights and the guideline of legitimacy and proportionality apply in building up the authenticity of human rights constraints or put another way they are the dialect in which we legitimize rights impediment. An origination of a detainee's legitimate status in a lawful framework committed to the insurance of human rights is guided by the human rights, legitimacy and proportionality standards. In satisfying these standards, the origination of the detainee's legitimate status should plainly and reliably cling to the key

---

<sup>10</sup>*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.



qualification and make express in which setting detainees' rights are constrained. At the end of the day, 'it must build up whether the detainee's rights are restricted as a result of the reformatory endorse or as an outcome of jail organization'. So as to accomplish this, the origination of the detainee's legitimate status should likewise set up, and reliably hold fast to, the motivation behind the custodial endorse as particular from, and in addition, the reason for jail organization.

### **3.4 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 prisoners are Human being they are also the citizen of our country though they lost their liberty as they are in prison but they have the Human dignity and the right to equality before Law.

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

#### 4.1 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.<sup>11</sup>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 communication between the inmate and the courts are not kept open, all of his other rights become erroneous, as dependent entirely on the notion of prison officials<sup>12</sup>.

#### 4.2 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.<sup>13</sup> Every Court, in absence of any express provision in the Code for that purpose, must be deemed to possess, as inherent in its constitution, all such power as are necessary to do the right and to do a wrong in the course of the administration of justice and when law gives a person anything it gives him that without which it cannot exist.<sup>14</sup> Where the rights of a prisoner, either under the Constitution or under other law, are violated the writ power of the court can and should run to his rescue.<sup>15</sup>The court has power and responsibility 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.<sup>16</sup>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

---

<sup>11</sup> Geoffrey P Alpert . *Legal Rights of Prisoners* (Saga Publication, 1st ed, 1980) p155.

<sup>12</sup> Ibid p156

<sup>13</sup> Mahmudul Islam, *Constitutional Law of Bangladesh* ( Mullick Brothers, 2<sup>nd</sup> ed, 2010) p 217

<sup>14</sup> *Bangladesh vs. Shahjahan Shiraj*(1980) 32 DLR (AD) 1.

<sup>15</sup> *Sunil* (1980) AIR 1579.

<sup>16</sup> Ibid

prisoners without violence on or violation of the inmates' personality.<sup>17</sup> 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.<sup>18</sup> 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.<sup>19</sup> 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.

An alarmingly expansive number of people, kids including, are behind jail bars for a considerable length of time anticipating preliminary in official courtrooms. Quick preliminary is of the embodiment of criminal equity and, in this way, delay in preliminary independent from anyone else establishes disavowal of equity. In spite of the fact that expedient preliminary is explicitly listed as a central directly under Article 35(3) of our Constitution however we can see the denounced are in the guardianship without preliminary for uncertain period. Speedy preliminary and opportunity from confinement are a piece of human rights and essential opportunities and a legal framework which permits detainment of people for extensive stretches of deferral without preliminary must be held to deny human rights. Around 7409 man who are under preliminary individual has been outfitted by the candidate to demonstrate that these people are additionally languishing in authority without preliminary over uncertain timeframe. The case has been made out by the Petitioner, is that the denounced activity of the respondent is without legitimate expert is the infringement of the detainees essential rights to individual freedom and to a rapid preliminary as ensured by Article 31, 32 and 35(3) of the constitution and furthermore infringement of Government commitment under International Human Rights settlements, specifically Article 14 of the International Covenant on Civil and Political Rights to a quick preliminary. In the event that a man is denied of his freedom under a method which isn't "sensible, reasonable or simply", such hardship would be infringement of his central right and he would be qualified for implement such principal right and secure his discharge.<sup>20</sup>

---

<sup>17</sup> Ibid

<sup>18</sup> Ibid 1590

<sup>19</sup> Mahmudul Islam, *Constitutional Law of Bangladesh* (Mullick Brothers, 2<sup>nd</sup> ed, 2010), p197

<sup>20</sup> *Hussainara Khatoon & Ors vs Home Secretary, State Of Bihar*, (1979) AIR Supreme Court, 1360.

#### **4.2.2 Rights under Bengal Jail Code 1920 and Prisons Act 1894**

As method for discipline cuff might be utilized by the expert in prisons under principle 716 of Bengal Jail Code and it might be press bar binds, spring-get cuffs or chain binds. Cuff might be forced on the wrist in front or behind, by day or night for a time of not over 12 hours per day. Regardless of whether a man ought to be physically limited and, assuming this is the case, what ought to be the level of restriction is an issue which influences the individual in authority insofar as he stays in care and furthermore predictable with the major privileges of such individual the limitation can be forced. It is terribly offensive that the power given by the law to force a limitation, either by applying binds or something else, ought to be viewed as an open door for presenting the charged to open mocking and mortification and Nor is the power planned to be utilized unfeelingly or by method for discipline. In the event that the detainees break downs in light of mental torment, clairvoyant weight or physical curse past the licit furthest reaches of legitimate detainment the jail organization will be obligated for the overabundance.

No detainees can be by and by exposed to hardship not required by the reality of manifestations and sentence of court and every single other opportunity have a place with him to peruse and compose, to exercise and entertainment, to intervention and serenade, to imaginative solaces like assurance from extraordinary chilly and warmth, to negligible delights of self-articulation, to procure abilities and method and all other principal rights custom fitted to the impediments of detainment. Penitentiaries Act Section 29 discusses isolation of detainees and any brutal confinement from the general public by long, desolate, cell detainment is reformatory thus should be dispensed just reliably with reasonable technique. Jails Act 1894 Section manages imprisonment in irons and it must be reestablished to just in gravest circumstance.

Abatement earned based on guidelines surrounded under Section 59 of Prisons Act lessening 20 years detainments to 14 years and following 14 years fruition the issue to be alluded to the Government for activity and convict can't guarantee 14 years as an issue of right. Detainees can be discharged just in the activity of the power presented on the Government by Section 491 of the Criminal Procedure Code. Despite the fact that the arrangement of Remission accessible for

the detainees however with limitation. Examiner General (Prison) are educate that directly in excess of ten thousand detainees who are sentenced with deep rooted detainment are remaining in prisons and the discharged procedure of 1042 detainees still on movement. This postponement happened on the grounds that the Home Affairs Ministry asked reports like FIR, Charge Sheet, and judgment duplicate of those detainees however there is no such arrangement in Jail Code and Jail specialist neglected to deliver those records. Subsequently the movement of arrival of those prisoners deferred with entry of time and he additionally guaranteed that as a state of discharge requested 20/30 years past reports from the detainees is far from mankind. Be that as it may, to concentrate just on suit would be excessively insufficient. Governing bodies and official organizations have additionally had key tasks to carry out to secure the legitimate status of detainees.

#### **4.3 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. .

One of the main factors is the condition of the prison buildings. The cells are small and overcrowded, with poor sanitation and poor ventilation. Many of the buildings are broken-down and are, throughout the years, accommodating prisoners beyond cell capacity. 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).

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.

One of the concealed real issues which are expanding step by step is the detainment of the detainees immediately in preliminary. It is crying disgrace on legal framework which grants manifestation of people for such significant lots of time without preliminary. Why our lawful and legal framework persistently denies equity to the poor by keeping them for long a very long time in pretrial detainment is the exceptionally inadmissible safeguard framework and where a blamed is to be discharged on his own security; it demands that the security ought to contain financial commitments which require the blamed to pay a whole for cash. The poor think that its hard to outfit safeguard even without sureties on the grounds that all the time the measure of the safeguard settled by the Court is so unreasonably inordinate that in a dominant part of cases the poor can't fulfill the police or the Magistrate about their dissolvability for the measure of the safeguard and where the safeguard is with sureties, as is normally the situation, it turns into a relatively incomprehensible assignment for the poor to discover people adequately dissolvable to remain as sureties. The outcome is that possibly they are fleeced by the police and income authorities or by touts and expert sureties and some of the time they have even to bring about obligations for anchoring their discharge or, being not able get discharge, they need to stay in prison until the point that the court can take up their cases for preliminary which prompting grave results.

#### **4.4 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.<sup>21</sup> Law-makers would take an important step in defense of individual liberty if appropriate provision was made in the

---

<sup>21</sup>Ibid

statute for non-financial releases.<sup>22</sup> 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**

#### **5.1 Introduction**

The basic future of our constitution is democracy and free and fair elections would alone guarantee the growth of a healthy democracy. 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 gives us the feelings of self-respect or usefulness. As a citizen we always believe that the right to vote converses dignity, humanity and

---

<sup>22</sup> Ibid

attachment with the society and the state. If one can ensure prisoners right to vote, it can make a difference, at the starting stage mightn't, but gradually it can. Government of Bangladesh introduced legislation to allow prisoners to vote by postal ballot. However the application of this right currently is discontented.

## **5.2 Comparison between Bangladesh and other countries about voting rights of prisoners**

South Africa is still in the throes of its democratic growing pains, having had only two democratic elections since the country was first conceived 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.<sup>23</sup> 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.<sup>24</sup> 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.<sup>25</sup>

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.<sup>26</sup> 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 by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature."<sup>27</sup> The recent decision in *Hirst v UK* is the culmination of a long-

---

<sup>23</sup>Mbodl Ntusi, 'Should Prisoners Have a Right to Vote?' (2002) 46(1) *The Journal of African Law* p92.

<sup>24</sup> Ibid

<sup>25</sup> Ibid p101

<sup>26</sup> Briant Sophie, 'The Requirement of Prisoners Voting Rights: Mixed Messages from Strasbourg' (2011) 70(2) *The Cambridge Law Journal* p279.

<sup>27</sup> Ibid



standing debate on whether convicted prisoners should have the right to vote in England.<sup>28</sup> During his period of incarceration, Hirst was prevented from exercising his democratic right to vote because of the UK's ban on convicted prisoners voting in elections and The Government claimed that 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.'<sup>29</sup> Finally the majority of the Grand Chamber in *Hirst* found that Article 3 of Protocol No.1 had been violated.<sup>30</sup>

### 5.3 Voting Rights of Prisoners in Bangladesh

In Bangladesh a person shall be entitled to be enrolled on the electoral roll for a constituency delimited for the purpose of election to the Parliament if he is a citizen 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 resident of that constituency.<sup>31</sup> 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 regarding 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.<sup>32</sup> 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.<sup>33</sup> If any prisoner wants to cast his or her vote then he or she will apply to the Returning Officer of the constituency in which he is an elector for a ballot 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.<sup>34</sup> In an interview A K M Zahir uddin Babu who is an Assistant Inspector General of Prison affirm that

---

<sup>28</sup> Susan Easton, 'Electing the Electorate: The Problem of Prisoner Disenfranchisement' (2006) 69(3)*the Modern Law Review* p443.

<sup>29</sup> Ibid p445

<sup>30</sup> Ibid p446

<sup>31</sup> The Constitution of People's Republic of Bangladesh Article 122.

<sup>32</sup> Representation of the People Order, 1972, Section 27.

<sup>33</sup> The Electoral Rolls Ordinance, 1982, Section 4

<sup>34</sup> Representation of the People Order, 1972, Section 27.

still they have no such records regarding the received of any such application from the prisoners to cast their respective vote.<sup>35</sup> 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.<sup>36</sup> Even though several nations do allow prisoners to vote by law, practical issues of registration are often problematic and obscure these rights'.<sup>37</sup> Article 25(b) of the International Covenant on Civil and Political Rights Every citizen shall have the right to vote.<sup>38</sup> 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.<sup>39</sup> The voters' participation in the election is indeed the participation in the democracy itself.<sup>40</sup> 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.

## 5.4 Conclusion

Finally democracy is all about choice and this choice can be better expressed by giving the voters an opportunity to verbalize themselves unreservedly and by imposing least restrictions on their ability to make such a choice.<sup>41</sup> In a prison, prisoners have less contact with outside world and

---

<sup>35</sup> Interview with A K M Zahiruddin Babu, Assistant Inspector General of Prison (Telephone ,February 2016 ).

<sup>36</sup> 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

<sup>37</sup> Cormac Behan, 'Still Entitled to Our Say': Prisoners' Perspectives on Politics' (2011) 51(1) *The Howard Journal of Criminal Justice* 33.

<sup>38</sup> 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 25.

<sup>39</sup> 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](http://www.pucl.org/Topics/Law/2013/vote_none.pdf)> access at 20.03.2016.

<sup>40</sup> Ibid

<sup>41</sup> Ibid p44

there might be chance of absence of information regarding the parliamentary election and due to this prisoners may not apply 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**

### **6.1 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 reference by the Government under section 6 of the Law Commission Act, 1996 seeking opinion and recommendations of the Law Commission on some specific recommendations made by the Jail

Reform Commission, 1978, for prison reforms.<sup>42</sup> The recommendations of the Jail Reform Commission with which we are concerned in this reference are as follows

Firstly, the proposal of the Ministry of Law, Justice and Parliamentary Affairs for enforcing the Probation of Offenders Ordinance, 1960 may be accepted and implemented.<sup>43</sup> 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, character, antecedents or physical or mental condition of the offender.<sup>44</sup>

Secondly, if the Government takes a policy decision to introduce community service as an alternative to imprisonment, a legal framework for the purpose may be evolved by suitable legislation.<sup>45</sup> As alternative to Imprisonment such as, bail, conditional discharge, suspension of sentence, probation, binding-over, fines, community service order, compensation, restitution, etc.<sup>46</sup> To take another example the state might facilitate exercise of freedom of speech by ensuring that prisoners have ready access to forms of cultural stimulation and forums in which they can express their ideas among themselves and to the general public.<sup>47</sup>

Thirdly, the judges attempting criminal cases and the justices might be sharpened to apply the current law of safeguard scrupulously and on legal thought and legal thought alone and not on any thought other than legal and the cops might be sharpened to practice their forces to allow safeguard to a captured individual appropriately and honestly. Ample opportunity has already past that danger of financial misfortune isn't the main obstacle against escaping from equity in any case, there are different variables which go about as equivalent hindrance against escaping and there may be other applicable thought like family ties, establishes in the network, employer stability, participation of stable association ought to be deterrent factors in allow of safeguard

---

<sup>42</sup> Law Commission, *Report on the Reference of the Government on Prison Reforms*, Serial No.54 (2003) p1.

<sup>43</sup> Ibid

<sup>44</sup> *The Probation of Offenders Ordinance, 1960* Section 4.

<sup>45</sup> Law Commission, *Report on the Reference of the Government on Prison Reforms*, Serial No.54 (2003) p1.

<sup>46</sup> Ibid

<sup>47</sup> Lippke Richard L., 'Toward a Theory of Prisoners' Rights' (2002) 15(2) *Ratio Juris* p122.

and the blamed ought to in suitable cases be discharged on his own bond without money related commitment to guarantee expedient trial.<sup>48</sup>

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 monitoring of the performance of prison staff 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 moral reflection, need to accentuation on the more contact staff have with detainees the less correctional they turn out to be, perhaps in light of the fact that the connection refines detainees in their eyes. The exploration likewise recommends that the more jail staff individuals draw in with detainees to change their practices and enhance their lives, the more probable they are to be no reformatory in their frames of mind. In this way, these discoveries would propose that preparation and staff advancement which uncovered staff, of every single social foundation, to these rehabilitative jobs will diminish in general dimensions of correctional dispositions among staff. One conceivable methodology with rights completely held by detainees is to hold that state assistance ought to enable detainees to appreciate or exercise such rights in manners that are in any event generally practically identical to the manners by which free nationals do as such. In any case, to state this is just to raise a progression of issues, not address them<sup>49</sup>. The

---

<sup>48</sup>*Hussainara Khatoon* (1979) AIR 1363.

<sup>49</sup> Lippke Richard L., 'Toward a Theory of Prisoners' Rights' (2002) 15(2) *Ratio Juris* p133.

parole system has long been recognized as the single most inequitable, potentially capricious and uniquely arbitrary corner of the criminal justice map.<sup>50</sup>

Another ethical consideration, an excessive number of in our general public, the effect of detainment on detainees and their families involves next to zero significance. The impacts of imprisonment incorporate the high monetary, passionate and social costs which detainees' relatives are frequently compelled to pay. Such expenses have been named 'imperceptible discipline', since they frequently leave detainees' families feeling as though they have been punished for wrongdoings they have not submitted. Numerous individuals are specifically and in a roundabout way influenced by wrongdoing every year, the most noticeably bad violations now and again dropping whole families into wrecking misfortune. Be that as it may, as a general public we are responsible for our reaction to wrongdoing and the manner by which we punish.<sup>51</sup>

Subject to thought of security and control, liberal visits by relatives, dear companions and real guests, are a piece of the detainees' pack of rights and will be regarded. There ought to be regarding each foundation social specialists accused of the obligation of keeping up and enhancing every single attractive connection of a detainee with his family and social agencies.<sup>52</sup>

## 6.2 Conclusion

In spite of the fact that much work stays to be done on the explicit privileges of detainees' hold completely or to some degree, yet it ought to be conceded that State has the responsibility to guarantee those held privileges of the detainees. Assume that while a portion of their rights are legitimately abridged, detainees hold essential rights, for example, the right to speak freely and religion, the privilege to work, the privilege to cast a ballot, and the privilege to human services. In answer State may asserted that by carrying out violations of a genuine kind, detainees have set themselves in a place where they will be unable to appreciate or practice their held rights. The State is accordingly not committed to offer them any extraordinary help or support and this contention infers that failure to practice or appreciate held rights is a piece of the expense to the

---

<sup>50</sup>, Geoffrey P Alpert. (ed), *Legal Rights of Prisoners* (Saga Publication, 1st ed, 1980) p38.

<sup>51</sup> Ibid p68

<sup>52</sup> Ibid p1601

blameworthy of their criminal wrongdoing. Here we can draw the consideration of the state as the jail populace may well incorporate probably the most chided individuals from the network and comparatively, in present day clashes the conscious treatment of detainees is basic for authenticity, and universal rights guidelines are viewed as key certifications of good treatment. The basic element of rights is exactly that they are accessible to all, even the individuals who through their activities may have all the earmarks of being less meriting than others and rights should, accordingly, not be connected to ethicalness.

To perceive detainees as general rights-holders and would, along these lines, recognize their subject status, yet it would likewise mean perceiving a different class of rights coming about because of their detainee status. There is likewise the subject of how far we may genuinely control or mediate upon those rights that containment expects us to abbreviate. To noting these inquiries would expect us to take a gander at our Constitution where part III lists some key rights for all native of this nation and here detainees are not special case. To address the origination of the detainees legitimate status three expansive standard can be connected: the human rights rule, the guideline of lawfulness and the rule of proportionality with full soul.

For motivations behind dialog, there may be degree for contention that crooks relinquish every one of their rights because of their criminal wrongdoing. The decline of offense is, no doubt, one of the focal advocating points of legitimate discipline. Nonetheless, to safeguard the privileges of a detainee the entrance to the courts should guarantee and to the advancement accomplished in the acknowledgment of key opportunity as accessible likewise to kept criminal, the privilege of access to the court. At first a concise review of the global way to deal with security of detainees' privilege as a rule and their privilege of access to the courts in especially guaranteed. 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.

The more complex issue of prisoners' voting rights was examined by looking at the nature of human and democratic rights as well as the extent to which imprisonment is intended to deprive a person of these rights.<sup>53</sup> No strict conclusion could be drawn from this discussion except to reject a system whereby disenfranchisement occurred as a circumstantial consequence of imprisonment.<sup>54</sup>

For concluding remarks, bringing a rights-based claim can itself promote respect for the law on the part of the prisoner through reaffirming his or her nationality.<sup>55</sup> Finally we hope that within the prison system, it may contribute to decent order by reducing prisoners' sense of injustice. It may also satisfy states' obligations under law.

## Bibliography

### A. Books

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

### B. Cases

1. *Bangladesh vs. Shahjahan Shiraj* (1980) 32 DLR (AD) 1
2. *BLAST vs. Bangladesh* 57 DLR(2005) 12
3. *Hussainara Khatoon & Ors vs Home Secretary, State Of Bihar* (1979) AIR Supreme Court, 1360

---

<sup>53</sup> Mbodl Ntusi, 'Should Prisoners Have a Right to Vote?' (2002) 46(1) *The Journal of African Law* p102.

<sup>54</sup> *Ibid* p102

<sup>55</sup> Susan Easton, 'Constructing Citizenship: Making Room for Prisoners' Rights' (2008) 30(2), *Journal of Social Welfare & Family Law* p142.



4. *Fazal Khan vs. State* (1962) 14 DLR (SC) 235
5. *Muhammad Hussain Vs The State* (1968) 20 DLR (WP) 25
6. *Prem Shankar Shuklavs Delhi Administration*(1980) AIR Supreme Court 1535
7. *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](http://www.pucl.org/Topics/Law/2013/vote_none.pdf) >access at 20/ 03/ 2016
8. 10. *Sunil Batravs Delhi Administration* (1980) AIR 1579 Supreme Court 1579

### C. Journal Articles

1. 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
2. Behan, Cormac, 'Still Entitled to Our Say': Prisoners' Perspectives on Politics' (2011) 51(1) *The Howard Journal of Criminal Justice* 33
3. Breen, Jessica, 'Prisoners' Families and the Ripple Effects of Imprisonment' (2008) 97(385) *An Irish Quarterly Review* 60
4. Briant, Sophie, 'The Requirement of Prisoners Voting Rights: Mixed Messages from Strasbourg' (2011) 70(2) *The Cambridge Law Journal* 279
5. Easton, Susan, 'Electing the Electorate: The Problem of Prisoner Disenfranchisement' (2006) 69(3) *the Modern Law Review* 443
6. Easton, Susan, 'Constructing Citizenship: Making Room for Prisoners' Rights' (2008) 30(2), *Journal of Social Welfare & Family Law* 142
7. Lazarus, Liora, 'Conceptions of Liberty Deprivation' (2006) 69(5) *The Modern Law Review* 740
8. L. Lippke, Richard, 'Toward a Theory of Prisoners' Rights' (2002) 15(2) *Ratio Juris* 122
9. Mbodl, Ntusi, 'Should Prisoners Have a Right to Vote?' (2002) 46(1) *Journal of African Law* 92
10. 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

11. Scott, Davit, 'The Politics of Prisoner Legal Rights' (2013) 52 (3) *The Howard Journal of Criminal Justice* 234
12. Zellick, Graham, 'Prisoners' Rights in England' (1974) 24(4) *The University of Toronto Law Journal* 345

#### **D. Legislations**

1. *The Constitution of The People's Republic of Bangladesh* 1972
2. *The Prison Act of 1894*
3. *The Bengal Jail Code of 1920*
4. *The Penal Code 1860*
5. *The Code of Criminal Procedure 1898*
6. *The Probation of Offenders Ordinance, 1960*

#### **E. Treaties**

1. *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)
2. *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
3. *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)

#### **F. Others**

1. AMM Shawkat Ali, Jail Administration, [http://www.banglapedia.org/HT/J\\_0031.htm](http://www.banglapedia.org/HT/J_0031.htm), access on 10/12/2018
2. Law Commission, *Report on the Reference of the Government on Prison Reforms*, Serial No.54 (2003) 1.

3. Ministry of Parliamentary Standing Committee on Home Affairs, Bangladesh Parliament, *Remission and Procedure of Release of Long Term/Imprisoned Prisoners* (2010) 132
4. 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 11.12.2018