

Gross Violation of Human Rights at Prisons in Bangladesh: A Critical Analysis

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Abstract

This is an unpleasant truth that the prisoners of Bangladesh lead a miserable life where the basic amenities provided to them are in question. There is no doubt that they are deprived of their basic rights. Bangladesh is far behind in conforming to international standards for prisons. There are several laws in Bangladesh which are not up to date and are not enough to fulfill the demand of the prisoners. Non efficiency of the authority, lack of infrastructure facilities, and lack of logistic support, misappropriation and corruption are mainly responsible for such situation. Rights of the prisoners are violated in every steps of their life and the initiative taken by the state is not sufficient to ensure their rights. In this paper an overview has been discussed which brought together the various key facts and figures regarding violation of prisoners' rights at prison in Bangladesh. It covers the basic and fundamental rights of the prisoners, highlights and draws attention to some key issues which are responsible for the violation of prisoner's rights, in this paper the actual scenario of the prisons of Bangladesh has been described.

Keywords: Prisoner's, Human rights, Prisoner's rights, Minimum standard, Privileges, Justice, Practice.

“The degree of civilization in a society can be judged by entering its prison”

Fyodor Dostoyevsky (1821-1881).ⁱ

Introduction

Imprisonment is the most common method of punishment resorted to by almost all legal systems. History stands proof to its employment in ancient timesⁱⁱ (Gillin, 1977). The prison serves this purpose by isolating the criminals from the society so that criminals do not have opportunity to commit crimes against the society (Ponaian, 1992). Prisons play a vital role in the administration of criminal justice system by assisting the courts in the due execution of the sentences awarded by them (Chowdhury, 2014). Prisons are conventionally institutions which form part of the criminal's justice system of a country such that imprisonment or incarceration is a legal penalty that may be imposed by the state for commission of a crime (Kader, M. and Hussain, M. 2010). Jails are always considered as correctional facilities for the criminals (Ali, A. and Shah, N. A. 2011). For this purpose the offender can be detained in a separate place from his family and society to establish example for others or to deter from doing another crime and also providing an opportunity to rectify him. When any individual is kept within the bars of the prison, it does not

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mean that he lost his identity and curb the human security, he is not deprived from the basic amenities such as foods, clothing, medication, hygiene and other living condition. But the reality is different. Prisons in Bangladesh are governed by laws which date back to the 19th century. In practice, many people, particularly the poor, become entangled in the penal system where they face violations of their human rights. It is the state responsibility to ensure the human rights so long he will be detained in prison, but this is unpleasant truth that prisoners are human being is often forgotten. The basic rights and human identity of the prisoners grapes at the prison of Bangladesh. Though it is very tough to overcome in a society like Bangladesh but not impossible. State initiatives are not sufficiently judicious and cordial to formulate a civilized policy to treat the prisoners a bit humanly (Karzon, 2004).

In most of the developed countries there is shift from deterrent retributive and preventive to reformative approach. Their penal policy and prison system have been structured on their reformative attitude to give the offenders an opportunity to rectify themselves. In this context our penal policy and prison system is not up to civilized standard. Prisoners will be detained but their rights will not be taken away, but our prison system is completely different to it. Where violating the prisoners' rights, mismanagement, overcrowding and corruption are the common phenomena. Prisoners are never treated humanly. So this paper focuses on the actual scenario of the prison and factors which are responsible for violating prisoner's rights. At last some recommendations are given to overcome the difficulties or to ensure the prisoners' rights.

Methodology of Research

In dealing with these issues, both primary and secondary sources have been taken into account. Relevant International Instruments, National Laws, case-laws, statements and official documents have been taken. Additionally secondary sources including books, journals, articles, online resources, statements, presented papers, documents of relevant international and non-governmental organizations and other materials have been taken into account for proper analysis, comprehensive understanding and consistent conclusion. In conducting legal research, the researcher depends on the documentary sources, information existing in forms of journal articles, case reports, legislation, records, etc., for analysis and conclusion. Accordingly the research is doctrinal in nature as no field work or empirical research has been undertaken.

Concept of Prison

The word prison the Synonym of the word jail or goal or Penitentiary that has been defined as place properly arranged and equipped for reception of persons who by legal process are committed to it for safe custody while awaiting trial or for punishment. In other words, prison symbolizes a system of punishment and also a sort of institutional placement of under trials and suspects during the period of trial. Since there cannot be a society without crime and criminals, the institution of prison is indispensable for every country (Paranjape, 2009).

- The Collins English Dictionary of the 21st Century Edition gives the following definitions:
1. A public building used to house convicted criminals and accused person remanded in custody and awaiting trial.
 2. Any place of confinement or seeming confinement.
 3. Jail, Penitentiary, Reformatory etc.

According to section 3(1) of the Prison Act, 1894, prison means any jail or place used permanently or temporarily under the general or special orders of government for the detention of prisoners and includes all lands and buildings appurtenant thereto.

The Present Prisons and Prisoners in Bangladesh

It is reality that the prisoners of Bangladesh lead a miserable life. There are 68 jails in the country, where 63 in 63 district and another 4 at Kashimpur in Gazipur and 1 in Gazipur where 69852 inmates stay. Beside this the government may declare any place or places as jail for time being by gazette notification. Among the prisoners 20333 are convicts 46180 were waiting for trial, a total of 985 death penalty awardees are waiting to be executed in different cells, and 30 were detained under the Special powers Act. 1974.ⁱⁱⁱ Central Jails accommodate convicted prisoners whereas other jails house under trials prisoners. Overcrowding is the most acute problem encountered by the inmates. Unusually to such an extent the total number of inmates is almost three times (Firoz, 2013). The total accommodation of the jails, another statistics revealed that all the Jail of Bangladesh can accommodate a maximum number of 34167 inmates in total. But the Jail have to house 70000 inmates almost 3 times the total capacity. The rising number of imprisoned people in Bangladesh is exhausting the limited resources available at the prison facilities. Below national prison administration statistic is given.

Table: 1^{iv}

Ministry responsible	Ministry of Home Affairs
Contact address	Nazimuddin Road, Dhaka, 1100, Bangladesh
Website	http://www.prison.gov.bd
Head of prison administration (and title)	(Brigadier General) Syed Iftkhar Uddin Inspector General of Prisons
Prison population total (including pre-trial detainees / remand prisoners)	69 852 at 20.1.2015 (national prison administration)
Prison population rate (per 100,000 of national population)	44 based on an estimated national population of 159.55 million at January 2015 (from United Nations figures)
Pre-trial detainees / remand prisoners (percentage of prison population)	c. 69.0% (31.3.2014)
Female prisoners (percentage of prison population)	3.4% (31.3.2014)

Contd. table

Juveniles / minors / young prisoners incl. definition (percentage of prison population)	0.4% (19.9.2008 - under 18)
Foreign prisoners (percentage of prison population)	0.1% (December 2012)
Number of establishments / institutions	68 (2013)
Official capacity of prison system	34 167 (20.1.2015)
Occupancy level (based on official capacity)	204.4% (20.1.2015)

Human Rights in Prison

Human rights are the basic rights of human beings and no person should be deprived of getting such rights. (Rahman, M.M, 2006) The protection of human rights is guaranteed by some important international instruments and should not regress. Prison or prisoners are not only the matter of national but also international concern. Already so many steps have been taken to protect or promote the prisoners' rights through convention, treaty, and covenant or instrument, they are also concerned about treating the war prisoners humanly, that is why the Geneva Convention has been adopted to treat the war prisoners more humanly. Beside above mentioned national instruments the following international instrument imposes responsibility upon the state to ensure the prisoner's rights.

International Laws which Guarantee the Prisoners' Rights

(a) The Universal Declaration of Human Rights (UDHR), 1948:

The Universal Declaration of Human Rights provides that- everyone has the right to life, liberty and security of persons (Article 3), and no one shall be subject to torture or cruel treatment (Article 5). It also guarantees that everyone has the right to an effective remedy by the national court for violating fundamental rights (Article 8). No one shall be subject to arbitrary arrest or detention, the arrestee is also entitled for fair trial or fair public hearing (Article 9 and 10).

(b) The International Covenant on Civil and Political Rights (ICCPR), 1966:

The International covenant on Civil and Political Rights provides the rights of the citizen shall be protected by law and state is under obligation to do so. So no one shall be subject to arbitrary arrest or detention, the arrestee has the right to be informed about the cause of his arrest, consult with lawyers and also entitled for fair trial or fair public hearing (Article 6 and 9). Article 10, Paragraph 1 prescribes the treatment of all persons deprived of their liberty, stating "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

National Laws which Guarantee the Prisoners' Rights

(a) The Constitution of the People's Republic of Bangladesh:

The Bangladesh Constitution guarantees the rights of the detainee or arrestee to consult with lawyer and right to know about the cause of arrest as soon as possible (Article 33), Article 35 of the Constitution also provides that no one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment (Article 35).

(b) Jail Code, 1864:

Jail Code 1864 provides ins and out regarding prisoner's rights, It upheld the rights of the prisoners regarding admission to release and guarantee the right to meet with their relatives, consult with lawyers to defend himself, right to pray, right to work, right to get sufficient food, comfortable dresses, proper treatment and so on.

(c) Prisons Act, 1894:

This Act is concerned with the duties of the prison authority and rights and duties of the prisoners, it also indicates the rules from the admission of prison to prisoners health and right to meet with relatives and prison officers and so on.

(d) Prisoners Act, 1900:

This Act deals with transfer, transportation; acquittal and produce before court also allow the commission to record the evidence of the prisoners.

(e) The Special Privileges for Convicted Women Act, 2006:

This Act deals with the Special Privileges to facilitate rehabilitation of convicted women prisoners.

Beside those, The Lunacy Act 1912, Infant Act 1922 also deals with prisoner's rights, though there were some executive order but this is unpleasant truth that no amendment of jail code has been made after 1937.

Substantive and Procedural Rights of Prisoners

The prisoners are human beings, they never ever be deprived from some fundamental rights without which a man cannot lead a human life. The rights are not dependent upon the kindness of state or government, rather it is possessed by human being by birth. (Alam, M.A, Akond.A.A,Nuri.K.S,2013) The authority should remember about human dignity of the prisoners, no physical and mental tortures are permissible. The Constitution guarantees prisoners the right to meaningful access to the courts and prison officials may not retaliate against prisoners who exercise their right to access. The right to access imposes an affirmative duty on prison officials to assist inmates in preparing and filing legal papers.^v The prisoners have the rights to communicate with relatives but subject to limits, the incoming correspondence may be rejected if it is detrimental to the security, good order, or discipline of the institution or (if it) might facilitate criminal activity. Beside these the prisoner has the right to communicate with his relatives to send and receive information about litigation or any other personal matters.^{vi} Prison officials must afford prisoners opportunities to exercise their religious freedom but subject to condition, prisoners retained some freedom of religious expression, such as being allowed to celebrate

Muslim holidays, and so on.^{vii} Although prisoners retain certain fundamental rights of personal privacy, prison officials can search their cells at random without violating their rights because prisoners have no reasonable expectation of privacy within their cells.^{viii} The prisoners are protected against cruel and unusual punishment during confinement. This is the basic demand of every human being that right to shelter, food, clothing, and medical treatment which are universal and inherent. So prison authority is legally bound to ensure the basic amenities so that the prisoner can lead a humanly life.^{ix} Every one shall be prohibited from depriving an inmate of life, liberty, or property without due process of law. Analysis of procedural due process questions involves a two-part inquiry: (1) whether a protected liberty or property interest has been interfered with by the state, and (2) whether procedural safeguards are constitutionally sufficient to protect against any unjustified deprivations.^x It is well settled legal principle that there will be no discrimination among the people on the ground of poor, color, sex, race, down-trodden, ignorant and illiterate (Alva, 2012). To successfully claim a violation of the right to equal treatment, an inmate must prove that (1) similarly situated inmates are treated differently by the government, and (2) that there is no rational basis for the dissimilar treatment (Alva, 2012). Prisoners retain right to counsel for criminal prosecutions arising while they are incarcerated. The right does not extend to disciplinary actions, nor does it apply to administrative segregation based on suspected criminal activity, unless the prisoner has been charged with a crime (Uddin, B and Kader, M. 2010). Pretrial detainees, those who have been arrested but not yet convicted, retain at least those constitutional rights that are enjoyed by convicted prisoners. They must have to remain in a place which is separated from convicted prisoners. This is human nature that they can think on any matter and express themselves. The freedom of speech is inherent right of every human being it never be taken away in any situation. In case of any violation or mismanagement of the authority the prisoners have the right to file complaint to the proper authority (Uddin, B and Kader, M. 2010). Incarcerated prisoners have constitutional right to access to courts. To make constitutional rights meaningful, state must provide access to attorney, if the litigant is poor then state is bound to provide legal aid service (Paranjape D. N., 2009).

The main area of violating prisoner's human rights

Unfortunately corruption has become a common phenomenon of all the Jails of Bangladesh. The food, clothing and bedding etc. allocated to every prisoner do not reach their hands due to the misappropriation of the prison authority. They create artificial scarcity and turn prisoners' right and basic needs into rare commodities. But financially capable prisoners enjoy all types of facilities (Karzon, 2008). All types of narcotics and deadly weapons are available within the prison and rich and influential prisoners can buy them in exchange for cash payment, beside these the rich and politically influential prisoners always enjoy more facilities than others (Firoz K. H., 2013). The specific sector of corruption by the Jails authority and also violation of the right of the prisoners are described below.

Admission of Prisoner's *i.e.* Place of Entrance

The place of entrance is the first place where the corruption has started. It is the place where the arrested persons are presented for the first time. If they bear money or cigarette, then he will be escaped from the ridiculous search otherwise they will be victims of vigorous search. By this time prisoners informed that to stay in the Jail they have to bear their expenses to lead their life and also know that they have to provide something to the guard and *falto*, they started their journey from this place, they are accustom with taking money, shoes, shirt or any other thing (Hossain, 2006).

In the Place of Case Table

It is the second sector where human rights are violated by the Jail authority. It is the central point of the corruption. In this stage the senior super of the jail come forward to settle the disputes between the prisoners which have been held within the jail. In this stage the torture will be stopped by exchanging money. The authority demands more but it is satisfied by at least 2/3 times of demand money. The scenario of corruptions is also seen when the prisoner go out, all the prisoners who will appear before the judge court have to deposit 100 Tk. and who will appear before the magistrate will have to deposit 50Tk to the C.I.D cashier called *sobedar* (Hossain, 2006).

Medical Administration of the Jail and Hospital of the Prison

There is no medical treatment staff under the directorate of prisons in order to run the fairly big hospitals in the jails. Medical Doctors are borrowed from the ministry of health. These doctors very often refuse to obey orders and instructions of the prison officers for efficient running of the administration of the prison hospitals (Roy, 1998). Govt. cannot give proper attention to this human problem in order to find out appropriate solution. But this is the reality that the medical sector is another sector of violating human rights. The another sector of violation of the rights of the prisoner is the hospital, the rich prisoner stay in hospital without any diseases to lead the life happily rather than Jail, It will be very much clear if we concentrate on the report that Lakshmipur Municipality Mayor Taher's son Biplob is in the doctor's room without any disease, who was convicted for 10 years after marching by the president for two murder cases. The medical officer and jail super were denying answering why he is in hospital? It was also reported that he was dealt his business in the cabin.^{xi} Other cases that Mr. Yeasin Rahman is accused of Jibran Taebi Murder case appeared before court and sent him to Chittagong central jail on 11 October 2011, then he is referred to the medical cabin on 13 October 2011 and staying here for two months.^{xii} Afterwards it was reported that Yasin has been convicted for life long imprisonment staying in Chittagong medical college hospital for 14 months without any diseases.^{xiii} So it is very much clear that the rich and influential prisoner always possess the healthy and wealthy life by means of money.^{xiv} Sometimes some prisoner introduce themselves as a Diabetics patient, they also manage the doctor to give prescription by means of bribe to get the special food.

Work Permit

The law prescribes^{xv} that every prisoner can exercise the right to work, so they can get work pass. But the reality is different. If one prisoner get profitable and comfortable work then he does not want to change his post by giving bribe to the sobedar by which another is deprived from his rights. Every jail has the special sector and the swiper sector, the special sector involves removing the mud and also digging the field, breaking brick, coloring etc. The swiper sector involve with the cleaning of dustbin. The swiper sector is very special sector because the jail authority give the drug to the swiper otherwise it will be impossible for them to do such work, So they also involve with the business of the narcotic drug, because there is no limitation or condition upon them to go here and there. The prisoners also carry the drug (Yaba) on their body but the authority is reluctant to take the legal action.^{xvi}

Negligence to go to Jail by Deputy Commissioner and District Magistrate or Judge to Visit Jail

Under the provision of Rule 44 of the Jail Code vol. 1 and Prisons Act, 17 of 1894, the Magistrates of the District/Deputy Commissioner shall have general control over a District Jail which is not a Central Jail. The Superintendent of Jail shall have control over all details of the management of Jail. He should pay regular visit to the District Jail once a week but reality is different because he is already overburdened; that's why he fails to visit (Uddin, B and Kader, M. 2010). The Magistrates/Additional District Magistrates and District and Session Judges are also required to pay regular visit to the District and Sub-Jail to hear complaints and grievances of the under trials in order to take adequate steps for disposal of the long pending cases. But the reality is completely different with theory or law (Uddin, B and Kader, M. 2010).

Overcrowding of the Prison and No Separate Prison System

The number of Jails in our country is 68. Registered capacity of the prisons is for 34167 prisoners, but actual population is 70000, and law also prescribes that 40 prisoners will stay in a ward but the real scenario of the prison is different and the prison authorities are required to accommodate more than three times the number of prisoners than the registered capacity. So living condition of the prisoners in the Jails of the country is deplorable denying legal rights of the prisoners for tolerable living conditions within the four walls. This is due to overcrowding of the prisons by the under trials. There is no system of separate prison in our country, that's why all types of detainees stay in the same house. So it is necessary to establish separate prisons for the under trials detainees. If they live in the same house the mentality of the petty and new offender and under trial prisoners may be influenced by chronic offender.

Unwholesome Prisoners Food

The present scale of diet allowed to the ordinary prisoners is considered reasonable to maintain their physical health. The quantity of dietary articles prescribed for the ordinary inmates is satisfactory but quality of food served to them is quite unsatisfactory mostly due to corrupt practices amongst certain categories of prisons officers. The jail authority and their supplier agent are jointly responsible, because the food supplier agent involves with corruption from taking

tender to supply food. After getting tender the supplier supply low quality inadequate food but make bill for high standard food. When they make bill then they show that each items of food supplied is less than half of the market price. It was also noted that more than half of the prescribed goods are misappropriated or taken away in the midway. So prescribed food does not come to the prison kitchen,^{xvii} and the food provided to the prisoners is not standard to eat and not adequate where law prescribe 53-54 taka per prisoners per day.^{xviii} Beside these scarcity of pure drinking water is the common issue in the prison, which is gross violation of the human rights.^{xix}

Uncomfortable Clothing and Bedding

The present pattern of uniform meant for the ordinary prisoners of our prisons are considered most indecent and demoralizing and also uncomfortable. This should be replaced by comfortable one; In the present setup of prisons the bed means two pieces of blankets one for treading over the floor and another for use as pillow as allowed to the ordinary prisoners. The way in which they are required to sleep in congested and unhygienic conditions is quite detrimental to the inmate's physical as well as mental health.

No Legal Aid for the under Trials Prisoners

The legal environment in Bangladesh is not conducive to securing justice especially for the poor. No Legal aid at government cost is available for the poor under trial prisoners who cannot arrange adequate defense for themselves (Hossain P. Z., 2011), so it should be ensured in order to ensure legal rights for the prisoners behind the bars.

When any person enjoy some extra benefit the others have to be deprived. Human rights is not the matter of mercy and only enjoyable by the class maintaining people. It's the rights which can be enjoyable without any sorts of discrimination, nobody can curtail those rights in any way. Unfortunately we already have forgotten, and the rights of the prisoners are being violated randomly.

Women in Prisons

All over the world, women in prison suffer from intersecting discriminations, and are largely ignored in prison systems designed for men. The issue of women incarceration in Bangladesh prisons has been overlooked and ignored not only in the scholarly literatures of the country but by the policy makers of the country too. The Constitution of Bangladesh provides that all are equal before law and entitled to equal protection of law. Women in prisons all around the world are at risk of rape, sexual assault and torture. In some countries, gender-based violence is endemic in places of detention. Sexual violence against women in prisons has received attention from the Human Rights Committee, the Committee on the Elimination of Discrimination against Women^{xx} and the Committee against Torture. The Special Rapporteur on Violence against Women and the Special Representative of the Secretary-General on Human Rights Defenders has documented scores of incidents of ill-treatment of women in prisons.^{xxi} Rule 8 of the *UN Standard Minimum Rules for the Treatment of Prisoners* is clear in requiring that men and women be detained separately.^{xxii}

In this matter Bangladesh has entitled The Special Privileges for Convicted Women Act, 2006 to facilitate rehabilitation of convicted prisoners. It provided for parole for specific periods to women prisoners who were sentenced to:

- more than five years, and less than ten years, and had already served 40 per cent of their sentence;
- more than three years and less than five years and had served 25 per cent of the sentence;
- less than three years who had served 20 per cent of the sentence;
- One's sentence who had served 20 per cent of the sentence.

The law provided for the constitution of a national committee under the Secretary of Social Welfare to recommend release of women convicts sentenced to more than ten years. Another committee formed under the District Magistrate was to monitor the behaviour of women prisoners sentenced to less than ten years in order to recommend their parole. One Probation Officer was assigned to monitor prisoners on parole. Anyone found violating the conditions of parole was to be sent back to jail, and made to serve the full sentence.

Recommendations

The crimes and criminals are the part of the society where the prison is the indispensable institution for every country. But the prison conditions of Bangladesh are not good. The prisoners are deprived of basic rights and facilities which are required to lead a human life. It is the time to take the proper initiative to remove the difficulties and ensure the basic rights of the prisoners. Following recommendations may be taken into consideration by the concern authority

- a) The existing laws relating to the prisoners rights are backdated, the Government should take steps to modify the jail code and also to enact law for the betterment of the prisoners and to prevent jail corruption and promote prisoners' rights.
- b) The basic course should be provided for every employee of the Jail on the ground of human rights and also how to implement it. The Govt. can conduct it by human rights expert, and the courses have to arrange at least three times in a year.
- c) The government may form an independent separate department to supervise the jail, jail authority to promote and protect the prisoners rights. There must a monitoring body to monitor the day to day activities of the authority.
- d) The basic demands of the prisoners are in question because the clothing and bedding facilities provided by the authority is not standard, the meal is not only inadequate but also unhygienic and malnutritious. And the medication is out of reach; which is only for the rich prisoners. It's the high time to fulfill the at least basic demands adequately and properly. It always have to be remembered that the prisoners are human beings, As human beings they can enjoy some rights by birth, so the main object of the Jail authority will be not to violate their rights . The basic demands of the prisoners have to be ensured by the authority.
- e) The prisoner has the right to involve with the work. Otherwise they will be involved with bad motive, so the prisoners have to be involved with different types of productive and creative work to improve their professional skills, and make them resources of the country.

- f) There should be a post of inspector for every jail who will be appointed from civil society to monitor jail system. There should be easy access of media, NGO and civil society to scrutinize the prison conditions with prior permission; they can work as a watch-dog to protect the prisoners rights by preventing the authority from malpractice.
- g) It is well known that the prisoners are more than in its capacity, so there should be adequate place to accommodate all the prisoners, and there should also be separate prisons for the sentenced, undertrial, women and children.
- h) There must be an opportunity for amusement, the library have to be rich in its collection and every types of daily Newspaper, Magazine will be easily accessible.
- i) The rights of the prisoners to meet their relative without any cost has to be ensured.
- j) It is the duty of the Jail authority to change the mind of the prisoners by motivating; it does not exist in our country. Otherwise Jail authority can appoint a motivator to regulate it. The authority must have to arrange reformative training to realize his position and arise the liability regarding family and society. It will also help to remove his guilty intention. The vocational training also can help to reform his character and it will rehabilitate them in the society after release.
- k) There should be a scope of parole and probation system by which the prisoners can realize about the social values.

If we consider above mentioned recommendations, every prisoners will enjoy their rights. There will no scope of the violation of the prisoner's rights. To promote and protect the prisoner's rights the government, national and international organization and civil society should be concerned about it. Then they will lead a humanly life and will be converted into resource of the country.

Concluding Remark

Human rights is a matter of life and culture, it can only flourish in knowledge and education, which will reflect in our activities, one should respect the rights of other and nobody can violate it. It has been forgotten that prisoners are human beings, the rights of them are violated randomly, unfortunately state does not take proper step to protect the prisoner's rights, and still state does not formulate or revise the policy to square it. As an independent country it indicates that our attitude is lagging behind the civilized standard. Our legal and judicial system suffers from certain inherent limitations for which justice has been trapped into pronouncing judgment. It is unpleasant truth that most of our political leaders went to the Jail; they know the condition of the Jail and also know how the rights of the prisoners are violated. Unfortunately when they go out and go to the power they forget everything, they never take steps to promote the condition of the prisoners and also to remove the corruption from the Jail. Fortunately prison authority has taken some steps to remove and control the corruption from the Jail. But no decision come into light, There was a post of nongovernment jail inspector who would be appointed from the civil society to monitor or inspect the prisons to ensure the rights of the prisoners and to make transparent the authority's activities, but now the ruling Government deactivate it unexpectedly. Although jail code is revised in 2008 to develop the living condition of the prisoners, but it is in book not in practice. The fate of the prisoners will not be changed unless the government enacted laws and jail authority implement it honestly. To ensure it the civil society, NGO, GO, international

organization, electronic and print media and human rights organization can play vital role through pressurizing to the government and focusing and publishing report by which the authority will think for one time to violate the rights of prisoners. Though there was a system for non government jail inspector unfortunately present government has reserved this post. So it should run again. Lastly it has to be said that the United Nations have taken many steps by establishing a specialized agency and monitoring body to protect the prisoners' rights and also have to play vital role impartially and all or authorized officials should be honest and strict in their position to ensure justice of the prisoners.

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End Notes

ⁱ Dostoevsky was a Russian novelist, short story writer, essayist, journalist and philosopher.

ⁱⁱ Prison System which is a method of holding Criminals was the result of historic accidents. It was not a carefully thought out plan. The great prison in Rome was built by Pope Innocent X in 1655. There were generalized institutions for the care of criminals. The 17th and 18th centuries saw the rise of “Prisons”, “Jails”, and “House of Correction” etc.

ⁱⁱⁱ Data collected from record kept in the Chittagong Central Jail, Md. Sagir Mia, Sr. Superintendent of Jail, Chittagong Central Jail, Chittagong, on 9.05.2014.

^{iv} The International Centre for Prison Studies< <http://www.prisonstudies.org/country/bangladesh>> Last accessed on 9 February 2015.

^v *Prisons Act 1900*, part 9.

^{vi} Rule 663 of *The Jail Code 1864*.

^{vii} Rule 689 of *The Jail code 1864*.

^{viii} Rule 503 of *The Jail Code 1864*.

^{ix} Rule 1212-1214 of *The Jail Code 1864*.

^x *Ibid.*

^{xi} Staff Correspondent- *Jabbotjibon Saja Praptho Ashmi 14 Mash Hospitale*-The Daily Prothom Alo -18 January 2013, P 1.

^{xii} Staff Correspondent- *Khuner Ashami 2 mash dore haspatale*-The Daily Prothom Alo, 13 October 201, P 1.

^{xiii} Editorial-*Donditer Shebai Haspatal*-The Daily Prothom Alo -12 January 2013, P 2.

^{xiv} Staff correspondent-*Hospital e arame ache khuni*, The Daily Prothom Alo, 25th September 2013 p 1, 2.

^{xv} *Prisons Act*, 1894, Chapter vii.

^{xvi} Staff correspondence- Karagare Yaba Uddar-*11 dine o mamla hoini*-The Daily Prothom Alo, 20 september 2014, p1.

^{xvii} Staff correspondent-*karagare pokor chori*-The Daily Prothom Alo 1 November 2012, pp 1-,2.

^{xviii} Ex non-government jail inspector Elina Khan said to The Daily Prothom Alo, published on 1 Noember 2012, p-1.

^{xix} Ex non-government jail inspector Elina Khan said to The Daily Prothom Alo, published on 1 Noember 2012, p-1.

^{xx} The Committee for the Elimination of Discrimination against Women has highlighted violence against women in prisons and detention centres in a number of its Concluding Observations, for example: Peru, A/50/38 (1995) 79 at para. 445; Bangladesh, A/52/38/Rev.1 part II (1997) 117 at para. 443; India, A/55/38 part I (2000) 7 at para. 72; Egypt, A/56/38 part I (2001) 33 at para. 344; Russian Federation, A/57/38 part I (2002) 40 at paras. 391 and 392; Tunisia, A/57/38 part II (2002) 102 at para. 194. In its General Recommendations to Turkey, the Committee ‘noted with the gravest concern the practice of forced gynecological examinations of women in the investigation of allegations of sexual assault, including of women prisoners while in custody... The Committee emphasized that such coercive practices were degrading, discriminatory and unsafe and constituted a violation by state authorities of the bodily integrity, person and dignity of women’.

^{xxi} For example: *Report of the Special Rapporteur on violence against women, its causes and consequences: Addendum, Communications to and from Governments*, E/CN.4/2005/72/Add.1, para 21 (Bangladesh), para 44 (Burundi), para 61-77 (China), para 137-142 (Egypt), para 184 (India), para 132 (Pakistan), para 413 (Sudan), para 452-459 (Turkey); Mission to Guatemala, E/CN.4/2005/72/Add.3; Mission to Occupied Palestinian Territory, E/CN.4/2005/72/Add.4; *Report of the Special Representative of the Secretary-General, Addendum, Summary of cases transmitted to Governments and replies received*, E/CN.4/2005/101/Add.1.

^{xxii} (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate...