The Prison System: An Exploration for the Rights of Prisoners (Prison System in Bangladesh)

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Abstract: Prison is a mechanism of punishment and also a place for under-trial offenders or suspects during the proceedings of trial. It also gives shelter and correctional therapy to the offenders of different categories. Prison can be used as a system of requital and persecution by making life of the convict or wrongdoer difficult and elegiac. In the present time the rights of the prisoners have become most important factor in the world including Bangladesh. There are many national and international laws that provide the different rights for the prisoners. But the rights and privileges narrated in that laws have not been properly executed for the prisoners. And as a human being a prisoner can claim that rights and he should be provided that privileges. This article asserts the existing rights of the prisoners and also describes some points relating to the prisoner’s rights that are clearly mentioned in the various Act. This article has seemed the real scenery of the prison, exact situation of the prisoner and also state the gap between the existing laws and its real practices. To establish the modern civil society the state should take necessary measures to ensure the rights available for the prisoners. And it is very important for upholding the dignity of a prisoner as a human being.

Keywords: Prison system, Privilege, Prisoner, Rights, National.

1. Introduction

Prison is just one of a number of sanctions available to the courts to deal with those who commit criminal offences. Imprisonment today is the harshest sanction available, but this has not always been the case. It is an important part of criminal justice system of a country. Prison means the place where the convicted offenders are confined. It is place of confinement of criminals. Prison is also known as correctional institution, is the punishment that courts impose upon the convicted criminals for their serious and felonious crimes. Confinement in prison for a long term is a primary punishment for the convicted offenders. But in the case of short-term confinement criminals are confined in a jail,
detention center or other similar types of institutions. To execute the sentences imposed upon the criminals by the court, prison plays an important role and assists to the administration of the criminal justice system. The purpose of the prison system is to isolate the criminals from the society so that they will not get any scope to commit crime against the society and against the country. The objective of this study is to identify the ways of improving the prison system in Bangladesh and recommend some ways to reduce the violations of the human security and human rights inside the prison.

2. Definition of Prison

The word prison has been defined as a place or penitentiary which is properly arranged and equipped for the reception of such criminals who are legally convicted or are waiting to get punishment. According to English Oxford Dictionary, Prison is a building in which people are legally held as a punishment for a crime which they have committed or while waiting for trial. According to Cambridge English Dictionary, Prison is an institution where criminals are forced to live as a punishment for committing crime. The Prison Act, 1894 provides that Prison means any jail or goal or place which is used temporarily or permanently by the order of the court or government for the confinement of detention of prisoners and includes all lands and building thereto. So, prison is the placement of legal punishment of the imprisoned, convicted or suspect criminals that may be imposed by the criminal court or the State for the commission of crime.

3. History of Prison

The term prison we have heard first in the history of Joseph in Egypt. Potiphar, the master of Joseph took and put him into the prison where the king’s prisoners were bound to stay. The Heb means properly a round tower or fortress has been a part of Potiphar’s house was used as a State or king’s prison where the prisoners were kept. Because there were no provisions for imprisonment as a punishment under the Mosaic law. In the wilderness two persons were put in ward but it was only till the mind of God concerning them should be ascertained. In the book of Psalms first the word prisons and prisoners are mentioned. In a Philistine prison Samson was confined. Subsequently in the history of Israel frequent heinous references were made in the case of prisons. In the New Testament times prisons were seemed to have been common. The persons who were apostles put into the common prison at the instance of the Jewish council and at Philippi Paul and Silas were thrust into the inner prison. In 17th and 18th centuries the concept of prison system is gradually focused in the various countries of the world. In the middle of 19th and 20th centuries the prison system is improving and recently most of the countries take this system as the system of highest punishment instead of death penalty for serious heinous crime except the commission of the crime of murder.

4. Prison Administration in Bangladesh

During the 19th century the colonial rulers formulated a code named the Jail Code and according to this code the administration system of the prison in Bangladesh is carried out. This code includes the Prison Act IX of 1890 and gradually this Act has been amended in different times in different names. Bangladesh is consisted with 64 districts and most of the districts has its own prison. There are two major types of prison in Bangladesh. They are the Central Jails and the District Jails. The central jails are used for the confinement of criminals who are sentenced more than 5 years imprisonment or life imprisonment or for death penalty. There are eight central jails in Bangladesh which are treated maximum security prisons. The District jails are located at the headquarters of the district. These jails are used for the confinement of all categories of criminals who are sentenced less than 5 years imprisonment. These types of jails also hold long-term confinement if ordered by the Inspector General or Deputy Inspector General of Prisons. About 56 district jails are available in Bangladesh. District jails are called medium security prisons. Besides the Central Jails and the District Jails there are 16 Thana jails known as detention houses. But at present these types of jails are not functioning in Bangladesh. The Ministry of Home Affairs is the directorate of prisons and responsible for all managements of the prison system. Each prison is administered by sergeants, guards and other prison staffs under the supervision of the superintendent of jails.
5. Rights of Prisoners

As human being prisoners are hold different types of rights which are mentioned in various National and International Laws. These rights are extremely valuable and essential for the all types of prisoners like convicted prisoners, under trial or pre-trial detainees and also civil prisoners. Section 4 of the Prison Act, 1894 provides the sufficient accommodation for prisoners. This Act clearly states that the female prisoners shall be examined and searched by the female.\(^5\) Section 27 of the same Act also provides that the male prisoners, female, pre-trial detainees, convicted prisoners and civil prisoners shall be imprisoned in separate parts of the building. This Act further states that, civil prisoners and pre-trial prisoners who are unable to provide themselves with sufficient clothing and bedding shall be supplied by the Superintendent.\(^6\) An important law which is enacted in 1970s providing the rights of under trial detainees. According to this law the pre-trial detainees cannot be deprived of any rights except the right to come and go as they choose. Moreover, the national laws are also concerned about the rights of Expression and Communication, Access to Courts and Health Rights of Prisoners etc. Different international laws, treaties and covenants also discuss about the essential rights of prisoners. Article 10 of International Covenant on Civil and Political Rights (ICCPR), 1966 states that;

- All persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human persons.
- Human rights are inalienable and must apply to all human beings without exceptions.
- No person is a criminal by birth. Crime is the reflection of society and by restrains human rights of prisons the society corrects its own failure and ensures proper socialization of prisoners.
- A prisoner should get human rights in order to learn how to respect the human rights of others.
- Curtailment of liberty is a punishment. So, a prisoner cannot be punished more by debarring him from human rights.
- Treatment of criminal is one of the tests of civilization of the country. So, by maintaining human rights of prisoners we can contribute to the positive development of civilization.\(^7\)

Article 5 of The Universal Declaration of Human Rights, 1948 provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Everyone has the right to lead a standard life with food, clothing, housing and medical care and necessary social services.\(^8\) Besides these rights there are many rights provided by the international laws for the benefit and human security of the prisoners.

6. Problems of Prisoners in the Prisons of Bangladesh:

The facilities given to the prisoners in the prisons of Bangladesh are not good and sufficient. Thus, the prisoners face many problems in the prisons every time. The most common and worst problems inside the prisons are overcrowding, food problem, medical problem, disciplinary problem, health and hygienic problem and other problems. The different types of problems in the prisons that violate the significant rights and human securities of the prisoners are as follows-

a. The accommodation condition in the prison is very poor. Floor space allocation shows the real picture of that worst conditions. Every prisoner is entitled to get 36 square feet space but due to overcrowding it is reduced to 15 square feet for per prisoner. That’s why the life of prisoner becomes worse by the small of sweat, carbon-dioxide and urine emitting from uncovered urinals. So, overcrowding violates the legal and human rights of the inmates.\(^9\)

b. Most of the prisoners suffer from chronic diseases especially dysentery and malnutrition because of serving of so low quality of food in the prisons. Almost all of them fall sick after consuming those foods. It threat the condition of health and hygiene of the prisoners. Furthermore, the manner of serving foods in the prisons and the atmosphere of eating the prisoner’s required meals is not acceptable.

c. Prisoners also face problems of clothing and bedding. The current striped uniform for the ordinary prisoners is treated demoralizing. A bed consists of two blankets, one is used to spread on the floor and another is used as a pillow. This condition is degrading, detrimental to the physical and mental health of the prisoners and the violation of the prisoner’s human rights.

d. The medical facilities in the prisons are not appropriate and sufficient. There are no sufficient doctors and nurses available in the prisons. There are no doctors available at night to attend to
emergency cases and no women doctors or nurses to attend to female patients in the female sections of jails. Male doctors attend to female patients, thus exposing these women to possible sexual abuse or violence. This is considered to be a serious violation of women’s rights, as guaranteed in the Constitution.

e. Some vocational training programs like woodwork, laundry work, barber shop training, metalwork, wool knitting, carpet and cloth weaving etc. are currently available in the prisons. But these programs are not successfully managed and developed for all classes of prisoners in the prisons.

f. There are no adequate special protections in the prisons for the women and child. The authority of the prisons is not completely following the rules and regulations emerged in different laws for the protection of women and child.

g. Corruption has become a very important problem in the prisons of Bangladesh. The prisoners do not get their allocated food, bedding and clothing materials due to the misappropriation of the authority of the prison. It is noticed that most of the time prisoners buy their necessities with cash payment. Financially capable prisoners enjoy all types of facilities including nicotine. Sometimes rich and influential prisoners can buy and sell narcotics and deadly weapons in the prison in exchange for cash payment.

h. Sometimes overcrowding, unhygienic conditions, malnutrition, and absence of medical care is the consequence of the death of the prisoners in the prisons of Bangladesh. Around 10 percent of the prisoners are passed away inside the prisons due to illness and lacking of proper medical treatment. Remand is one of the most important issues here. Many under trial or pre-trial detainees are died due the cruel torture in the name of remand.

i. Inmate-on-inmate violence is a common phenomenon of all the prisons of Bangladesh. They are engaged in violence when they can not enjoy their facilities properly and equally in the prisons. The prison authorities are directly liable for the violence by neglecting to take charge of the inmates within their facilities.

j. Another problem of the prisoners is to maintain strict discipline in the prisons. They lead their life with rigid discipline and they have to maintain strict security arrangements as well as monotonous routine life. It makes the life of prisoners complex and boring.

k. Welfare measures for the benefit of prisoners are extremely inadequate. There are no trained social welfare officers in prisons to investigate physical aspects such as food, clothing, medical care, sanitation, and water supply within the prisons. There are no trained social workers or psychologists to provide for the psychological needs of prisoners.

l. It should be mentioned that there are no programs in Bangladesh’s prisons for the reform and rehabilitation of offenders. This contributes to the rising crime rate, since most prisoners return to society, not as reformed individuals, but as hardened criminals. This is caused in part by the absence of adequate training for prison officers and staff.

7. Recommendation

To protect the rights and human security of the prisoners and to improve their facilities provided in the prisons, the government of Bangladesh should establish and implement the following measures or recommendations. The recommendations are-

a. Proper floor space and adequate accommodation system should be established in the prisons of Bangladesh so that the prisoners feel comfort to stay in the prisons.

b. Hygienic foods should be served to the prisoners and the manner of serving food as well as atmosphere of the having meals should be better.

c. The medical facilities in the prisons of Bangladesh should be improved as follows-

1) Those doctors should be recruited who are interested in providing medical services in prisons as a career.

2) There should be one psychiatrist in each jail hospital.

3) There should be a female doctor in every female section.

4) There should be one emergency doctor in emergency cases at night.

5) There should be both male and female nurses for the male and female section respectively.
6) Pathological, radiological and cardiological personnel and facilities should be made available in jail hospitals.
7) Patients with complex cases should be sent to external hospitals for specialized treatment.
8) There should be separate segregated wards in prison hospitals to treat prisoners suffering from infectious diseases and drug addiction.
d. There should be separate prisons for female prisoners in the central jails and also in the district jails. Furthermore, there should be separate prisons for adolescent and juvenile convicts.
e. Backdated laws and procedures regarding the rights of the prisoners should be amended to establish and develop a more humane and sophisticated approach.
f. Plea Bargaining system should be established in our country to reduce the overcrowding in prisons.
g. The performance of the staffs of prisons should be monitored properly to reduce anomalies in the existing prison administration.
h. Prisoners should be allowed to send their complaints against the prison officials directly to the Ministry of Home Affairs in order to stop security violations inside prisons.
i. Judicial activism should be quicker for the disposal of the cases through formal or informal as well as quasi-formal ways.
j. Corruptions of the staffs in the prisons of Bangladesh should be removed and an academy should be established for training of the prison’s staffs.
k. Special protections in the prisons for the women and child should be maintained by the jail authority in accordance with the relevant laws.
l. Vocational training programs like woodwork, laundry work, barber shop training, metalwork, wool knitting, carpet and cloth weaving etc. should be ensured properly to all classes of prisoners.
m. Welfare measures for the benefit of prisoners should be increased.
n. Some reformative programs should be introduced by the government so that prisoners are given treatment based on their different needs.

8. Conclusion
In the case of prisons Bangladesh still follows the outdated laws which were enacted in the 19th century by the British colonial rulers. In accordance with these backdated laws, the prison system means the confinement and safe custody of prisoners through suppressive and punitive measures. But these will not be the main objectives of the prison system. Some international conventions regarding human rights and the constitution of the people’s republic of Bangladesh have guaranteed the full human rights of the inmates. Prisons may be the place of acceptance, understanding and love because the prisoners are our misguided brothers and sisters and they need to be protected as well as reintegrated in the society as useful citizen. Still now no significant reformations are taken and vital recommendations are implemented to establish, improve and protect the human rights of the prisoners. For human security in our prisons, reforms are quite difficult to establish but not impossible to achieve. The government of Bangladesh and personnel of prison administration should take the mentioned necessary steps in order to stop violations of the legal rights and human security of prisoners, as guaranteed by the Constitution and other national or international laws.

9. References
3. Section 3(1) of the Prison Act, 1894.
5. The Prison Act, 1894, s. 24(3).
6. The Prison Act, 1894, s. 33(1).
7. Article 10(1) of International Covenant on Civil and Political Rights (ICCPR).
8. The Universal Declaration of Human Rights, 1948, Art. 25 (1).

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