

An Analysis On The Real Barriers Of Prison Administration In Bangladesh

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***Abstract:** Prison is a part of a larger penal system which includes other aspects of criminal justice such as courts, law enforcement, and crime labs. The prison administration system of Bangladesh is not well enough compare to western countries and India. However, this paper attempts to define the term 'prison', purpose of prison, type of prison and prisoners and specially the overall situations of prisons in Bangladesh and an up to date recommendations for overcoming that very situations to make our prison an utmost rehabilitating place rather than a painful one. Although there have been many attempts over the past twenty years to improve the conditions of jails, the situation has remained largely unchanged. This study includes description of the problems of overcrowding, jail facilities, and health care delivery. And at the same time some significant recommendations as well.*

***Keywords/Phrases:** Prison, Purpose, Types and Capacity, Barriers.*

I. INTRODUCTION

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. Masses of prisoners languish in jail awaiting trial and spend many years imprisoned without legal support. However, significant developments in Bangladesh have demonstrated how prison populations can be reduced with low cost and innovative interventions. The present state of Bangladesh has to be viewed in the light of the past because, as has been said, the present "is the child of the past and parent of the future". In order to understand the problems and predicaments which confront the country at the present moment we shall have to turn back to the past. Without understanding the past we cannot understand the present. If we look at history we would find that during the past hundred years or so phenomenal changes have taken place in what may be called the psyche of the Muslims who form the great majority of population of this region. These changes have to be explained and analyzed in historical perspective.

II. WHAT IS PRISON?

Generally speaking, Prison is a building (or vessel) in which people are legally held as a punishment for crimes they have committed or while awaiting trial.

In other words, It is a facility in which inmates are forcibly confined and denied a variety of freedoms under the authority of the state as a form of punishment. Prisons are most commonly used within a criminal justice system: people charged with crimes may be imprisoned until they are brought to trial; those pleading or being found guilty of crimes at trial may be sentenced to a specified period of imprisonment.

Prof. Sethna says, "Prisons are those places where the convicted persons are kept or where the persons on whom proceedings are going on in the court, are kept."

III. PURPOSES OF PRISON

Prisons have four major purposes. These purposes are retribution, incapacitation, deterrence and rehabilitation.

- ✓ Retribution means punishment for crimes against society. Depriving criminals of their freedom is a way of making them pay a debt to society for their crimes.
- ✓ Incapacitation refers to the removal of criminals from society so that they can no longer harm innocent people.
- ✓ Deterrence means the prevention of future crime. It is hoped that prisons provide warnings to people thinking about committing crimes, and that the possibility of going to prison will discourage people from breaking the law.
- ✓ Rehabilitation refers to activities designed to change criminals into law abiding citizens, and may include providing educational courses in prison, teaching job skills and offering counseling with a psychologist or social worker. The four major purposes of prisons have not been stressed equally through the years. As a result, prisons differ in the makeup of their staffs, the design of their buildings and their operations.

In my own view, the core objectives of prison is the correction of criminal character of the offenders and the ultimate rehabilitation, i.e the offenders should be treated innocent and they will not be treated as the curse of society.

IV. TYPES OF PRISON AND PRISONER

Since my article intends to find out the real situations of prison in Bangladesh and the reforms thereof, therefore; I would like to classify the types of prison now in Bangladesh as under:

According to section 60(a) of The Jail Code, 1894 enacted by the British Parliament, there are four types of prisons in Bangladesh, these are:

- ✓ Central Jail
- ✓ District Jail
- ✓ Subsidiary Jail and
- ✓ Special Jail.

Whatever may be the enactment, there are six types of prisoners in Bangladesh, and these are as follows:

- ✓ Civil Prisoner
- ✓ Under Trial Prisoner
- ✓ Female Prisoner
- ✓ Male Prisoner not more than 21 years age
- ✓ Male Prisoner under teenage and
- ✓ Political Prisoners

Here it is very much expedient to note that, we frequently hear two types of prisoners namely, 'HAJOTI' and 'KOYEDEE'.

Firstly, *Hajoti* means the prisoners under trial of criminal proceedings and *Koyedee* means convicted persons who are sentenced for a definite period under any criminal law.

V. NUMBER OF PRISON AND CAPACITY

There are total 67 prisons in Bangladesh in which 12 central jail (which in other words, called central prison) and 55 district jail in number. the central jail are:

- ✓ Dhaka Central Jail
- ✓ Dhaka Central Jail (unit-I) at Kashimpur
- ✓ Dhaka Central Jail (unit-II) at Kashimpur

- ✓ Dhaka Central Jail (unit-III) at Kashimpur
- ✓ Mymensingh Central jail
- ✓ Jessore Central Jail
- ✓ Barisal Central Jail
- ✓ Rajshahi Central Jail
- ✓ Comilla Central Jail
- ✓ Chittagong Central Jail
- ✓ Sylhet Central Jail
- ✓ Rangpur Central Jail

There is at least one District Jail in each and every district besides the Central Jail in Bangladesh. The Prisons of Bangladesh have accommodation for about 27,300 prisoners. But in an average 80-90 thousand prisoners live in those prisons.

Division	Capacity	Number of Prison
Dhaka	8,626	30,609
Chittagong	7,183	23,424
Rajshahi	5,473	15,474
Khulna	6,012	15,415
Total	27,294	84,922

Source: Annual Report of Ain O Salish Kendra (ASK), 2016

Table 1: Capacity of Prisons in Bangladesh

VI. BARRIERS IN THE PRISON ADMINISTRATION

The following barriers generally hamper the proper mechanism of the prison administration in our country:

- ✓ **OVERCROWDING JAIL:** Overcrowding is a common phenomenon in Bangladesh's prisons. The prisons are afflicted with overcrowding prison community due to unequal distribution of population amongst the existing jails. On the other side, the under trial prisoners are on the remarkable increase. Overcrowding is also compounded by structural issues. Many prisons in Bangladesh were built by the British in the 1800s and have yet to be modernized; this means that building are old, lack ventilation, light and proper sanitation. This makes adhering to UN recommended standards very difficult. Prisoners often have to take turns to sleep and privacy is impossible to achieve.
- ✓ **DILAPIDATED BUILDINGS:** There are a total of 84 prisons in the country, out of which 13 are central jails, 55 are District jails and 16 are Thana jails. The central and most of the District prisons were built during the British period, with inadequate amenities. Although these prisons were renovated on an urgent basis, urgently required changes were not brought about in them. Despite the expiry of the period of durability of many prisons building, many prisoners and under trial prisoners have been living in those prisons under the constant threat of short circuits, wall or roof collapse and poor sanitation. For example, Rajshahi Central Jail was built in 1840 and is now in very vulnerable condition.
- ✓ **HEALTH HAZARDS:** The problem of Bangladeshi prison has been acute from the beginning of this system. But recently it has been more serious problem. There are some reasons behind this
 - Over population

- Bad ventilation
- Bad conservancy
- Bad drainage system
- Insufficiency of clothing
- Sleeping on the Ground
- Deficiency of personal cleanliness
- Insufficient and bad water
- Extraction of labor from unfit persons
- Insufficient medical inspection
- Lack of nutritious and hygienic food

There are not sufficient numbers of toilets in any of the prisons. For example, in the central jail of Rajshahi there are only 2 bathrooms for the female prisoners. Although it is alleged that every day a sweeper cleans the jail's two toilets, yet that effort becomes futile due to excessive use of them.

- ✓ **MISS-MANAGEMENT OF RECORDING DATA:** The management of information of such a prison population is also problematic. IT systems are rarely available and thus enormous amounts of data are recorded in various forms and registers, increasing the possibility of losing vital information.
- ✓ **UNAVAILABILITY OF TRAINING:** The recruitment and training procedures of prison officers and staff under existing rules and procedures are insufficient for the needs of prisoners. Unsurprisingly, staffs have difficult jobs and work in difficult conditions. There are very little training available to support their development, and low salaries often make it a challenge for staff to maintain their monthly outgoings, making accessing funds from 'alternative means' possible. Prison services in most developed countries are considered to be quite advanced as correction officers are educating offenders, as part of the effort to facilitate the reform and eventual reintegration of prison system in Bangladesh, which is geared towards containment and punishment of prisoners, and does not facilitate their reform. Hence, prison officers and staff are not recruited with appropriate skills nor trained adequately to encourage reform.
- ✓ **COMPANION PROBLEMS:** Jail reports do not include the number of children accompanying their mothers. One must remember that woman is accompanied by infant and small children. Such inhuman living conditions affect not only the prisoners but innocent children as well.
- ✓ **INSUFFICIENT FOOD SUPPLY:** Despite provisions in the Jail Code, inmate's state prison food is substandard and insufficient. This is, allegedly, due to pilfering of food meant for prisoners and the indifference of those responsible for feeding them.
- ✓ **BRIBERY PROBLEM:** There is also some discrimination between those prisoners who can afford to bribe jail authorities to get more food and those who cannot. However, there are conflicting views regarding food between the prisoners interviewed and the jail police.
- ✓ **LOWER QUALITY OF FOOD:** In collusion with the higher authority, the suppliers of food send the prison lower quality food for more profit. Besides this, there is the alleged complaint of reducing the quantity from the daily allocated 133.28 grams of vegetables, 72.90 grams of fish/mutton, 77.50 grams of beef and 145.80 grams pulse for the convicted and under trial prisoners by some

of the dishonest employees of the Jail Authority. Furthermore, despite the imposed restriction on the supply of food from outside, some prisons enter into the jail with food by establishing a 'good relation' with the police and supply to their respective relatives in prison. Taking advantage of the poor quality and quantity of prison food and the demand of food for outside, it is alleged that some opportunist, dishonest and corrupted jail officers and employees have been earning a handsome amount of money every month.

- ✓ **INADEQUATE MEDICAL FACILITIES:** The Jail Code provides for the position of a Medical Officer, a Sub-Assistant Surgeon and a compounder. Needless to say, the medical facility in prisons is extremely basic and almost nonexistent. Although there are hospitals for prisoners in some of the jails, especially in the central jails, yet most of the jails don't have this as a functioning facility. Furthermore, Order No. 8355P of 25 November 1913 states that all prisoners should be vaccinated as soon as convenient after arrival at jail and booster shots carried out when necessary. Given the fact that a large number of the inmates come from poverty-stricken backgrounds, the practice of relevant vaccinations would be beneficial to them. The insufficiency of necessary medicines, want of full-time doctors, the negligence of the authority and corruption has deteriorated the health sector of prisons. The patient can hardly get medical service while rich prisoners can be easily admitted to the wards and the promise of a comfortable bed instead of a hard cell floor.
- ✓ **HARDSHIP FOR FEMALE PRISONERS:** here, too, female prisoners face hardships. Despite provisions in the Jail Code (Rule 94) that there should be separate hospitals for male and female prisoners, this is not the reality. For example, Comilla Central Jail has one hospital, where there are 73 beds for male prisoners and only 2 beds for the female convicted and under trial prisoners. This is really a matter of concern and regret. There is allegation that although the pregnant women are supposed to undergo periodical medical check-up at least twice a month, there is being deprived of it. There is only one permanent Medical Officer in this hospital. Seriously sick prisoners are provided with the medical service in the nearby hospitals. Rules 1167 and 1168 state that every hospitalized prisoner must be provided with a bed, a proper mattress and as many blankets as is deemed necessary.
- ✓ **LACK OF PURE WATER AND SANITATION ARRANGEMENT:** The arrangement for safe drinking water in prisons is dubious and in all probability, ordinary tap water is used in all the prisons of the country. Furthermore, the sanitation system is not up to the mark.
- ✓ **LACK OF MONITORING PRISON:** The irregularity of monitoring visits can be detrimental to the rights of prisoners. It is also evident that complaints against prison staff from prisoners to inspecting officers and visitors often results in maltreatment, thus worsening the conditions in prison even further. Hence, few prisoners currently dare to complain to inspecting officers.
- ✓ **INADEQUATE PROTECTION OF WOMEN & CHILD:** The confinement of male and female prisoners in the

same jail without separate areas is harmful to women who are more easily subjected to physical and sexual abuse. Serious violations have occurred in the past, such as in Khulna Jail, during 1980s. In addition, the practice of male prisoners cooking and serving food to female prisoners is also open to abuse by male prisoners.

- ✓ **LACK OF WELFARE MEASURES & REFORM PROGRAMS:** 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.
- ✓ **INADEQUATE VOCATIONAL TRAINING PROGRAMS:** Vocational training programmed currently available in prisons include barber shop training, laundry work, woodwork, metalwork, carpet and cloth weaving and wool knitting. However, these programmed are not sufficiently developed to cater for all classes of prisoners. Activities are allotted to prisoners by the jailer without any consideration of skills, whereas these should be assigned under supervision of the superintendent to reduce the risk of corruption.
- ✓ **OUTDATED PRISON LAWS AND RULES:** Prisons still follow the outdated statute of the British colonial rulers, which were framed in the 19th century. According to these old statutes, the main objective of the prison system was the confinement and safe custody of prisoners through suppressive and punitive measures. There has been no significant modification in the jail code, nor have the vital recommendations of the Jail Reform Commission been implemented.
- ✓ **LACK OF CONJUGAL VISIT:** The inmates of grievous punishment such as imprisonment for a long term and a life-time inmate are normally deprived of enjoying their conjugal life. In jail they have no any opportunity to lead conjugal life with their partner. As a result, they suffer various types of loathsome diseases.

The prisons of Bangladesh are afflicted with these various problems, which have all added to the slow degradation of the prison system in Bangladesh. The female inmates in these prisons face the most difficulty. Not only are there a seriously inadequate number of cells for female prisoners, the sanitary facilities are deplorable and there are no special facilities for children accompanying their mothers in jail. Furthermore, lack of proper food and medical attention cause complications to the health of those female inmates who are with child.

VII. RECOMMENDATIONS FOR AN IDEAL PRISON SYSTEM

Prisons cannot be punishment centers; they have to be rehabilitation centers. It is practical that the prisons held not just bad people, but also many victims of circumstance, poorly educated people and political prisoners who were involved in local disputes. It should be aim of the prisons that to rehabilitate them since these people are still a segment of

society. To improve Bangladesh prison as in ideal prison system, following measures can be suggested-

- ✓ Outdated laws and procedures concerning prisons should be amended to institute a more humane and sophisticated approach. It is important to promote the concepts of prison reform and the protection of human rights and security of prisoners based on the evidence that such treatment is more effective than retributive treatment. This is particularly true for vulnerable groups such as children and women.
- ✓ There should be separate prisons for female prisoners, near the larger central and district jails. Failing this, female wards should be completely separated by a partition wall from male prisoners. It is strongly felt that there should be separate prisons for adolescent and juvenile convicts.
- ✓ To improve the medical administration of the prisons, proper medical administration and equipments are recommended.
- ✓ Better monitoring of the performance of prison staff should be undertaken in order to remove anomalies existing in Prison Administration.
- ✓ Formal complaint mechanisms for prisoners are recommended to reduce human security violations. All prisoners should have access to court proceedings. Prisoners should also be allowed to send complaints against prison officials directly to the Ministry of Home Affairs, without censorship by jail authorities to obtain redress of grievances and stop security violations inside prisons.
- ✓ The system of visits should be improved so that it provides checks and balances of the administration of prisons. Vulnerable groups should be able to put forward their grievances to visitors for redress. Visitors should have free access to all classes of prisoners, except political prisoners. This will be enable visitors to hear complaints from prisoners on possible security violations by prison officer's guards, and to take them up directly with the Minister of Home Affairs.
- ✓ The conditions for prison officers and staff should be improved. Since prison officers are working under difficult circumstances they should be allowed better scales of pay and allowances, at a par with the police.
- ✓ A reform programmed should be introduced whereby individual prisoners are given treatment based on their different needs. Vocational, academic and religious training facilities should be made available to individual prisoners for their reform and re-socialization. Diagnosis of individual prisoners treatment needs is essential. More emphasis should be placed on the diagnosis of the specific problems. Such a reform programmed should include modern methods of classification of offenders through psychological, psychiatric and sociological tests. A "classification board" consisting of the head of prisons, a psychologist and technical and medical staff could be established. This should be the basis of classification system for offenders, in terms of custodial and treatment considerations.
- ✓ Training of prison staff and the police and reforms to increase their capacity should be made a priority. The

following specific recommendation should be implemented on a priority basis in phases. Financial support for these reforms should be sought from government agencies and International Organizations.

- ✓ Dr.Kiron Bedi created the “3 C-Model” system: Collective, Corrective, Community Based, where prisoners could anonymously write what was happening to them within the prison environment. She promised she would read each comment. Through the feedback she realized that Gangs were ruling the prison: she separated their members and sent them to other prisons.
- ✓ She (Dr.Kiron Bedi) also said a strong believer that Prisoners should be treated as humans; she introduced education and trained the prisoners as teachers and seamstresses. She also introduced the inmates to meditation as her motto was “there’s more to life than jail”; she set up one day of the week for each religion, as in her prison there were people from various parts of the world, so they could all worship and respect each other.
- ✓ The Jail authority should introduce a system of conjugal visit for a short term basis for both male and female inmate.
- ✓ More prison should be set up with modern facilities of a prison to mitigate the congestion in the prisons.
- ✓ Special attention should be given for the young women & physically disable person.
- ✓ In fracture and other necessary facilities should be provided so that all basic needs can be fulfilled.
- ✓ The Govt. has taken up some project to prompt welfare of the inmates and bring them back to be integrated in society. Hopefully all Concern will take it as a moral commitment for upgrading the Human dignity.

VIII. CONCLUSION

In a prison, the amenities are much more extensive, as some prisoners may be serving their lives behind bars. Prisons have exercised areas, common areas for eating and socializing in lower security areas, praying facilities, and an educational facility which includes classrooms, libraries, and labs to work and study in. In lower security prisons such as those used to

imprison people convicted of white collar crimes, the prison could sometimes be mistaken for a hotel. In most cases, prison inmates are expected to share cells with other inmates, and because of the long duration of most prison sentences, a complex social and political structure arises among the prisoners.

A prison is capable of handling far more prisoners than a jail is, and the prisoners are typically segregated on the basis of the types of crimes that they have been convicted of, as a safety precaution. In addition, in countries which still have capital punishment, a prison maintains facilities to carry out capital sentences, along with housing for criminals sentenced to this type of punishment. In general, the prison facility as a whole is very tightly secured, even if not all the criminals inside are violent, to prevent escapes or potential violence between wings of the prison. Prison staffs are specially trained to work in a prison environment, and a board of governors appointed by the state oversees prison management.

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