

BANGLADESH JOINT SEMINAR

Group -A

Effective Crime Prevention

The group members identified the following factors as responsible for major portions of criminal incidents in Bangladesh-greed, ambition, retaliation vindictive behaviour, lack of education, poverty, drug abuse, patronization of crime, thrill and excitement of crime, impact of mass media on crime, unequal development of different regions of the country resulting in rural urban migration, demonstrated effects of unearned wealth, the existing state of the rule of law.

Recommendation:

1. One of the focuses of the educational curricula should be to obtain cultural internalization of a law abiding society.
2. Political commitment for effective crime prevention is essential.
3. Ensure accountability of law enforcing agencies on the basis of
 - (i) Performance and
 - (ii) More effective systems of reward and punishment.
4. Increase support for modernization of agencies involved in the administration of criminal administration, e.g. scientific investigation, scientific management of investigation through computerization, scientific development of criminal intelligence.
5. Increase quantum and quality of training of law enforcing personnel. To do so the following components of training should be given due emphasis:
 - (i) Introduce a separate training policy for law enforcement personnel.
 - (ii) Systematic management of training keeping in view proper assessment of training needs.
 - (iii) Periodical external validation of training and review training curricula.
 - (iv) Strengthening of training instruments.
6. Establishment of a Medico-Legal department having modern forensic and toxicological laboratories in the country.
7. Separation of investigative responsibilities of police from law and order and make provisions for Magistrates to try cases exclusively.
8. Increase efforts on human resource developments. Pre-eminence of meritocracy in recruitment, placement and promotion must be established.
9. Increase incentives for the personnel of the regulatory organizations.
10. Up-dated certain laws to obtain more operational efficiency.
11. Introduction of community policing to harness potentials of community inputs on the principles of partnership.
12. Evolve an effective system of performance evaluation and monitoring by devising appropriate performance indicators and target based systematic assessments.
13. Professional ethics should be developed. Moral values and norms should be inculcated in family life.
14. Social role of police should be incorporated in the curricula at secondary level so that children may learn about the police's role and develop positive attitudes towards the police.
15. Some police personnel should be trained to assist in juvenile cases (Juvenile aid police).
16. Laws on crime prevention should be properly executed.

Group-B

Fair and speedy trial

The group, after a thorough discussion, found the causes of delay as follows:

1. Delay of newspaper publicity when accused absconds.
2. Delay in execution of processes (summons, warrants, proclamation and attachment).
3. Delay in issue of processes by the Court to witnesses and ensuring return service.
4. Non-appearance of witnesses on the date of hearing.
5. Non-payment of allowances to the witnesses on the date of attendance.
6. Lack of security for witnesses.
7. Returning witnesses without being examined on the date of adducing evidence.
8. Allowing frequent adjournments by the courts.
9. Untimely sittings of Judges and Magistrates for trials.
10. Absence of mandatory time limit for investigation and trial.
11. Inadequate supply of necessary forms, stationery and logistics.
12. Appointment of public prosecutors on political considerations and not on merit and experiences.

Recommendations

1. Separate police officers to exclusively investigate cases.
2. Mandatory time limit for investigation and trial.
3. Number of judges, magistrates and police officers to be increased in proportionate to the number of cases.
4. Cases triable under the summary procedure to be disposed of summarily.
5. Judgments are to be delivered quickly after the close of hearings and under no circumstances should exceed 15 days.
6. Making arrangement for training of the persons involved in the administration of criminal justice namely judges, magistrates, police officers, lawyers and support staff of the courts.
7. Magistrates discharging judicial functions should not be given any executive function.
8. Facilities for forensic evidence to be increased.
9. Introduction of a Case Management System.
10. Creation of a prosecution service to be recruited by the Public Service Commission for conducting all cases in all criminal courts.
11. Steps should be taken for diversion of cases for settlement through mediation arbitration, conciliation, etc.
12. Separation of Judiciary from the Executive organ of the State.
13. Inspection and monitoring of the activities of the court periodically.
14. Provision of periodical visits of jails by magistrates and judges should be properly implemented.
15. Legal practitioners should be ethical in their performance.
16. To improve the coordination, awareness and consciousness of the concerned officials with periodical conferences and seminars for judicial officers, prosecutors, lawyers and other concerned persons.
17. Proper provision for keeping exhibits (ALAMATS) in the 'Malkhana'. Explosive exhibits are to be

kept separate.

18. Traveling expenses as contained in the rules should be properly executed and logistic support should be provided in a timely manner to procure exhibits.

Group-C

Rehabilitative and Human Treatment of Offenders

There is a difference between reality and legality. Individual treatment is most essential. Inadequacies in the existing system and human involvement stand in the way of providing proper treatment.

Recommendations

1. Aftercare services should be statutory for offenders.
2. Parole should be introduced by the law.
3. In order to cope with the urgent situation the government must launch more non-institutional facilities such as:
 - a. Suspended sentences and investigations, probation for all offenders under certain conditions.
 - b. Parole and good conduct release which will work as incentives for their good behaviour.
 - c. Furloughs and home-leave should be allowed to the long-termers to keep their family ties intact.
4. There is an acute dearth of Probation Officers due to financial limitations. This can be improved by organizing volunteer probation officers from the technically educated & social work minded people.
5. There is shortage of remand homes, correctional institutes & Juvenile Courts. This could be supplemented by evolving half-way Houses, approved homes and certified homes at non-government level.
6. All juvenile offenders may be placed under probation officers. For close cooperation and availability of such officers, there should be office accommodation in court premises.
7. There should be regular visits to prison by probation officers and social welfare officers to find out clients who may be kept under probation or parole.
8. There should be serious study on crime, correction, penology and human security. In view of this a chair needs to be established at university level, or at government level. In this connection, a "Crime Research Institute" may be set up.
9. At the institutional level, the over-crowding problem may be reduced by speedy trials. Monitoring and supervision of the lower courts by the higher courts.
10. To reduce the burden of District and Thana Courts, where thousands of cases are pending for disposal the government may seriously think to implement instituting village level courts at the earliest opportunity.
11. Central & bigger district prisons may have an industrial wing where convicts may work and add to industrial output. Such convicts will have to be paid their due wages as a part of vocational therapy, rehabilitation and support on their release.
12. Visits by friends & relatives of convicts UTPs must be more humane.
13. Released convicts should be given appropriate certificates from the training undergone to find job-placement.
14. The prison visitors' system should be improved by way of inclusion of eminent educationists, social workers and human right activists and others to create links between the prison and wider society in order to enable the aggrieved prisoners to put forward grievances for redress.
15. The old and back-dated prison rules framed by the British rulers should undergo radical changes in

order to convert the present punitive system to a correctional one. For this, prison officers and officers of correctional institutes should receive proper training in various training institutes, preferably at UNAFEI.

16. To improve the institutional system classification programs for newly admitted prisoners the following should be introduced:
 - a. According to custodial considerations
By gender, by term of imprisonment, age, nature of sentence, by degree of criminal tendency and physical as well as mental health.
 - b. According to treatment considerations
Classification of prisoners by a Classification Board consisting of a Head of Institution, psychologists, psychiatrists, social workers, medical officers & treatment staff.
17. Health & Sanitation care facilities must be improved for which the directorate of prison must have its own health services.
18. Living conditions of the prison inmates must be updated so as to do away with the present deplorable and inhuman conditions.
19. The present physical structures of prisons must be renovated for creating congenial atmospheres for exercising reformative programs.
20. There should be separate prisons for the female prisoners for safety and security.
21. Different categories of prisoners such as remand, juveniles, and convicted should be segregated to avoid contamination.
22. For children and babies coming with their convicted mothers at the prison there should be statutory arrangements for their growth and development. Some support from the Social Welfare Department needs to be evolved in this context.
23. Vocational training facilities both for males & females should be updated so that they can find job opportunities upon release.
24. A Counseling Unit for convicts may be instituted for keeping a close view upon them so that they can feel homely.
25. "Establishment of open prisons" with short-term convicts & with prisoners having unexpired periods of sentence for less than a year and a half may be engaged in national building work or boosting up agricultural industrial products in less developed areas.