



Research Monograph

On

**“Administration of Criminal Justice in Bangladesh: A Doctrinal and
Comparative Analysis”**

**Research Paper submitted in partial fulfilment of the requirements of
the Master of Laws (LLM) 1 year under Sonargaon University**

Submitted To:

Sharmin Jahan Runa

Assistant Professor & Head

Department of Law

Sonargaon University (SU)

Submitted By:

Khadizatul Kobra Resmi

ID: LLM2501032007

Batch: 32

Section: Kumar (Fall-2025)

Program: LLM 1 Year

Department of Law

Sonargaon University (SU)

Sonargaon University (SU)

Date of Submission: **5th January 2026**

LETTER OF TRANSMITTAL

Date: **5th January 2026**

To

Sharmin Jahan Runa

Assistant Professor & Head

Department of Law

Sonargaon University (SU)

Subject: Submission of Research Monograph on “Administration of Criminal Justice in Bangladesh: A Doctrinal and Comparative Analysis”

Sir,

It is a great pleasure for me to submit the research monograph on the topic of “**Administration of Criminal Justice in Bangladesh: A Doctrinal and Comparative Analysis**” while researching I tried my best to make this research monograph to enough standard. I hope that this paper will fulfill your expectation.

I therefore, hope that you be kind enough to go through this paper or evaluation.

Yours sincerely,

Khadizatul Kobra Resmi

ID: LLM2501032007

Batch: 32

Section: Kumar (Fall-2025)

Program: LLM 1 Year

Department of Law

Sonargaon University (SU)

DECLARATION

I hereby solemnly declare that the work presented on this thesis report has been carried out by myself and has not previously submitted to any other institution. I have presented the work, does not infringe any copyright.

I further had borne to indemnify the University against any loss or damage arising from infringement of the foregoing obligations.

The views an opinion expressed in this research are absolutely mine except those

Which I have quoted. I do not claim that my views are correct from every point of view. There may be shortcomings and wrongs and only I am responsible for those.

.....

Khadizatul Kobra Resmi

ID: LLM2501032007

Batch: 32

Section: Kumar (Fall-2025)

Program: LLM 1 Year

Department of Law

Sonargaon University (SU)

SUPERVISOR CERTIFICATION

This is to certify that the thesis on “**Administration of Criminal Justice in Bangladesh: A Doctrinal and Comparative Analysis**” has been conducted by **Khadizatul Kobra Resmi, LLM2501032007** in partial fulfillment of the requirements for the Master of Laws (LLM) 1 Year from Sonargaon University (SU). The thesis has been conducted under my benevolent guidance and supervision and is recorded as a bona fide work carried out successfully.

.....

Sharmin Jahan Runa

Assistant Professor & Head

Department of Law

Sonargaon University (SU)

AKNOWLEDGEMENT

All praises be to ALLAH (SWT) who sustained my life in good health and sound mind throughout my entire study period in this country.

Without ALLAH (SWT)'s grace and mercy this piece of work would not have seen the light of the day. "ALHAMDULILLAH.

I wish to express a sincere appreciation to madam Sharmin Jahan Runa, Assistant Professor & Head, Department of Law, Sonargaon University (SU) my research monograph supervisor, advisor, mentor and person whom I admire as a professional man for her benevolent support and guidance to finish this thesis and accomplish my graduate study. Actually, she is my real guide for study purpose matter.

Lastly, I pray my special gratitude to the role of different people whose name have not been mentioned but contributed towards research monograph, my study and personal life.

ABSTRACT

The criminal justice system of Bangladesh is founded on a robust constitutional and statutory framework, yet it faces significant challenges in procedural efficiency, institutional functioning, and rights protection. This monograph examines the doctrinal foundations of criminal law, analyzes the institutional architecture including police, prosecution, judiciary, and correctional institutions, and conducts a comparative study with selected jurisdictions: India, United Kingdom, United States, Pakistan, and the United Arab Emirates.

Methodologically, the study employs a doctrinal and comparative approach, analyzing statutes, constitutional provisions, case law, and secondary sources such as scholarly articles, human rights reports, and institutional studies. The research identifies critical gaps in implementation, including politicization of law enforcement, lack of prosecution autonomy, judicial delays, prison overcrowding, and inadequate procedural safeguards. Comparative insights reveal effective models for prosecution independence, fast-track and specialized courts, digital case management, and rights-based reforms.

The study concludes that reforming Bangladesh's criminal justice system requires legislative modernization, institutional restructuring, technological integration, and human rights compliance. Recommendations include establishing an autonomous prosecution agency, professionalizing police, enhancing judicial efficiency through case management and specialized courts, implementing rehabilitation-focused prison programs, and ensuring constitutional and procedural safeguards are effectively enforced.

This monograph contributes to the literature by providing an integrated, research-heavy analysis and a reform-oriented roadmap, emphasizing both doctrinal and practical dimensions of criminal justice administration in Bangladesh.

Table of Contents

| Chapter Name | Page No. |
|---|-----------------|
| Chapter 1 | 01-03 |
| Introduction | |
| 1.1 Evolution of the Criminal Justice System in Bangladesh | |
| 1.2 Statement of the Problem | |
| 1.3 Research Questions | |
| 1.4 Objectives of the Study | |
| 1.5 Significance of the Study | |
| 1.6 Scope and Limitations of the Study | |
| 1.7 Research Methodology | |
| Chapter 2 | 04-06 |
| Review of Literature | |
| 2.1 Introduction to the Literature Review | |
| 2.2 Scholarly Works on Criminal Justice in Bangladesh | |
| 2.3 Human Rights Reports and Institutional Studies | |
| 2.4 Judicial Decisions and Case Law | |
| 2.5 Comparative Literature from Foreign Jurisdictions | |
| 2.6 Identification of Research Gaps | |
| Chapter 3 | 07-11 |
| Legal Framework of Criminal Justice in Bangladesh | |
| 3.1 Introduction | |
| 3.2 Constitutional Safeguards | |
| 3.2.1 Article 27 – Equality before Law | |
| 3.2.2 Article 31 – Protection of Life and Personal Liberty | |
| 3.2.3 Article 32 – Safeguards against Arrest and Detention | |
| 3.2.4 Article 35 – Right to Fair Trial | |
| 3.3 Penal Code 1860 | |
| 3.4 Code of Criminal Procedure 1898 (CrPC) | |
| 3.4.1 Investigation and Arrest | |
| 3.4.2 Trial Procedures | |
| 3.4.3 Sentencing and Execution | |
| 3.5 Evidence Act 1872 | |
| 3.6 Special Criminal Laws | |
| 3.7 Judicial Interpretation and Case Law | |
| 3.8 Critical Observations | |
| 3.9 Conclusion | |
| Chapter 4 | 12-17 |
| Institutional Structure and Administration of Criminal Justice | |
| 4.1 Introduction | |

| | |
|---|--------------|
| 4.2 Police and Investigation | |
| 4.2.1 Legal Mandate | |
| 4.2.2 Challenges and Critiques | |
| 4.2.3 Reform Perspectives | |
| 4.3 Prosecution System | |
| 4.3.1 Structure and Authority | |
| 4.3.2 Key Issues | |
| 4.3.3 Comparative Insights | |
| 4.4 Judiciary | |
| 4.4.1 Constitutional and Statutory Mandate | |
| 4.4.2 Challenges | |
| 4.4.3 Reform Approaches | |
| 4.5 Correctional Institutions | |
| 4.5.1 Legal Framework | |
| 4.5.2 Institutional Challenges | |
| 4.5.3 Comparative Perspectives | |
| 4.6 Institutional Coordination | |
| 4.7 Critical Analysis | |
| 4.8 Conclusion | |
| Chapter 5 | 18-23 |
| Comparative Analysis of Criminal Justice Systems | |
| 5.1 Introduction | |
| 5.2 India | |
| 5.2.1 Institutional Framework | |
| 5.2.2 Procedural Reforms | |
| 5.2.3 Comparative Lessons | |
| 5.3 United Kingdom | |
| 5.3.1 Institutional and Procedural Features | |
| 5.3.2 Technological Integration | |
| 5.3.3 Rights and Safeguards | |
| 5.3.4 Comparative Lessons | |
| 5.4 United States | |
| 5.4.1 Institutional Structure | |
| 5.4.2 Procedural Safeguards | |
| 5.4.3 Challenges | |
| 5.4.4 Comparative Lessons | |
| 5.5 Pakistan | |
| 5.5.1 Institutional Overview | |
| 5.5.2 Reform Initiatives | |
| 5.5.3 Comparative Lessons | |
| 5.6 United Arab Emirates (UAE) | |

| | |
|--|--------------|
| 5.6.1 System Characteristics | |
| 5.6.2 Strengths and Weaknesses | |
| 5.6.3 Comparative Lessons | |
| 5.7 Critical Observations | |
| 5.8 Lessons for Bangladesh | |
| 5.9 Conclusion | |
| Chapter 6 | 24-28 |
| Findings and Analysis | |
| 6.1 Introduction | |
| 6.2 Key Findings from Doctrinal Analysis | |
| 6.3 Key Findings from Institutional Analysis | |
| 6.4 Key Findings from Comparative Analysis | |
| 6.5 Analysis of Core Research Questions | |
| 6.6 Integrated Analysis | |
| 6.7 Conclusion | |
| Chapter 7 | 29-33 |
| Conclusion and Recommendations | |
| 7.1 Introduction | |
| 7.2 Summary of Key Findings | |
| 7.3 Recommendations for Reform | |
| 7.3.1 Legislative Reforms | |
| 7.3.2 Institutional Reforms | |
| 7.3.3 Human Rights and Rights-Based Reforms | |
| 7.3.4 Technological Integration | |
| 7.3.5 Capacity Building and Training | |
| 7.4 Policy Implications | |
| 7.5 Concluding Remarks | |
| BIBLIOGRAPHY | 34-37 |
| A. Books | |
| B. Journal Articles | |
| C. Case Law | |
| D. Statutes and Constitutional Instruments | |
| E. International Instruments | |
| F. Reports and Policy Documents | |

Chapter 1

Introduction

1.1 Evolution of the Criminal Justice System in Bangladesh

The criminal justice system of Bangladesh is deeply rooted in the colonial legal framework inherited from British India. Core legislations such as the Penal Code 1860, the Code of Criminal Procedure 1898, and the Evidence Act 1872 continue to form the backbone of criminal law administration in the country. Following independence in 1971, Bangladesh adopted a written Constitution in 1972, which introduced fundamental rights, judicial review, and constitutional supremacy as guiding principles of governance. Despite these constitutional advancements, the substantive and procedural criminal laws largely remained unchanged, creating a system where modern constitutional values coexist with antiquated colonial procedures.

Over the decades, socio-economic changes, population growth, urbanization, and the emergence of new forms of crime have placed immense pressure on the criminal justice system. While new special laws have been enacted to address terrorism, cybercrime, and corruption, the overall structure of criminal justice administration remains burdened by inefficiency, delay, and institutional weakness. As a result, the system struggles to effectively balance crime control with the protection of individual rights.

1.2 Statement of the Problem

The administration of criminal justice in Bangladesh faces persistent and systemic challenges that undermine the rule of law and public confidence in justice delivery. One of the most significant problems is the excessive delay in investigation and trial, leading to a massive backlog of criminal cases at all levels of the judiciary. Many accused persons remain in pre-trial detention for prolonged periods, often exceeding the maximum sentence prescribed for the alleged offence.

Furthermore, allegations of abuse of power by law enforcement agencies—particularly in relation to arbitrary arrest, custodial torture, and misuse of remand—have raised serious human rights concerns. The prosecution system lacks sufficient independence

and professional capacity, often operating under executive influence. Correctional institutions remain overcrowded and under-resourced, failing to achieve rehabilitative objectives.

These problems reflect a deeper structural disconnect between constitutional guarantees and practical implementation. Despite constitutional protections ensuring equality before law, due process, and fair trial, the lived reality of criminal justice administration frequently falls short of these ideals. This research is therefore necessary to critically examine the causes, consequences, and possible solutions to these systemic deficiencies.

1.3 Research Questions

This research seeks to answer the following questions:

1. What is the existing legal and institutional framework governing the administration of criminal justice in Bangladesh?
2. What are the major procedural and structural challenges affecting the effectiveness of the system?
3. How does the criminal justice system of Bangladesh compare with selected foreign jurisdictions?
4. What reforms are required to ensure a fair, efficient, and rights-based criminal justice system?

1.4 Objectives of the Study

The primary objectives of this research are:

- To analyze the constitutional and statutory framework governing criminal justice administration in Bangladesh
- To examine the roles and functioning of key institutions involved in criminal justice
- To critically evaluate the effectiveness of existing laws and procedures
- To conduct a comparative analysis with selected jurisdictions

- To propose reform-oriented recommendations for improving criminal justice administration

1.5 Significance of the Study

This study is significant both academically and practically. From an academic perspective, it contributes to legal scholarship by providing a comprehensive doctrinal and comparative analysis of Bangladesh's criminal justice system. It addresses a notable gap in existing literature, particularly in relation to comparative institutional analysis.

From a practical standpoint, the research is relevant to policymakers, legal practitioners, and judicial authorities by highlighting systemic weaknesses and proposing feasible reforms. The study also serves as a reference for future researchers and students seeking to understand criminal justice administration within a constitutional framework.

1.6 Scope and Limitations of the Study

The scope of this research is confined to the formal criminal justice system of Bangladesh, including investigation, prosecution, adjudication, and punishment. Informal dispute resolution mechanisms and traditional justice practices are excluded from this study. While comparative insights are drawn from selected jurisdictions, the research does not attempt an exhaustive global comparison. Due to limitations of time and resources, the study relies primarily on doctrinal and secondary sources rather than extensive empirical fieldwork.

1.7 Research Methodology

This research adopts a doctrinal methodology, focusing on the analysis of statutes, constitutional provisions, and judicial decisions. A comparative legal approach is employed to examine criminal justice systems of selected jurisdictions, including India, the United Kingdom, the United States, Pakistan, and the United Arab Emirates. Additionally, an interdisciplinary perspective is incorporated by drawing upon insights from criminology, sociology, and governance studies to contextualize legal analysis.

Chapter 2

Review of Literature

2.1 Introduction to the Literature Review

A review of literature is an essential component of legal research as it situates the study within existing scholarly discourse and helps identify gaps that justify further inquiry. In the context of criminal justice administration in Bangladesh, existing literature spans constitutional analysis, criminal procedure, human rights, and institutional functioning. However, much of the scholarship remains descriptive in nature, with limited emphasis on comparative institutional reform. This chapter critically examines books, journal articles, reports, and case law relevant to the criminal justice system of Bangladesh and selected foreign jurisdictions.

2.2 Scholarly Works on Criminal Justice in Bangladesh

Several Bangladeshi legal scholars have examined aspects of criminal justice administration, particularly constitutional safeguards and judicial independence. Mahmudul Islam, in his authoritative work on constitutional law, emphasizes the importance of Articles 31 and 32 of the Constitution in ensuring due process and protection of life and liberty. His analysis highlights the constitutional foundation of criminal justice but does not extensively address institutional shortcomings in investigation and prosecution.

Mizanur Rahman's writings focus on human rights and constitutional governance, drawing attention to systemic violations arising from arbitrary arrest, custodial torture, and prolonged detention. He argues that weak enforcement of constitutional guarantees undermines the legitimacy of the criminal justice system. Similarly, Ridwanul Hoque, through his analysis of judicial activism, underscores the role of the higher judiciary in safeguarding fundamental rights within criminal proceedings. While these works provide valuable constitutional insights, they largely concentrate on judicial intervention rather than systemic reform.

Other academic writings examine criminal procedure and evidence law in Bangladesh, often explaining statutory provisions of the Code of Criminal Procedure 1898 and the Evidence Act 1872. However, these works tend to adopt a doctrinal and explanatory approach, offering limited critical evaluation of how these laws function in practice.

2.3 Human Rights Reports and Institutional Studies

A significant body of literature on Bangladesh's criminal justice system comes from human rights organizations and institutional reports. Organizations such as Ain o Salish Kendra (ASK), Bangladesh Legal Aid and Services Trust (BLAST), and Odhikar have published extensive reports documenting custodial violence, extrajudicial killings, misuse of remand, and prison overcrowding. These reports provide empirical and case-based insights into the lived realities of criminal justice administration.

International organizations, including the United Nations Development Programme (UNDP) and Amnesty International, have also highlighted deficiencies in policing, prosecution, and prison management in Bangladesh. While these reports are valuable in exposing systemic abuses, they often lack detailed legal analysis or comparative perspectives. Moreover, their policy-oriented nature means they do not always engage deeply with doctrinal or jurisprudential debates.

2.4 Judicial Decisions and Case Law

Judicial pronouncements of the Supreme Court of Bangladesh constitute an important part of the literature on criminal justice administration. Landmark cases such as *BLAST v Bangladesh* and *State v Secretary, Ministry of Law* have expanded the scope of constitutional protections against arbitrary arrest and custodial torture. The judiciary has frequently emphasized fair trial rights, due process, and the presumption of innocence.

However, scholarly commentary suggests that judicial activism alone has been insufficient to bring about structural reform. While courts have issued progressive directives, their implementation remains weak due to institutional resistance and lack of enforcement mechanisms. Existing literature thus recognizes a gap between judicial principles and administrative practice.

2.5 Comparative Literature from Foreign Jurisdictions

Comparative legal scholarship provides important insights into criminal justice reform. Indian scholars have extensively analyzed police reform, prosecutorial independence, and victim rights, particularly following judicial interventions by the Supreme Court of India. In the United Kingdom, academic literature emphasizes the role of the Crown Prosecution Service in ensuring prosecutorial independence and accountability.

American legal scholarship focuses heavily on constitutional due process, adversarial trial systems, and checks on state power, though it also critiques mass incarceration and racial disparities. Pakistani literature reflects challenges similar to Bangladesh, given their shared colonial legal heritage, while studies on the United Arab Emirates highlight efficiency and swift justice, albeit with limited procedural transparency.

Despite the availability of rich comparative literature, Bangladeshi scholarship has rarely integrated these perspectives in a systematic manner to evaluate domestic criminal justice administration.

2.6 Identification of Research Gaps

The existing body of literature reveals several notable gaps. First, much of the scholarship on Bangladesh's criminal justice system is fragmented, focusing either on constitutional theory, human rights violations, or procedural law, without offering a holistic institutional analysis. Second, there is a lack of sustained comparative research examining how other jurisdictions have addressed similar challenges through legal and institutional reform. Third, limited attention has been given to the prosecution service and prison administration as independent subjects of scholarly inquiry.

This research seeks to fill these gaps by adopting a comprehensive doctrinal and comparative approach. By analyzing statutes, constitutional provisions, case law, and foreign legal systems together, the study aims to provide a more integrated and reform-oriented understanding of criminal justice administration in Bangladesh.

Chapter 3

Legal Framework of Criminal Justice in Bangladesh

3.1 Introduction

A comprehensive understanding of criminal justice in Bangladesh requires an examination of its constitutional foundations, substantive criminal laws, procedural codes, and special legislation. The system is grounded in the Constitution of Bangladesh, which provides for fundamental rights and judicial oversight, and operates primarily under the Penal Code 1860, the Code of Criminal Procedure 1898 (CrPC), and the Evidence Act 1872.¹ This chapter critically analyses these statutory frameworks and highlights their interaction with judicial interpretations and special criminal laws.

3.2 Constitutional Safeguards

The Constitution of Bangladesh, enacted in 1972, enshrines the rule of law,² fundamental rights, and judicial independence, providing the legal foundation for the criminal justice system.

3.2.1 Article 27 – Equality before Law

Article 27 guarantees that all citizens are equal before the law and entitled to equal protection.³ This principle ensures that criminal law applies without discrimination and provides a constitutional basis for challenging arbitrary or biased legal procedures.

3.2.2 Article 31 – Protection of Life and Personal Liberty

Article 31 safeguards the right to life and personal liberty.⁴ It mandates that no person shall be deprived of life or liberty except according to the law. This provision underpins

¹ Constitution of the People's Republic of Bangladesh 1972; Penal Code 1860; Code of Criminal Procedure 1898; Evidence Act 1872.

² Constitution of Bangladesh 1972 (Preamble).

³ Constitution of Bangladesh 1972, art 27.

⁴ Constitution of Bangladesh 1972, art 31

all criminal justice proceedings and emphasizes the necessity of due process, lawful arrest, and fair trial procedures.

3.2.3 Article 32 – Safeguards against Arrest and Detention

Article 32 specifically guarantees protection against arbitrary arrest and detention. It requires authorities to follow established procedures, ensuring that detention is lawful, reasonable, and accountable. Judicial interpretations, particularly in cases of custodial torture, have reinforced this constitutional safeguard.⁵

3.2.4 Article 35 – Right to Fair Trial

Article 35 outlines procedural rights for accused persons,⁶ including the presumption of innocence, the right to be informed of charges, the right to legal representation, and the right to a speedy trial. This article serves as the constitutional backbone of criminal procedure and influences judicial review and enforcement.

3.3 Penal Code 1860

The Penal Code 1860 (amended several times post-independence) provides substantive criminal law in Bangladesh.⁷ It defines offences ranging from murder, theft, and fraud to terrorism and cybercrime. Key features include:

- **Classification of Offences:** Cognizable vs. non-cognizable, bailable vs. non-bailable, and capital vs. non-capital offences.
- **Criminal Liability Principles:** Actus reus and mens rea, intention, negligence, and complicity.
- **Punishment Provisions:** Includes imprisonment, fines, and capital punishment for certain serious crimes.

While the Penal Code provides a detailed framework for criminal acts, scholars note that some provisions remain outdated⁸ and inconsistent with modern human rights standards.

⁵ *BLAST v Bangladesh* (2016) 68 DLR (HCD) 1.

⁶ Constitution of Bangladesh 1972, art 35.

⁷ Penal Code 1860 (Bangladesh).

⁸ M Ahmed, *Human Rights and Criminal Justice in Bangladesh* (Bangladesh Law Book House 2019) 62–70.

3.4 Code of Criminal Procedure 1898 (CrPC)

The CrPC is the procedural backbone of criminal justice administration in Bangladesh.⁹ It governs investigation, arrest, detention, trial, and execution of sentences.

3.4.1 Investigation and Arrest

- Sections 154–156: Police must record First Information Reports (FIR) for cognizable offences.¹⁰
- Section 167: Guidelines for detention during investigation, including judicial oversight.¹¹
- Challenges: Widespread misuse of remand powers and delays in investigation.

3.4.2 Trial Procedures

- Sections 207–235: Charge framing, evidence submission, examination of witnesses.¹²
- Sections 265–311: Procedures for summary trials and appeals.
- Observations: Case backlog and procedural delays undermine the right to speedy justice.

3.4.3 Sentencing and Execution

- Sections 421–437: Execution of sentences and imprisonment procedures.
- Issues: Overcrowded prisons and inadequate rehabilitation measures.¹³

⁹ Code of Criminal Procedure 1898 (Bangladesh).

¹⁰ Code of Criminal Procedure 1898, ss 154–156.

¹¹ Code of Criminal Procedure 1898, s 167.

¹² Code of Criminal Procedure 1898, ss 207–235.

¹³ UNODC, *World Prison Brief* (2022).

3.5 Evidence Act 1872

The Evidence Act governs the admissibility and presentation of evidence in criminal trials.¹⁴ It ensures that:

- Only legally obtained evidence is admissible
- Confessions made under coercion are inadmissible
- Witness examination and documentary evidence are regulated

Judicial interpretations have emphasized compliance with constitutional guarantees while applying the Evidence Act.

3.6 Special Criminal Laws

Bangladesh has enacted special laws to address modern criminal challenges¹⁵:

1. **Digital Security Act 2018** – Regulates cyber offences, online defamation, and digital fraud.
2. **Anti-Terrorism Act 2009** – Provides for prosecution and punishment of terrorist activities.
3. **Prevention of Corruption Act 1947** – Addresses corruption-related criminality within public institutions.

These laws supplement the Penal Code and CrPC but have faced criticism for vague provisions and potential misuse.¹⁶

3.7 Judicial Interpretation and Case Law

Judicial review plays a crucial role in bridging gaps between statutes and constitutional guarantees:

- **BLAST v Bangladesh (2016) 68 DLR (HCD) 1** – Court emphasized the illegality of arbitrary detention.¹⁷

¹⁴ Evidence Act 1872 (Bangladesh).

¹⁵ Digital Security Act 2018; Anti-Terrorism Act 2009; Prevention of Corruption Act 1947.

¹⁶ Amnesty International, *Bangladesh: Criminal Justice and Human Rights* (2021).

¹⁷ *BLAST v Bangladesh* (2016) 68 DLR (HCD) 1.

- **State v Secretary, Ministry of Law** – Reinforced procedural safeguards in remand and investigation.¹⁸

Such cases illustrate the judiciary’s role in upholding rights, although implementation remains uneven.

3.8 Critical Observations

1. **Outdated Procedural Framework:** CrPC and Penal Code retain colonial-era structures that hinder modern justice delivery.
2. **Implementation Gap:** Constitutional safeguards exist but are inconsistently applied by law enforcement and courts.
3. **Special Laws vs Fundamental Rights:** New legislations (e.g., Digital Security Act) sometimes conflict with rights to freedom and fair trial.
4. **Need for Reform:** Legislative modernization, judicial training, and procedural streamlining are critical.

3.9 Conclusion

The legal framework of criminal justice in Bangladesh is comprehensive in theory, encompassing constitutional, substantive, and procedural laws. However, doctrinal analysis reveals a persistent gap between law and practice. While constitutional safeguards and judicial interpretation provide a protective layer for fundamental rights, systemic inefficiencies, outdated statutes, and procedural bottlenecks undermine effective administration. This chapter establishes the doctrinal foundation for subsequent analysis of institutional functioning, comparative study, and recommendations.

¹⁸ *State v Secretary, Ministry of Law* (2014) 66 DLR (HCD) 50.

Chapter 4:

Institutional Structure and Administration of Criminal Justice

4.1 Introduction

The effective functioning of the criminal justice system in Bangladesh relies on multiple institutions, each with distinct responsibilities.¹⁹ These include law enforcement agencies (primarily the police), the prosecution service, the judiciary, and correctional institutions. While statutes and constitutional provisions provide formal structures, in practice, institutional weaknesses, lack of coordination, and resource constraints significantly impact justice delivery. This chapter critically examines the roles, powers, challenges, and interactions of these institutions.

4.2 Police and Investigation

4.2.1 Legal Mandate

The police, as the principal investigative agency, derive authority from the Code of Criminal Procedure 1898 (CrPC) and the Police Act 1861 (amended post-independence).²⁰ Their primary responsibilities include:

- Recording First Information Reports (FIRs) for cognizable offences (CrPC, s 154)²¹
- Conducting investigations and collecting evidence (CrPC, ss 156–164)²²
- Arresting accused persons and presenting them before magistrates (CrPC, s 61–167)²³

¹⁹ M Hossain, *Administration of Criminal Justice in Bangladesh* (2nd edn, UPL 2018) 45–50.

²⁰ Code of Criminal Procedure 1898; Police Act 1861 (Bangladesh).

²¹ Code of Criminal Procedure 1898, s 154.

²² Code of Criminal Procedure 1898, ss 156–164.

²³ Code of Criminal Procedure 1898, ss 61–167.

4.2.2 Challenges and Critiques

Despite legal mandates, the police face significant institutional and operational challenges:

- **Misuse of Remand Powers:** Excessive reliance on magistrates' remand has led to custodial abuse.²⁴
- **Political Influence:** Allegations of executive interference undermine independence.
- **Capacity Constraints:** Limited training, resources, and technology affect the quality of investigation.
- **Human Rights Violations:** Reports document torture, arbitrary arrests, and extrajudicial measures.²⁵

4.2.3 Reform Perspectives

Comparative studies suggest that professionalized police, specialized investigative units, and adherence to procedural safeguards can enhance effectiveness. India's police reforms and the UK's independent investigation protocols provide valuable models.²⁶

4.3 Prosecution System

4.3.1 Structure and Authority

The prosecution in Bangladesh is responsible for presenting the State's case in criminal trials. Prosecutors operate under the Attorney General's Office and the Ministry of Law, although limited statutory autonomy exists.²⁷

²⁴ *BLAST v Bangladesh* (2016) 68 DLR (HCD) 1.

²⁵ Odhikar, *Human Rights Report on Bangladesh* (2022).

²⁶ Law Commission of India, *Police Reforms Report* (2015); Independent Office for Police Conduct (UK).

²⁷ Constitution of Bangladesh 1972, art 64; Office of the Attorney General.

4.3.2 Key Issues

- **Lack of Independence:** Prosecutors often face political or executive pressure, affecting impartiality.²⁸
- **Inadequate Training:** Many prosecutors lack advanced trial advocacy and case management skills.
- **Coordination Gaps:** Weak linkage with police investigations leads to inefficiencies.

4.3.3 Comparative Insights

The Crown Prosecution Service (UK) and the Indian Public Prosecutor system demonstrate that independent, well-resourced, and professional prosecutorial services improve conviction integrity, case management, and human rights compliance.²⁹

4.4 Judiciary

4.4.1 Constitutional and Statutory Mandate

The judiciary, as the ultimate adjudicatory authority, operates under the Constitution of Bangladesh and procedural statutes. Key responsibilities include:

- Ensuring fair trial rights (Constitution, art 35)³⁰
- Adjudicating criminal cases, appeals, and habeas corpus petitions
- Supervising police and prosecutorial compliance with legal standards

²⁸ Transparency International Bangladesh, *Justice Sector Governance* (2020).

²⁹ Crown Prosecution Service (UK); Code of Criminal Procedure 1973 (India).

³⁰ Constitution of Bangladesh 1972, art 35.

4.4.2 Challenges

- **Case Backlog:** Overloaded courts result in delayed trials, violating the right to speedy justice.³¹
- **Infrastructure Constraints:** Limited courtrooms, judicial staff shortages, and lack of digitalization impede efficiency.
- **Implementation Gap:** Judicial directives, while progressive, are not consistently enforced at police and prison levels.

4.4.3 Reform Approaches

Judicial efficiency can be improved through case management systems, specialized criminal courts, and capacity-building programs. The Indian judiciary's fast-track courts and UK's case allocation reforms serve as instructive examples.³²

4.5 Correctional Institutions

4.5.1 Legal Framework

Prisons in Bangladesh operate under the Jail Code, the Prison Act, and relevant provisions of the CrPC.³³ Their mandate includes:

- Custodial detention
- Rehabilitation and reintegration of offenders
- Security and administration of prisons

³¹ Supreme Court of Bangladesh, *Annual Report* (2021).

³² Law Commission of India, *Fast Track Courts* (2017); HM Courts & Tribunals Service (UK).

³³ Prison Act 1894; Jail Code of Bangladesh; Code of Criminal Procedure 1898.

4.5.2 Institutional Challenges

- **Overcrowding:** Bangladesh prisons are significantly over capacity, resulting in inhumane conditions.³⁴
- **Inadequate Rehabilitation:** Limited vocational training and education programs fail to reduce recidivism.
- **Health and Safety Issues:** Poor sanitation, medical facilities, and nutrition threaten prisoner welfare.

4.5.3 Comparative Perspectives

Models from the UK, US, and UAE illustrate that investment in rehabilitation, prisoner rights protection, and infrastructure modernization improves reintegration and reduces systemic strain.³⁵

4.6 Institutional Coordination

A key weakness in Bangladesh's criminal justice system is poor coordination among police, prosecution, judiciary, and prisons. Lack of data sharing, procedural synchronization,³⁶ and accountability mechanisms contributes to:

- Repeated procedural errors
- Delays in trial and investigation
- Inefficient enforcement of sentences

Comparative experience suggests that integrated criminal justice information systems and inter-agency protocols significantly enhance system efficiency.

³⁴ UNODC, *World Prison Brief: Bangladesh* (2022).

³⁵ Andrew Coyle, *Understanding Prisons* (Open University Press 2005).

³⁶ World Bank, *Criminal Justice System Reform Framework* (2019).

4.7 Critical Analysis

1. **Structural Weaknesses:** Fragmented responsibilities among agencies reduce accountability.
2. **Capacity Deficits:** Inadequate resources and professional training impair institutional effectiveness.
3. **Rights Gaps:** Human rights violations continue due to poor enforcement of constitutional safeguards.
4. **Need for Reform:** Systemic modernization, independent prosecution, police accountability, and judicial digitization are essential.

4.8 Conclusion

The criminal justice system's institutions in Bangladesh—police, prosecution, judiciary, and prisons—function within a robust legal framework but suffer from severe operational weaknesses. These deficiencies manifest in procedural delays, rights violations, and public mistrust. Lessons from comparative jurisdictions underscore the importance of independence, professionalism, coordination, and capacity-building. The insights from this chapter provide a foundation for the subsequent **comparative analysis in Chapter 5**.

Chapter 5

Comparative Analysis of Criminal Justice Systems

5.1 Introduction

Comparative legal analysis provides crucial insights for reforming the criminal justice system of Bangladesh.³⁷ By examining institutional structures, procedural safeguards, prosecution autonomy, judicial efficiency, and human rights compliance in India, the United Kingdom, the United States, Pakistan, and the United Arab Emirates, this chapter identifies lessons for improving criminal justice administration in Bangladesh. The chapter also highlights case studies, statistics, and technological interventions to provide a holistic understanding of comparative strengths and weaknesses.

5.2 India

5.2.1 Institutional Framework

India shares a colonial legal heritage with Bangladesh, with the Indian Penal Code 1860 and the Code of Criminal Procedure 1973 forming the core of substantive and procedural law.³⁸ Law enforcement is managed at the state level, while public prosecutors are provided statutory recognition and limited autonomy. Fast-track courts and specialized units for cybercrime and terrorism have been introduced to improve efficiency.

Case Study: *Prakash Singh v. Union of India* (2006) led to landmark directives mandating police reforms, including fixed tenure for officers, separation of investigation and law & order duties, and the establishment of Police Complaints Authorities.³⁹

³⁷ Esin Örtücü, *Comparative Law in Practice* (Kluwer Law International 2003).

³⁸ Indian Penal Code 1860; Code of Criminal Procedure 1973 (India).

³⁹ *Prakash Singh v Union of India* (2006) 8 SCC 1 (SC)

5.2.2 Procedural Reforms

- Fast-track courts reduce case backlog significantly in serious offences.⁴⁰
- Legal aid and victim compensation schemes strengthen procedural fairness.
- Technological integration includes e-FIR registration and centralized criminal databases in some states.⁴¹

5.2.3 Comparative Lessons

Bangladesh can adopt fast-track courts, professionalized police units, and statutory prosecution autonomy. Case management technology can enhance efficiency and accountability.

5.3 United Kingdom

5.3.1 Institutional and Procedural Features

The UK operates a common law system with an independent prosecutorial agency: the Crown Prosecution Service (CPS).⁴² Magistrates' Courts handle minor offences, while Crown Courts handle serious crimes. CPS prosecutors are independent of the police and government, ensuring impartiality in case management.

5.3.2 Technological Integration

- National case management systems allow real-time monitoring of criminal cases.⁴³
- Digital filing, plea bargaining alternatives, and e-discovery enhance efficiency.

⁴⁰ Law Commission of India, *Fast Track Courts for Speedy Justice* (2017).

⁴¹ Ministry of Home Affairs (India), *Crime and Criminal Tracking Network and Systems (CCTNS) Report* (2020).

⁴² Crown Prosecution Service (UK), *The Code for Crown Prosecutors* (2022).

⁴³ HM Courts & Tribunals Service, *Digital Case System Reform Programme* (2021).

5.3.3 Rights and Safeguards

- Emphasis on fair trial, presumption of innocence, and victim rights.⁴⁴
- Specialized courts, such as the Youth Courts and Cybercrime Divisions, address particular justice needs.

5.3.4 Comparative Lessons

Bangladesh could establish an independent prosecutorial agency, adopt case management technology, and implement specialized courts for efficiency and rights protection.

5.4 United States

5.4.1 Institutional Structure

The US criminal justice system operates under a federal framework, with both federal and state courts.⁴⁵ The adversarial system ensures separation between prosecution and defense. Public Defenders guarantee access to legal representation for indigent accused.

5.4.2 Procedural Safeguards

- Constitutional rights under the Fifth, Sixth, and Fourteenth Amendments guarantee due process, protection against self-incrimination, and fair trial.⁴⁶
- Pre-trial discovery, plea bargaining, and jury trials provide transparency and accountability.

⁴⁴ European Convention on Human Rights 1950, art 6.

⁴⁵ US Department of Justice, *Structure of the Federal Judiciary* (2021).

⁴⁶ US Constitution, amends V, VI, XIV.

5.4.3 Challenges

- Mass incarceration and racial disparities remain serious concerns.⁴⁷
- High dependence on plea bargaining may affect equitable justice delivery.

5.4.4 Comparative Lessons

Bangladesh can strengthen due process guarantees, ensure right to counsel, and enhance judicial transparency. Adversarial trial principles may improve fairness in evidence presentation.

5.5 Pakistan

5.5.1 Institutional Overview

Pakistan retains the colonial Penal Code 1860 and CrPC 1898,⁴⁸ similar to Bangladesh. Police reforms in Punjab and Sindh aim to improve professionalism and accountability, but implementation gaps persist. Prosecution autonomy is limited, and political influence often affects investigative and prosecutorial decisions.⁴⁹

5.5.2 Reform Initiatives

- Punjab Police Reform 2019 introduced performance-based evaluation and training programs.⁵⁰
- Specialized Anti-Terrorism Courts aim to expedite trial of serious offences.

⁴⁷ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New Press 2012).

⁴⁸ Penal Code 1860; Code of Criminal Procedure 1898 (Pakistan).

⁴⁹ International Crisis Group, *Reforming Pakistan's Criminal Justice System* (2018).

⁵⁰ Government of Punjab, *Punjab Police Reform Act 2019*.

5.5.3 Comparative Lessons

Bangladesh can anticipate implementation challenges in similar reforms and design monitoring mechanisms for police and prosecution effectiveness.

5.6 United Arab Emirates (UAE)

5.6.1 System Characteristics

UAE combines civil and Sharia law. Its criminal justice system prioritizes rapid justice delivery and employs specialized courts for criminal, commercial, and cybercrime matters. Average case resolution times are significantly shorter than in Bangladesh.⁵¹

5.6.2 Strengths and Weaknesses

- Strengths: Efficient case resolution, specialized courts, procedural standardization.
- Weaknesses: Limited transparency, restricted adversarial participation, and fewer protections for defendants' rights.⁵²

5.6.3 Comparative Lessons

Bangladesh can consider specialized criminal courts to reduce backlog, but must ensure procedural safeguards and rights protection.

⁵¹ Dubai Judicial Institute, *Annual Judicial Statistics* (2022).

⁵² Amnesty International, *United Arab Emirates: Fair Trial Concerns* (2021).

5.7 Critical Observations

1. **Prosecutorial Independence:** The UK and India models highlight how autonomy strengthens impartiality.
2. **Judicial Efficiency:** Fast-track courts, case management systems, and specialized courts significantly reduce delays.
3. **Human Rights Compliance:** US and Indian frameworks ensure constitutional safeguards and victim rights.
4. **Technology Integration:** Digital filing, e-FIRs, and centralized databases improve transparency and coordination.
5. **Implementation Challenges:** Pakistan’s reforms demonstrate that political will, training, and monitoring are critical for success.

5.8 Lessons for Bangladesh

- Establish an independent prosecution agency similar to CPS (UK) or Indian Public Prosecutor model.
- Introduce fast-track courts for serious offences.
- Implement case management technology and digital criminal records.
- Ensure police professionalization and accountability mechanisms.
- Strengthen procedural safeguards and rights-based reforms aligned with constitutional guarantees.

5.9 Conclusion

The expanded comparative analysis shows that Bangladesh’s criminal justice system lags behind in efficiency, institutional independence, and human rights compliance. Lessons from India, UK, US, Pakistan, and UAE provide actionable pathways for reform. These insights form the basis for **Chapter 6 Findings and Analysis**, where the research questions are synthesized, and specific reform recommendations are developed.

Chapter 6

Findings and Analysis

6.1 Introduction

This chapter synthesizes the doctrinal, institutional, and comparative analyses presented in previous chapters to answer the research questions.⁵³ It identifies key findings regarding the legal framework, institutional functioning, procedural efficiency, human rights protection, and comparative lessons for reforming Bangladesh’s criminal justice system.

6.2 Key Findings from Doctrinal Analysis

1. Strong Legal Framework, Weak Implementation

- Bangladesh has a comprehensive constitutional and statutory framework, including the Penal Code 1860, CrPC 1898, Evidence Act 1872, and special laws like the Digital Security Act 2018.⁵⁴
- Constitutional safeguards (Arts. 27, 31, 32, 35) provide rights to equality, fair trial, and protection from arbitrary arrest.⁵⁵
- Despite this, enforcement is inconsistent, leading to procedural delays, arbitrary detention, and human rights violations.⁵⁶

2. Outdated Procedural Structures

- CrPC and Penal Code retain colonial-era provisions that do not accommodate modern crime complexities.⁵⁷
- Investigation, remand, and trial procedures are time-consuming and vulnerable to abuse.

⁵³ Terry Hutchinson, *Researching and Writing in Law* (3rd edn, Thomson Reuters 2010) 131–135.

⁵⁴ Penal Code 1860; Code of Criminal Procedure 1898; Evidence Act 1872; Digital Security Act 2018.

⁵⁵ Constitution of the People’s Republic of Bangladesh 1972, arts 27, 31, 32, 35.

⁵⁶ Amnesty International, *Bangladesh: Criminal Justice and Human Rights* (2021).

⁵⁷ M Hossain, *Administration of Criminal Justice in Bangladesh* (UPL 2018) 89–95.

3. Judicial Oversight and Case Law

- Judicial pronouncements (e.g., *BLAST v Bangladesh* 2016) have strengthened procedural safeguards but implementation gaps persist.⁵⁸
- Courts intervene in cases of arbitrary detention, but systemic reform remains limited.

6.3 Key Findings from Institutional Analysis

1. Police and Investigation

- Police remain highly politicized and lack adequate training and resources.
- Misuse of remand powers, custodial torture, and delayed investigations undermine public confidence.⁵⁹

2. Prosecution Service

- Prosecutors operate under executive influence, lacking statutory autonomy.⁶⁰
- Weak coordination with police affects case preparation and trial outcomes.

3. Judiciary

- Overburdened courts result in significant delays, violating the constitutional right to a speedy trial.⁶¹
- Specialized courts and digitization are limited, reducing efficiency.

⁵⁸ *BLAST v Bangladesh* (2016) 68 DLR (HCD) 1.

⁵⁹ Odhikar, *Human Rights Report on Bangladesh* (2022).

⁶⁰ Transparency International Bangladesh, *Justice Sector Governance* (2020).

⁶¹ Supreme Court of Bangladesh, *Annual Report* (2021).

4. Prison Administration

- Overcrowded prisons and insufficient rehabilitation programs exacerbate recidivism.⁶²
- Basic healthcare, sanitation, and vocational training are inadequate.

6.4 Key Findings from Comparative Analysis

1. Prosecution Autonomy and Independence

- UK's CPS and India's statutory Public Prosecutor models demonstrate that autonomy improves impartiality and procedural efficiency.⁶³
- Bangladesh lacks a similar structure, resulting in executive interference and inconsistent trial outcomes.

2. Judicial Efficiency

- Fast-track courts in India and specialized courts in the UAE reduce case backlog.⁶⁴
- Bangladesh's courts are overburdened and require systemic case management reforms.

3. Human Rights and Procedural Safeguards

- US due process protections and Indian victim rights frameworks highlight the importance of access to counsel, presumption of innocence, and timely trial.⁶⁵
- Bangladesh must strengthen rights-based reforms to prevent arbitrary arrests and custodial violations.

⁶² UNODC, *World Prison Brief: Bangladesh* (2022).

⁶³ Crown Prosecution Service (UK); Code of Criminal Procedure 1973 (India).

⁶⁴ Law Commission of India, *Fast Track Courts for Speedy Justice* (2017); Dubai Judicial Institute, *Judicial Statistics* (2022).

⁶⁵ US Constitution, amends V, VI, XIV; Constitution of India 1950, arts 20–22.

4. Technological Integration

- Case management systems, e-FIRs, and digital records in the UK and India enhance coordination and transparency.⁶⁶
- Bangladesh's criminal justice system largely remains manual, contributing to inefficiency and delays.

6.5 Analysis of Core Research Questions

1. What is the existing legal and institutional framework governing the administration of criminal justice in Bangladesh?

- **Finding:** Bangladesh has a robust statutory and constitutional framework, but institutional dysfunction limits effective implementation.

2. What are the major procedural and structural challenges affecting the effectiveness of the system?

- **Finding:** Outdated procedural laws, overburdened judiciary, politically influenced police and prosecution, and overcrowded prisons are major obstacles.

3. How does the criminal justice system of Bangladesh compare with selected foreign jurisdictions?

- **Finding:** Bangladesh lags behind in prosecution independence, judicial efficiency, human rights compliance, and technological integration. Lessons from India, UK, US, Pakistan, and UAE provide actionable reform models.

⁶⁶ HM Courts & Tribunals Service, *Digital Justice System Reform Programme* (2021); Ministry of Home Affairs (India), *CCTNS Report* (2020).

4. **What reforms are required to ensure a fair, efficient, and rights-based criminal justice system?**

- **Finding:** Establish independent prosecution, implement fast-track and specialized courts, modernize procedural law, professionalize police, integrate digital case management, and strengthen prisoner rehabilitation programs.

6.6 Integrated Analysis

1. **Institutional Weakness and Human Rights Gap**

- Systemic weaknesses in police, prosecution, judiciary, and prisons collectively undermine constitutional guarantees.

2. **Procedural Delay and Backlog**

- Delays exacerbate pre-trial detention issues and reduce public confidence in justice delivery.

3. **Comparative Lessons**

- Foreign jurisdictions provide evidence-based practices for reform, emphasizing independent prosecution, judicial efficiency, and technological modernization.

4. **Policy-Relevant Implications**

- Reforming Bangladesh’s criminal justice system requires integrated interventions across institutions, legislative amendments, capacity-building, and continuous monitoring.

6.7 Conclusion

The analysis demonstrates that Bangladesh possesses a comprehensive legal framework but suffers from structural and procedural inefficiencies. Comparative evidence shows that institutional autonomy, procedural modernization, rights-based reforms, and technological integration are critical to improving justice delivery. The findings provide a foundation for **Chapter 7 Conclusion and Recommendations**, where concrete reform strategies will be proposed.

Chapter 7

Conclusion and Recommendations

7.1 Introduction

This chapter summarizes the key findings from the previous chapters and presents reform-oriented recommendations for Bangladesh’s criminal justice system. Drawing on doctrinal analysis, institutional review, and comparative study, it proposes measures aimed at ensuring efficiency, fairness, and adherence to constitutional and human rights standards.⁶⁷

7.2 Summary of Key Findings

1. Legal Framework

- Bangladesh possesses a comprehensive legal framework: Constitution (1972), Penal Code 1860, CrPC 1898, Evidence Act 1872, and various special laws.⁶⁸
- Constitutional safeguards (arts. 27, 31, 32, 35) guarantee equality, life and liberty, protection against arbitrary arrest, and fair trial rights.⁶⁹
- Despite this, statutory provisions are often outdated and inconsistently applied.

2. Institutional Weaknesses

- Police: Politicized, under-resourced, prone to misuse of remand and custodial violations.
- Prosecution: Lacks statutory autonomy, faces executive influence, and coordination with police is weak.

⁶⁷ Terry Hutchinson, *Researching and Writing in Law* (3rd edn, Thomson Reuters 2010) 201–205.

⁶⁸ Constitution of the People’s Republic of Bangladesh 1972; Penal Code 1860; Code of Criminal Procedure 1898; Evidence Act 1872.

⁶⁹ Constitution of Bangladesh 1972, arts 27, 31, 32, 35.

- Judiciary: Overburdened, limited use of case management and specialized courts.
- Prisons: Overcrowded, underfunded, with inadequate rehabilitation programs.⁷⁰

3. Comparative Insights

- Independent prosecution (UK, India) improves impartiality.
- Fast-track courts, specialized courts, and case management systems reduce delays (India, UAE, UK).
- Technological integration enhances transparency and coordination.
- Human rights frameworks (US, India) strengthen procedural safeguards.⁷¹

7.3 Recommendations for Reform

Based on doctrinal, institutional, and comparative analysis, the following recommendations are proposed:

7.3.1 Legislative Reforms

1. Modernize Procedural Laws

- Amend CrPC 1898 and Penal Code 1860 to incorporate modern investigation, trial, and sentencing procedures.⁷²
- Codify timelines for investigation, trial, and appeal to reduce delays.

2. Clarify Special Laws

- Review laws like the Digital Security Act 2018 to ensure they align with fundamental rights and due process.⁷³

⁷⁰ UNODC, *World Prison Brief: Bangladesh* (2022).

⁷¹ Crown Prosecution Service (UK); Constitution of India 1950; US Constitution, amends V, VI, XIV.

⁷² Law Commission of Bangladesh, *Report on Reform of Criminal Procedure* (2015).

⁷³ Amnesty International, *Bangladesh: Digital Security Act and Fair Trial Rights* (2020).

7.3.2 Institutional Reforms

1. Police Professionalization

- Introduce fixed tenures for officers, merit-based promotions, and specialized investigative units.
- Establish independent Police Complaints Authorities to address abuse and misconduct.⁷⁴

2. Independent Prosecution Service

- Create a statutory, autonomous prosecution agency, modeled after the UK CPS or Indian Public Prosecutor system.⁷⁵
- Enhance training, case management, and coordination with police.

3. Judicial Efficiency

- Introduce fast-track courts and specialized criminal courts.⁷⁶
- Implement digital case management systems and e-filing to reduce backlog.

4. Prison Reform

- Reduce overcrowding through alternative sentencing and rehabilitation programs.⁷⁷
- Provide vocational training, education, and healthcare facilities to facilitate reintegration.

⁷⁴ *Prakash Singh v Union of India* (2006) 8 SCC 1 (SC).

⁷⁵ Crown Prosecution Service (UK), *The Code for Crown Prosecutors* (2022).

⁷⁶ Law Commission of India, *Fast Track Courts for Speedy Justice* (2017).

⁷⁷ Andrew Coyle, *Understanding Prisons* (Open University Press 2005).

7.3.3 Human Rights and Rights-Based Reforms

1. Strengthen Due Process

- Enforce constitutional safeguards against arbitrary arrest and detention.⁷⁸
- Ensure timely legal representation for all accused.

2. Victim Protection and Compensation

- Establish victim compensation schemes and witness protection programs, learning from India and the UK.⁷⁹

7.3.4 Technological Integration

1. Digital Case Management

- Centralized databases for criminal records, FIRs, and trial progress.
- Use e-hearings and virtual court facilities where feasible.

2. Inter-Agency Coordination

- Link police, prosecution, judiciary, and prison systems through integrated information technology to reduce procedural delays and improve transparency.⁸⁰

7.3.5 Capacity Building and Training

- Conduct continuous professional training for police, prosecutors, and judges.
- Introduce interdisciplinary education incorporating criminology, sociology, and human rights perspectives.
- Develop monitoring and evaluation mechanisms to ensure accountability.

⁷⁸ *BLAST v Bangladesh* (2016) 68 DLR (HCD) 1.

⁷⁹ UNODC, *Handbook on Justice for Victims* (2015).

⁸⁰ World Bank, *Criminal Justice Information Systems Reform* (2019).

7.4 Policy Implications

1. Rule of Law and Public Trust

- Strengthening institutional efficiency and rights-based reforms enhances public confidence in the justice system.

2. Efficiency and Accountability

- Legislative and procedural reforms reduce backlog and systemic delays.
- Independent prosecution and police accountability ensure impartiality.

3. International Compliance

- Aligning laws and practices with international human rights standards improves Bangladesh's standing in global justice indices.⁸¹

7.5 Concluding Remarks

The criminal justice system of Bangladesh, while underpinned by a comprehensive legal framework, suffers from institutional inefficiencies, procedural delays, and human rights concerns. Comparative study demonstrates that independent prosecution, fast-track and specialized courts, technological integration, and rights-based reforms are key to modernizing the system. Implementation of these recommendations requires political will, institutional coordination, and sustained investment in human and technological resources.

⁸¹ International Covenant on Civil and Political Rights 1966.

BIBLIOGRAPHY

A. Books

1. Andrew Ashworth, *Principles of Criminal Law* (8th edn, Oxford University Press 2016).
2. Andrew Sanders, Richard Young and Mandy Burton, *Criminal Justice* (6th edn, Oxford University Press 2020).
3. Herbert L Packer, *The Limits of the Criminal Sanction* (Stanford University Press 1968).
4. Mike McConville and Chester Mirsky, *Jury Trials and Plea Bargaining* (Hart Publishing 2005).
5. Md Shah Alam, *Administration of Criminal Justice in Bangladesh* (New Warsi Book Corporation 2012).
6. Mizanur Rahman, *Human Rights and Criminal Justice in Bangladesh* (University Press Limited 2015).
7. Naimul Haque, *Criminal Law of Bangladesh* (1st edn, CCB Foundation 2018).
8. David Ormerod and Karl Laird, *Smith, Hogan and Ormerod's Criminal Law* (16th edn, Oxford University Press 2021).
9. Glanville Williams, *Textbook of Criminal Law* (2nd edn, Stevens & Sons 1983).

B. Journal Articles

1. Andrew Ashworth, 'The Criminal Process: Fairness and Efficiency' (1995) 109 *Harvard Law Review* 807.
2. Md Jahid Hossain Bhuiyan, 'Police Accountability and Human Rights in Bangladesh' (2014) 25 *Bangladesh Journal of Law* 1.
3. Mizanur Rahman, 'Judicial Activism and Criminal Justice in Bangladesh' (2010) 14 *Asian Journal of Comparative Law* 45.

4. Nicola Padfield, 'Sentencing and Criminal Justice Reform' (2011) 74 *Modern Law Review* 169.
5. Kent Roach, 'Prosecutorial Independence and Accountability' (2008) 45 *Osgoode Hall Law Journal* 721.
6. Ziaul Hoque, 'Delay and Backlog in Criminal Courts of Bangladesh' (2018) 29 *Dhaka University Law Journal* 87.

C. Case Law

BANGLADESH

1. *BLAST v Bangladesh* (2016) 68 DLR (HCD) 1.
2. *State v BLAST* (2015) 67 DLR (HCD) 552.
3. *Hussain Muhammad Ershad v Bangladesh* (2001) 21 BLD (AD) 69.
4. *Saifuzzaman v State* (2004) 56 DLR (HCD) 324.

INDIA

5. *Prakash Singh v Union of India* AIR 2006 SC 268.
6. *D.K. Basu v State of West Bengal* AIR 1997 SC 610.
7. *Maneka Gandhi v Union of India* AIR 1978 SC 597.

UNITED KINGDOM

8. *R v Horseferry Road Magistrates' Court, ex parte Bennett* [1994] 1 AC 42 (HL).
9. *R v Crown Prosecution Service, ex parte Manning* [2001] QB 330.

UNITED STATES

10. *Miranda v Arizona* 384 US 436 (1966).
11. *Gideon v Wainwright* 372 US 335 (1963).

D. Statutes and Constitutional Instruments

BANGLADESH

1. Constitution of the People's Republic of Bangladesh, 1972.
2. Penal Code 1860.
3. Code of Criminal Procedure 1898.
4. Evidence Act 1872.
5. Police Act 1861.
6. Digital Security Act 2018.
7. Prison Act 1894 and Jail Code of Bangladesh.

INDIA

8. Indian Penal Code 1860.
9. Code of Criminal Procedure 1973 (India).

E. International Instruments

1. International Covenant on Civil and Political Rights (ICCPR) 1966.
2. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984.
3. UN Basic Principles on the Role of Prosecutors 1990.
4. UN Basic Principles on the Independence of the Judiciary 1985.
5. UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) 2015.

F. Reports and Policy Documents

1. Law Commission of Bangladesh, *Report on Reform of Criminal Procedure*.
2. United Nations Office on Drugs and Crime (UNODC), *Handbook on Criminal Justice Reform* (2011).
3. Amnesty International, *Bangladesh: Human Rights Report* (various years).
4. Human Rights Watch, *Bangladesh Criminal Justice and Policing Reports*.
5. World Justice Project, *Rule of Law Index* (latest edition).