

Study on Criminal Justice System of Bangladesh

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ABSTRACT

Proper Criminal Justice System is very essential for every country to ensure rule of law. Rule of law is necessary for ensuring justice for every citizen of a country. Bangladesh has criminal justice system for providing rule of law. However present study has conducted to evaluate the Criminal Justice system of Bangladesh from historical perspectives, to trace out the influence of previous Criminal Justice system of Bangladesh on its present legal system, to analyze present Criminal Justice system of Bangladesh and some other countries of the world, to point out both positive and negative sides of the present Criminal Justice system of Bangladesh and to suggest some recommendations so that present Criminal Justice system of Bangladesh can fulfill the demand of time as per expectation of the people. The study was conducted at eight divisions in Bangladesh. The study was survey and documentary analysis type. Purposive sampling method was used for the study. From each division 50 respondents were selected for the study. So, total sample of the study were 400. Respondents were Advocates-100, Victims-100, Academicians-100 and Policy makers-100. Data were collected from primary and secondary sources. Primary data were collected from the respondents of study area. Secondary data were collected from books, research report, journals, internet etc. Questionnaire was used for data collection. Data were collected through face to face interview with Questionnaire and secondary data were collected from books, research report, journals, internet etc. Data were computerized, analyzed and interpreted using Microsoft EXCEL software. From the result it was found that majority of the respondents replied that the present situation of criminal justice system is not so bad. Steps for providing suitable criminal justice are not taking properly. Most of the people are not aware for criminal justice system. Majority respondents replied that procedures of criminal justice system is lengthy or delay. Maximum people want the proper criminal justice system in Bangladesh. There are many problems in criminal justice system in Bangladesh. The problems should be solved immediately. There are corruptions prevail in every sphere of criminal justice system in Bangladesh. The corruptions should be eradicated immediately for the proper criminal justice system in Bangladesh.

Keywords: *Criminal Justice System, Problems, Corruption, Delay, Proper*

INTRODUCTION

With a view to lead a good and disciplined life, man has established various institutions, society is one of them. There are many systems or sub-systems in the society of which the Criminal Justice system is the important one. Practically the concept of the Criminal Justice system is used in narrow sense to mean law and judiciary. In the arena of human gregarious life, the Criminal Justice system is very important and has been playing a significant role. It guides and regulates the collective and mutual relationship of human beings. People live together in the society following the rational and balanced code of life as introduced and managed by the Criminal Justice. Bangladesh as an independent State has its own Criminal Justice system and the present Criminal Justice system of Bangladesh owes its origin mainly to 200-years British

colonial rule in the Indian Subcontinent which was specially designed to control, govern and exploit the people. It is said that the present Criminal Justice system of Bangladesh is defective and not up to mark. It is not fully consistent with the needs and expectations of the people. It has so many burning problems which need to be addressed soon specially to establish rule of law in the country. In this connection a careful appraisal of the Criminal Justice system of Bangladesh is a must. But no comprehensive legal research on the Criminal Justice system of Bangladesh has been done as yet. As such, the present research work is the demand of time and an attempt in this direction.

RATIONALE OF THE STUDY

The research topic entitled “Time for access to change the Criminal Justice system of Bangladesh” is new and extremely necessary for perfect understanding and development of the existing Criminal Justice systems of Bangladesh. Because a modern Criminal Justice cannot be perfect when divorced from Criminal Justice history and spirits of the country whose Criminal Justice it is.

OBJECTIVES OF STUDY

The Criminal Justice system of a country at a given time is not the creation of one man or of one day. It represents the cumulative fruit of the endeavor, experience, thoughtful planning and patient labor of a large number of people through generations. Therefore, the main objectives of the present research work are as follows:

1. To evaluate the Criminal Justice system of Bangladesh from historical perspectives.
2. To trace out the influence of previous Criminal Justice system of Bangladesh on its present legal system.
3. To analyze present Criminal Justice system of Bangladesh and some other countries of the world.
4. To point out both positive and negative sides of the present Criminal Justice system of Bangladesh.
5. To suggest some recommendations so that present Criminal Justice system of Bangladesh can fulfill the demand of time as per expectation of the people.

METHODOLOGY OF THE STUDY

Study design: The study was survey and documentary analysis type.

Study area: The study was conducted at eight divisions in Bangladesh.

Sampling method: Purposive sampling method was used for the study.

Sample size: From each division 50 respondents were selected for the study. So, total sample of the study were 400. Respondents were Advocates-100, Victims-100, Academicians-100 and Policy makers-100.

Sources of Data: Data were collected from primary and secondary sources.

Sources of primary data: Primary data were collected from the respondents of study area.

Sources of secondary Data: Secondary data were collected from books, research report, journals, internet etc.

Instruments of Data Collection: Questionnaire was used for data collection.

Method of Data collection: Data were collected through face to face interview with Questionnaire and secondary data were collected from books, research report, journals, internet etc.

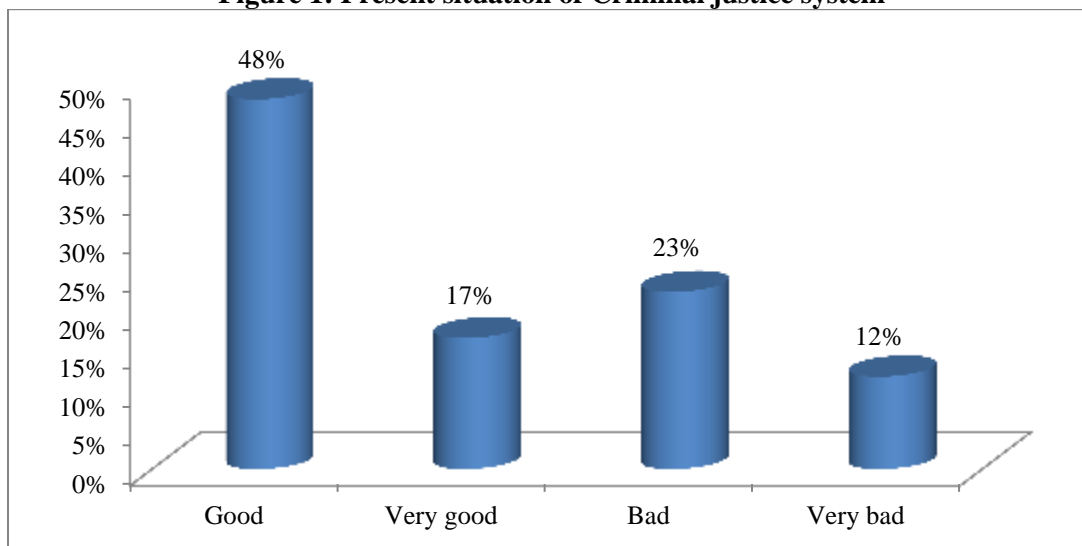
Data processing and Analysis: Data were computerized, analyzed and interpreted using Microsoft EXCEL software.

SCOPE OF THE STUDY

In the study, the concept of Criminal Justice system is designed to be used in narrow sense to mean law and judiciary i.e. laws, lawyers, law officers, courts and judges. In the same vein, the Criminal Justice systems of Bangladesh include laws, lawyers, law officers, Courts and judges of Bangladesh. Though the study previous Criminal Justice systems but emphasis would be given on the present Criminal Justice systems of Bangladesh.

RESULTS AND DISCUSSION

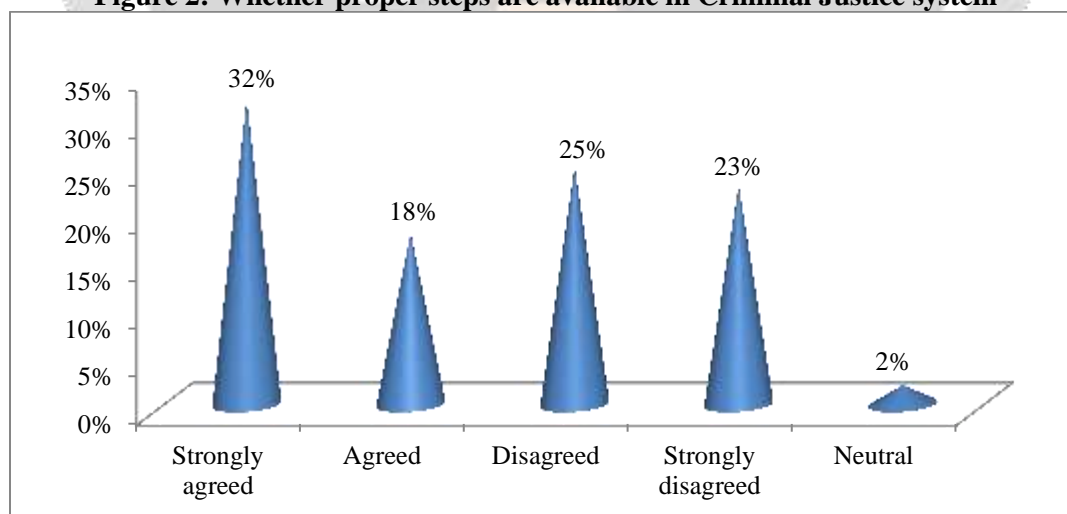
Figure 1: Present situation of Criminal justice system



Source: Field Survey, 2019

Present situation of Criminal justice system has shown in the above graph. The result revealed that 48% respondent replied that present situation of criminal justice is good which was maximum but 12% respondents replied that present situation of criminal justice is very bad which was minimum. On the other hand 17% respondents replied that present situation of criminal justice is very good and 13% respondents replied that present situation of criminal justice is very bad.

Figure 2: Whether proper steps are available in Criminal Justice system

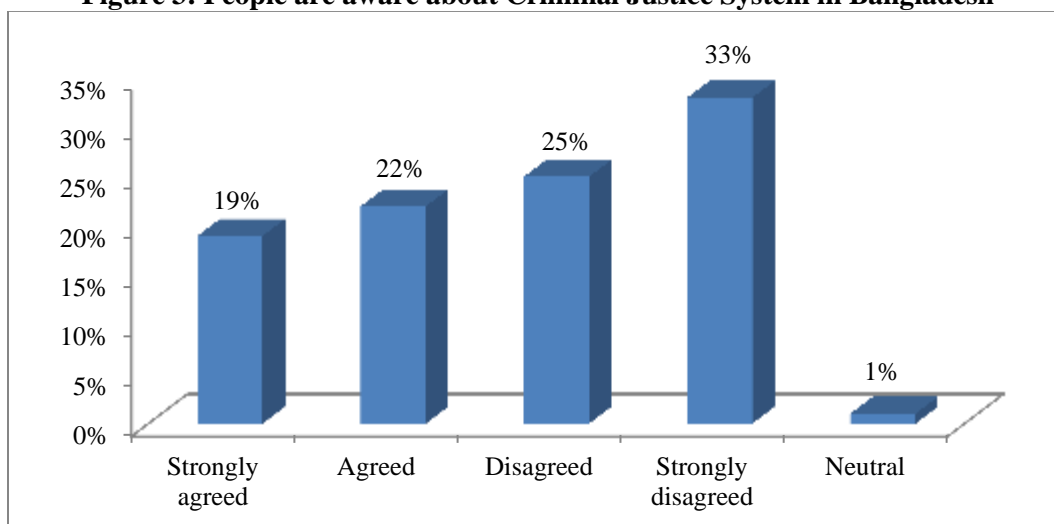


Source: Field Survey, 2019

Whether proper steps are available in criminal justice system in Bangladesh has shown in the above graph. From the result it was found that 32% respondents strongly agreed that proper steps are available in criminal justices system in Bangladesh which was maximum but only 2% respondents were neutral which was minimum. On the other hand 18% respondents agreed that proper steps are available in criminal justices system in Bangladesh, 25% respondents disagreed that proper steps are available in

criminal justices system in Bangladesh and 23% respondents strongly disagreed that proper steps are available in criminal justices system in Bangladesh.

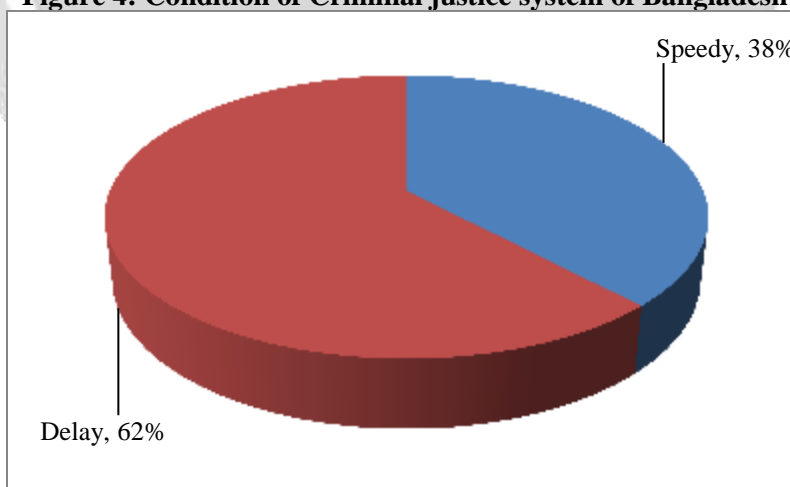
Figure 3: People are aware about Criminal Justice System in Bangladesh



Source: Field Survey, 2019

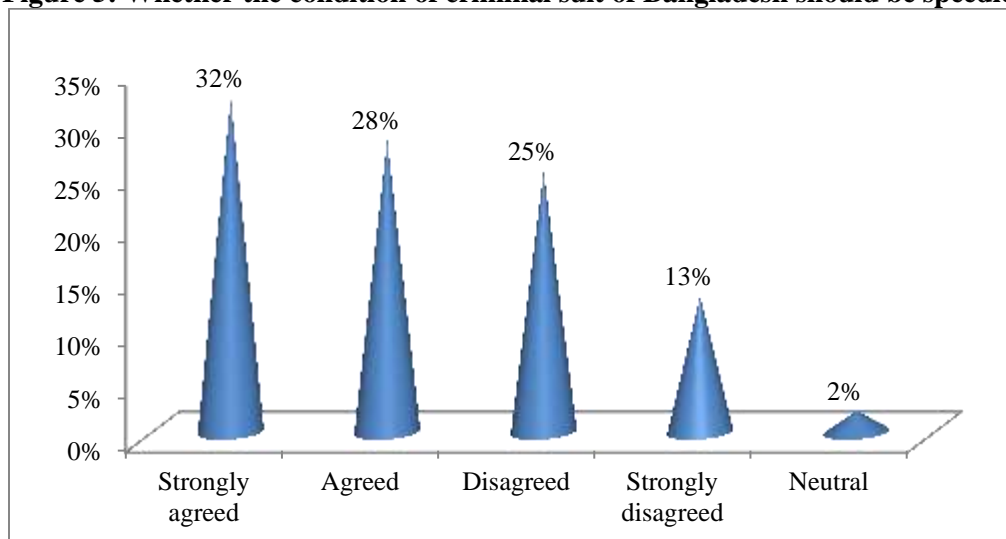
Whether people are aware about criminal justice system in Bangladesh has shown in the above graph. From the result it was found that 33% respondents strongly disagreed that people are aware about criminal justices system in Bangladesh which was maximum but only 1% respondents were neutral which was minimum. On the other hand 25% respondents disagreed that people are aware about criminal justices system in Bangladesh, 22% respondents agreed that people are aware about criminal justices system in Bangladesh and 19% respondents strongly agreed that people are aware about criminal justices system in Bangladesh.

Figure 4: Condition of Criminal justice system of Bangladesh



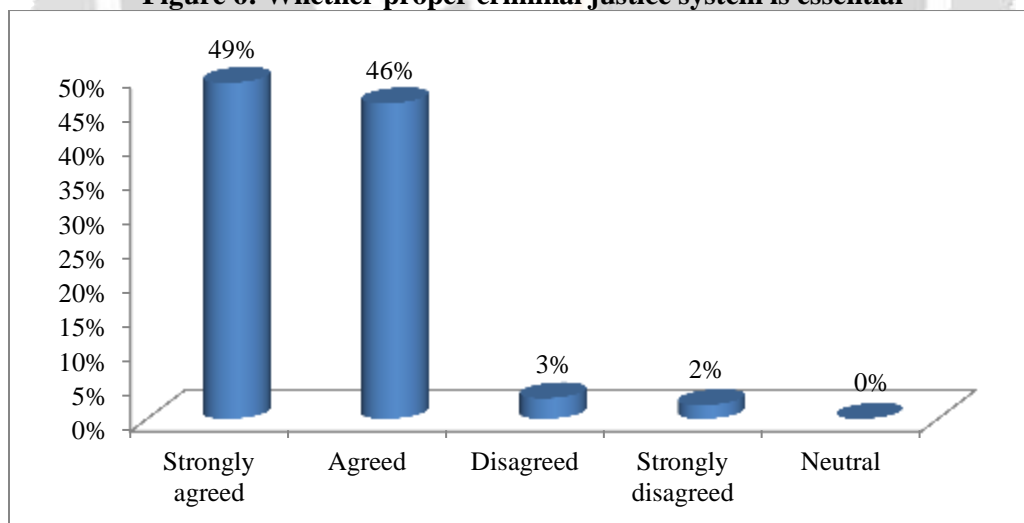
Source: Field Survey, 2019

Condition of Criminal justice system has shown in the above graph. From the result it was revealed that 62% respondent replied that the system of Criminal suit is delay but 38% respondents replied that the system of criminal suit is speedy.

Figure 5: Whether the condition of criminal suit of Bangladesh should be speedier

Source: Field Survey, 2019

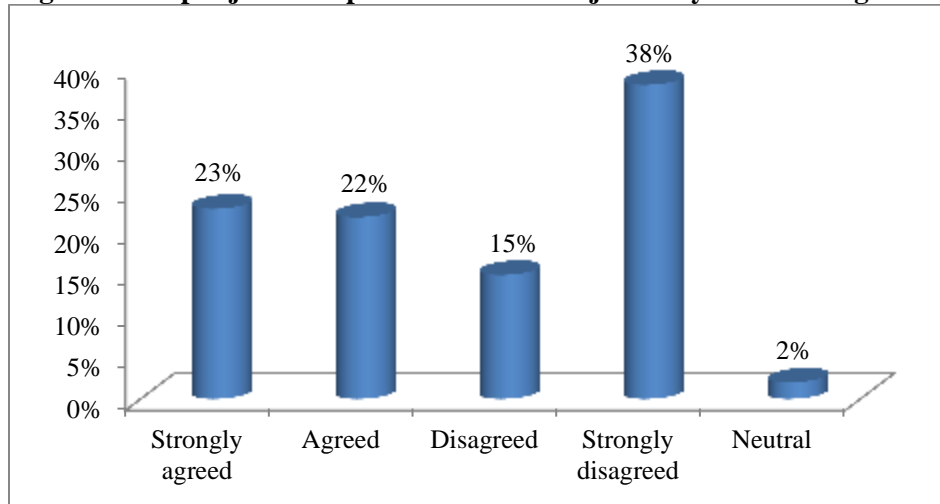
Whether the condition of criminal suit of Bangladesh should be speedier has shown in the above graph. From the result it was revealed that 32% respondent strongly agreed that the system of criminal suit should be speedier which was maximum and only 2% respondents were neutral. On the other hand 28% respondent agreed that the system of criminal suit should be speedier, 25% respondent disagreed that the system of criminal suit should be speedier and 13% respondent strongly disagreed that the system of criminal suit should be speedier.

Figure 6: Whether proper criminal justice system is essential

Source: Field Survey, 2019

Whether proper criminal justice system is essential in Bangladesh has shown in the above graph. From the result it was revealed that 49% respondent strongly agreed that the proper criminal justice system is essential in Bangladesh which was maximum and only 0% respondents were neutral. On the other hand 48% respondent agreed that the proper criminal justice system is essential in Bangladesh, 3% respondent disagreed that the proper criminal justice system is essential in Bangladesh and 2% respondent strongly disagreed that the proper criminal justice system is essential in Bangladesh.

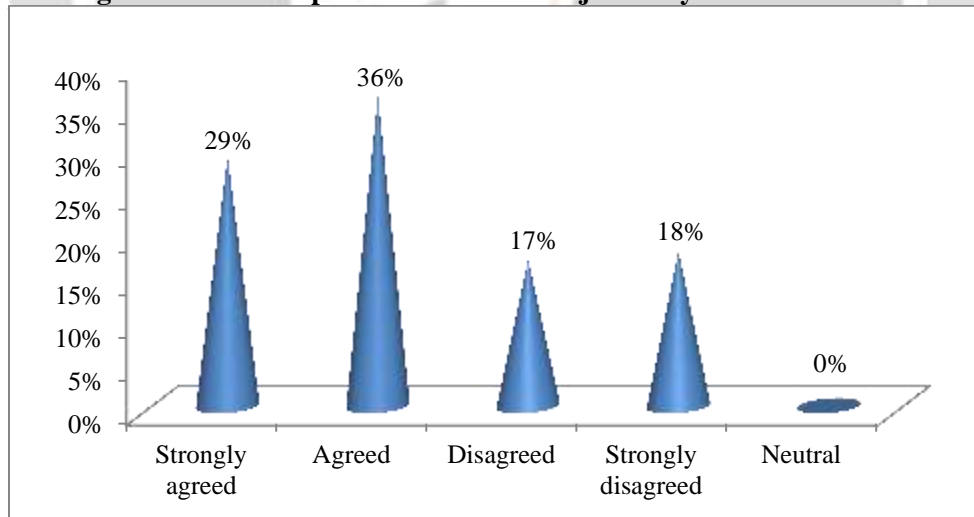
Figure 7: Proper justice is present in criminal justice system of Bangladesh



Source: Field Survey, 2019

Whether proper justice is present in criminal justice system of Bangladesh has shown in the above graph. From the result it was found that 38% respondents strongly disagreed that proper justice is present in criminal justice system of Bangladesh which was maximum but only 2% respondents were neutral that proper justice is present in criminal justice system of Bangladesh which was minimum. On the other hand 23% respondents strongly agreed that proper justice is present in criminal justice system of Bangladesh, 22% respondents agreed that proper justice is present in criminal justice system of Bangladesh and 15% respondents disagreed that proper justice is present in criminal justice system of Bangladesh.

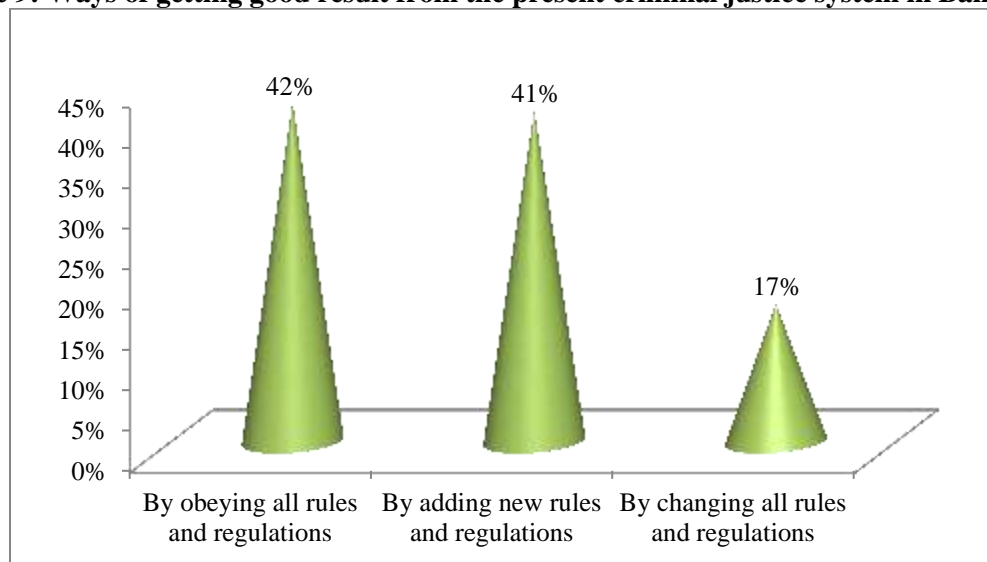
Figure 8: Whether problems of criminal justice system can be solved



Source: Field Survey, 2019

Whether problems of criminal justice system can be solved has shown in the above graph. From the result it was found that 36% respondents agreed that problems of criminal justice system can be solved which was maximum but no respondents were neutral in that matter. On the other hand 29% respondents were strongly agreed that problems of criminal justice system can be solved, 17% respondents were disagreed that problems of criminal justice system can be solved and 18% respondents were strongly disagreed that problems of criminal justice system can be solved.

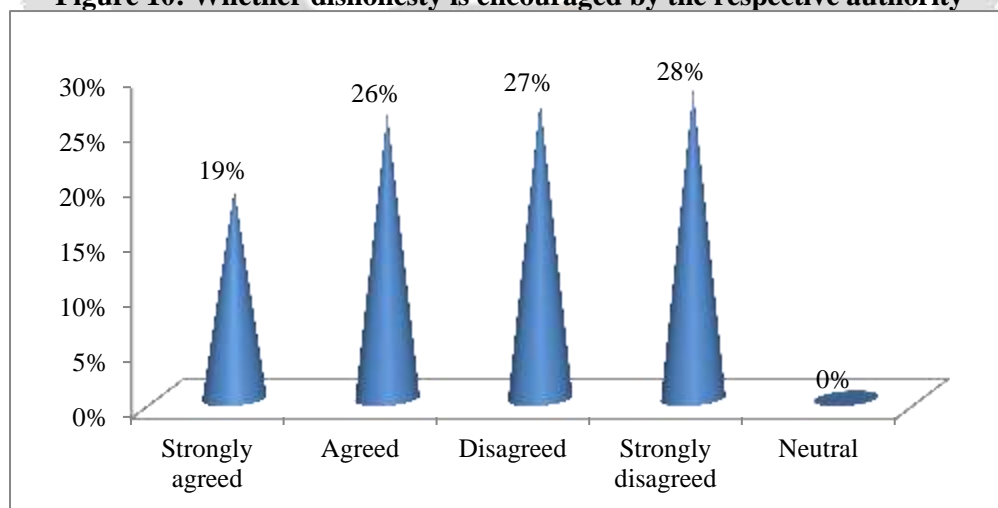
Figure 9: Ways of getting good result from the present criminal justice system in Bangladesh



Source: Field Survey, 2019

Ways of getting good result from the present criminal justice system in Bangladesh has shown in the above graph. From the result it was found that 42% respondents replied that the criminal justice system of Bangladesh can get good result by obeying all rules and regulations which was the maximum but only 17% respondents replied that the criminal justice system of Bangladesh can get good result by changing all rules and regulations which was minimum. On the other hand 41% respondents replied that the criminal justice system of Bangladesh can get good result by adding new rules and regulations.

Figure 10: Whether dishonesty is encouraged by the respective authority



Source: Field Survey, 2019

Whether dishonesty is encouraged by the respective authority has shown in the above graph. From the result it was found that 28% respondents strongly disagreed that dishonesty is encouraged by the respective authority which was maximum but only 0% respondents were neutral in this matter. On the other hand 27% respondents disagreed that dishonesty is encouraged by the respective authority, 26% respondents agreed that dishonesty is encouraged by the respective authority and 19% respondents strongly agreed that dishonesty is encouraged by the respective authority

CONCLUSION AND RECOMMENDATION

The very conception regarding the procedural, and Administrative locus standing conveyed by the administration is surprisingly on ordinate and hopeless buried by the fundamental right granted by the constitution the very validity of the constitution are not being executed in delaying with the natural justice and democratic upliftment of the citizen the peace teeping enforcing agency. Now a day's having been guided by the government by every step dominating the people the privacy of their legal rights. So the very arenas of Criminal attitude are not being governed by the natural justice and proper guidance of the administration. Torture cell having been replaced in the custody of the victims show the natural justice and the fundamental rights freedom to speech right to properly are going to demolished and graved in by mal practice of the administration particularly the law enforcing agency. At the very outset of the flashback of judicial entity of this arena has been deteriorating day by day. The ex done by judges particularly 3 judges who had been eliminated from the post due commission of their illegal act taking bribe in dealing with the case unfortunately the judicial entity has done granted.

In our country all laws and procedures such as, Criminal procedure (Cr. Pc.), penal code, evidence act, civil procedure, special power act, arms act, are created in British period. After the creation of the laws long days have been passed. Now time has come to change the laws. Government should change and update the laws. Some laws like Nari O Shisu Nirjaton Ain, Narcotic Control Act, Sontrash Birodhi Ain, Jongi Ain, Cyber Security Act, Money Laundering Act etc. have been created. But it is a matter of great sorrow that the some law makers (Member of Parliaments) are not law related persons. They are unskilled to make any law. In some cases, there are some court personnel who are unskilled to take or file cases.

There are many lacking in Nari O Shishu Nirjaton Ain, such as section 9(1), Medical certificate, Spermatozoa, Rape and public birjo, DNA test.

In Narcotic Act Section 138 has some problems, it isailable section, the cases under Narcotic Act are cognizance by Magistrate but trial is done by District Judge Court, Additional Session Judge and Joint District Judge. But there should have a definite Court where the trial will be continued. After punishment, the convicted are released from the jail but the financial penalty is being unpaid. There should have provision how the unpaid money will be collected from the convicted person.

In case of Special Power Act 1774, in section 25B (2), the maximum punishment is 7 years and minimum punishment is 1 year. If anybody proved convicted and gets 5 years imprisonment, the District Judge cannot give bail in this case. But we know District Judge can give bail if the punishment is 5 years or less. So, in Special Power Act 1774, there should have provisions so that District Judge can give bail up to 5 years. Same situation occur in case of Nari O Shishu Nirjaton Domon 2000 amendment 2003. Same provision should have in case of Nari O Shishu Nirjaton Domon Ain 2000 amendment 2003.

At present, there is only one Cyber Tribunal which is situated in Dhaka City. Crimes related to cyber are increasing day by day. For the reason the number of cases are increasing. The Cyber Tribunal Judges and other personnel are facing problems to handle many cases. For this reason, a Cyber Tribunal should be established in every district.

In section 33 of the Constitution of the People's Republic of Bangladesh, there is a provision to have one ombudsman. But there is no ombudsman in our country. So there should have an ombudsman in our country.

There is no Privy Council after the Appellate division in our country. So, there should have a provision to form Privy Council. Last retired Chief Justice and another institution heads may be the members of the Privy Council.

Strict steps and observation against bribery and biasness of the police:

Observation to the function of the corrupted police officer should be made and if found guilty for such kind of corruption strict steps should be taken for their punishment. Remuneration of the 'police should be fixed to a minimum standard. Other facilities as required for living should ensure so that they can run their family normally and pleasant atmosphere should given for seeking their performance.

Fair appointment of police should ensure:

Fair appointment of the police must ensure for the development of criminal justice system. Police is the main executive body which enforces laws and takes preventive measures against commission of crime so if the appointment of the members of this very important body is not made in fair way then fair criminal justice is impossible.

Fair appointment of staffs of the court

As staffs of the court are hardly connected with judicial system the appointment of the staffs must to be done in fair way. No allowance or Biasness should be taken in case of appointment because a person come through legal process is bind by duty to work legally.

Strict steps to prevent bribery of court staffs:

Reasonable measures should be taken to stop taking bribery by the court staffs. Observation over their work or conduct and punishment for such bribery should be ensured.

Efficient working of the body related to criminal justice system e.g. Law Commission must be ensured.

Security to the Plaintiff and Witnesses must be ensured because the part of the plaintiff or witnesses is very much important for the natural criminal justice system.

Necessary action should be taken against false and vogue case. In case of filing false case the punishment procedure should be followed and precedent to be made so that no case shall be filed only for harassing others.

Steps should be taken to reduce burden of cases. For example by appointing man power as much it needed, by responsible duty abeyance by the judges, police and lawyers etc. Qualified laboratory and Forensic department should be established or constructed. High qualified training for the doctor or other person who may hold the post on that kind of institution.

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