

Jails and Imprisonment in Bangladesh: Understanding the Imprisonment Status of Inmates and the Spatial Distribution of Prisons

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Abstract

Prison related studies are very limited in Bangladesh. In this context, this study is an exploratory one combining the basic issues of prisons and prisoners in the country. The objective of this study was to understand the status of the prison population, to know the types of prisons with their geographic distribution, and to develop a comparative understanding of prisoners' statistics between Bangladesh and Asia along with the whole world. We used various secondary resources like different legal codes, government, and media reports, official publications, national and organizational resources, books, and journals for collecting data in this regard. We analyzed the information and statistical data using various graphs, comparative figures, tables, maps, and other illustrations. This study finds that the overall prison population and the rate of undertrial prisoners are liable for overcrowding the prisons in Bangladesh. However, the locations of jails seem to be quite appropriate and properly distributed throughout the whole country as per the administrative boundaries of the district headquarters but the capacities of those institutes are inadequate. A comparison of the overall prison population of Bangladesh with some other Asian countries reveals the need for strong actions to reduce the prison population as well as undertrial prisoners formulating proper policies for that.

Keywords

Prisoners, Undertrial, Geographic Locations, Human Rights, Prison Statistics

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1. Introduction

The increasing prison population around the world has always been a matter of discussion among scholars. Prison management is also very vital in such a discussion. As a south Asian country, Bangladesh is suffering from various problems in prison management for many years. This country covers a comparatively small area of land and places 8th among the most populous countries of the world [1]. With this huge population, it is one of the most densely populated countries (1,237.3 people per sq. km, as per the US Census Bureau) of the world. Land has always been a problem in this country due to its insufficiency considering its massive population. This

large population has an adverse impact on the social and political systems of this territory. Aligned with this, the prison population is also a problem for this third world country. In 2016 and 2017, the total prison population of Bangladesh was 73,177 (Prison Population Brief) and 88,424 (UNODC) respectively. These yearly statistics violated most of the previous yearly prison records. Unexpectedly, most of those prison populations were undertrial prisoners and necessarily waiting for trials. Thus, the overall prison population in Bangladesh is far beyond its capacity in holding the inmates [2]–[4]. It does not mean that the prisons or jails only do not have enough space to keep these inmates inside, the major problem is associated with different facets of the criminal

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justice system and the failure of different institutions to manage the system more effectively. Historical legacy in this dysfunction creates some loopholes sometimes that compel the prison management to act and think in a more orthodox way [5]. The history of inefficiency thus remains a problem in the prison system in Bangladesh for years.

The prisons department of Bangladesh is officially known as “Bangladesh Jail” [6]. Unlike many western countries, no difference between the concept of “prison” and “jail” exists here. Bangladesh Ministry of Home Affairs is in charge of controlling this organization under a distinct “Prisons Directorate”. It holds the responsibility of all districts and central jails of the country. It runs several training centers, intelligence units, and a recently formed ICT wing for its management. “Keep safe and show the path of light” is the official slogan of Bangladesh Jail. The prison administration is generally operated by popularly known jail code which is the combination of the provisions of Prisons Act 1894, Prisoners Act 1900, Identification of Prisoners Act 1920, Rules made under Section 59 of the Prisons Act 1894, and Rules made under Section 60(a) of the same Act for the superintendence and management of jails and subsidiary jails respectively.

Although some of the western countries have a difference in the concept of prisons and jails, In this paper “jail” and “prison” will be used interchangeably to indicate the prison administration of Bangladesh as this country does not have any difference in these concepts. The prime focus of this paper is to shed light on the nature of the prison population and the problems thereto for understanding the picture from a local and international perspective.

2. Objectives of the Study

The overall objective of this paper is to understand the problems of prisons in Bangladesh in dealing with their inmates appropriately and handling the system efficiently. However, the specific objectives were-

1. To understand the total prison population and the status of the prisoners
2. To know the types of prisons and their geographic distribution with incarceration capacity
3. To understand the comparison of prison statistics of Bangladesh with that of Asia and the world

3. Method and Materials

This paper is mostly based on content analysis. We used secondary sources in this study for this purpose. Articles, books, government reports, research reports, website data, newspaper data, and other documents were broadly used to

understand the prison system comprehensively. For getting exact statistical figures, we used the data from the United Nations Office on Drugs and Crime (UNODC), World Prison Brief (WPB), Bangladesh prison statistics, and US Census Bureau. We were cautious about collecting all data and information from verified sources. For showing spatial distribution, we downloaded shapefiles from reliable and open source websites (for example- <http://www.diva-gis.org/gdata> and <https://gadm.org/>). Then we adjusted different administrative areas afterward using other software. We made maps and generated graphs using different software like GeoDa, ArcGIS 10.2, and R. For data integration and analysis, we used MS Excel and R. This is a descriptive-exploratory study and we used no statistical regression here as this was outside the scope of the current paper.

4. Result and Discussion

4.1. Total Prison Population and the Status of the Prisoners

4.1.1. Prisoners of Bangladesh

The common perception and the media portrayal of the prisons of Bangladesh indicate that these correctional institutes are overcrowded and full of miseries. We wanted to understand whether this perception is supported by empirical evidence. As per available data by the year 2017, the prison population was fluctuating every year. After 2008, since the last of the caretaker government’s regime (an interim government whose responsibility was to conduct the national election), 2017 witnessed the biggest number of prisoners in Bangladesh in terms of the rate per 0.1 million of the national people. This data indicates a sharp increase in the prison population. The total number of prison populations varied from 73,177 to 88,424 in total and the rate of prison population varied from 45 to 53.2 as per 100,000 of the national population). This sudden increase over the last couple of years indicates any change in policy or in the priority of apprehending accused persons. This is, of course, an issue of concern for Bangladesh. One basic reason behind this concern is when a person is arrested, many of his or her basic human rights are often seized [7]. Increasing the number of prison population means increasing seizure of human rights for more people. It indirectly indicates the failure of the state in providing the people with some better alternatives for keeping themselves law-abiding. However, since 1975 the rate of the prison population in Bangladesh crossed 50 (as per 100,000 of the national population) for four different years. The first of these three different years were very vital phases of Bangladesh in terms of political transition. For the year 2017, some strong political connections are difficult to make due to the limited number of research. Therefore, it needs further

academic studies. However, other than these 4 different years, population of Bangladesh (Figure 1 and Table 1). there was always a harmony among the rates and total prison

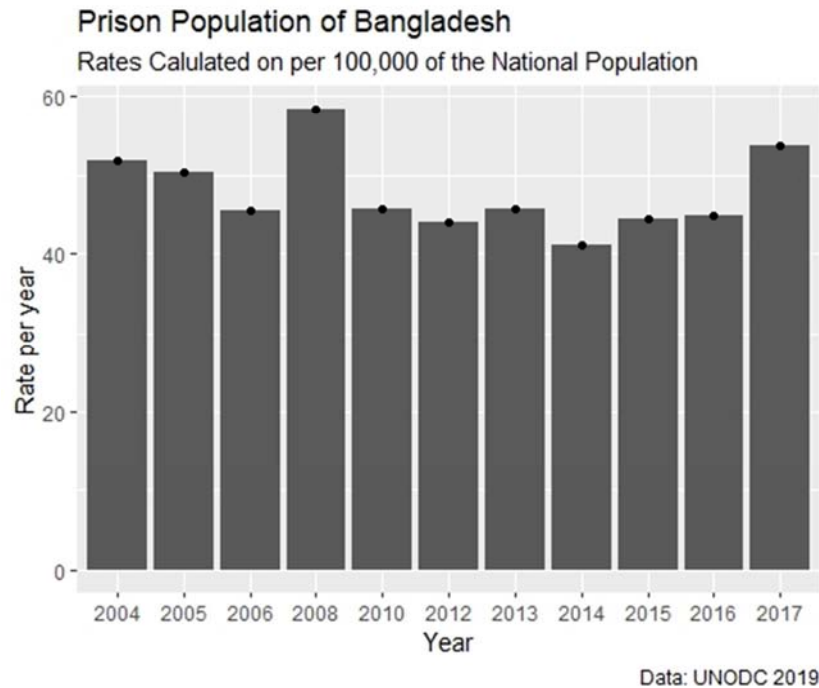


Figure 1. Rate of the Prison population of Bangladesh in previous years (Prepared by the authors).

Table 1. Total Prison Population and the Rate of Prison Population of Bangladesh (Prepared by the authors).

| Year | Prison Population Rate (Per 100,000 people) | Total Prison Population | Data Source |
|------|---|-------------------------|-------------------------|
| 1975 | 55 | NA | Prison Population Brief |
| 1980 | 30 | NA | Prison Population Brief |
| 1993 | 36 | NA | Prison Population Brief |
| 1995 | 36 | NA | Prison Population Brief |
| 1998 | 40 | NA | Prison Population Brief |
| 2000 | 47 | 62669 | Prison Population Brief |
| 2002 | 49 | 68178 | Prison Population Brief |
| 2004 | 51 | 73154 | Both UNODC and PPB |
| 2005 | 50.4 | 72268 | Both UNODC and PPB |
| 2006 | 49 | 71114/(66200 in UNODC) | Both UNODC and PPB |
| 2008 | 59 | 86838 | Both UNODC and PPB |
| 2010 | 46 | 69650 | Both UNODC and PPB |
| 2012 | 44 | 68700 | Both UNODC and PPB |
| 2013 | 45.8 | 72104 | Both UNODC and PPB |
| 2014 | 42 | 65662 | Both UNODC and PPB |
| 2015 | 44.4 | 71647 | UNODC |
| 2016 | 45 | 73177 | Both UNODC and PPB |
| 2017 | 53.2 | 88424 | UNODC |

4.1.2. Female Prisoners

Increasing female prisoners is an issue of great concern all over the world. Due to their massive participation in working sectors, they are seemingly more prone nowadays to be involved in crimes [8]. They are now more concerned with those aspects which traditionally they were not used to do [9]. Therefore, females now have a greater tendency to be involved in crimes than they committed those before [10]. Sometimes these crimes can vary from petty offenses to serious offenses and the doers can vary from accomplices to

mafia leaders [11]. Evidence suggests that In many cases adverse childhood experiences of females at the youth contributed to criminality in their later life although some other scholars also value the importance of corrections while residing in prisons [12].

A very important consideration while dealing with females as accused is the matter of having their kids. Therefore, before sending a woman into prison, a judge needs to think for her kids where for male accused, they rarely do this [13]. A significant number of researches suggest that the kids of incarcerated parents had a high tendency to expose delinquent

activities afterwards [14]. Therefore, the incarceration of females seems to create a violation of rights for other persons (their minor kids) who are supposed to enjoy all the rights from the state for having a safer childhood [15]. These incarcerated parents face difficulty in later life adjustment with their families as well [16]. However, this is a great concern for Bangladesh also that the number and the rate of

female prisoners have also soared up very sharply by the last five years (Figure 2 and Table 2). Data indicates that from the year 2003 to 2014, the total number of prison inmates soared to 414 at the top but from 2014 to 2019, it escalated to 1416. So, this increasing number of imprisoned women indicates a different perspective which seems to be not very ordinary.

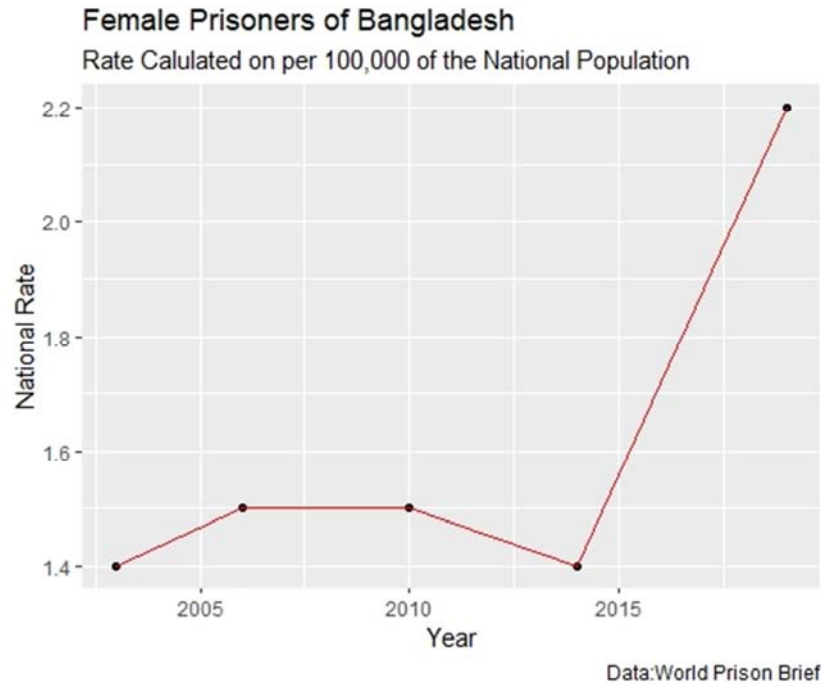


Figure 2. Female Prisoners of Bangladesh (Prepared by the authors).

Table 2. Female Prisoners of BANGLADESH (per 100,000 of the national population).

| Year | Number of Female Prison Population | Percentage of the total prison population | Female prison population rate (per 100,000 of national population) |
|------|------------------------------------|---|--|
| 2003 | 1,910 | 2.8% | 1.4 |
| 2006 | 2,222 | 3.4% | 1.5 |
| 2010 | 2,324 | 3.4% | 1.5 |
| 2014 | 2,211 | 3.4% | 1.4 |
| 2019 | 3,627 | 4.1% | 2.2 |

Source: World Prison Brief, Institute for Crime & Justice Policy Research

4.1.3. Undertrial, Pre-Trial or Awaiting for the First Instance Decisions

Keeping people incarcerated by seizing many of their human rights is not expected. Undertrial, pretrial, or the people waiting for the first instance of decision all are not necessarily involved in offenses. Many of them are found as “not guilty” after the verdict. The irony of imprisonment is the time that a detainee passes in prison as a mere accused can never be withdrawn. Therefore, despite being guilty, many of the prisoners may become depressed for being untried. This study reveals that the tenure of being in prison has a positive association with the level of depression [17]. As a consequence of unbearable psychological issues, many people commit suicide inside jails also in the most severe cases [18].

In 2019, the rate of ‘unsentenced prisoners’ (According to the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UN-CTS) “unsentenced or pre-trial prisoners refers to persons held in prisons, penal institutions, or correctional institutions who are untried, pre-trial or awaiting a first instance decision on their case from a competent authority regarding their conviction or acquittal”) was 81.3 percent of the total prisoners which is the highest within the last 20 years’ historical data of the prisoners in Bangladesh (Figure 3 and Table 3). This data indicates that most of the people who are in prison now are not convicted but accused. This huge population is going with their seized human rights despite their unproven guilt. This seems to be a severe violation of human rights. The reality is people like

lawmakers, penal officials, and other concerned people always have their justification for curtailing the human rights of the prisoners [19].

Figure 3 and Table 3 refers to “unsentenced” prisoners of

Bangladesh. As per the definition of the statistics, persons who are held waiting for the outcome of an appeal in respect of verdict or sentence or who are within the statutory limits for appealing their sentence are excluded from the statistics.

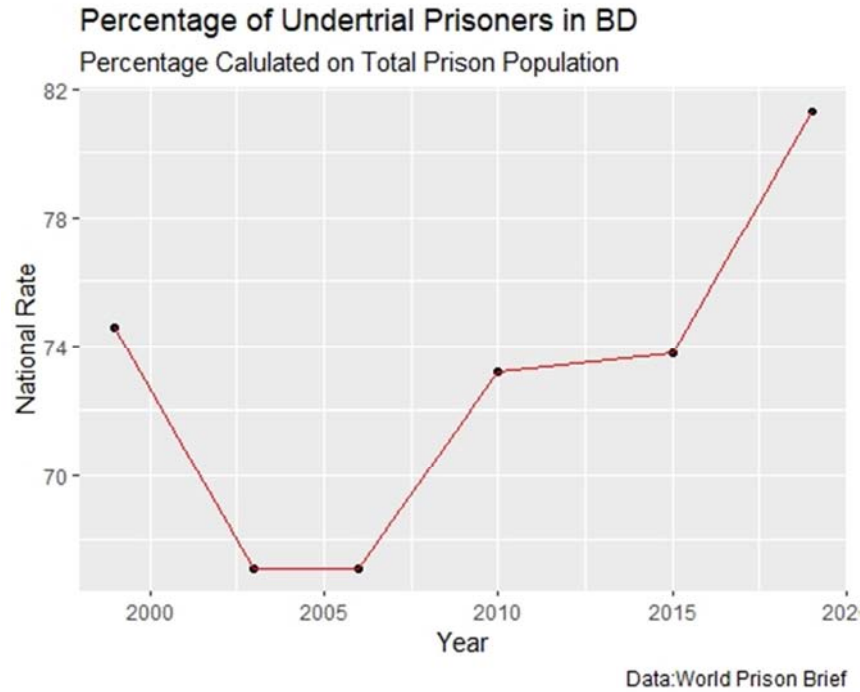


Figure 3. Percentage of Unsented Prisoners (Prepared by the authors).

Table 3. Uncentenced Prisoners of Bangladesh

| Year | Number in pre-trial/ remand imprisonment | Percentage of the total prison population | Pre-trial / remand population rate (per 100,000 of national population) |
|------|--|---|---|
| 1999 | 44368 | 74.6% | 34 |
| 2003 | 45173 | 67.1% | 32 |
| 2006 | 48354 | 67.1% | 33 |
| 2010 | 50576 | 73.2% | 33 |
| 2015 | 52876 | 73.8% | 33 |
| 2019 | 71717 | 81.3% | 43 |

Source: World Prison Brief, Institute for Crime & Justice Policy Research

4.2. Types of Prisons and Their Geographic Distribution

In Bangladesh, there are officially four basic categories of jails, i.e.-central jails, district jails, subsidiary, and special jails according to Rules for superintendence and management of jails (Rules made under Section 59 and 60(a) of the Prisons Act 1894). However, functionally central jails and district jails are more prevalent. These two regular categories of jails are discussed in the following. It is better to note that the total land areas of jails are 1421 acres where outside of the compounds remains 889.53 acres and inside the compounds remains 531.37 acres.

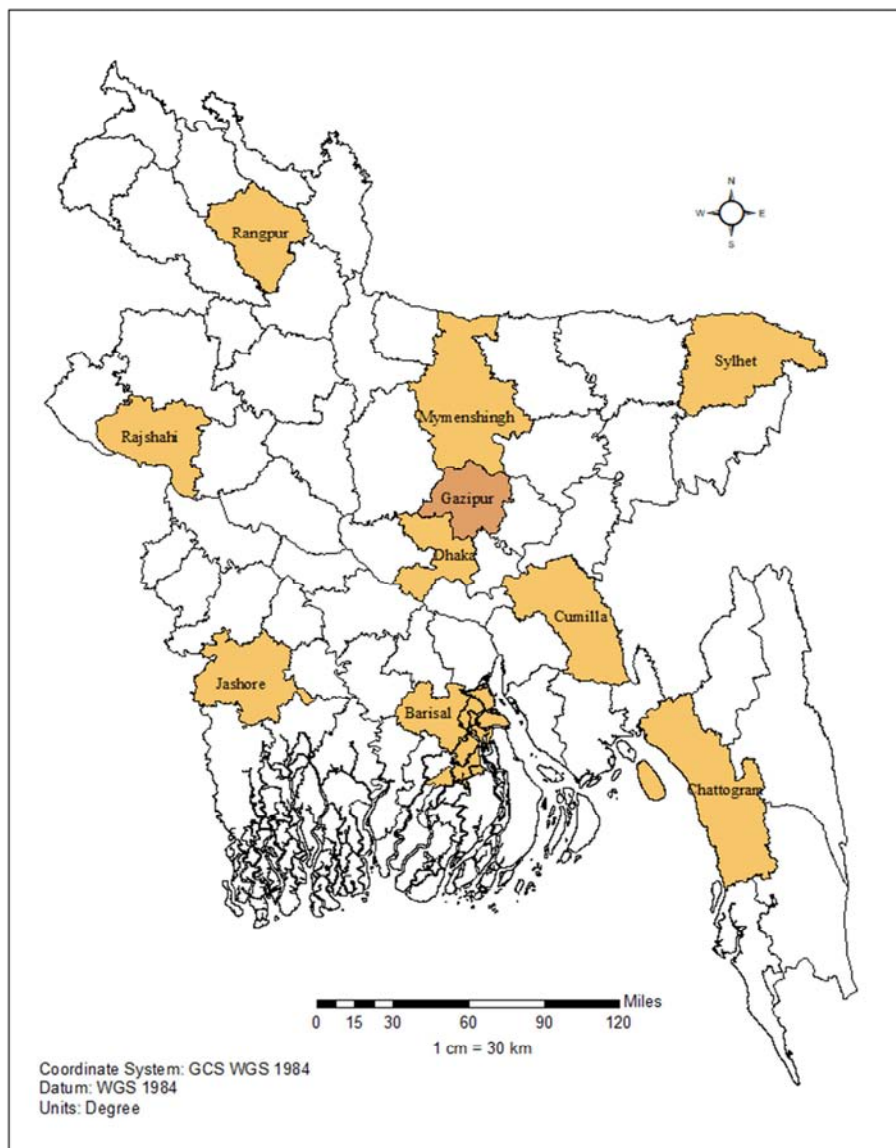
4.2.1. Central Jails

In Bangladesh, there are 13 central jails all around the country. These are in many cases founded either in the divisional

headquarters or in the districts which are more centralized to serve the people efficiently. There are 8 administrative divisions in Bangladesh. These are Dhaka, Chattogram, Rajshahi, Khulna, Barisal, Sylhet, Mymensingh, and Rangpur. To provide better facilities, instead of Khulna division, the central jail is located at Jashore district. Other than Khulna, all divisional headquarters have a central jail instead of a district jail. Additionally, Cumilla has a central jail to balance the geographical clustering of the districts. Gazipur district has 4 central jails that are used for the whole country and it also has a district jail for the district itself (Table 4 and Figure 4). It needs to mention that the districts which are declared as the divisional headquarters are also considered as districts. However, the location of the districts or divisional headquarters and the number of central jails are listed below (Table 4, Figure 4).

Table 4. Locations and Total number of Central Jails.

| District or Divisional Headquarters | Number of Central Jail(s) |
|-------------------------------------|---------------------------|
| Dhaka | 1 |
| Chattogram | 1 |
| Rajshahi | 1 |
| Jashore | 1 |
| Barisal | 1 |
| Sylhet | 1 |
| Rangpur | 1 |
| Mymensingh | 1 |
| Cumilla | 1 |
| Gazipur | 4 |
| Total | 13 |

**Figure 4.** Locations of Central Jails of Bangladesh (Prepared by the authors).

4.2.2. District Jails

In Bangladesh, there are 55 district jails all around the country. All the districts where there is no central jail has a district jail. As mentioned earlier that only Gazipur district has both district and central jail for special purposes. These jails are well established according to the geographic distribution of the administrative regions (Figure 5). Despite these, the overcrowding of jails is a matter of great concern.

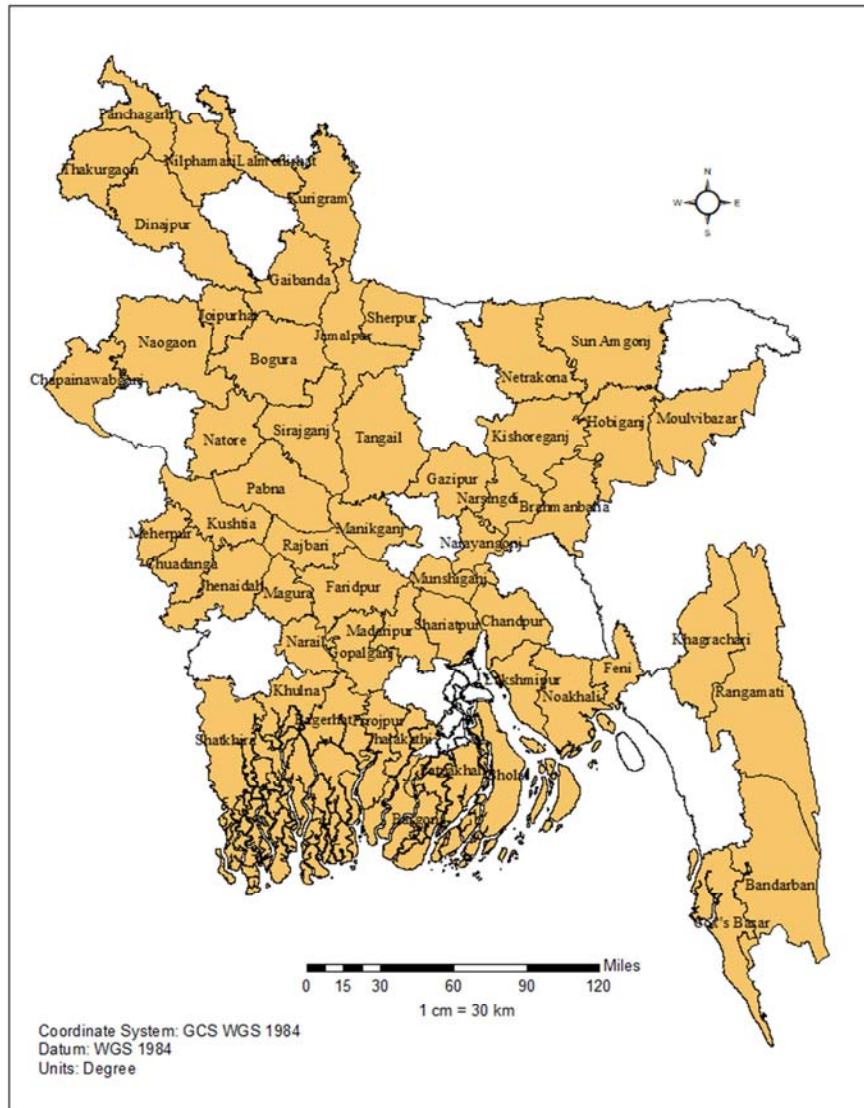


Figure 5. Locations of All District Jails of Bangladesh (Prepared by the authors).

4.3. Comparison of Prison Population with Some Other Asian Countries

Comparison of criminal behavior is difficult due to the changes in the culture, tradition, and practices of the societies of the world. In many cases crimes and delinquencies are relative and these cannot be defined beyond time and space. The behaviors which would be treated as crimes are the outcomes of some political and administrative decisions and the contents of legal codes vary according to time, space, and doers [20]. Despite the risk factor to compare the criminality and the justice system, the world trend always searches for a reference frame based on which deviation is generally measured. In our study, we also wanted to understand the prison population and different statistics which are the outcomes of defining some particular acts as criminal exposure. Therefore, the definition of crimes has an impact on the number of prison populations. Despite having some risks in comparison, this age of globalization is going on with

comparing these statistics internationally. The discussion, therefore, goes as the following on such a global comparison of the prison population in respect to that of Bangladesh.

4.3.1. Comparison of Prison Population

If we consider the rate of the prison population of Bangladesh based on the rate of some of its Asian neighboring countries (that are closer to this country in terms of cultural, regional, or religious aspects), we can find a comparative picture from the statistics. Among the eight SAARC (South Asian Association for Regional Cooperation) countries and Iran, the rate of prisoners in Bangladesh in most of the cases are better than most of the countries except India and Pakistan. India's rate of the prison population is the lowest and the most stable among these countries. Among the selected countries, the imprisonment rates are highest in Maldives and Iran. Therefore, it can be said that the prison population in Bangladesh is in no way worse than most of these countries (Figure 6).

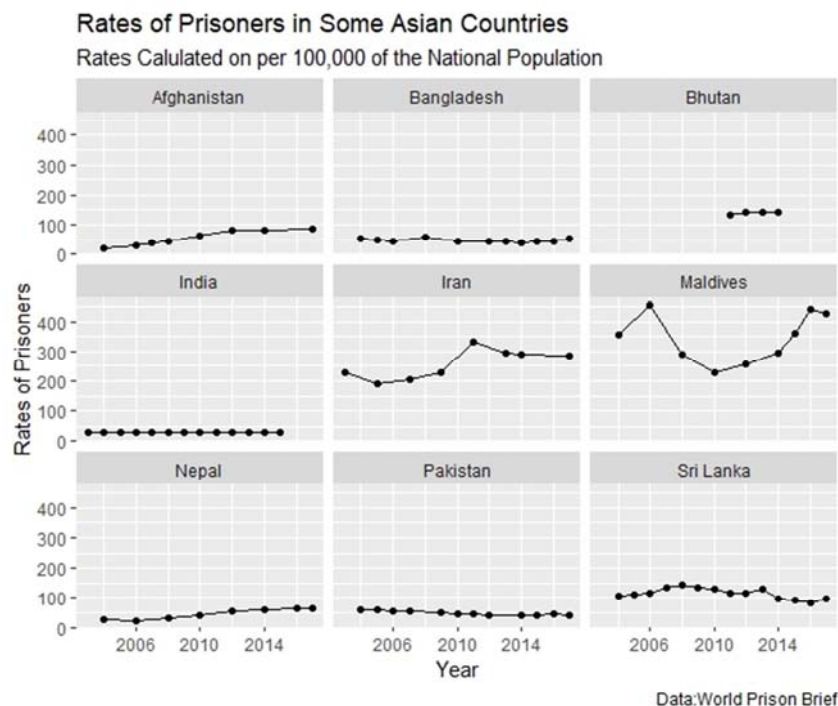


Figure 6. Comparison of the Rates of the Prisoners (Prepared by the authors).

4.3.2. Comparison of Prison Population of the World (Continent Level)

If we consider the prison population of the world from a continental perspective, we find that the Americas (North and south) have the highest rate of prison population followed by Europe, Oceania, and Asia -Africa (Table 5). At the continent level, the lowest rate of the prison population is 97 (in Asia

and Africa) where the rate of the prison population in Bangladesh in most of the cases (based on the available data) remained under 50 (other than the year 1975, 2004, 2008 and 2017). Although this is not satisfying, still it can be said that the prison population of Bangladesh has in no way crossed the acceptable limit (as per the official statistics).

Table 5. World prison population levels Continental totals and Rates per 0.1 Million (On 30 September 2018).

| Prison Population | Prison Population | National Population | Prison population Rate (per 100,000 of national population) |
|-------------------|-------------------|---------------------|---|
| Africa | 1,162,440 | 1,200.85m | 97 |
| Americas | 3,787,059 | 1,006.42m | 376 |
| Asia | 4,164,323 | 4,302.61m | 97 |
| Europe | 1,565,643 | 835.09m | 187 |
| Oceania | 64,154 | 40.95m | 157 |
| World | 10,743,619 | 7,385.92m | 145 |

Source (Walmsley, n.d.)

4.3.3. Comparison of Undertrial or Pretrial Detainees

In terms of undertrial or pretrial detainees, the rate of Bangladesh is 81.3 percent and according to statistics, Bangladesh is in the third position of the world from the 217 regions where India, Pakistan, and Nepal rank 15th (68.5%), 21st (64.5%) and 30th position (58.9%). Table 6 shows the rank of countries in Asia where Bangladesh holds the first position in terms of the percentage of having most pretrial or undertrial detainees. This is a serious issue that more than four 5th of the total prison population of Bangladesh is detained without trial. This causes a serious breach of human rights.

Table 6. Asian Top 10 countries based on Pretrial Detainees.

| Ranking | Country | Pretrial Detainees (%) |
|---------|---------------------------|------------------------|
| 1 | Bangladesh | 81.3 |
| 2 | Philippines | 75.1 |
| 3 | Cambodia | 71.9 |
| 4 | India | 68.5 |
| 5 | Pakistan | 64.5 |
| 6 | Nepal | 58.9 |
| 7 | Sri Lanka | 53.4 |
| 8 | Republic of (South) Korea | 34.5 |
| 9 | Afghanistan | 31.3 |
| 10 | Malaysia | 29.8 |

Data: World Prison Brief, Institute for Crime & Justice Policy Research.

4.3.4. Comparison of Prison Statistics in Asia and the World

As per the occupancy level (in percentage) of Asia, Bangladesh ranks 2nd among the 27 countries (Table 7) where the rate is 216.9 percent. Among the world, from 205 regions, it ranks 20th. The basic rights of prisoners to have minimum facilities, like accommodation, use of the lavatory, taking a bath are seriously affected by these huge numbers of inmates. Therefore, the condition of Bangladesh in terms of occupancy level is not at the optimum level.

Table 7. Occupancy Level in Top 10 countries of Asia.

| Ranking | Title | Occupancy Level (%) |
|---------|-------------|---------------------|
| 1 | Philippines | 463.6 |
| 2 | Bangladesh | 216.9 |
| 3 | Cambodia | 206.1 |
| 4 | Indonesia | 204.7 |
| 5 | Sri Lanka | 190.6 |
| 6 | Afghanistan | 190.0 |
| 7 | Nepal | 178.0 |
| 8 | Iran | 153.0 |
| 9 | Thailand | 144.8 |
| 10 | Pakistan | 141.9 |

Data: World Prison Brief, Institute for Crime & Justice Policy Research.

5. Discussion

According to the report and different statistics, the countries which are recently known as having a sudden increase in the prison population, Bangladesh is one of them. The increase of the prison population in the year 2018 in Bangladesh was 23 percent [21] which is alarming. Prisons are always punitive, many of these institutions are corrective. The information about the prison population is relatively less as very rarely the miseries of the prison population are properly surveyed [22]. In most cases, an increase in the prison population indicates a higher rate of criminal involvement of people or a strict legal policy of a country. Some scholars tend to see the imprisonment as formalizing the criminality and punitiveness in the cover of organizational and professional formalities [23]. If the first one is correct, it can be said that crimes are always the outcomes of many social problems. So, the increase in the prison population indicates an intense social instability. The factors behind these increase accusations should be revealed to take different initiatives to stop those social problems. If the second reason is true, then it needs to be considered whether the law is appropriate for the present context or whether the miscarriage of justice is happening. Other big reasons behind this increasing rate are also required to be considered. These may be the repeat offending of the people, the increase in the

period of imprisonment-terms, or the increase of “unsentenced”/ untried prisoners due to case-log. This is very important for the prison management to keep the rights of the prisoners upheld that are mandated by national and international legal instruments for the prisoners. The overall context of Bangladesh in terms of its prison population and the rate of untried prisoners are not very satisfactory. A report of Amnesty International claimed that with the highest number of incarcerated people, the USA has only 20 percent of undertrial prisoners [24] where Bangladesh has 81.3 % of undertrial or pretrial prisoners [25]. Sometimes mass imprisonment is evident also in Bangladesh. Mass imprisonment generally happens when the rate or size of the prison population crosses the historical and comparative norms of societies [26]. This indicates a disruptive social order or an unfettered power of state machinery to incarcerate people for keeping the society “safer”. However, to improve the situation other organs of the criminal justice system (police and courts) should work carefully and function in a proper way.

The separation of prisoners according to their status that is stipulated in the Prisons Act 1894 needs to be ensured accordingly. Studies find that the nature of crimes of prison inmates has a considerable impact on the future criminality of other inmates [27]. So, the separation of the inmates can prevent non-criminals or petty offenders to be involved in other petty crimes or more serious crimes. In many cases, it should be considered that some unique offenders (like extremists or terrorists) may have more unexpected forms of behavior or influence on others which can result in serious problems afterward [28]. In Bangladesh, this approach is yet to be considered as important. Additionally, the prison management should align itself with the global standard and should develop a modern prison culture through managerial excellence [29].

6. Conclusion

The main purpose of this paper was to understand the actual scenario of the prison population of Bangladesh with the geographic distribution of prisons in the country. The study also tended to show a comparison among the prison statistics of neighboring countries to understand the relative nature of prisoners. It also tried to find out the actual reasons behind the failure of the system in managing a spacious environment for the prisoners considering the locations and the capacity of the jails. Our argument is, the total number of prisoners is not the issue that is hindering this country to arrange a safer environment for them, it is rather the management process of the whole criminal justice system which is doing the same. The findings that we have already discussed from different sources indicate that our prisons are running out of their

capacity. The main reason for the condition is not the total number of convicted prisoners but the “unsentenced” or untried prisoners who are waiting for trials. Prison administration has little to do with this huge undertrial prisoners unless their capacity increases. The criminal justice system includes three basic organs, i.e. police, courts, and correctional services, where prison falls in the last category. The formal accusation starts from police who need to be careful in dealing with the cases. If police lodges more cases and include more people arbitrarily in those cases, the court will face case-overloads. Consequently, courts need to take much time to give the verdict for those cases. Until the cases are solved, the people who are accused in most of the cases (where they are denied their bails) need to be imprisoned. Of course, many of these huge undertrial prisoners will not be found guilty because all of them are accused, not the proven offenders. If the number of cases or the number of offenders is reduced by the police or the capacity of court disposal is increased or the capacity of jails is increased that can solve the problem to a large extent (prison overcrowding). Digital management in all the sectors and a complete citizen database management based on artificial intelligence can help all these three organs to manage everything efficiently. A complete revision of the legal system and the legal instruments are highly expected for making a good combination of these three agencies. Thus, the problem in many cases may be resolved. Popularly used concept of “community custody” or people’s remaining in the community (in cases of some softcore non-violent offenses) putting some legal restrictions or popularly known “parole” or “probation” or being on “bail” in appropriate cases can reduce the prison population and meet the condition of imprisonment also [30]. Sometimes religious education from the religious leaders may help the prisoners to bring about some positive changes among themselves and this connection between religious leaders and prisoners is proposed by scholars [31]. In this way, a proper combination among the organs of the criminal justice system and scientific-digital management in prison administration in many cases may improve the situation.

Availability of Data and Material

Data can be made available by contacting the corresponding authors

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Biography



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