

Constitutional Safeguards and Human Rights in the Recent Criminal Justice System of Bangladesh: Challenges and Prospects

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Abstract: This research examined how constitutional guarantees interact with human rights protection within Bangladesh's criminal law framework. On this paper, Bangladesh guarantees fundamental rights through constitutional protections, but the system often fails to fulfill these rights due to persistent structural issues and outdated processes combined with weak enforcement capabilities. This paper is focused on analyzing how current constitutional protections address essential rights throughout criminal justice procedures, from arrest and detention to trial and sentencing. This study has identified major obstacles that weaken these safeguards, including significant court delays, misuse of executive power, police abuse and lack of legal support. It has also explored how poverty and low legal awareness in communities worsen these legal problems. By comparing international with benchmark models, this research proposed some strategic reforms to better align constitutional protections with human rights standards. The findings aim to help establish a police system that treats all citizens fairly while expanding rights protections throughout criminal justice procedures in Bangladesh.

Keywords: Criminal Justice System; Human Rights; Constitutional Safeguards; Judicial Reforms

Introduction: Any modern democratic framework rests primarily on fundamental principles that protect personal dignity along with freedom and equal rights for all people. The Constitution of Bangladesh secures fundamental rights throughout the country by establishing legal protection for human life and individual liberty and due process trial standards (Government of Bangladesh, 1972) [1]. The criminal justice system underperforms its mission of preserving these rights because of bureaucratic inefficiencies and implementation delays and occasional rights abuse incidents. A comprehensive study of human rights alignment challenges within the criminal justice system becomes essential because of the difference between theoretical constitutional values and functional operational execution [2] (Uddin M (2017), Human Rights Review 18(2): 209-226.

The Government of Bangladesh protects human rights by embedding them through Part III of its Constitution [1] (Government of Bangladesh, 1972). Fundamental rights including equal access to justice as well as protection from arbitrary detention and fair trial guarantees appear within this section. The practical application of these vital provisions shows insufficient performance. Immigration policy continues to face system limitations because of excessive judicial delays, dangerous law enforcement powers and the scarcity of legal assistance facilities (Rahman & Karim, 2021) [3]. The system's deficiencies reduce public faith in justice yet refuse to fade away which signifies bias and prejudice, especially toward communities stuck in marginalized positions.

Human rights violations across the criminal justice system stem from insufficient application of recognized constitutional protections by legal authorities. According to Ahmed (2020) [4], the lack of constitutional protection becomes evident when police make unwarranted arrests and keep people in custody for extended pretrial periods while reports of custodial torture emerge. Sporadic judicial resources and marginal public knowledge of laws together with socio-economic disparities intensify these difficulties. A complete evaluation of constitutional protection measures must take place to establish effective human rights safeguards for the criminal justice framework of Bangladesh.

Understanding human rights violations in Bangladesh's criminal justice system depends on this essential study which shows ways to reform existing practices. This research evaluates constitutional safeguards through a critical examination of both theory and practice to disclose systemic flaws while suggesting operational changes. The study combines the best international practice standards with comparative analysis to create a map for designing an equal justice system that emphasizes human rights. Information gathered from this research will enhance academic dialog while supplying critical insights to both lawmakers and legal practitioners and activists who advocate for greater justice in our society.

The present constitution establishes thorough human rights protections but obstacles still exist. Multiple constitutional safeguards exist to protect fundamental rights in Bangladesh yet lack practical implementation because of systematic problems including corruption and deficient law enforcement processes according to Ahmed (2016) [5]. Human rights violations continue to spread across Bangladesh since protective measures established by the constitution fail to get appropriate enforcement in criminal justice settings.

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The prevalence of violations continues unaddressed throughout the law despite the existence of constitutional safeguards. According to Rahman (2018) [6], the Constitution of Bangladesh establishes various rights including protection from torture and unlawful detention yet such guarantees face regular non-enforcement which causes problems with extrajudicial killings and arbitrary detention. Description of human rights violations worsens because of law enforcement and judicial systems' limited accountability preventing effective implementation of constitutional protections.

The practical application of laws faces frequent obstacles against constitutional safeguards. Islam (2017) [7] points out that Bangladesh's Constitution contains extensive rights protection but executive shortcomings and judicial delays together with undertrained law enforcement officials deny citizens their rights. Real-world achievements from Bangladesh's criminal justice system fall well below its constitutional standards. Zaman (2019) [8] highlights that despite the law's guarantees of equal protection for all people, the criminal justice system still prevents women and ethnic minority groups from obtaining full equal treatment. Weak institutional reform and pervasive corruption diminish human rights protections through an unbridgeable institutional gap.

The public plays an essential part in creating greater awareness of human rights. Public ignorance about constitutional protections and legal rights frequently results in rights violations by Chowdhury and Rahman (2020) [9] throughout rural areas because these areas lack viable legal resources. To effectively claim their rights in criminal proceedings citizens must receive proper education about and educational outreach must happen. Political favoritism eliminates the ability of constitutional safety measures to function properly. According to Karim (2018) [10], political meddling within legal proceedings frequently produces wrongful court results because politicians exert pressure on judges to hold up or drop cases. When the rule of law breaks down it weakens public trust in the criminal justice system as a result.

To strengthen the enforcement of constitutional rights, necessary reforms remain vital. The criminal justice system requires immediate reforms that must both fix existing structural problems while providing equal treatment for accused defendants during legal processes, according to Hossain and Islam (2021) [11]. Law enforcement training combined with judicial independence and independent oversight bodies must form part of these needed reforms. International organizations can play a substantial role in addressing this challenge. Rahman and Ahmed (2022) [12] show that international organizations along with human rights bodies possess the ability to force Bangladesh's compliance with its constitutional commitments and international human rights obligations. The potential for international intervention serves to energize government action toward reform implementation and offender prosecution.

Law enforcement teams across Bangladesh face fundamental problems while they execute their duties to protect human rights. The study by Alam (2017) [13] shows that despite constitutional safeguards police misconduct continues to extend across Bangladesh through abuse and unlawful detainment practices. The lack of judicial oversight toward abusive conduct by law enforcement professionals extends human rights violations which require fundamental police department restructuring. Upholding constitutional safeguards faces considerable difficulties from corruption at various levels of the political system. According to Sarker and Razzak (2020) [14], constitutional rights encounter significant obstacles because of corruption extending from law enforcement personnel to judicial officers. The extensive corruption network throughout the system causes procedures to become stalled and produces biased trials that violate the citizen's legal rights.

The structural impediments in place often hinder the effective execution of this system. Ahmed and Chowdhury (2021) [15] highlight those constitutional protections remain fruitless by lengthy case backlogs and insufficient defense support, while inconsistent jurisdictions create unfair trials, specifically for people of limited means and minority status. Strengthening the judiciary is key. According to Rahman (2023) [16], judicial independence functions as the fundamental building block for both preserving human rights and executing constitutional protections. Better resources along with dedicated training and external pressure safeguards for Bangladesh's justice system will create substantial improvements in human rights conditions throughout the country.

Objectives of this research

- i. Examining the Bangladesh's criminal justice system to identify how well constitutional safeguards protect human rights and suggested reforms that would be needed.
- ii. To argue why the system fails to ensure human rights and its protection with safeguards mentioned in the constitution and to examine the challenges & prospects of the study as well.

Methodology: This study has integrated a qualitative along with quantitative assessment methods to analyze how constitutional protections connect with human rights within Bangladesh's criminal justice framework. Such as an analysis to review constitutional texts found in the Bangladesh Constitution and related case law reports combined with human rights documents to determine implementation consistency. The quantitative analysis through survey data collected from concerned groups measured both constitutional right awareness and human rights violation incidents. A research policy is also included for performing a best-practice comparison between different international systems in order to identify potential improvements. The findings became more robust because data triangulation involved various sources which led to a detailed understanding of both difficulties and potential advancements for human rights protections within Bangladesh's criminal justice system.

Findings from Survey Questionnaire

Finding from Q.1: 75% of the participants held the opinion that Bangladesh's constitutional safeguards do not sufficiently protect human rights within the criminal justice system. Only 15% agreed, while 10% were neutral.

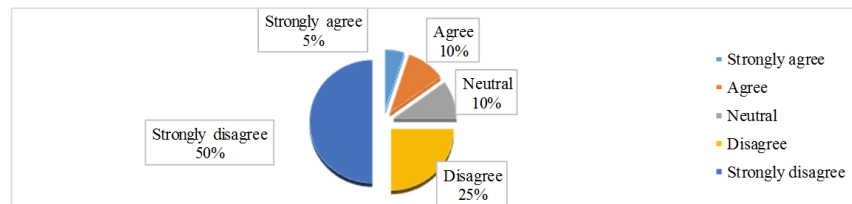


Fig. 1: Bangladesh provides comprehensive protection against human rights violations which safeguards justice system participants.

Finding from Q.2: Overwhelming 85% of the participants affirmed that judicial delay system weakens fair trial protections provided by constitutional safeguards. Minorities (in ratios of 5% and 10%) invalidly upheld these findings while opposing or remaining indifferent toward these statements.

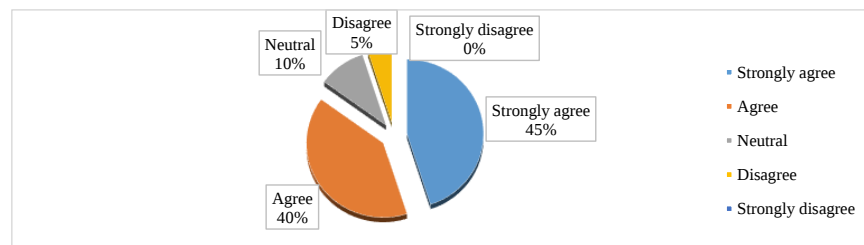


Fig. 2: When judicial processes take too long to complete the constitutional safety, mechanisms lose their ability to protect fair trial procedures.

Finding from Q.3: 70% of the participants demonstrated significant agreement that law enforcement officials do not receive proper training capabilities to protect constitutionally protected rights. Only 20% agreed, while 10% were neutral.

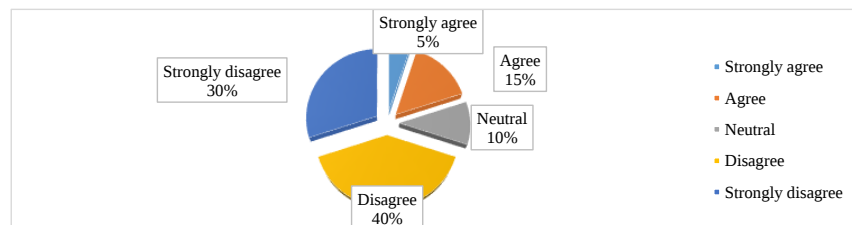


Fig. 3: Law enforcement officials receive sufficient training for constitutional protection within their operational practices.

Finding from Q.4: 82% of the participants moved toward agreement or strong agreement that custodial torture represents a major human rights violation in Bangladesh's criminal justice system. Around 9% disagreed, while 9% remained neutral.

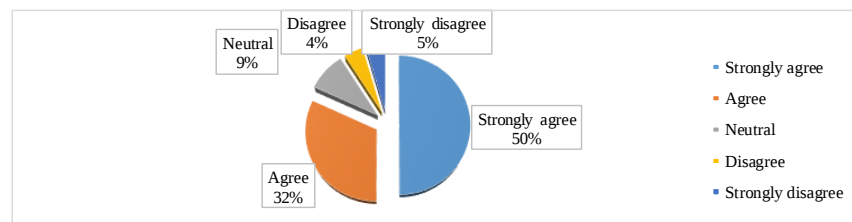


Fig. 4: The Bangladesh criminal justice system fails to protect human rights because of extensive custodial abuses.

Finding from Q.5: 78% of the respondents confirmed that marginal communities encounter more difficulties in obtaining protections under the constitution while undergoing criminal justice proceedings. Only 12% disagreed, and 10% were neutral.

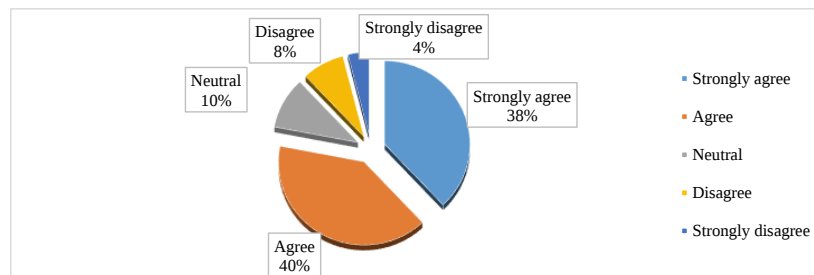


Fig. 5: The leadership of constitutional protections to criminal justice continues to be more difficult for marginal communities located in Bangladesh.

Finding from Q.6: Widespread human rights violations result from public ignorance concerning constitutional rights according to 82% of survey respondents who agreed or strongly agreed. Only 8% disagreed, with 10% expressing neutrality.

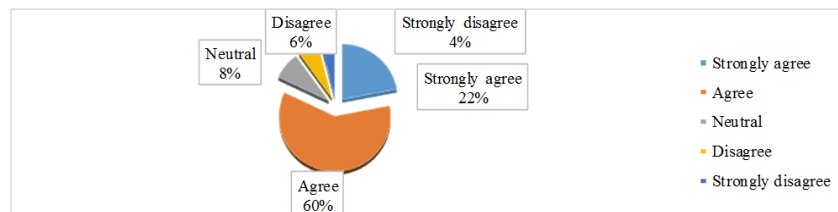


Fig. 6: Invisible public comprehension of constitutional rights permits comprehensive human rights violations to occur.

Finding from Q.7: Most of the respondents (88%) strongly concurred that judicial and law enforcement corruption hinders the effective use of constitutional safeguards within the country. The results showed seven percent of disagreement and a neutral stance from five percent of participants.

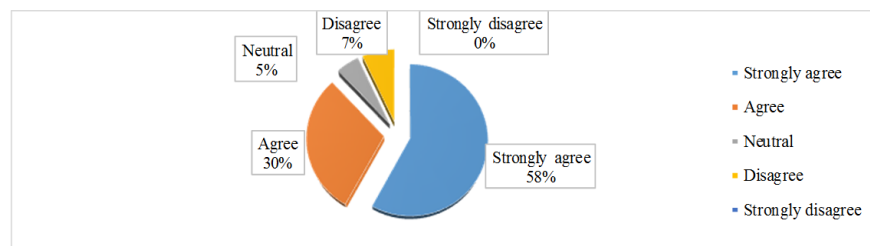


Fig. 7: Laws Stop Enforcement and Judiciary as Institutions of Corruption Remove the Protection Provided by Constitutional Safeguards.

Finding from Q.8: The respondents showed consistent agreement that social inequalities serve to amplify rights violations throughout criminal justice institutions (83%). Only 9% disagreed, and 8% were neutral.

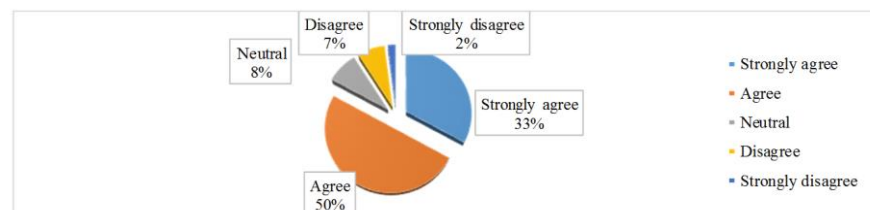


Fig. 8: Social-economic differences between communities trigger additional rights violations throughout the criminal justice system.

Finding from Q.9: International best practices serve as effective solutions according to 89% of participants who analyzed Bangladesh's criminal justice system reform needs. Only 5% disagreed, while 6% were neutral.

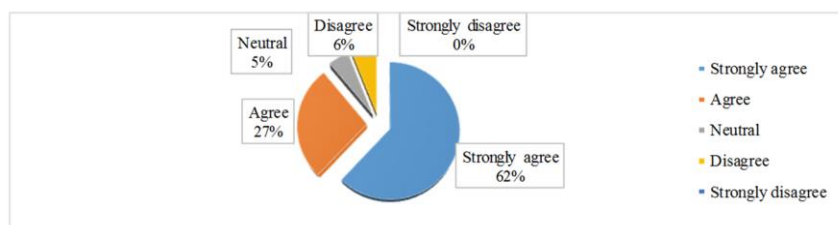


Fig. 9: The criminal justice system of Bangladesh can obtain effective solutions by adopting international best practices.

Finding from Q.10: The survey showed that nearly 87% of participants recognized the necessity of improved alignment between human rights standards and constitutional safeguards throughout Bangladesh. Only 7% disagreed, and 6% were neutral.

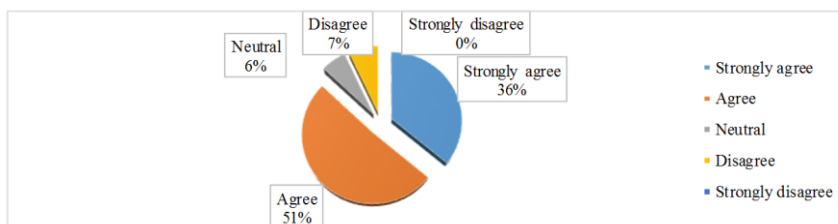


Fig. 10: The relationship between constitutional guarantees and human rights principles must be more robust throughout Bangladesh.

Discussion on the Findings: The survey questionnaire findings indicate substantial differences exist between the constitutional safety measures contained within Bangladesh's Constitution and their actual operationalization thus confirming the challenges discussed in preceding academic research. These survey findings receive cross-examination against existing literature to uncover key themes alongside practical solution suggestions.

The analysis shows that 75% of those surveyed judge constitutional protections to offer insufficient human rights protection. The survey findings support Ahmed (2016) [5] by demonstrating that systemic problems including corruption and underpowered law enforcement create obstacles for effective enforcement. Numerous scholarly studies join forces with empirical research to demonstrate an urgent requirement for fundamental system changes that should eliminate the disconnect between court-protected rights and their actual enforceability.

According to survey results 85% of respondents agreed judicial delays compromise fair trial protections in line with findings presented in Rahman (2018) [6] and Islam (2017) [7]. According to research these studies reveal that procedural defects in judicial systems along with long periods between court proceedings lead to increased human rights infringements. Multiple studies agree with the survey results which demonstrate that quick judicial procedures form a crucial basis for securing constitutional rights to fair trials.

Almost seventy percent of those surveyed acknowledged insufficient training for law enforcement personnel who must defend constitutional rights. The findings match those presented in publications by Islam (2017) [7] and Hossain and Islam (2021) [11] which show untrained law enforcement officers lead to insufficient performance of human rights protection. The solution to this deficiency requires extensive education programs for personnel.

According to survey results 82% of participants agreed that custodial torture stood as a primary human rights violation which validated Alam (2017) [13] and Zaman (2019) [8]. The authors emphasize both the extensive abuse by police and the complete lack of accountability systems as primary obstacles. The reduction of custodial abuses depends critically on establishing improved administrative systems to monitor law enforcement agencies.

Survey results show that marginalized communities struggle more than other communities to secure constitutional protections according to 78% of survey respondents and Zaman (2019) [8] and Chowdhury and Rahman (2020) [9]. Social inequalities and diminished legal resources plus systemic discrimination lead marginalized communities of women and ethnic minorities to experience discriminatory treatment at their hands. Focused interventions must be established immediately because minorities actively face inequities in legal services. Public ignorance about constitutional rights remains a leading factor in human rights abuses according to 82% of survey respondents as Chowdhury and Rahman (2020) [9] suggested. Education alongside awareness drives serve as the main priorities for both sources to equip rural citizens with awareness about their constitutional rights.

The proportional survey results showed that 88% of participants considered corruption to act as a significant barrier toward achieving the successful implementation of constitutional safeguards. The research outcome matches Sarker and Razzak (2020) [14] who pointed out that corruption weakens legal processes and takes away human rights protection. Sustainable tackling of this issue depends heavily on clear governance and effective approaches to fight corruption.

The study findings demonstrate a strong consensus among 83% of respondents about how social inequalities increase rights violations exactly as reported in Ahmed and Chowdhury (2021) [15]. None of these sources minimizes the essential nature of policy developments that tackle social-economic disparities because they work to maintain human rights fairness throughout the criminal justice system.

A total of 89% of respondents during the survey acknowledged that international best practices represent a vital mechanism for developing Bangladesh's criminal justice system reforms. Rahman and Ahmed (2022) [12] support the statement that meaningful reforms can emerge through international human rights standards compliance combined with cooperative efforts among nations.

Survey data shows 87% of participants recognize that constitutional guarantees must match human rights principles in alignment with Rahman (2023) [16]. The alignment requires executing three essential steps which include guaranteeing judicial autonomy and supplying proper funding and addressing operational pressures.

Conclusions: Understanding human rights violations in Bangladesh's criminal justice system depends on this essential study which shows ways to reform existing practices. This research evaluates constitutional safeguards through a critical examination of both theory and practice to disclose systemic flaws while suggesting operational changes. Results derived from survey questionnaires directly confirm literature review insights which demonstrate how structural issues like corruption and judicial delays and insufficient training and economic differences exist within society. Better legal reforms should include enhanced oversight systems and specialized training for legal agents plus public education campaigns and should adapt proven global judicial principles. The established measures will enhance Bangladesh's criminal justice system by increasing compliance with constitutional rights and boosting human rights protection. The study combines the best international practice standards with comparative analysis to create a map for designing an equal justice system that emphasizes human rights. Information gathered from this research will enhance academic dialog while supplying critical insights to both lawmakers and legal practitioners and activists who advocate for greater justice in our society.

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