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Golden Research Thoughts

GRT**PROBLEMS OF WOMEN PRISONERS – A STUDY****V. Nivedha****Ph.D. Research Scholar , Department of Political Science and Public Administration
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ABSTRACT

Indian society as we all know is patriarchal one, dominated by males, women on the other hand have been considered inferior to males and now the situation is such that women constitute 48.29% of the total population of India and still comes under the discriminated sections of the Indian society. Women in Indian Society are oppressed socially and economically vulnerable but there is another dimension of discrimination against women coming to light, in Prisons. The situation of women in prisons remains neglected even after many Supreme Court rulings and various committees reports. Prisons are generally overcrowded, Lack of sanitation, Nutrition and Low number of women jails are some of the plights faced by women in

prisons. The present study highlights the Problem of women prisoners languishing in jails.

KEYWORDS :women, prisons, discrimination, oppress,

INTRODUCTION

The most striking fact about female offender is that there are so few of them in comparison with the number of male offenders. This is a fact which may be observed in all countries, but the proportion of female offenders varies according to the degree of feminine emancipation and the extent of social protection afforded to women in different cultures. So we can see there is some truth in the assertion that males are the delinquent sex. Various accounts of the experiences of women in prison have been written by former prisoners and prison visitors. A full scale academic study was carried out by Ann D. Smith and published in 1962. In India the National Expert Committee on women prisoners headed by Justice V. R. Krishna Iyer have made a detailed study of female offenders in India. Until the beginning of the nineteenth century, even the most enlightened writers and statesmen

seldom considered that the needs of 'women prisoners might be different from those of men. Generally it was considered that if women were adequately segregated from men in prison they presented run further special problem.⁴ Women are seldom mentioned in books on penal reform, and the sufferings of women prisoners if noted at all were not pitied by the more fortunate of their sex.

Even with regard to the method of execution of capital punishment discrimination was there among male and female prisoners. In England, burning was the punishment for women convicted of treason during that time. By the middle of the eighteenth century hanging had become the accepted punishment for women convicted of capital crimes. With the abolishment of the earlier elaborations to simple ranging such as mutilation and exposure of the corpse of the person executed--it was felt that the 'decency due to the sex' would no longer be offended by extending the punishment of hanging to women.

In England Elizabeth Fry had made substantial contribution for the alleviation of the miseries of women prisoners. she prompted women prisoners to act as school mistresses that will be set up inside the prisons. She realised that if care and comfort were to be brought regularly to the prisoners, and employment provided for them, an association must be formed to organise this welfare work. The task of providing work for the women over the years was, however, not easy. Mrs. Fry was sure that it was better for women prisoners to be paid little for their work than not to be paid at all. She was equally sure that it was better to have any form of productive work, rather than to have no occupation at all. She considered that women prisoners should be classified according to their general character and degree of criminality rather than according to the nature of the offence they had committed.

These issues have a well-researched and established contemporary history. Carlen's definitive study of Corn ton Vale, published in 1983, stated that the 'comparatively small numbers of women incarcerated' had 'resulted in all of them being accommodated in one closed prison'. Many women were held long distances from home. Many were imprisoned for non-payment of fines and over 60 per cent received sentences less than six months. Carlen concluded that the 'majority of women in prison have been sent there for purely punitive purposes' yet a 'high proportion have been diagnosed as having either 'personality disorders', alcohol and/or other drug-related problems'. The majority of those interviewed described physical abuse at the hands of husbands, cohabiters, male relatives or police officers. Carlen's study found that women prisoners were judged, assessed and, to some extent, classified on their capacity for social interaction, their femininity in terms of appearance, tidiness, motherhood and on their maturity by prison officers, governors and medical staff. Yet prison rules, the constant monitoring by officers of conversations and the lack of privacy together worked against meaningful social interaction. Women were reluctant to 'bare their souls' in situations where their revelations could be used, formally or informally, against them. Women 'received little sympathy regarding pre-menstrual tension and even less recognition of their need for increased access to washing facilities during menstruation'. Carlen and Worrall found a general acceptance that: 'women's healthcare needs in prison both physical and mental are more various and complex than men's ... but the overwhelming experience of women in prison is that their health needs are not consistently dealt with in a respectful and appropriate way.' Specific needs go beyond 'routine menstruation', to include 'pregnancy, cervical cytology, and breast cancer screening, and miscellaneous hormonally- triggered 'women's ailments' ... chronic mundane conditions such as constipation and other digestive problems'. Women in the contemporary prison face many problems; some resulting from their lives prior to imprisonment, others resulting from their imprisonment itself. Women in prison have experienced victimization, unstable family life, problems in education and work, and substance abuse and mental health problems. Social factors that marginalize their participation in mainstream society and

contribute to the rising number of women in prison include poverty, lack of social support, separation or single motherhood, and homelessness. Lack of financial support and social Centralisation makes life after release a veritable hell. Particularly difficult situations for women are separation from children and other significant people, including family. Some women are pregnant when they come into prison and this can be a particularly difficult time, physically and psychologically. World over, it has been found that prison services are not sensitive enough in timely recognition and treatment of their mental health problems and do not address their vocational and educational needs adequately when compared to men. As mentioned earlier, women are more liable to abuse. In some parts of the world, it is said that women in prison are likely to be subject to more disparate disciplinary action than the men. The characteristics of women offenders and their pathways to crime differ from male offenders. The system responds to them differently, therefore there is the need for gender-responsive treatment and services. It has been found that young children of women prisoners are deprived of basic minimum facilities of education, health, nutrition, care, recreation and accommodation. Above mentioned problems are faced by women prisoners in India, a brief description.

PRISONS IN INDIA

The country has a total of 1391 jails out of which 19 are women jails. These women jails have capacity of 4827 (1.4% of total capacity). The total female inmates in the country are 18,188 who are 4.4% of the total inmates in all the jails as on 31.12.2013. The women constitute 4.6% of the under trials of the country. A total of 342 women convicts with their 407 children and 1,252 women under trials with their 1,518 children were lodged in various prisons in the country at the end of 2013²¹.

Women jails exclusively for women prisoners exist only in 12 States/UTs. Tamil Nadu & Kerala has 3 women jails each and Andhra Pradesh, Rajasthan & West Bengal have 2 women jails each. Bihar, Gujarat, Maharashtra, Odisha, Punjab, Uttar Pradesh and Delhi have one women jail each. The total capacity of women inmates was highest in Tamil Nadu (1,569) followed by Rajasthan (469), Uttar Pradesh (420), West Bengal & Delhi (400 each), Andhra Pradesh (380), Punjab (320), Maharashtra (262), Kerala (272), Gujarat (200), Bihar (83) and Odisha (52) (Table 3.1).

TOTAL NUMBER OF JAILS IN THE COUNTRY: 1,391

SL.NO	TYPE OF JAILS	NUMBER OF JAILS
1.	Central jails	130
2.	District jails	346
3.	Sub jails	780
4.	Women jails	19
5.	Open jails	53
6.	Borstal schools	21
7.	Special jails	38
8.	Other jails	4

Source: Prison Statistics India-2013

TOTAL CAPACITY OF JAILS IN THE COUNTRY: 3,47,859

SL.NO	TYPES OF JAILS	CAPACITY OF JAILS
1.	Central jails	1,51,421 (43.5%)
2.	District jails	1,26,909 (36.5%)
3.	Sub jails	46,993 (13.5%)
4.	Women jails	4,827 (1.4%)
5.	Open jails	4,316 (1.2%)
6.	Borstal schools	2,438 (0.7%)
7.	Special jails	10,490 (3.0%)
8.	Other jails	465 (0.1%)

Source: Prison Statistics India-2013

OCCUPANCY RATE

SL.NO	YEAR	OCCUPANCY RATE
1.	2011	112.1%
2.	2012	112.2%
3.	2013	118.4%

Source: Prison Statistics India-2013

Total number of jail inmates as on 31.12.2013 :4,11,992, Convicts : 1,29,608 (31.5% of total inmates), Under trials: 2,78,503 (67.6% of total inmates), Detenues : 3,113 (0.8% of total inmates and Others : 568 (0.2% of total inmates)

SL. NO	GENDER	UNDERTRIALS	DETENUES	CONVICTS	OTHER
1.	Male	2,65,815 (95.4% of total under trials)	3,015 (96.9% of total detenues)	1,24,263 (95.9% of total convicts)	711 (92.6% of total others)
2.	Female	12,688 (4.6% of total under trials)	98 (3.1% of total detenues)	5,345 (4.1% of total convicts)	57 (7.4% of total others)

Source: Prison Statistics India-2013

- ✦ No Borstal School, Open Jail and Other Jail existed in any of the UTs at the end of 2013.
- ✦ The highest number of 83,518 inmates (80,206 male: 3,312 female) were reported from Uttar Pradesh followed by Madhya Pradesh 34,708 (33,622 male : 1,086 female), Bihar 31,259 (30,159

male : 1,100 female), Punjab 27,449 (25,985 male : 1,464 female) and Maharashtra 27,400 (25,841 male : 1,559 female) at the end of the year 2013.

- ✦ Chhattisgarh reported the highest overcrowding in prisons (261.0%) followed by Delhi (216.8%).
- ✦ A total of 342 women convicts with their 407 children and 1,252 women undertrials with their 1,518 children were lodged in various prisons in the country at the end of 2013.
- ✦ A total of 4,820 inmates having mental illness out of 4,11,992 inmates, accounting for 1.2% of total inmates, were lodged in various jails at the end of 2013.
- ✦ Maximum number of 25,310 (24,347 male: 963 female) convicts were reported from Uttar Pradesh (19.5% of total convicts in the Country) followed by Madhya Pradesh 16,869 (16,353 male: 516 female) accounting for 13.0% of the total convicts in the country at the end of the year 2013.
- ✦ Murder alone accounted for 60.0% (68,199 out of 1,13,678) of the total convicts under IPC Crimes. The highest percentage of murder convicts was reported from Uttar Pradesh (20.8%) followed by Madhya Pradesh (15.1%) of the total murder convicts at the end of the year 2013.
- ✦ 19.8% (1,621 out of 8,188) of convicts under rape cases were reported from Uttar Pradesh.
- ✦ The highest percentage (26.5%) (60,110 out of 2,26,542) of under trials under IPC crimes were charged with murder. Uttar Pradesh has reported 17.5% of such under trials (10,537 out of 60,110) followed by Bihar 5,394 (9.0%).
- ✦ A total of 6,636 convicts were habitual offenders/recidivists which accounted for 3.5% of total convicts admitted (1,91,144) during the year 2013.
- ✦ Deaths in jails : A total of 55 deaths of female inmates were reported during 2013, wherein 48 deaths were natural and 7 deaths were unnatural during the year 2013.

PROBLEMS OF WOMEN PRISONERS

Women prisoners face greater stigma than men, and women who have been in prison may be ostracized by their families and communities. Problem of women prisoners languishing in jails without trial is a very serious one confronting judiciary. Non-availability of separate prisons for women and their sexual exploitation are the common problems of Indian prison system. The imprisonment of mother with dependent young children is a problematic issue. Female wards in prisons are mostly over crowded. Adequate clothing and toilet facilities are not made available. The general health care of women prisoners in prisons is not up to the mark. The facilities for education, vocational training and recreational facilities are also very limited. Majority of the women prisoners are from rural background, illiterate, shy and do not have courage to communicate their needs and grievances to the prison staff in the jails. They cannot also ventilate their sufferings and transmit the same to higher authorities. There are many problems with the prisoners in India. A large number of the prison population in India is not even convicted of any crime. Even those who are convicts, a large number of them are first time offenders involved in technical or minor violations of law. Very few are recidivists or hardened criminals. Also, as was observed by the Mullah Committee, a majority of the inmates come from the underprivileged sections of the society, as persons with the means and influence generally manage to remain beyond the reach of law even if they are involved in violation of law. Women in prison create a significant challenge for prison authorities whose policies, regimes and programmes are geared primarily to men. Bosworth discusses the issue of the 'equal' but 'different treatment of men and women, boys and girls, in custody. She notes that, within the 'official literature', women are 'perceived to have different needs than men' and are 'managed differently'. Women's prisons or units within male prisons are seen as a 'bolt-on' to an established system that is male at multiple levels. But, once inside,

in terms of their daily operation, the expectations on women's behaviour, responses and participation in the regime are deeply tenderised with every move, action and reaction scrutinized through a lens of imposed 'femininity'.

A few committees such as Mullah Committee and Iyer Committee also observed the living status of women prisoners and their dependent young children living with them in jails. Justice Iyer committee also looked into the living conditions of children of women prisoners. The Committee observed that children of women prisoners were callously placed in prisons in general except in a few central jails for women where the childcare was satisfactory. Another problem of women prisoner is that their economy is predominantly agricultural one and therefore they belong to low income group of families. The family behaviour towards them also reveals that they are in constantly under mental stress leading towards tense life. Most of the women offenders were arrested for the case of dowry deaths. The facilities provided for development of children of women prisoners were not adequate. And the women have to live in overcrowded.

- + Most children of women prisoners live in difficult conditions and suffer deprivation relating to food, healthcare, accommodation, education and recreation.
- + There are no programmes for the proper bio-psycho-social development of children in prisons. Their welfare is mostly left to the mothers. There are no trained staffs to take care of the children.
- + In many jails, women inmates with children are not given any special or extra food. In some jails, extra food was given in the form of a glass of milk; in others, separate food was being provided only to children over the age of five. The quality of food supplied was the same as that given to adult prisoners.
- + No special consideration was given to child-bearing women. The same food and facilities were given to all women, irrespective of whether their children were living with them or not.
- + No separate or specialised medical facilities for children were available in jails.
- + Most mother prisoners felt that the stay in jail would have a negative impact on the physical and mental development of their children.
- + A crowded environment, lack of appropriate food and shelter, deprivation of affection by other members of the family, particularly the father, were perceived as stumbling blocks in the development of these children in their formative years.
- + Mother prisoners identified food, medical facilities, accommodation, education, recreation and the separation of children from habitual offenders as six areas that require urgent improvement.
- + There was no prison staff specially trained to look after children in jails. Also, no separate office with the exclusive duty of looking after the children or their mothers.
- + In another report by the Tata Institute of Social Sciences, which put forward five grounds as the basis for
- + suggestions on the provision of facilities for minors accompanying their mothers in prison, it was highlighted that :
- + Prison environments are not conducive to the normal growth and development of children.
- + Many children born in prison have never experienced normal family life up to the age of four-five years.
- + The socialisation pattern of children gets severely affected due to their stay in prison. Their only image of a male authority figure is that of the police and prison officials. They are unaware of the concept of a 'home'. Boys sometimes talk in the female gender, having grown up only among women in the female ward. Sights like animals on roads frighten these children because of lack of

exposure to the outside world.

- + Children get transferred with their mothers from one prison to another. This unsettles them.
- + Such children sometimes display violent and aggressive, or withdrawn behaviour in prison.

CONCLUSION

As far as women in prisons are concerned, the women prisoners are found to suffer from a variety of health problems in the custodial environment – e.g. gynaecological, obstetric, physical, and mental. Care is needed in all these aspects as well as rehabilitation. In study by Kumari (2009), women prisoners perceived that they would face problems in all spheres of life in future because of their imprisonment. They were also worried about economic and family problems. The majority of offences for which women are imprisoned are non-violent such as property, dowry-harassment, drug-related offences, and prostitution, bar dancing and so forth. There is hope about the redemption of the prisoners through counselling and rehabilitation. It is time some concrete steps were taken like more jails women specific were being built, people especially the families of the prisoners were sensitised. The prison administration must be sensitive not to transgress the human rights of the female prisoners with an effective infrastructure needs to be in place. NGOs can play a role to counsel the relatives to support the women prisoners. There must also be faster disposal of cases of the under trials to avoid over crowding. Thus, we see that women prisoners face a difficult situation in prison.

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