

Title-Socio-Legal Status of Women Prisoners and their Dependent Children: A Study of Central Jails of Rajasthan

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Abstract

Although research is unanimous in underlining the particularly detrimental effects of prison on women, their special needs are rarely taken into consideration. The change in the composition of the prison population has highlighted the shortcomings in almost all prison systems in meeting the gender-specific needs of women prisoners. Any modern approach to provide a more acceptable criminal justice policy for women must pay greater attention to their problems. In particular there is need to give attention to the situation of women and children in the prison and apply gender perspective to policies and programme for them. In India, only a few studies worth their name have been conducted on prison life of women criminals. This article is outcome of the major research project funded by ICSSR, New Delhi. This study focused on the women prisoner and their dependent children residing in the eight central jail of Rajasthan. The purpose of the present study is to identify the key issues of the problem faced by women prisoners and their dependent children in the jail and gather the information and ideas on ways in which these issues could be addressed better. Further the aim is to assist legislation and policymakers in framing of policies on the basis of understanding of ground reality.

Keywords: Socio-legal; Jails of Rajasthan; Children; Population; Situation

Introduction

Women continue to constitute a very small proportion of the general prison population worldwide. However, not only are their numbers increasing in tandem with the rise in the overall prison population in many countries, but studies in some countries have shown that the number of female prisoners is increasing at a faster rate than that of male prisoners [1]. The fact that the proportion of male prisoners has always been vastly larger than that of women in the prison system has resulted in a general disregard to the gender-specific needs of women, as well as a denial of many services and opportunities, accessible to male prisoners. The failure of imprisonment to address the underlying factors leading to offending behaviour by women is reflected in the increasing rate of re-offending among women in some countries. The change in the composition of the prison population has highlighted the shortcomings in almost all prison systems in meeting the gender-specific needs of women prisoners. Many international treaties and conventions lay down broad guidelines on the treatment of prisoners in general. Some notable conventions on rights of prisoners are the Geneva Conventions, the International Covenant on Civil and Political Rights, the UN Standard Minimum Rules for the Treatment of Prisoners, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the Basic Principles for the Treatment of Prisoners and the Convention on the Rights of Persons with Disabilities. The first set of specific UN rules pertaining to the women offenders and their children is the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) of 2010. The rules cover the areas of admission, healthcare and treatment of women and children who accompany their mothers into prison. Adopted in December 2010, they are relatively unknown among national and international policymakers [2]. India has yet to ratify the Bangkok Rules. In absence of major international conventions and treaties that specifically pertain to female prisoners; the rights available under the aforesaid conventions are provided to them. The Constitution of India contains various special provisions for the

care, welfare and development of women and children. These include fundamental rights available under Part III and Directive Principles under Part IV. Also there have been comprehensive committee reports focusing on this issue such as Justice Mulla Committee Report on Prison Reforms (1982-83) and the Justice Krishna Ayer Committee on Women Prisoners (1986-87). Both reports include suggestions for some welcome changes to the Prisons Act of 1894 [3]. The recognition of children of prisoners as a vulnerable category by the government, for the first time came in 1997 when it recognized them as part of the children in difficult circumstances, in a document titled Universal Children's Day, 50 Years of Child Development-The Challenges Ahead. In 2001-02, the Committee on Empowerment of women (2001-2002), of the Lok Sabha analyzed the situation of Women in Detention. This Committee also examined the recommendations made by an Expert Committee on 'Women Prisoners' constituted by the Government in 1986-87 under the Chairmanship of Justice Krishna Iyer, former Chief Justice of the Supreme Court of India, which had made a number of very useful recommendations for women prisoners and suggested a National Policy for Custodial Justice for Women. Prisons have been included at Entry No. 4 (Prison Reformatories, Borstal Institutions and other institutions of like nature and persons detained therein; institutions) in the State List (List II) of the Seventh Schedule to the Constitution of India. Therefore, the States have the power to enact laws governing in their territories. The court also took note of a Model Prison Manual with special provision for children of women prisoners, prepared by a national expert committee on Women

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Prisoners, headed by Justice Krishna Iyer. The court observed that several legislative and policy measures had been taken over the years to ensure the rights of the child. However, the court felt, it was clear from the affidavits of various state governments and union territories, as well as the central government, that dependent children of women prisoners require additional protection. Recently Indian judiciary has issued directions pertaining to inmates who are mothers or pregnant during incarceration. In 2006, the Supreme Court of India through the landmark judgment of *R D. Upadhyay v. State of AP and ORS.* [AIR 2006 SC 1946] ordered the Centre and states to take various steps to take care of pregnant inmates and dependent children lodged along with mothers in jails across the country. The Supreme Court issued various guidelines and directions encompassing all kinds of issues concerning incarcerated mothers and their children. It was held that a child in jail with his mother shall be entitled to food, shelter, medical care, clothing, education and recreational facilities as a matter of right. In pursuance to the judgment the jail manual and/or other relevant rules, regulations, instructions etc. were to be suitably amended within three months so as to comply with directions issued. In 2013, the Supreme Court of India has directed State Legal Services Authorities to inspect all jails including sub-jails in their states, take note of the prevailing situations in terms of the various directions issued thereunder [4]. However, the reality is far from ideal. Any modern approach to provide a more acceptable criminal justice policy for women must pay greater attention to their problems. In particular there is need to give attention to the situation of women and children in the prison and apply gender perspective to policies and programme for them. In India, only a few studies worth their name have been conducted on prison life of women criminals. This article is outcome of the major research project funded by ICSSR, New Delhi. This study focused on the women prisoner and their dependent children residing in the eight central jail¹ of Rajasthan. The purpose of the present study is to identify the key issues of the problem faced by women prisoners and their dependent children in the jail and gather the information and ideas on ways in which these issues could be addressed better. Further the aim is to assist legislation and policymakers in framing of policies on the basis of understanding of ground reality.

Review of Literature

The study of history of female criminality can be seen to reflect the phases through which the general study of criminology has passed. The major contributions include Lombroso (biological factors) Ferrero (psychological factors), Thomas, Fernad, Davis and Pollak who emphasized on conditional factors as related to female criminology. The individual theories of crime phenomenon were given by scholars like Sutherland, Freud and Dollard, Thomas. A few criminologists have used Role Theory in explaining female crime in terms of sex roles, other than biological or psychological variables. Similarly Smart, Crites advanced a new approach within criminology to the subject of women and crime. Bowker dealt extensively with statistics on women and crime and provided a new literature by discussing the criminal justice system in terms of male domination.

¹Prison and its administration is a State subject as it is covered by item 4 under List II in Schedule VII of the Constitution of India. Prison establishments in different States/UTs comprise of several tiers of Jails. The most common and standard Jail Institutions which are in existence in the States/UTs are better known as Central Jails, District Jails and Sub Jails. The other types of jail establishments are Women jails, Borstal Schools, Open Jails and Special Jails. The criteria for a jail to be categorized as a Central Jail differs from State to State. Meghalaya, Orissa, Uttaranchal, Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep do not have any Central Jail in their territories. Tamil Nadu has the highest number of 9 Central Jails followed by Madhya Pradesh, Maharashtra and Rajasthan (8 each).

In India, less importance has been given to women and crime and specifically problems of women offenders but in the last few years' professional interest in women criminality has considerable increased. A good number of studies have been undertaken on female criminality. Three decades ago Sharma was the first to attempt a sociological research on women criminals in U.P. After her, Rao and Ahuja made attempts to study female criminality from sociological point of view. Sohoni, Bhanot and Mishra, and Singh furnished a statistical account of the nature, extent and patterns of female criminality [5]. Various studies conducted specially in relation to women prisoners in India include-Pachauri which reflect that training and treatment of women prisoners is often badly neglected. Dr. Saraswathi Mishra made a study on problems of female prisoners. Mridula Maniyar made an attempt to understand the life-style of women criminals and suggested therapeutic approaches which would be useful for their rehabilitative programmes for the female offenders. Thomas William A and Christopher extensively analyzed on criminality of women and the prison system in sociological and social work perspective. Pandey Awdesh and Singh opined that imprisonment of mother with dependent young child is a problematic issue. Bawa endeavors to study the women convicts of Punjab, Delhi and Uttar Pradesh. There has been a small group of writings specifically concerned with women and crime and law in India in the past, the present study focuses on the socio-legal status of women prisoners and suggests suitable strategies for policy implications.

The Statement of Problem

Status of women prisoners and their dependent children is a problematic issue. Prisons are daunting places even for adult men; they are probably far worse for women prisoners. The women are in prison either as under trials accused of an offence, or as convicts. Unlike other inmates, the children are in jail not for any delinquent behavior but because their mothers are in jail [6]. Either they are born in jail, or they are too young to stay away from their mothers, or there is no one to look after them in the absence of their mother. Prison environments are not conducive to the normal growth and development of children. The socialization pattern of children gets severely affected due to their stay in prison. Jail manuals that govern the running of prisons do not contain any special provisions for children of women prisoners who constitute a particularly vulnerable category. Their conditions in jails are pathetic despite legal provisions and emphasis laid on ensuring fundamental rights of children of women prisoners. Prison Institutions are one of the three main constituents of the Criminal Justice System. Prisons are no longer regarded only as places for punishment with the changing perception towards prisoners. They are now being considered as reformatories and greater attention is being given to ameliorate the conditions in jails so that it has a healthy impact on prisoners in developing a positive attitude towards life and society. In recent years there has been an increased need is felt to apply gender perspective to policies and programme for women prisoner. For properly appreciating the problems of women prisoners, the fact has to be borne in mind that women prisoners have an entirely different criminal profile to male prisoners and a women's social reality is substantially different from that of men. This difference should be reflected in their treatment in the criminal justice system and particularly in their treatment in prisons [7-10].

Conceptual Plan and Objectives

To probe the problem and the in-depth analysis of the situation the basic objectives are,

- To identify the key factors—subjective, social, institutional to understand the nature of problem faced by women and their children residing in jail.
- To study the consequences of imprisonment on the inmates and their relationship with the family.
- To contribute in the formulation and development of the policies directed at transforming and improving the status of women prisoners and their dependent children.
- Therefore the aim is not to restrict only to collection of facts but also to understand the present policies and to present suggestion for future.

Hypothesis: Propositions needs to be analyzed

On the basis of survey of literature, following hypothesis were put forward for this study:

- Women prisoners have an entirely different criminal profile to male prisoners and a women's social reality is substantially different from that of men. The facilities available for the women prisoner are based on the model originally developed for men.
- Children are exposing to the influence of criminals in the jails in their early stage of life which is highly damaging for their proper development as a social human being.
- The children living with their mothers in prisons deserve special attention because they are forced to live in such environment.
- The reality of difference between male and female prisoners and the special need requirement of female prisoners should be reflected in their treatment in the criminal justice system, and particularly in their treatment in prisons.

Research Methodology

The research methodology was not only restricted to collection of factual data but also extends to understand the present policies and to give suggestion for the improvement of same. The explanation of methodology includes coverage, data collection and analysis, statement of primary and secondary sources and limitation of the research.

Sources of data collection

The study was consists of primary and secondary sources.

Primary data was collected from structured interview schedule and the questionnaire which was administered to women prisoner. The data had been primarily collected from the both convicted and under trial prisoners housed in eight central jails of Rajasthan. Secondary information was collected from various books, journals and official reports. The secondary sources of data in the study include the prison records which were made available by the prison authorities in the various prisons in Rajasthan as well as the records of National Crime Records Bureau. Secondary sources also include a review of literature, review from books, newspaper reports, official reports and internet sources. The secondary data was collected to supplement, clarify and elucidate the primary data and not to supplant them.

For the study of the women in prison, detailed questionnaires, which permitted open responses, were prepared. A total of 180 women prisoners in the eight central jails were interviewed. The sample included both convicted and under trial prisoners. It was observed that all the

convicted women prisoners were residing in the Jodhpur and Jaipur central jail whereas the other six central jails were having population of under trial prisoners only. For the selection of samples from convicted prisoners technique of simple random sampling was used. In case of under trial prisoners all the samples ie women prisoners present at the time of study were collected as the number of under trial prisoners were very limited [11-13]. Therefore it was decided to take the sample of 30 women prisoners from the central jail of Jodhpur and Jaipur each and the number of the women prisoners from other six central jails was limited to the actual prisoners housed in each jail at the time of study conducted. The total number of the women prisoner interviewed were -180 and which includes both convicted and under trial. The sample was made fully representative of the prison population. This heterogeneous population also gave us a chance to understand the difference in the problems of convicted and under trials. Finally, filled in schedules containing information about the women prisoners, their children and perceptions of prison staffs was processed for drawing out inferences, trends, patterns and conclusions.

The preset study is mainly based on primary data and therein inference will be drawn from those data. The present study is exploratory and qualitative since the aim is to investigate the facts in order to know the profile of the women prisoner along with their dependent children and further provide the suggestion for the policy implications.

Field experiences and limitations

The study gave us a chance to visit central jails in Rajasthan. This journey of data collection was a unique experience and a huge learning opportunity for us.

Few of the experiences and limitations of field study are:

- Initially it was thought by the research team that prisoner would be comfortable in speaking Hindi language but it was observed that most of the women prisoners were having the language problems and they were more comfortable in speaking local language- Marwari. So we took the assistance of social worker to sort out this problem.
- Most of the prisoners were hesitating in speaking about their experiences but because of the effort of research personnel they were made comfortable to spoke about their life experiences. The research team interviewed almost all categories of inmates who were arrested under different charges. After having a discussion with inmates regarding their socio-economic conditions, childhood experiences, factors leading to their arrest and situation after arrest, the researchers got insights into the various situations that occurred in their lives and how they coped with the same. Most respondents seemed despondent and considered their prison term as the end of their lives. On the other hand, some inmates found their way in life while in prison.
- In some prisons, inmates were not interested in being interviewed. It emerged that the reason behind this was that a number of NGOs, students of law and social work colleges visited the prison. Prisoners felt that these people only come for getting information from them and do not do anything to help them.
- In some prisons, it was observed that the attitude of the staff was positive, helping and enthusiastic towards inmates and the interactions between the staff and inmates were harmonious.

The environment of the prison seemed motivating that it resembled a correctional institution rather than a prison. On the other hand, in some prisons, attitude of the prison staff towards this research was not positive. The researchers' team found it difficult to draw out the required data from the inmates in such prisons and worked in unfavorable conditions.

Summary of findings

Females are generally considered as law abiding, especially in a country like India where they are repressed and are generally confined to their homes and accorded lesser freedom as compared to their male counterparts. Economic independence and liberation have been considered as reasons for increase in female criminality by many thinkers and psychologists [14,15]. Noted criminologist Freda Adler concluded that as women rose in the corporate business ladder, they used their 'vocational liberation' to get involved in white-collar crime. "Women have demanded equal opportunity in the fields of legitimate endeavours, a similar number of determined women have forced their way into the world of major crime such as white-collar crime, murder, and robbery" (Adler, 1975: 3). Wensley Clarkson who is an acclaimed author and has interviewed many women in prison, Women Behind Bars, agrees that women have now resorted to committing heinous crimes such as cold-blooded murders. "Female crime is now increasing at an alarming rate," he says, "fueled by a drastic increase in drug use and the cold hard fact that many women now have to fend for themselves and some of them, just like their male counterparts, cannot cope."²

Our study of women prisoners in Central Jails of Rajasthan shows that majority of the women imprisoned are imprisoned for violent crimes such as murder or crimes that involved some sort of violence. This is also because only criminals undergoing longer term of punishment and guilty of heinous crimes are imprisoned in the Central Jails in India. Therefore, most of the women in the Central Jails had been in prison for a relatively long period of time (more than a year) at the time they were interviewed. However, most of these women were first time offenders and asserted that they not committed the crime in question and had been framed. These women shared the characteristics of the female prison population in general.

Life in prison-responses of women prisoners

The people in the prison constitute a small dynamic society of their own. Despite heterogeneity in terms of their age, education, religion socio-economic and criminal background, they have feeling of belongingness to each other and develop a subculture inside the prison. The following are the perception of women prisoners about the facilities available inside prison and prison environment.

- Majority of women were arrested without being made aware of the grounds of their arrest (68.02%) although some women stated that they were aware of the same (31.98%).
- 72.22% women were first time offenders and 23.89% were not first time offenders.
- 86.11% women stated that there was a separate female wing in the prison and 4.44% women stated that there was no separate wing for women.
- 80.56% women stated that there was no separate wing for

convicted and non convicted the prison while 7.22% women stated that there was such separate wing.

- Only 3.89% women stated that there was separate wing for adolescents and old prisoners. Majority of women at 93.89% stated that there was no separate wing for adolescents and rest of the prisoners.
- Only 4.44% women agreed that there was a separate wing while 85% women stated that there was no separate wing for habitual offenders and rest of the prisoners.
- 63.89% women stated that the cells were overcrowded but 32.80% women stated that these cells were not overcrowded.
- 72.22% women stated that there were adequate facilities to sustain extreme weather conditions and 44 women disagreed and stated that the facilities were not provided to sustain bad or extreme weather.
- 95% women stated that there are proper food facilities to prisoners and only 5% women stated that the facilities pertaining to the food were inadequate. These 95.38% women stated that there were proper three square meals provided during the day and 4.10% women stated otherwise. 91.67% women stated that the quantity and quality of food was proper but 6.67% women were not satisfied with either the quality of food or the quantity.
- As far as sanitation and hygiene is concerned, 95% women stated that there were satisfactory sanitation facilities and only 1.11% disagreed. These 95% women also confirmed that there were separate sanitation facilities for men and women. They also told us that there was manual scavenging.
- 63.98% women stated that there were no proper facilities for menses but 32.80% women had no complains in this regard.
- 94.44% women stated that there were no education programs conducted and if there were, they were not aware of them and 5.56% women stated that there were such programs and they had enrolled for such programme(s) as well. 91.71% women stated that there were no vocational training programs conducted and if there were, they were not aware of them. Only 2.21% women were aware of such programmes being conducted.
- 88.78% women stated that there were no modes of entertainment in the prison and 5.56% women stated there were modes of entertainment.
- 36.37% women stated that they had suffered from a serious illness and 61.67% women stated that they had not. These 36.37% women stated that they were provided satisfactory treatment for the illnesses.
- 56.67% women stated that some illnesses caused due to the environment inside the prison but 31.67% women did not agree and said that there were various other factors that contributed to mental problems and disorders.
- 49.75% women stated that physical illnesses caused due to the environment inside the prison and 50.25% women stated that mental illnesses and depression was caused due to the prison environment. As some women felt that both kind of illnesses could occur due to the prison environment, their response has been counted in both categories.

²<http://www.podology.org.uk/#/increasing-female-crime/4556339412>, visited on January 13, 2014.

- 96.11% respondents stated that they were not aware of the role of the visiting committee and only 2.78% women were aware of the role and responsibilities of the prison visiting committee. However, these 5 respondents were satisfied with the role of the visiting committee.
- 96.11% respondents stated that there was no channel available for complaints and only 52.78% stated that there was satisfactory mechanism to complain.
- 46.96% respondents stated that they were allowed to communicate with the family members and an equally comparable number at 50.28% stated that they had no communicated with their family members regularly or at all. Of these, 43.33% women stated that the modes of communication to communicate with the family members were satisfactory and all of 53.33% women stated that no satisfactory facilities were available.
- 61.11% women stated their family members did not visit them frequently and 34.44% women stated that they had maintained some contact with their family members. It is interesting to note that all of these 61.11% women stated that their relationship with their family had changed due to imprisonment and 34.44% women did not agree to the same.
- 61.11% women stated that reasonable space and privacy was not available to them inside the prison and 34.44% women were satisfied with the amount of space and privacy available.
- 77.65% women stated that there parole was not liberally granted as against 10 who stated that parole was granted in accordance with law and was liberally granted to the deserving prisoners. However, only 4 of these prisoners stated that they had attended social get-togethers by using this facility.
- Almost all women (97.78%) who answered this question agreed that the quantum of punishment was very high and not proportionate to the crime committed.
- 23.89% women stated that there was at least one dependent child who had accompanied them to the prison and was living with them. There were 41 dependent children living with their mothers. Of these children, 41.46% were girls and the rest were boys.
- 70% of women ie 126 out of 180 women interviewed said that the authorities were not sensitive towards presence of their children at the time of the arrest and the arrest would have had distressful effect on the children.
- About 91.84% reported that space provided to them is not proper. An examination of the barrack revealed that very limited space was provided to the women and their children indeed. Most of the women prisoners seemed (60%) to be happy with the education facilities provided to their children.
- Most women (59%) believe that the prison atmosphere impedes their child's normal growth. They believe that the prison atmosphere is rife with profanity and this could have a bearing on the child's upbringing. Allmost all (90%) women feel that children are bound to suffer from behavioral issues due to spending their childhood in the prison.
- 97.78% respondents stated that the punishment was unlawful or torturous. It must be noted this does not necessarily reflect

any torture suffered in the prison but is indicative of the fact that the respondents believed that they were innocent and were framed in false cases. Many stated that they were falsely implicated by the administration and the police authorities in collusion with others. Therefore, they considered the punishment to be torturous and unlawful.

- Only 8.84% women believed that there was no violation of their rights inside the prison as against 87.29% women who thought that they had suffered some kind of injustice inside the prison.

Women are a small minority of the prison population, but a minority that is growing at a disproportionate rate, their needs, and indeed their rights, are frequently not fulfilled by prison regimes that are designed predominantly for male prisoners. Imprisonment impacts on women differently than on men. The following are some of the key areas of concern:

- Inappropriate staffing
- Lack of family contact
- Lack of education and work programmes
- Lack of Legal awareness
- High proportion of women prisoners with a history of mental, physical or sexual abuse
- The adverse impact of imprisonment of mothers on their children

It is clear from the brief list above that the needs of women prisoners are often over looked by penal institutions, by governmental policy makers, and by the international community and that consideration needs to be given to every aspect of women's prisoners as well as to the reasons for the increasing female prison population to ensure that their rights, as defined in international law, are met [16]. A coherent and effective policy towards women in the criminal justice and penal systems will only be developed when it is recognized: that women's crimes are committed in different circumstances to men's; that women's lawbreaking is, on the whole, qualitatively different to men's; and that therefore the response to both men and women lawbreakers should be in-part gender-specific, rather than merely crime and sentence specific.

Women have different physical, psychological, dietary, social, and vocational and health needs and they should be managed accordingly. As one correspondent put it to us, it is not merely a question of women receiving equal treatment to men; in the prison system equality is everywhere conflated with uniformity; women are treated as if they were men. Parity differs conceptually from "equality" and stresses the importance of equivalence rather than sameness: Women offenders should receive opportunities, programs, and services that are equivalent, but not identical, to those available to male offenders [17-22].

Summary and policy suggestions

For most women offenders, community sanctions and non-custodial sentences are a far more appropriate response than incarceration, and some countries are identifying alternative schemes. When women are detained, it is crucial that international standards, applied with sensitivity to their particular needs, are brought to bear. The growing number of women in prison in many countries brings urgency to tackling the serious problems they face: the reasons for their detention, their treatment in custody, and the challenges awaiting them when they are released. Based upon the results of this study, a series of key principles and actions are recommended.

Prison Management

Classification system of prisoners

- There is need to train the prison staff that incorporates sensitization to issues that may arise from a prisoner's history of physical, sexual, or psychological abuse.
- Putting hard core criminals in the one place -this will help in solving the problems exists in jail specially prison security and violence in prison and development of dominant sub-culture within the jail system.
- There is a need to develop a system where the prisoners who are in the jail for minor offences should be kept in 'open jails'.

Health Reform: Physical health

- There is a need to strengthen the policy of medical screening at the time of prison entry.
- Improvement in special facilities provided to pregnant women: As per the Supreme Court guidelines a lady Medical Officer is required to report the fact of a woman's pregnancy at the time of the woman's admission to the jail or thereafter, if suspected or discovered later. Proper pre-natal and post-natal care shall be provided to the prisoner as per medical advice. There is need for improvement in this context.
- Explore opportunities for sustainability of provision of basic medical treatment and services to prisoners: Compliance with the R D Upadhyay judgment guidelines and appointment of proper medical staff to examine the prisoners on a regular basis would go a long way in providing basic medical treatment. There is need to provide training to staff in basic medicine and first aid ensure that prisons have properly trained primary health care team.

Mental health care

All psychiatric problems should be dealt by adopting an integrated approach to counseling, psychosocial support and medication. There must be an authority or an officer specifically appointed to cater to mental problems of the prisoners as depression and loneliness are common problems suffered by many prisoners. Prison authorities should have self-harm and suicide prevention strategies, one aspect of which is closer supervision of women identified as being at risk

Sexual abuse

Women subjected to sexual violence either during or before their imprisonment should be offered assessment, professional advice, and counseling by an appropriately qualified medical officer, or health or other worker, such as a psychologist. There is a need to held the sensitization programme for prison staff specially in relation to sexual violence.

Education and vocational training

- The opportunity should be taken to provide education to women within prisons, which is an important means of helping women gain self-confidence and independence. This is felt that basic elementary education should be made compulsory component of the adult education programme. This will help them to aware about their rights and help them in better integration in the society. If they are educated there are less chances of becoming victim in the hands of negative forces operating in the society.

- providing women with adequate and appropriate opportunities for vocational training in prisons, and thereby assisting them to gain employment after release,
- That the Education Unit should ensure that appropriate support is provided to prisoners undertaking external studies including liaison with the educational institution, sending assignments, receiving results, conducting examinations, obtaining required study materials, photocopying, downloading documents, supply of writing materials, and general advice and support. Formal education arrangements must be made by the prison authorities. Educational activities and programs should be created with the help of governmental resources as well as NGO's participation.

Family relationships and responsibilities

Prison management should be encouraged to facilitate as much contact as possible between the woman and her family through leave from prison, extended prison visits (including conjugal visits if allowed), telephone contact, letters, and other appropriate means. Train staff to conduct visits in an atmosphere of human dignity and provide a friendly environment for visit.

Children of women prisoners

- Each child is an individual and will react differently to and has different needs from others, For this reason it is important to consult with individual children when considering how to support them.
- Some basic child health services including nutrition, immunization, basic health care needs should be improved
- Parent contact is a necessary element for the personality development. As most of the psychologist suggest that 6-12 is the age where the personality of child get shaped so specially in those cases where both the parents are in jail, permission should be given to female prisoners to meet child at least twice a week and spend quality time with her. (In case of minor children). This will in turn help society to get a better citizen and child can be secured from the antisocial activities.
- Appointment of 'community mediator' especially for the females having school going children outside the jail. These mediators will be responsible for giving weekly report about the activity of child. They may collect the information from the school and caretaker. The performance of a child in school and his behavior should be periodically reviewed and so that corrective measures can be taken as and when necessary.
- It emerged from the survey that the Indian jail system does not provide for long distance communications through phone calls or letters Consideration should be given to innovative ways of maintaining contact, such as having parents making gifts, writing letters or audio recordings for their children. Staff should be trained in appropriate ways to respond to child visitors and information about rules and procedures provided in a format that can be understood by children.
- In addition to the above recommendation there are some general observations:
- Children often find legal processes alien and confusing. Efforts should be made to make sure that the child does not have to do a lot of paperwork or be questioned by the authorities too

frequently. The authorities must be friendly towards the child and help him understand what is happening, whether or not they are present at the trial.

- Scholarship schemes for children of imprisoned parents may prevent them from dropping out of education. Authorities should consider ways to support caregivers, as their welfare will impact on the children.
- Special provisions for children whose parents are death row convicts, mentally unstable or ill, or undergoing solitary confinement should be made so that the condition of their parent has little impact on the upbringing of the child. In addition, counseling should be provided to both mothers and children from time to time so that they can deal with the challenges of maternal deprivation and prolonged separation, effectively.
- As per the Supreme Court directives, the Department of Social Welfare is required to play a vital role in case of separation of the child from her mother. It is necessary to determine if the Department is implementing the guidelines in their spirit and substance. Therefore, there must be mechanism to periodically review the implementation by the concerned departments and prison authorities.

Legal support

Most of the women are not aware about their legal rights. A need is felt to have more regular programme of sensitization on legal issues. A system may be developed by state of Legal assistance by senior lawyers on honorary basis so that prisoners may avail the best legal services.

Prison staff

- Build the capacity of female staff and provide them with special training on the needs of female prisoners.
- Train male staff on gender sensitivity, sexual misconduct and discrimination issues.
- Every effort should be made to develop positive partnerships with the higher prison authorities and the prison staff.
- Regular awareness sessions and trainings provided to staff directly involved in the management of prisons will help them to develop high level of motivation to work for the improvement of their prison environment.
- If possible, incentives should be offered for prison staff for their cooperative efforts to have a healthy environment within the prisons.
- Our research indicates that even jail officials require some sort of mental stress management and emotional support programme. Most of the officers showed the concern that they are often worse off than prisoners who can get out after their sentence is over; the jailers are there for life and are generally looked down upon by others. So, improved working conditions and morale boosting exercises for staff should be planned [23-25].

Rehabilitation programme, and employment opportunity and alternative to prison system

Need to develop a system where prisoners with the good records should be given the employment opportunity within the prison premises. The criteria of 'good' may be decided by jail authorities.

Depending on the skill the person can be employed for different tasks, eg-education tutor, vocational training –demonstrator. There is a need to develop the policies to explore the other alternatives of incarceration.

Conclusion

There is a big gap between legal system and social reality. The law talks about equality between two sexes. When women commit the crime they would be punished equally like men. The social reality on the other hand is full of inequality. Women prisoners thus present specific challenges for criminal justice system because they constitute the very small portion of the prison. The profile and background of women in prison and the reason for which they are imprisoned are different from those of men. Existing prison facilities and programmes for women inmates have all been developed initially for men who have historically accounted for the larger proportion of the prison population. It is therefore asserted that a gender perspective must be considered while catering to the needs of women in criminal justice system in general and prison in particular. It is clear from the brief discussion above that the needs of women prisoners are often overlooked by penal institutions, by governmental policy makers, and by the international community and that consideration needs to be given to every aspect of women's prison regimes as well as to the reasons for the increasing female prison population to ensure that their rights, as defined in international law, are met. Lastly, a need is felt to have a change in some of the conditions laid down in jail manual which was specially designed for keeping in the mind male prisoners- Family visits, legal aid, vocational training, compulsory formal education are the few of them. There is need for reform as there are no laws that cover many aspects of imprisonment of women and children and a proper mechanism must be there to ensure that no fundamental, legal or human rights of the prisoner or her family are compromised at any time.

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