

Analyzing Condition of the Female Prisoners in India

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Abstract: There are several issues facing women in the current prison; some arising from their lives previous to incarceration, some arising from their own imprisonment. Victimization, dysfunctional family life, school and job failure, and drug abuse and mental health disorders have been encountered by women in prison. Poverty, minority group membership, single motherhood, and homelessness are social factors that marginalize their inclusion in mainstream society and lead to the growing number of women in jail. While in U.S. jails, women face unique pains and deprivations resulting directly from their incarceration, like prisoners around the world. Criminologists have concluded that the prison system is poorly prepared to handle these issues and that these challenges are best handled beyond the prison's punitive climate (Owen and Bloom; Owen). Women are often released from jail without attention to these concerns, unprepared to handle their pre-existing problems as well as those created by their incarceration. Women in prison face many important issues; most are unmet in the prison setting. The courts in India, however, have argued that it is important to recognize the rights of prisoners and to improve their conditions. The Hon'ble Supreme Court upheld the fundamental rights of prisoners: "There could be several factors that lead a prisoner to commit a crime, but a prisoner must nevertheless be treated as a human being entitled to all the basic human rights, human dignity and human sympathy."

Keywords: Criminologists, Fundamental Rights, Imprisonment, Prison, Victimization, Human rights.

INTRODUCTION

In Indian culture, women are considered to be goddesses, but then women face different ups and downs in their status from history to the present society. In ancient India, the status of women was very highly regarded, but it declined with the passage of time and people's attitude towards women. The status of women (known as the golden age of our history) in the Vedic period was fine. The status of women was greater than that of men and they had dignity and honor and equal opportunities for social, intellectual and moral advancement. In their lives, they were absolutely free to choose their own course. "The one who did not have a wife, was not allowed to do Yagya", is also stated in Mahabharata [1].

But the condition of women began to decline later in the Vedic period and many evils arose in Indian society, e.g. Sati Method, Child Marriage, Widow Remarriage restrictions etc., which decreased the status of women. Manu also treated women as less than men and an object of the home. There was no change in the status of women until the Mughal era, but when the British period began, there was little improvement in the status of women by reformers who reduced all the emerging evils in society and tried to increase the status of women [2].

Many constitutional rights were given to women after independence to increase their status. The rights relevant to all spheres of life are now open to women. However, due to widespread corruption, traditional and social norms and the weak implementation of laws and systems, many of these rights remain only on paper, particularly for the poor and the illiterate. It seems that, despite having rights, women in society, in their families, face several problems.

Women have traditionally been the beam of the family, but the structure of the entire system has changed socially, culturally and economically with the occurrence of industrialization, modernization, urbanization (the processes of change) in society. Women, along with men, are now involved in professional work. Indian society is a patriarchal society; in the labor arena and in families, women are subordinated and violated by men. She is treated as inferior to men everywhere [3].

Social stability is removed from society due to industrialization and modernization, and several new problems are emerging in society as family disorganization, marital discords, higher levels of frustration, failure to adapt to the environment that force women to participate in and become offenders in criminal activities. Women have to go to jail to face punishment for committing crimes. The prison system functions as a welfare agency for women prisoners to be reformed. Prison is a reformatory facility set up for the detention of people held in custody by a judicial authority and of others who have been declared criminals. Prison is the mechanism of social regulation under which inmates are kept for the purpose of reformation. It is the duty of the prison authority to provide all services according to their needs and welfare for women prisoners and to create a conducive atmosphere for their criminal activity to change social behavior or the conduct that is required according to society's norms [4].

For the protection and security of women inmates, women workers are often named in the prison with men. The previous study found that the condition of women prisoners is full of suffering. Females have to face different obstacles and issues in prison. In jail, female inmates are found in very pathetic conditions. With the absence of services impacting female inmates, the prison climate is very harsh. Women inmates were addicted to drug addiction and sickness, and prison workers did little to save them. Earlier reports indicate that women prisoners face a variety of prison issues related to all aspects of life and services are often not given to women prisoners' dependent children who live with them in the prison. Women are the only individual in the family who serves as a pillar for all members of the family. It is important to research the plight of women prisoners in today's society in order for women to stay healthy and not be affected by the harsh prison climate [5].

Problems Faced by Female Prisoners

In 2016, under the Indian Penal Code and Special Laws, over 3 Lakhs of women prisoners were arrested, most of the female prisoners were between the age group of 30-50 years, which accounted for 50.5 percent of the proportion, followed by the age of 18-30 years, which accounted for 31.3 percent of the total of 1401 female prisoners.

Although prison administration is a very sensitive topic in all nations around the world, prison administration varies from nation to nation. There is a manual in every state in terms of dealing with the rights and responsibilities of prisoners that should be given to prisoners at the time of their admission to jail [6].

- This segment deals with recognizing the basic issues faced by women in jail:
- Poor living quarters or jail overcrowding.
- Gaps in basic sanitation and hygiene services.
- Weak health care and welfare spending.
- Women Prisoners Problem in India- Custodial Rape.

Poor Living Accommodations or Overcrowding of Prisons: This is one of the most significant challenges faced by both male and female inmates in Indian jails. In prisons, according to the guidelines of the National Prison Manual, a prescribed size for cells and barracks is given. Ideally, barracks are only suitable for 20 inmates, and dormitories are suitable for only four to six inmates each. With even mild diseases spreading rapidly, overcrowding has exacerbated hygiene conditions and health issues. The condition is compounded by the disproportionately low number of toilets and bathrooms. Overcrowding also has serious psychological effects on inmates who have been forced to live with each other in such close quarters [7].

While convicted and awaiting trial, inmates are to be housed separately on arrest, because of extreme space limitations, this is typically not feasible. Young offenders (18-21 years of age) must also be held separately, often with older female offenders, contributing to the regular offenders. Prison overcrowding often contributes to inmate children needing to live in crowded and undesirable situations.

Lacks basic facilities of sanitation and hygiene: In India, a significant majority of the female prisoner age from the age group of 18-50 was 81.8 percent female, which comes under the menstruating age group

where there is a growing need to have adequate sanitation facilities as well as access to adequate products for menstrual hygiene. As they should be equipped with appropriate sanitary pads to ensure their hygiene, but it is claimed that in certain prisons they are paid for sanitary napkins or only given a fixed monthly number regardless of need. Therefore, this causes women to use unhygienic materials such as fabric, ash, old mattress parts, newspapers, etc.

Poor spending on Health care and welfare: In India, prison authorities spent an average of Rs. 10,800 per inmate per year during the year 2005, allocated under the heads of food, clothes, medical, vocational & educational, welfare and other activities (National Crime Records Bureau 2005)

This is contrary to the US, where in 2001 the total annual operating expense per state prisoner was \$22,650 in 2001. (the latter presumably also includes salaries of prison staff). In Indian jails, the highest expenditure is on food.

During that year, states such as West Bengal, Punjab, Madhya Pradesh, Uttar Pradesh, Bihar and Delhi reported relatively higher spending on medical expenses, while relatively higher spending on vocational and educational activities was reported in Bihar, Karnataka and West Bengal. Tamil Nadu, Orissa and Chhattisgarh have reported comparatively higher spending on prison-related welfare activities.

The problem of Women Prisoners in India- custodial rape: There was a rape in police custody in the case of the State of Maharashtra vs. C.K.Jain [8]. Regarding facts, the Supreme Court stressed that, in such cases, unless the prosecution's testimony is unreliable, cooperation should not usually be insisted on. Secondly, the assumption that no woman will usually make a false accusation of rape should be created. Thirdly, the delay in making the complaint is not fatal and there are very understandable explanations for the delay in making a complaint against the police on the part of the victim woman. There was no place for leniency as far as the penalty was concerned, the punishment must be exemplary.

Judicial Interpretation

Similar rights have been interpreted by the Courts as Prisoners' Rights. Rights against cruel treatment, including the right to free legal assistance. In addition, under the Constitution of India, the rights of prisoners have also been recognized. A convicted prisoner is not barred from his constitutional rights, but he does not really possess all the fundamental rights, since some of the fundamental rights are accepted as a basis for civil rights for the prisoners. The rights of prisoners have not been explicitly referred to by the Constitution of India, but are recognised by precedents through judicial interpretation, as in the leading case of T.V. Vatheeswaran v. State of Tamil Nadu[9], it has been held that both the prisoners and the common man have access to Articles 14, 19 and 21 [10].

CONCLUSION

The prison is supposed to be a site designed for a reformatory function. The whole aim, however, fails when prisoners are denied the very rights that are central to a human being's being. Inmates were looked down upon a few decades ago and were perceived to have forsaken all their rights. The privileges of an inmate, however, are accepted by modern society. A conviction for a crime does not, however, reduce the individual to a non-person whose rights are subject to the whims of the administration and authorities of the jail. We need an hour to take positive action to ensure that prisoners' basic human rights are not infringed and that they live with dignity because human beings do nothing but take us back to the age of cannibalism and war, denying other human beings their basic rights. It does not mean that prison life should be made easy, it means that it should be made humane and sensible in order to boost prison status. The functioning of the judiciary shows that, in the most innovative way, it has exercised its powers and created new methods to ensure the security of prisoners' human rights.

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