



## Rights of women prisoners in India

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### Abstract

Women under custody are very much vulnerable in male centric model of prison system especially in the common jails where men and women both are lodged. According to the national crime records Bureau's prison statistics, till the end 2010, women formed 4.1% of the total prisoner's. Till the end of 2013 there was 18188 jail inmates out of which 3396 were women prisoners consisting of 18.67% of jail inmates in India. Also the report mentions 34 deaths of women inmates in 2010 of which 5 were suicides. Available report shows that many jails in the country are witness of torture and other cruel practices committed on prisoners both women and men. At the same time reports are also available on violence against women in custody in other state institutions such as in shelters homes and remand homes care taker homes etc.

**Keywords:** women prisoners, custody, rights of women

### 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. 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 constitution of India guarantees equality to men and women various laws have been enacted to protect and empower women some women have definitely benefitted from

these legal provisions. The needs of women prisoners often differ from their male counter parts. Women need gender precise facilities for healthcare, to help them in childbirth to care for their children in prison to receive counseling to guard against the possibility of rape and sexual assault and to maintain contact with their dependants outside the prison. This is reflected in the international standards on the treatment of prisoners and detainees. This body of principles for the recognizes the need for specific measures to be adopted to protect the rights and the special status of women.

### Rights of women prisoner

- Generally regional punishments are not imposed against the women prisoners.
- Separate jails shall be maintained by state for men and women prisoners.
- Pregnant women shall not be punished with death sentence until the delivery.

Ex: Nalini murderer of Rajiv Gandhi

- The jail staff shall be women only.
- The jail authorities should strictly follow the person manual of the state concerned.

### Rights of Accused women

- An accused woman cannot be arrested by the male police. An accused should be arrested by the female police.
- An accused woman cannot be searched by a male police. Accused women should be searched by women police.
- A police officer should not abuse the accused.
- Whenever it is necessary to cause a female to be searched, the searched shall be made by another female with regard to decency
- Examination of female (whether she is an aggrieved person or accused) whenever the person of a female is to

be examined under section 53 (CR.PC) the examination shall be made only by (or) under supervision of a female registered medical practitioners. Examination of blood, blood stains semen swabs in case of sexual offences sputum & sweat, hair samples & finger nails clipping by the modern & scientific techniques Including DNA profiling and such other test which the registered medical practitioners think necessary in a particular case.

- Arrest of female save in exceptional circumstances no women shall be arrested after sunset and before sun rise and where such exceptional circumstances existed the women police officer shall by making a written report obtain a prior permission of judicial magistrate of the first class with in whose local jurisdiction the offence is committed or the arrest is to be made section 46.

### **Rights of the women prisoners**

Women should not be called to the police station for investigation and all the investigation should be carried out in the presence of a relative of the accused or her lawyer or a lady staff member. Women in police custody should in variably be under the charge of women police officials. A separate place with proper facilities should be provided in court premises for women prisoners awaiting production before presiding magistrates. Bail should be liberly granted to women under trail prisoners. The probation of offenders act should be extensively used for the benefit of women offenders.

### **The women prisoners should be classified and kept separately as under**

1. Under trail prisoners shall be kept completely separated from convicted offenders even when there number is small.
2. Habitual prisoners shall be separated from casual offenders.
3. Habitual offender's prostitutes and brothel keepers must also be confined separately.
4. In no circumstance should adolescent girls be confined with adult women prisoners
5. Political and civil prisoners shall be kept separately from convicts and under trail prisoners

### **Meeting with Relatives**

It is one of the basic rights of a prisoners to receive meeting with relatives and friends there should be seprate interview room in jail for women inmates.

### **Food and Accommodation**

According to the standards fixed by mulla committee and adequate and nutritious diet should be given to nursing women and children accompanying women prisoners the medical officers should ensure that food is cooked under hygienic conditions and is nutritious. Clean drinking waste should be supplied and should be tested periodically.

### **Medical Facilities**

The majority of women in prison are amongst the poorest member of society and many arrive in prison with a large range of prior existing physical and mental health problems.

International best practices state that the medical services provided for women prisoner should be off the same quality and standards as those available to the outside free community. the model prison manual states that only lady doctor shall look after the medical care of the women prisoners during their stay in prison role she plays is the capacity of mother constitution of India gives status

### **Present scenario of women prisoners**

According to national crime records bureau less the 2 % of the jails in the country are reserved for women losing 18 % of the total female pensioners according to the latest date of national crime records. Out of the total numbers of jails in the country there are 20 number of jails reserved for women. Kiran Bedi also expressed that women prisoners were subjected to the most humiliating experienced which robbed them of what little dignity and self respect they reached in the prison.

### **Rights of women prisoners in India**

Indian society gives a respectable status to the women. She plays a vital role in the society the important of equality to the women in India. It also imposes obligation on the state to the protect the rights of women and to fulfill the requirements of international conventions regarding the rights of women but the reality is women in prisoners are facing a number of problems even her basic human rights are being ignored despite human rights are being ignored despite of a number of directions from the supreme court high courts and by recommendations of different committees.

Women prisoners in Indian jails are less in number than the male prisoners. it may be a cause of overlooking the rights of women prisoners the main purpose of this research paper is to highlight the problems of the women prisoner violation of human rights of the women prisoner condition of women jail to enumerate human rights and constitutional rights of women prisoners and to suggest that necessary changes in the Indian prisoners act 1894. Prisoner constitutional rights human rights sexual harassment custodial torture women prisoner.

### **Women prisoners facing problems in prisoners**

In a male dominated Indian society women often face discrimination a number of crimes are also being committed against the women in the society women are exploited in the society women at different levels because of their unawareness' about their legal rights. Condition of the women prisoners is also not good. They are being oppressed and tortured in the prison. Custodial horror is a daily occurrence for women do when her custodian become her violators? The question is very intimidating and frightening but this is actually happening to women in India there have been in numerable case.

### **Conclusion**

The violation of womens fundamental rights through physical menatal emotional and sexual violence against women has become almost common place in the Indian situation. Women in the tribal belts and amongst dalit populations are already vulnerable. There is therefore a pressing need for the judiciary and legislature to recognise and address the particular forms of violance levied against women who are discriminated by caste

class religion or in situations conflict. Customary routinely laws discriminate against women both by denying justice to the victims of violence. There is scope for vast improvement on all levels particularly in the attitude of the prison staff that need to learn to respect the human rights of women prisoners.

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