

Women prisoner in Bangalore research based on secondary sources

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Abstract - The goal of this study is to highlight the issues that female inmates face when they are incarcerated. And disclose all of the rights that are safeguarded for and by women convicts, as well as the circumstances that lead women to commit crimes. Women encounter the same issues in jail systems that were predominantly created by and for males, notwithstanding cultural and resource inequalities. These include sexual assault, inadequate medical care, child loss, marital violence, and other forms of physical and mental abuse. The issue only emerges when a poor, uneducated woman joins a jail and is frequently physically and verbally mistreated by prison employees. Under several particular provisions for the care, welfare, and development of women and children, the Indian Constitution gives equal rights to women as well as rights to prisoners and those who have been arrested. The main problems that affect women convicts and their dependent children in the jail, and to collect information and suggestions on how these problems could be effectively handled.

Keywords - women prisoner, Bangalore, problems, dependent children, jail, challenges, justice.

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INTRODUCTION

Prisons represent a world of their own with their own customs, and cultures that are way different from the world outside. But since the dawn of civilizations, they have been an integral institution woven into the fabric of society, some civilized and some barbaric depending on the purpose for which they are evolved by the societies. They truly and crucially reflect the ethos and pathos of the larger society. Nelson Mandela, who spent the prime years of his life in prison reflecting said, "No one truly knows a nation until one has been inside its jails. A nation should be judged not by how it treats its highest citizens but its lowest ones."

Professor of Sociology at the University of Essex Jackie Turton claims that it is "long accepted" that males continue to have significant power in the criminal court system. This leads to women being categorized in a way that simplifies their complicated identities by reducing them to those of males. Women's imprisonment and prison experiences differ noticeably from men's.

"Globally, women represent between two and 10 per cent of prison populations, but their numbers are increasing rapidly – more rapidly than the increase of male prisoners"

The global trend toward gender-blind sentencing in criminal justice systems has led to a dramatic rise in the number of women behind bars. In many parts of the world, the high incidence of reentry and reoffending is exacerbated by the simultaneous

abolition of parole and toughening of punishment for parole violators.

Women end up in jail for a variety of reasons, both as victims and as offenders. If millions of incarcerated people experience prejudice and deprivation despite constitutional protections, how does this affect women shackled in prisons? What societal barriers prevent female inmates from making the most of the benefits offered by our political and judicial systems? To what do you attribute their plight's unfortunate circumstances? Is the state, society, and NGOs doing enough to help women in prison? Do we need the judiciary to do more to help with this societal issue? Should we abandon the idea that women need to be cared for exclusively in institutions? These are some of the most pressing issues being discussed today, and the plights of women inmates languishing in jail are inextricably related to this larger discussion.

WOMEN PRISONER SCENARIO

While men make up the great majority of prisoners worldwide, women are grossly underrepresented in jails and prisons. Although women make up a relatively small percentage of the overall jail population, the number of women behind bars is increasing at a pace that is two times that of men.

Human Rights Council estimates that there are over 700,000 women in jail across the world, with over 18,000 of them being held in Indian prisons.

There are now 4,19,623 inmates in Indian prisons, according to data compiled by the National Crime Records Bureau (NCRB) at the year's end. The 17,834 female representations are 4.3% of the total. There are now 11,916 people in custody who are awaiting trial, or 66.8 percent. There has been a steady rise in the proportion of female inmates in Indian prisons over the past two decades, from 3.3% of all inmates in 2000 to 4.3% in 2015, according to an examination of jail records at five-year intervals. On every continent except Antarctica, the number of female inmates has grown at a higher rate than that of male inmates. This is despite the fact that the global population of female inmates remains below 10%. This year's Prison Statistics Report from the National Crime Records Bureau (NCRB) highlights the deteriorating situation of female inmates over the previous year. Out of a total of 4,78,600 inmates, the numbers indicate that men accounted for 4,58,687 and women for 19,913.

Women's Jails: The number of women's prisons in India is inadequate. Women's jail is prisons that only hold female inmates, and the total number of prisons in India in 2018 is 1412. There might be a women's prison at the level of the sub district, district, or central (zone/range). As of 31 December 2018, 60.1% of the available beds at India's 20 female prisons were occupied. Most women inmates are confined in general population prisons because women's prisons are overcrowded. As of the end of 2018, over 83.12 percent of all women in prison in India were housed in facilities that were not designated as Women prisons.

THE PROBLEMS AND CHALLENGES

Because of their gender, women in prisons face unique challenges. Poverty is the primary barrier to justice, but the unique difficulties women encounter in correctional facilities compound this issue. Because of their lower socioeconomic status, female inmates are less likely to be able to afford adequate legal representation, reducing their chances of receiving a fair trial. The condition of women detainees is exacerbated by a shortage of correctional professionals with specialized training, such as psychologists or social workers, to address issues specific to women. Long terms in prison sometimes result in dwindling family support and the breakup of familial relationships, leaving female inmates on the receiving end.

Many women in jail do not know what their rights are. A lack of legal representation and resources is a common problem for female inmates across the world. They might not be able to afford a lawyer because of their low income and lack of education. Because of this, individuals run the danger of making incriminating comments and may have to wait longer than necessary to be evaluated for bail because of the delays in the criminal court system.

The absence of basic humanity and access to legal services, as well as existing jail conditions, gender

discrimination, custodial torture, cruel behavior towards children, and so on, only serve to compound their anguish. Many female prisoners experience actions, insults, and humiliations of a sexual character, including as strip searches, intrusive body inspections, rape, and threats of rape, and so-called "virginity testing."

Women and children lack access to even the most fundamental services. The utter absence of privacy is a typical topic of debate among ex-inmates. And the female inmates clearly fear the guards. There is a lot of room for improvement in every aspect, but especially in the way the prison staff treats female inmates; they must learn to recognize and protect their basic human rights. The vast majority of female inmates are also mothers, and many of them bring their children to jail with them, despite the fact that incarceration is not ideal for their development. Children's health, well-being, and future prospects are hampered by the conditions in prisons. Children whose moms are incarcerated are denied the opportunity to attend a preschool programme. Because of their parents' incarceration, these kids miss out on a lot of educational opportunities and frequently have trouble interacting with others because of their upbringing in a prison. When children reach the age of six, they are taken from their families and placed in state-run facilities where they will remain until either their mothers are freed or they are old enough to support themselves.

Prisoners are often kept in the dark about the fate of their loved ones since their connections to the outside world are severed. This is traumatic on top of everything else. Inmates, especially women, are more prone to resort to self-harming behaviors like cutting and slashing as a means of dealing with their experiences than males are. Suicide rates among incarcerated women are much greater than those of incarcerated men.

Inmates have complained of rape, forced sex labor, sex for favors, and unprotected intercourse with male guards. Another serious issue that female inmates have to deal with is sexual assault. Some of the women inmates allegedly endured horrific forms of abuse while in captivity. According to the Asian Centre for Human Rights (ACHR), many women are subjected to custody rape on a daily basis, and this is one of the harshest types of torture committed on women by law enforcement officers.

Prison life for women is difficult in many ways, but lack of access to adequate sanitation during menstruation makes them especially vulnerable to illness.

Women in jail are severely harmed in terms of their health, both before and after pregnancy, due to the lack of adequate food offered to them. Due to inadequate facilities and arrangements, female

inmates who are also parents are unable to care for their children while they are incarcerated.

STIGMA, LACK OF FAMILY SUPPORT

Women in jail face additional shame because of the widespread belief that female inmates are not only morally corrupt but also legally guilty. As a result, many of these women are left alone in prison by their loved ones. The crimes of which women are convicted are stigmatized in many countries, especially in more traditional societies like India, and this has repercussions for the women involved both while they are incarcerated and after they are released. Prisoners awaiting trial experience "mental tension and pain" when they are unable to communicate with their loved ones while they are behind bars. This may be due to barriers set up by the prison administration or the reluctance of inmates' own relatives to visit them.

Women in Indian prisons are either awaiting trial or have been found guilty, creating a number of problems, including: overcrowding, a lack of resources to ensure that inmates have access to adequate sanitation facilities, conflicts between inmates, poor management of prisons, and a general lack of safety and security. Poor jail security has been linked to a number of custodial rapes, as evidenced by a number of high-profile incidents. If a woman has been the victim of sexual assault or a 'moral transgression,' her family may murder her following her release from jail.

PANDEMIC IMPACT

Even while many individuals, including front-line employees (healthcare providers, police officers, and transportation workers), the elderly, and those with multiple medical conditions were prioritized in the recent pandemic emergency, prisoners were not. As a result, they were the group least likely to be protected by the widespread vaccination campaign. It will be significantly more challenging to provide the necessary healthcare to handle a viral epidemic in light of the burden that COVID-19 would place on existing healthcare systems. Soap, water, and hand sanitizer are sometimes hard to come by in jails, making it impossible for inmates to practice effective forms of social distance. Women in prison have been hit particularly hard by the epidemic. The suspension of family visits as a measure to prevent the spread of the virus within prisons is one of the most serious problems. Women who rely on these trips for basic necessities like food, clothes, and hygiene goods consider them a vital lifeline. Furthermore, these visits provide an opportunity for mothers to spend quality time with their young.

Inmates' physical and emotional well-being remained at risk from the epidemic, and the methods used to halt its spread were making their sentences "far harder."

There is a high probability of rapid transmission of COVID-19 in correctional facilities because to the

difficulty of physically isolating inmates and the widespread lack of sufficient sanitation and healthcare. Many jurisdictions have taken immediate action to relieve prison overcrowding as a result of the epidemic by granting early release, interim parole, or commuting sentences.

Many people at the moment are pushing for the usage of alternatives to incarceration, including as bail, electronic monitoring, house arrest, monetary penalties, suspended sentences, community service orders, and probation, in order to reduce and prevent prison congestion. The three million people throughout the world who are in pre-trial custody are a prime candidate for alternatives to incarceration.

Authorities in the criminal justice system may use the epidemic as a springboard to advocate for alternatives to incarceration, both now and in the future. To better treat inmates in accordance with international human rights norms, governments throughout the world must now reorient their perspectives on criminal justice. Furthermore, the COVID-19 epidemic provides a perfect chance for prison officials to properly integrate a more gendered approach into their system and carefully consider whether incarcerating women is always required in light of other comprehensive and gender sensitive, community-based alternatives.

CHALLENGES

- Inadequate care, especially for menstruation and mental health issues
- Unsanitary and squalor living circumstances
- The percentage of women incarcerated as a whole is 4.3%, but just 1.3% of those women are confined in facilities specifically for them. The remaining inmates are housed in different areas within the male jails, where their needs may go unmet.
- Women are more likely to be subjected to physical, sexual, and psychological assault due to a lack of detailed policy standards and regulations regarding body searches.
- Because of a lack of correctional officers, particularly women, jail regulations have tightened.
- Inadequate gender-sensitivity training for corrections officers
- Inadequate prenatal and postnatal care for expectant mothers
- Due to a lack of qualified social workers and counselors
- Incarceration of women from underprivileged groups for longer lengths of time because of a lack of financial resources to post bail or provide other forms of assurance
- Fewer opportunities exist for women to continue their recovery after discharge.

LEGISLATION AND GOVERNMENT MEASURES

Through its interpretation of Articles 21, 19, 22, 37, and 39 A of the Indian Constitution, the judiciary has been actively responding to breaches of the human rights of female inmates. The Prisons Act of 1894, the Prisoners Act of 1900, the Identification of Prisoners Act of 1920, the Transfers of Prisoners Act of 1950, the Prisoners (Attendance in Court Act) of 1955, the Probation of Offenders Act of 1958, the Repatriation of Prisoners Act of 2003, and the Model Prison Manual of 2016 were all enacted by the Indian Parliament to ensure the safety of inmates. The Juvenile Justice (Care and Protection) Act of 2000, the Code of Criminal Procedure of 1973, and the Indian Penal Code of 1860 all place a premium on rehabilitative measures including vocational education and the relocation of incarcerated individuals to less crowded facilities.

The urgent need for prison changes has come into focus in recent decades, and judges have repeatedly stated that the current jail environment is not suitable for the rehabilitation of inmates. Recent efforts have focused toward restorative justice, which involves bringing together the perpetrator and the victim with the assistance of a third party.

In addition, in 2007, a National Policy on Prison Reforms and Correctional Administration was drafted, which included several directives specifically addressing the needs of female inmates. These included the protection of inmates' human rights, the reduction of unnecessary delays in their trials, and the elimination of unnecessary incarceration. Moreover, "Women inmates will be safeguarded against all exploitation," is written there. Their individual requirements will be taken into account as we design their treatment and employment strategies.

The new Model Prison Manual 2016 focuses heavily on prison computerization, women's prisoner rights, aftercare programmes, prison inspections, the rights of death row inmates, the repatriation of inmates from other countries, and prison correctional personnel.

The Indian government is planning to implement a number of social welfare initiatives. Since women often commit fewer crimes than males, this may be a huge boon to the female inmate population. The road is difficult since the general public and incarcerated individuals are not familiar with restorative justice initiatives.

In the event of pregnant inmates, special preparations must be made in accordance with the National Model Jail Manual so that they can give birth in a hospital outside of prison. It is possible that sentence suspension will be considered for those who repeatedly violate the law but are otherwise determined to be low risk. The detaining court should also be informed of the woman's pregnancy in order to consider releasing her on bond or otherwise adjusting the terms of her custody. Pregnant and nursing mothers "require more proteins and minerals than

[others]," the protocol notes, thus they are given special consideration. Since prisons are considered a "state issue" in India, the responsibility for the prison's food service falls on the individual states. Unfortunately, inmates often complain about the poor quality and limited quantity of the food they are given.

CHILDREN OF WOMEN PRISONERS

As far as feasible, the woman should be allowed to choose which jail she will be transferred to in order to accommodate her caring obligations for any children she may have.

The children incarcerated there should not be made to feel like criminals in any way. The administration needs to make sure the services and amenities supplied are suitable for the children in their care. In order to make sure that incarcerated children have access to fundamental amenities like schools, day care centers, and physicians, non-governmental organizations (NGOs), schools, and prisons may all work together.

Inmates' upbringing in jail should mirror that of children in the outside world as much as feasible, and the prison administration should work toward that end. Such conditions might include (but not be limited to) large, well-lit rooms with plenty of natural light; minimal security constraints; an outdoor play space; and, if not already accessible, opportunities to connect with peers outside of jail. At predetermined intervals, the Board of Visitors will conduct inspections of these areas. Inmates who are mothers must be given every opportunity to spend time with their children while they are housed in the same facility.

In order to keep tabs on their development and overall well-being, kids need to follow a particular diet and get checked by a Lady Medical Officer at least once a month. They need to be able to consult with a female doctor whenever they feel the need.

A youngster beyond the age of six should not be admitted to or held in jail. Whether or whether children should see their incarcerated moms, and for how long, should be decided solely based on what is in the child's best interest.

SUPREME COURT GUIDELINES FOR CHILDREN OF PRISONERS

- Women and their children incarcerated in the United States have a right to high-quality obstetric and pediatric care, and jails must provide it.
- Inmates of both sexes are required to undergo gynecological exams at the District Government Hospital. The inmate will get the necessary prenatal and postnatal treatment as recommended by her doctor.

- A pregnant inmate should be allowed to give birth outside of jail if at all possible through temporary release/parole arrangements (or suspension of sentence in case of minor/casual offender). Only in very rare circumstances may this be contested (high security risk, e.g.).
- Women who are incarcerated and pregnant should be allowed to give birth in a safe location outside the facility (except in extreme cases).
- The birthplace of the kid is not to be listed on the birth certificate. The only information that has to be shared is the location's address.
- Prisons should provide enough food, shelter, medical care for inmates when necessary, educational opportunities, and recreational facilities for juvenile inmates.
- To keep an eye on their development, make sure they get their shots on time, and keep accurate records, a female Medical Officer will check up on the kids often. The Medical Officer's advice will be taken into consideration when deciding whether or not to offer supplemental clothes, food, etc.
- When a female inmate is six years or younger, her child may stay with her. Then, the Social Welfare Department should transfer them to a local welfare facility.
- While waiting for the mother's release or until the kid is old enough to support themselves, the youngster can stay at such a facility.
- Children in protective custody who are living in a care facility must have weekly visits with their mothers. This will be overseen by the Department of Social Welfare's Director.

CONCLUSION

Poor women in jail in India are in a deplorable state, despite the fact that the country's constitution guarantees them full legal equality. In the jails, they are being neglected and tortured. The Supreme Court of India has made it abundantly clear in numerous judgments that a prisoner is entitled to the basic freedoms guaranteed by the Constitution, with the exception of the fact that the compulsion to live in a prison entails by its force the deprivation of certain rights, like the right to move freely. Inmates must not be mistreated or punished outside of the law. While the government has taken steps to protect the rights of women in jail, these policies have not been fully implemented, and women are still experiencing difficulties while in police custody. They still confront discrimination at every turn of the criminal justice system, including many instances of sexual harassment while in detention. Women are often ill-informed about their rights when they are arrested. This is a typical problem among low-income and uneducated women. There can be no doubt that jailhouse violence is a disease on Indian society. It's a social cancer that needs culling.

RECOMMENDATIONS

Women in prison would benefit from more public understanding of this issue so that, when healing does occur, it actually helps those who need it most—the victims and the convicts. Taking strong action against those who force women to commit crimes requires cooperation between the executive and the judicial branches. The great majority of inmates are members of historically oppressed groups like the Adivasi, Dalit, and other marginalized communities who lack the resources to defend themselves in court. The rights of female inmates in Indian jails need to be analyzed and reworked along the lines of restorative justice.

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