



## Women Prisoners and Human Rights: The Juxtaposition of Rights and Reality

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**ABSTRACT:** The fundamental tenet of International Human Rights Law is that no law can place a human being at a point where he cannot avail human rights protection. Many individuals may not be as deserving as other people. Many individuals may get deprived of their rights due to legal imprisonment, but the fundamental rights such as rights to life, health, justice and fairness, humane treatment, protection and dignity from ill-treatment or torture stays intact. However, the conditions that govern women treatment inside police lock up as well as penal institutions of correction are relatively bad. Despite so many differences in culture and resources the similar problems will be faced by the women in prison like sexual abuse, forced prostitution, breakdown of marriage and problem of remarriage, lack of medical attention. One of the major critiques is that the prisons and lock ups are generally designed for males whereas in practical approach the females require lots of safeguards and attention.

**Keywords:** Human Rights, Women Prisoners, Correctional Institutions, Legal rights

### I. WHERE WOMEN ARE RESPECTED, GODS DWELL THERE- DHARAM SHASTRA

The woman is a mother of Earth. She played numerous roles. We started our lives from her. These women have been mistresses for about half of their life. No family remains happy and bears strength, until the person who takes on the role of a mother, a wife or a daughter is not herself happy. Importance of a woman can only be felt in her absence.

South-Asian countries are diverse and similar in their social characteristics. Language and religion, two main features that underline the difference in the various countries do not dilute the essential similarities that underscore the way of life in this region [3, 4]. Tradition and culture are held high. Time has always sketched a gender bias in our society.<sup>1</sup>

Dynamics of criminal behavior is not easy to fathom. It looks all the more intriguing and involved in the case of women prisoners whose psyche symbolizes a unique blend of the opposites, namely, feminine sensitivity on the one hand and irrational aggressive criminal behavior on the other [1,2].

Men themselves have designed prison systems and they run it.<sup>2</sup> Women have been a small part of those imprisoned men in the entire world.<sup>3</sup> On entering the prison, women are doubly damned and deviant. Women in our society are measured and judged and have

prototypes for their appearance [5].

According to the National Crime Record Bureau, the total number of males inside prison ranges to approx. 4 lakh, whereas total numbers of females in prison are 20 thousand. There are only a handful of female prisoners in the total population of prison in the country. Men prisoners do not face problems as severe as women prisoners [4-6]. Life after prison for women is not as easy as it seems to be.

A person loses contacts with the outer world on being imprisoned [8, 9]. Some of these highlighted in the manuals of Jail<sup>4</sup>. In Charles Sobraj's case.<sup>5</sup>

One of the most recognized Human Right also consists of Right to Dignity [10]. The State cannot violate these rights as they are not subject to detention [11].

Although the human rights concept is old just as "natural rights" doctrine on the basis of natural law, on the term "human rights" has originated recently, deriving from conventions and international letters (after World War II) [12].

### II. AN INSIGHT INTO PRISON

It is well described that it does make a person non-person if he is convicted of any crime, and hence he is entitled to the liberty of all the rights with a few constraints and restrictions.

Prison is not an autonomous body like a church. It reacts to society and society struggles to promote their interests [13, 14].

Criminal institutions are places where people whose freedom has been limited by law are limited to ensuring the successful outcome of justice or the application of criminal treaties [15]. From the perception of the role they play in the administration of judiciary, four categories of institutions can be differentiated for the confinement which is temporary of those arrested; those persons waiting for trial or execution of the sentence; those in which the convictions of criminal

<sup>1</sup> "In Conflict and Custody", Therapeutic Counselling for Women by Rani Dhavan Shankardass

<sup>2</sup> Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, Austria, Apr. 10-17, 2000, *Offenders and Victims: Accountability and Fairness in the Justice Process, Women in the Criminal Justice System*, 11, U.N. Doc. A/CONF.187/12 (Mar. 2, 2000) [hereinafter *Offenders and Victims*].

<sup>3</sup> Roy Walmsley, World female imprisonment list: women and girls in penal institutions, including pre-trial detainees/remand prisoners (2006), available at <http://www.unodc.org/pdf/india/womens-corner/women-prisonlist.2006.pdf> [hereinafter World female imprisonment list].

<sup>4</sup> Rama Murthy v. state of Karnataka, AIR 1997 SC 1739 at p.1747.

<sup>5</sup> Charles Sobraj v. Superintendent, Central Jail, Tihar, New Delhi, AIR 1978 SC 1514.

treatment are resolved; and those for the socially dangerous criminals internment [16-18].

Putting behind the bars must be a punishment, not only by snatching the individual's freedom, but by imposition of a sort of painful condition on the basis of which the prisoner must live behind the bars. The previous prisons were only for the function of custody.

### III. APPROACH OF INDIAN JUDICIARY IN THE ADMINISTRATION OF PRISON

The Indian Constitution, established by the same, guarantees the right to freedom of expression, peaceful assembly, freedom of arbitrary detention, protection of life and freedom from exploitation, freedom of conscience and free profession, practice and propagation of religion and educational rights and cultural. In understanding the Supreme Court, the right to life and right to liberty is inclusive of the right to human dignity, the right to privacy, the right to the fast track, the right to free legal assistance, the right to be prisoners to get a treatment of humanity and dignity, the right to freedom on bail, the right to compensation for death in custody, the right of workers to a fair wage and working conditions, the right to security, the right to education and the right to a healthy environment. There are different types of prisons, like for adults, children, women, prisoners who are convicted, prisoners who are tested, detainees and different facilities for criminals with mental illness.

The state has a fact which is obligatory to protect the human rights of its citizens, and for societal protection in general, having the authority for doing so. The elevation of these claims to the state of rights provides citizens the ability to evoke the power of the judiciary for protecting themselves against the violation of these rights, and to seek compensation for their return [19].

One of the fundamental principles of our legal system is that the advantage of innocence of the accused person that is presumed until the person appears guilty at the end of the due process of evidence which is legal. The protection of Article 21 of Indian Constitution is also available for those convicted in prisons. The judiciary has initiated to expand the scope of the life rights and private freedom.

The Supreme Court has an active and lively role in the reform and prison administration [20]. In the year 1974 Apex Court gave a proposal of new prison jurisprudence. In a major breakthrough in the case of *D.B.M. Patnaik*,<sup>6</sup> the court gave an assertion that detention does not lead to deprivation of fundamental rights to the people convicted. Supreme Court again in 1977 in *Hiralal* case<sup>7</sup> strongly mentioned about rehabilitating prisoners and reforming prisons. In *Sunil Batra* case, the Court while considering a milestone in prison justice field and rights of the prisoners in India, held that "the fact that a person is legally in prison does not prevent the use of *Habeas Corpus* to protect his other inherent rights". In the case of *Prem Shankar Shukla*,<sup>8</sup> Court noticed that nobody should be handcuffed, fettered routinely for the custodian escort convince. Supreme Court again in *R.D. Upadhyay* case<sup>9</sup> has stated the right to fair treatment and judicial remedy right are pre-requisites of administration of justice of

prison. In the case of *Hussainara Khatoon*<sup>10</sup> Court adopted a dynamic and constructive role regarding reforms of prison. Apart from all these, Court made a stress upon improving the prison conditions in India. Hence, the Indian Judiciary's role portrays the attitudinal change regarding prisoners' rights and reformation by the treatment as correctional rehabilitative institutions.

### IV. JUDICIAL APPROACH ON RIGHTS OF PRISONERS

The prison administration is intimated by the Constitution of India as a portfolio of state to legislate on and is responsible for securing the custody and controlling prisoners. Truly and normally the system has an involvement of a reformist framework too in tune with international human rights law. India is still running with century old legislation for administration of prison [21]. The Prison Law is concerned only with the categorization of prisoners by their nature and status of detention which was not suggested by human rights law. The solitary confinement is also still retained in the Act against which vehement dissent was made by the judiciary. They should be set free.

It is also in concern with the right of the prisoner to see visitors yet it is confined to under prisoners of trial as well as civil. The conclusion drawn on this approach of the Act, it is vital to point it out that it still has maintenance of different punishment confinement for the committed offences behind the bars. It is indicative about rehabilitation and strategy of reform must be inclusive of the law.

India has not made code for prisoners' rights yet. But, unfortunately, in the absence of legislation, rights can only find a place in the document that as soon as the prison authority follows them. A few vital differences are seen between the previous and the legislation. It is believed that all the prisoners' rights must have codes for conscience in the state [22, 23].

### V. RIGHT TO FUNDAMENTAL RIGHTS

Article 21 which is read along with article 19(1)(d) and (5), can distinguish between the evil and establish fair rights for the betterment of the society. Earlier, the Supreme Court declared that the detention conditions cannot extend to fundamental rights deprivation.

Mr. Justice Douglas reiterated his thesis when he declared: "The freedom of every prisoner is, of course, circumscribed by the mere fact of his imprisonment, but his interest in limited liberty has left him only the most substantial in a person whose rights are subject to the caprice of the prison administration, and therefore the imposition of any serious punishment within the penitentiary system requires procedural guarantees". Judge Marshall also expressed himself explicitly in the same terms: "I previously expressed my opinion that a prisoner does not renounce his basic constitutional rights at the prison door and fully supports the court's decision that the detainee's interest".

#### A. Right to Life & Personal Liberty

The Honorable Supreme Court has adopted the annotation of article 21 and the expanded connotation of the "life" given by Field J. that "life means more than mere animal existence". The provision also restricts the mutilation of the body by amputation of an arm or leg, or the removal of an eye or destruction, of any other organ

<sup>6</sup> 1974 AIR 2092, 1975 SCR (2)24

<sup>7</sup> 1953 AIR 225, 1953 SCR 758

<sup>8</sup> 1980 AIR 1535, 1980 SCR (3) 855

<sup>9</sup> AIR 2001 (SCC 437)

<sup>10</sup> (1980) 1 SCC 81

of the body via which the soul communicates with the other world." The right to live is not limited to simple animal existence. It means more than simple physical survival [24]. The National Human Rights Commission has taken some steps regarding this which remained unsuccessful.

#### *B. Rights against Solitary confinement*

The constitutional validity of the solitary confinement prescribed in section 30(2) of the 1894 prison law was taken into consideration, which states that the detainee in isolation is sentenced to death, while section 56 of this law allows the use of chains for the safe custody of prisoners. The fiduciary administration in the hands of the superintendent is not imprisonment in the true sense. In *Kishore Singh v. State of Rajasthan*<sup>11</sup> it was stated by Justice V.R. Krishnaiyer that solitary confinement has to have its restoration only in the rarest of rare cases for security reasons to make it in consonance with the constitution's article 21. The Supreme Court stated that the solitary confinement means violating the life and personal space of the prisoners.

#### *C. Rights against Hand Cuffing*

In India, it became common practice for the police to arrest and handcuff accused, regardless of the nature of the crime committed by them and the responsibility for any evasion. In *Prem Shankar v. Delhi administration*<sup>12</sup>, the Supreme Court added another bullet in its arsenal to be used against the war for prison reform and the rights of prisoners. In the present case, the question that was asked whether or not the manual sleeve was constitutionally valid. In the present case, the court has put a ban on the habitual manipulation of prisoners making it mandatory and stated difference between classes of prisoners obsolete. The court also said that "the handcuffs hand are, *prima facie*, inhuman and therefore unreasonable are too harsh and, at first sight, arbitrary. The fair procedure absent and the purpose of inflicting iron monitoring is to use zoological strategies disgusting for Article 21 of the Constitution".

#### *D. Rights against Inhuman Treatment of Prisoners*

The Supreme Court of India took seriously the inhumane treatment of prisoners and gave appropriate instructions for prisons and law enforcement authorities to safeguard the rights of prisoners. In *Raghubir Singh v. State of Haryana*<sup>13</sup>, the Supreme Court said how angry it was due to the torture to have upheld the life sentence declared to a police officer being accused of the death of a suspect due to torture in a police lock up.<sup>14</sup> "Nothing is more cowardly and unconscionable than a person in police custody being beaten up and nothing inflicts a deeper wound on our Constitutional culture than a state official running berserk regardless of Human Rights" said the Supreme Court by expressing its remorse.

On complaining about custodial violence to women prisoners in jail the Supreme Court directed that those helpless victims of prison injustice should be have legal assistance at the State's cost and have protection against maltreatment and torture The SC has set a framework for inhumane treatment and custody of people in prison to police in *D.K. Basu v. State of West*

*Bengal*<sup>15</sup>. The details of all the police personnel that are being managed or the interrogation of the detainee must be recorded in a register with a memorandum of arrest at the time of the arrest and the memorandum must be attended by at least one witness, who may be a member of the family or a respectable person. The place of execution of the arrest must be signed by the arrested person and must contain the time and date of the arrest.

## **VI. MEDICAL EXAMINATION**

The person under arrest must undergo a medical test by a doctor within 48 hours. 3.6.6 Right to Food and Water:

#### *A. Fooding*

Nutritional and quality food should be given to the prisoners. Adequate amount of drinking water should also be made available.

#### *B. Complaints of insubstantial food and inadequate clothing*

Undoubtedly, the rules available in the manual of prison raise a question on clothing and food facilities. The system of complaints introduced in the Tihar prison for some time must also be adopted in other prisons [25, 26]. The complaint received must be questioned and appropriate actions must be taken.

#### *C. Right to have adequate accommodation*

As per rule 20, lighting, sanitation, ventilation, bedding, hygiene, clothing, etc., should have provision for, for the prisoners. [27] Inmates should be kept in an area of minimum of 40 sq. ft. with furniture.

#### *D. Right to be interview*

Communication and interaction, via interview is a must for which lawyers are appointed. Giving importance to freedom of speech, lawyers will visit on a routine basis.

#### *E. Right to Socialize*

The person in prison is very much allowed to meet family and friends, and legal advisers and children in case of women.

#### *F. Right to Recreational Facilities*

Sports and physical education is to be taken care of.

#### *G. Right to Free Legal Aid*

There is no such thing mentioned or provided but judicial personnel have considered poor prisoners and handed them free legal aid.<sup>16,17</sup>

#### *H. Right to Speedy Trial*

This is an essential right that guarantees delay in trials and is concerned with liberty and life of a prisoner.<sup>18</sup>

#### *I. Right to have healthy atmosphere in prison*

The Supreme Court has recognized nine main problems afflicting the prison system, namely that overcrowded, delays in the process, torture and ill treatment, health and hygiene negligence, inconsistent food and inadequate clothing, vices in prisons, communication shortages, rationalization of the penitentiary system visits to the prison and administration of prisons outdoors. Among them, the court identified unhealthy housing within the prison as a serious problem. Poor sanitary conditions and maintenance inside the prison were discussed, as were restrictions on visiting the

<sup>11</sup> AIR 1981 S.C. 625.

<sup>12</sup> AIR 1980 (SC 1535)

<sup>13</sup> A.I.R. 1980 S.C. 1087

<sup>14</sup> AIR 1981 S.C. 625.

<sup>15</sup> A.I.R. 1997 S.C. 610.

<sup>16</sup> AIR 1981 SC 928

<sup>17</sup> A.I.R. 1981 S.C. 1068.

<sup>18</sup> AIR 1979 (SC 1377)

prisoner's relatives. There were no toilets inside the cell to respond to the call of nature during the night. For this, two plastic buckets were supplied with the lid at night and the next day in the morning, buckets containing excrement were cleaned in turn by the inmates of the cell.

*J. Right to participate in Cultural Activities*

The basic principles for the treatment of prisoners' state that all prisoners should have the right to participate in cultural activities and education aimed at the full development of the human personality.

*K. Prison Labour and equitable payment of wages*

Work in prison also involves some human rights issues. The purpose of the work assigned to an inmate will vary according to the punishment and the nature of the incarceration [28, 29]. The problem concerning improper remuneration was raised before the Indian judiciary. Following this doctrine, Krishna Iyer, J. in an important jurisprudence, ordered the prison authorities to hire an inmate in agriculture, since it traditionally belongs to that sector of society.

*L. Right to Health and Medical Treatment*

Prisoners have no access to the medical experience, his imprisonment imposes limited access; no choice doctor, and prisoners are in exposure to more health risks than citizens who are free.

*M. Right to be examined by Doctors before entry to Prison*

Section 54 of the Code of Criminal Procedure of 1973 gives provision for the examining an individual's body held by a registered doctor on request of the person arrested in torture and abuse case.

*N. Right to Education*

Even from the social point of view, we cannot deny that prisoners are part of our society and therefore it is necessary that they are allowed to reach the rest of society (28, 34). Education can play an important role in updating one's knowledge and improving the skills. Therefore, education was considered a prisoners' right that was incorporated into the various guidelines given by the UN, SC and National Commission for Human Rights [30, 31].

*O. Right of Library facilities*

Article 19(j)(a) of Indian Constitution is inclusive of the freedom of acquiring knowledge.<sup>19</sup>

*P. Right to Publication*

These rights are rights that derive from certain restrictions and objections, for example, when the prison authorities did not allow the publication of a scientific book, the Supreme Court declared that there was nothing in the 1951 Bombay detention order that forbids someone to write or publish a book.

*Q. Freedom of speech and expression*

Just like other people, prisoners are entitled to the liberty of exercising the right of speech and expression. Indian judiciary has this right identified for prisoners as well [32].<sup>20</sup>

## VII. POSITION OF WOMEN PRISONER IN BRITAIN

Women constitute about three to four percent of the prison and jail population in Britain and the United

<sup>19</sup> AIR 1966 SC 424

<sup>20</sup> AIR 1973 SC 1461

States in any given year. There is a crisis of overcrowding in the British prison system which is containing far greater numbers than it was designed for, regular, repetitive, unnecessary overuse of strip-searching in women's prisons which is humiliating, degrading and undignified and a dreadful invasion of privacy. For women who have suffered past abuse, particularly sexual abuse, it is an appalling introduction to prison life and an unwelcome reminder of previous victimization. For those with drug addictions clinical detoxification does not stop the habit. Those women for whom prison is necessary would clearly benefit from being in smaller units closer to home or more easily accessible for visitors, such as in city centers. The existing system of women's prisons should be dismantled and replaced by smaller secure units for the minority of women from whom the public requires protection<sup>21</sup> and one of the change is that a Mother and Baby Unit is designated separate living accommodation within a women's prison, which enables mothers to have their children with them whilst in custody.

Women's community centers like Asha and Calderdale, pioneers of a woman-centered approach, have found the right way to treat women and that their work must be extended and built on as a real alternative to prison<sup>22</sup>.

## VIII. POSITION OF WOMEN PRISONER IN UNITED STATES

There are of course many more women in American prisons jails than in Britain and other countries in the World, an obvious reflection of the greater population base. This means that the above statistics only pertain to prisons and to local city and country jails in which most women and men are held. There is an increasing rate of Women in U.S. prisons. The conditions experienced by women in prison vary greatly; they vary from State to State and most importantly relative to type of institutions.

The numbers are truly staggering. Between 1980 and 2006, the population of women in prison jumped 800 percent. The situation is even grimmer for minorities, who comprise two-thirds of all incarcerated women. Sadly, most women behind bars have been convicted of non-violent crimes like drug possession or prostitution, and even violent offenders have heartbreaking stories. For example, up to 90 percent of women convicted of murdering a man were also abused by that man<sup>23</sup>. Sadly, many women behind bars were primary caregivers for their children. Women are also more susceptible to a number of chronic conditions such as varicose veins, constipation, anemia, urinary tract infections, and migraines. They even outstrip incarcerated men in mental health issues, often being the victims of lifelong abuse. Sadly, the vast majority of women who are incarcerated fall well below the poverty line, and even before they were imprisoned, they had little to no access to healthcare.

## IX. METHODOLOGY

Researcher has collected the data from various sources

<sup>21</sup> <https://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf> last accessed on 27th April 2019.

<sup>22</sup> <https://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf> last accessed on 29th April 2019

<sup>23</sup> <http://listverse.com/2014/07/17/10-gripping-facts-about-women-in-prison/> last accessed on 2 November 2018

i and data from state and district level, previous researches journals, etc. The design for this research is Doctrinal and Non-Doctrinal [33, 34]. In non-doctrinal research data is collected from field annotations, reports, case observations, analytical and proportional study of article whereas in Doctrinal research there will be inclusive and reasoned study of caucus, judicial decree, mechanism, guidelines of truce and conventions, realistic insinuation of International and National statutes [35].

**X. ANALYSIS & RESULTS**

The present study is done throughout Uttarakhand and all the respondents (women prisoners) fetched responses for the study to test Hypothesis 1: "There is no significant difference in the conditions of women prisoners in different jails of Uttarakhand". Among all the respondents, 34% belong to Haridwar jail, 21% belong to Haldwani, 19% belong to Dehradun, 17% belong to Nainital, 6% belongs to Roorkee and 3% belong to Pauri jail. While, the prisoners at Tehri jail refused to provide the necessary information.

The general perspective about the women prisoners are formulated below:

As per the survey responses, it have been explored that 22% of the prisoners' accompany their children with them in the prison, whereas 11% denied to the fact and it is not applicable in 67% cases.

As per the survey responses, it have been explored that 13% of the prisoners' children study, whereas 36% don't study; whereas it is not applicable for 51% cases.

As per the survey responses, it have been explored that 11% of the prisoners have one dependent, 5% of the prisoners have 2 dependents, 24% have more than 2 dependents, 12% didn't respond to the fact, whereas it is not applicable for 48% of the respondents.

From the survey results, it have been observed that 62% of the prisoners are alleged for murder, 6% for theft, 5% for assault, 9% for drugs related crimes whereas 18% are alleged for other offenses.

It is quite evident that 10% of the prisoners have reported for cardiac diseases, 3% for summarization disturbance and Psychosis, 18% for depression, 4% for other personality disorders, and 2% for anti-social personality disorders; whereas 42% respondents didn't respond for the fact of symptoms for various diseases.

The 81% respondents reported that they have male inmates, 11% reported for female inmates, 3% reported for both genders whereas 5% of the respondents didn't respond for the fact.

25% of the prisoners opined that there is no provision of nursery staff for their kids, whereas 13% opined positively and 61% didn't respond to the fact.

27% of the respondents opined that there are no arrangements for special accommodation for all essential pre and post-natal care as well as treatment, whereas 11% responded positively and 62% of the respondents didn't respond to this fact.

	<b>Proposed Relationship</b>	<b>Results</b>
1	Location – Food facility	+ve, Rejected
2	Location – Water facility	+ve, Rejected
3	Location – Condition of mattresses	-ve, Rejected
4	Location – Hygienic facility	+ve, Rejected

5	Location – Medical facility	+ve, Rejected
6	Location – Primary Healthcare facility	+ve, Rejected
7	Location – Recreational facility	+ve, Rejected
8	Location – Open Space Availability	+ve, Rejected
9	Age – Medical Check-up in the Prison by Female Dr.	-ve, Rejected
10	Age – Cubic Content of Air	-ve, Accepted
11	Age – Ventilation Facility	-ve, Accepted
12	Age – Sports activities in Prison	-ve, Accepted
13	Age – Minimum Floor Space in the Cell	-ve, Accepted
14	Age – Light Facility in the Cell	+ve, Accepted
15	Age – Status of Inhuman Treatment	-ve, Accepted
16	Age – Cubic Content of Air	-ve, Accepted
17	Age – Quality of Drinking Water	-ve, Accepted
18	Age – Cubic Content of Air	-ve, Accepted
19	Location – Availability of Utensils	-ve, Accepted
20	Location – Education & Literacy	-ve, Accepted
21	Location – Library facility	-ve, Accepted
22	Location – Clothing and Other Items	-ve, Accepted

**Summary of results for Hypothesis I**

The three variables "Food facility", "Water facility", "Hygienic facility", "Medical facility", "Primary Healthcare facility", "Recreational facility" & "Open Space Availability" are positively correlated with different jails of Uttarakhand. Whereas, the variables "Clothing and Other Items", "Availability of Utensils", "Education & Literacy" and "Library facility" are negatively correlated with different jails of Uttarakhand. The variables "Cubic Content of Air", "Ventilation Facility", "Sports activities in Prison", "Minimum Floor Space in the Cell", "Status of Inhuman Treatment", "Quality of Drinking Water", "Medical Check-up in the Prison by Female Dr." & "Cubic Content of Air" are negatively correlated with age of women prisoners in Uttarakhand.

Whereas, the variable "Light Facility in the Cell" is positively correlated with age of women prisoners in Uttarakhand.

**XI. CONCLUSION**

The result in the end is the same that still lot of improvements needed in the area of Women Prisoners and their Prison but as a matter of concern with several major issues[25, 37].

Observations said that a small number of women prisoners are liable for their requirements that are deserted. 81% of the women prisoners have opined that they have male inmates. Further, 95% of respondents said that there is only male staff in the prisons, which again points out the measure of safety and rights of women prisoners in the jails of Uttarakhand. On the

basis of the interview, the following facts have been identified-

- In all the jails in Uttarakhand, women prisoners went through inequity including their children.
- So, there is an urgent need to upgrade the existing infrastructure in the jails to cater the future needs.
- There is no provision for educational and vocational training programs for women in any jail of Uttarakhand.
- There is no provision for pregnant women and breastfeeding mothers.
- There is no particular cell for a child and a mother.
- 25% of the respondents opined that there is no provision of nursery schooling in the jail premises and no proper accommodation for the children [34, 38]. The structure of a prison should be strong and concrete as it builds up the present leading to the future.

## XII. SUGGESTIONS

It was a well settled fact that the requirement of male and female differs significantly and thus we must not expect the same kind of needs, thus there is a nexus of changing needs and the same should be addressed by the Indian Prison structure, keeping in views of the said needs here are few suggesting measures which will help the prison dimensions in a better way.

- A women who is at her advance stage of pregnancy accompanying her young child to a jail should be provided with amenities.
- The young children along with their mothers should be provided adequate food and nutrition\*. The government must appoint counselors who are technically qualified and counsel the women prisoners along with rehabilitation programs

**Educational standards and Cultural dynamics:** For making the prisoner's life a worth, there is only one weapon i.e. Education and thus education for the prisoners must be made compulsory. It must not only aim for the development for the prisoners as a whole but also to prepare them to study with higher degree so that when they come out of prison they can earn for their lives and can become enough competent to fight against the social evils. It has been observed that there are no library facilities in Uttarakhand Jails, thus it must be installed and all the prisoners should be allotted compulsory library timings. Women prisoners must be sensitized about the qualities of education so that the interest of education must be developed amongst them. There must be cultural programs as it has been observed that there are very less or no cultural activities in Uttarakhand prisons. Cultural events should be organized in every six months like sports, singing etc. so that it will help them in getting out their hatred.

**Religion & spirituality:** In India each individual born with some religion apart from being a human being it's a bitter truth and we must accept it, India being a secular state as promulgated in our constitution, thus it is suggested that prisoners as protected by the constitution must be provided with the facility to observe the tenets of their religion, in this regard facilities should be provided in the prison which is not there in the jails of Uttarakhand, as this will also help them in getting inner peace too.

**Social welfare measures:** The government must appoint counselors who are technically qualified and counsel the women prisoners about their current status (children, family, society etc.) and future. Female social workers must be appointed at the prison that can look into the problems of the prisoners specially to alleviate their family.

**Educational scholarship facility for Children of women prisoners:** The state of Uttarakhand should adopt the concept of educational scholarship for the children of women prisoners so that children shall be motivated to study, this scholarship will be given subject to the financial conditions for example in Delhi, Tihar Jail, the Delhi government are providing scholarship for the children of women prisoners for the education purpose.

**Custody as safe place in terms of Human Rights perspective for women prisoners:** This concept is associated with the fair treatment and safe and healthy atmosphere within the prison which is also one of their fundamental rights or basic human rights, to make custody as a safe place by placing the prisoners in such accommodation where they should be classified according to the risks and thus must be kept into segments accordingly. Unethical, illegal instruments of restraints must not be applied as punishment, proper vigilance is required from the prison staff, and to make this more effective for this an officer from the District or State Human Right Commission can be attached with the prison authorities.

**Discipline and Punishment:** In the cases of disciplinary punishments, every prisoner should be punished as per the guidelines which must envisaged the principle of natural justice which is inherited in Indian laws and International statutory provisions and in consistent with the procedure established by law. The punishment shall not violate the real essence of human dignity as enshrined in Right to Life and personal liberty under Art 21 of Constitution of India.

**NGO and other agencies** should personally attempt to promote employment and educational programs for prisoners which can strengthen them to progress and feel them self-confident. NGOs can further help the women prisoners to assist them by providing legal consultancy via advocates to defend their cases as many of the prisoners don't have enough financial and personal capacity to hire them. Such organizations can further assist the jail authorities to plan the picnics and other recreational programs for the children of women prisoners so that the prisoners may feel satisfied from their children's care. NGOs must also assist in part time vocational programs for prisoners like small scale production which can be easily installed in prison premises. .

**Access to health care:** Basic health care must be provided to every prisoner which must met the standards set by the state government and there must be regular and routine medical check-ups by the qualified Doctors in this regard NGO's assistance can be taken, the prison authorities must also emphasize on special categories of prisoners who may needed special medical treatment or psychiatric.

**Specialist health care for women prisoners:** As there is a biological differences between the men and women prisoners thus there is a specialist and specific health care system is required for the women prisoners [36], despite of the fact that we are having rules and regulation and advisory, still we have witnessed the large gaps in the practical execution of an effective system of health care, I strongly suggest that a female medical officer must regularly inspect and whenever require advice or direct the authority concern about the quality of food, basic hygiene, basic cleanliness, general sanitation, sufficient lighting, proper clothing, bedding, routine exercises and availability of other basic amenities. Specially and specifically for the women

prisoners to fulfill her feminist medical requirement an advanced public health care services must be linked with prison services so that untoward incidents can be avoided and their human rights as a women can be maintained. There is gap in the implementation of the facilities of women doctors women prisoners which is a need and this is completely missing in the prisons of Uttarakhand, thus I suggest that a special team of women doctors, who work or reside in the places nearby the prison premises can be recruited on roll so that they can come in the emergency situations within a short notice, further these facilities can be outsourced so that social welfare organizations, NGO's and other organizations can also contribute in a significant manner in this matter and that too on no cost on government.

**Rehabilitation programmes:** After an intense research it has been observed throughout that there is an urgent need for setting up a rehabilitation Centre for the women prisoners because after serving a sentence in a prison, it is very difficult for them to adjust in the main stream of the society and to take care of her family. Generally, society neglects them completely so the provisions of employment/ trainings for weaving, stitching, tailoring etc. must be established in the jail premises with the help of NGOs, which will further help them in living a life with pride.

**Development Schemes:** The state of Uttarakhand should associate Central or State government schemes like (skill India, Digital India etc.) for skilling and training of the women prisoners so that these schemes will provide a sufficient means for them to lead a meaningful life, education is a powerful tool for their positive transformation in this regards assistance can be taken from local schools and also NGO's can play a significant role in the this dimension.

Under the scheme of Corporate Social Responsibility, and by taking the help from the corporate sector the structural gaps can be filled.

NGO, social organization and Social activists can be engaged in the furtherance of these development schemes for the women prisoners.

A proper library should be installed so that they can access to various dimensions of education

Women prisoners can be trained to produce sanitary napkins within the prison and these napkins could be further utilized in all the prison for women prisoners.

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