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Women Behind Bars: Safety Zone or Danger Zone

Venkatesh Lad

ABSTRACT

Whenever an individual violates a law he is put into a correctional facility which is a prison. The main aim to put them in prison is to reform them and make them suitable to inhibit again in the society. Contrary to the aim of the prison institutions there is always violence and illegal activities carried on by the prison authorities which is detrimental to the reformation of the prisoners. Therefore, it has become an important issue to protect the basic rights of the prisoners as guaranteed in the Indian Constitution.

Primarily, the prison institutions were built to match the needs of the men in there and therefore, the essential requirements of women were ignored. This cause the lot of problems in the context of women inmates. Only 17 % of the female prisoners were kept in the female prisoners and the rest were sent to the general prisons.¹ This has led to the urgent need to focus on the improvement of the female inmates on the institutional and administrative level. The female prison population has increased faster than the male population in the prison even though they continue to be a minority which is less than 10%.² This may be the cause of overlooking the rights of women prisoners³.

Implementation and protection of the rights guaranteed is also an issue which is seldom given attention. Various rights of women prisoners have been recognized through various landmark judgments but it's problems are recognized after the violation of their rights and not before they come up at the court. Any law made must function in order to avoid the violation of the rights rather than compensating after its violation. Also, in the case of female prisoners, instead of preventing the violation of rights, more focus is put on giving the remedy after its violation. Thus, this should be avoided by making improvements at administrative and institutional levels, and also by making improvements in implementation of the regulating laws with regards to the female prisoners that are institutionalized.

¹ Prison Statistics India 2017

² Global Prison Trends 2017 by Penal Reform International and Thailand Institute of Justice

³ Dr .Mukesh Garg and Nareshlata Singla, "Rights of Women Prisoners in India: An Evaluation", International journal of advance research in Management and Social Science, Vol.1, No.2, August 2012.

INTRODUCTION

In Indian Constitution different arrangements are given for advancing uniformity, mindfulness and advancement of women by and large and yet there are no legitimate assurance given to the women particularly in jail. Prisoner at the point of view is a convict and yet he is an individual and along these lines the part III of the Indian Constitution is reached out to secure their essential right of sustenance and pride. Women prisoner's privileges are secured under part III of the Constitution and statutory laws like Prison Act 1894, Prisoners Act 1900, Prisoners Act 1955, Police Manuals which accommodate protection and obligation on prisoners and prison authorities individually.⁴

There are number of provisions in the form of laws, guidelines and rules that shield women from exploitatoin in jail and guarantee them basic services. Nonetheless, the execution of these arrangements is seen as to a great extent lacking and women face an assortment of issues while living in jail.

There is a serious absence of female staff, which incorporates guards, officials, doctors, nurses, advisors, counsellors and so on. Accommodation arrangements are regularly lacking, which is exacerbated by extreme congestion in many detainment facilities. There are lacking quantities of toilets, washrooms and other fundamental preconditions for sanitation and cleanliness. The inadequate arrangement of water and menstrual hygiene items is a genuine concern.⁵

Re-integration in the public eye is a test for many women prisoners, as they face extreme social shame, loss of family ties and business, absence of financial freedom, etc after discharge. Steps should be taken to guarantee that women get every single essential assistance while in jail, are shielded from savagery and bolstered after discharge to viably have a place in society.

Imprisonment as a technique for punishment has advanced throughout the centuries. In India, and in a large portion of the world today, jails are seen as habitats for the change of hoodlums, instead of only a methods for discipline. The Hon'ble Supreme Court has supported for a "remedial approach...as a powerful technique for discipline".⁶ Jail and its organization is a State Subject point by point in List II, Schedule VII of the Constitution of India. Jail foundations in various States/Union Territories contain a few levels of correctional facilities – central jail, district jails, sub

⁴ <https://wcd.nic.in/sites/default/files/Prison%20Report%20Compiled.pdf>

⁵ <https://wcd.nic.in/sites/default/files/Prison%20Report%20Compiled.pdf>

⁶ SC Order in Re - Inhuman Conditions in 1382 Prisons dated 5th February 2016. W.P.(C) No.406 of 2013

jails as well as women jails, borstal schools, open prisons and extraordinary correctional facilities. In the previous hardly any decades, the jail populace has expanded radically, making various difficulties, for example, security, wellbeing and cleanliness, stuffing and so on. As correctional facilities were principally intended to take into account male prisoners, exceptional advances should be taken to guarantee sufficient conditions for women also. Female prisoners are frequently confronted with jail foundation and regulatory frameworks, which are to a great extent careless in regards to their sexual orientation - explicit needs.⁷

There is universal understanding that the state of prisoners, especially women prisoners is bleak and needing dire improvement. The UN General Assembly together embraced the Bangkok Rules in 2011, which spread out guidelines for the treatment of women in jail and recommend certain non-custodial measures for women guilty offenders. In 2015, the Nelson Mandela Rules⁸ were received by the UN General Assembly together, which set out the international minimum standards for the treatment of prisoners including women.⁹

BACKGROUND

CRIMES BY WOMEN-

According to latest information¹⁰ accessible from the end of 2015, there are 4,19,623 people in prison in India. Women constitute 4.3% of this figure, numbering a sum of 17,834 women. Of these, 66.8% (11,916) are undertrial prisoners. In India, an analysis of prison statistics at five-year interims uncovers an expanding pattern in the quantity of women prisoners – 3.3% of all prisoners in 2000, 3.9% in 2005, 4.1% in 2010 and 4.3% in 2015 were women. While women prisoners keep on being a minority in all pieces of the world (under 10%), the female jail populace has expanded quicker than the male jail populace on each landmass.¹¹

A larger part of female prisoners are in the age group of 30-50 years (50.5%), trailed by 18-30 years (31.3%). Of the total 1,401 penitentiaries in India, just 18 are exclusive for women, housing 2,985

⁷ <http://mha1.nic.in/PrisonReforms/pdf/PrisonAdmin17072009.pdf>

⁸ UN Social & Economic Council adopted the revised Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) in 2015 (Available at: https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)

⁹ <https://wcd.nic.in/sites/default/files/Prison%20Report%20Compiled.pdf>

¹⁰ Prison Statistics India 2015, NCRB

¹¹ Global Prison Trends 2017 by Penal Reform International and Thailand Institute of Justice

female prisoners. Along these lines, a dominant part of women prisoners are housed in women' fenced in areas of general penitentiaries. The geographical spread of women prisoners shifts the nation over. Uttar Pradesh by a long shot has the most elevated number of women in jail (3,533), trailed by West Bengal (1,506), Maharashtra (1,336) and Madhya Pradesh (1,322). The Union Territories, aside from Delhi (579), have an especially low number of women in jail.¹²

RULES GOVERNING WOMEN IN PRISON-

According to the State List given in the Seventh Schedule of Indian Constitution, all issues identified with penitentiaries, reformatories, borstal establishments and different foundations of a like sort, and people confined in that; arrangements with different States for the utilization of detainment facilities and different organizations go under the domain of State Governments. The standards of imprisonment are controlled by adhering to laws:¹³

- Indian Penal Code, 1860
- Prison Act, 1894
- Prisoner's Act, 1900
- Identification of Prisoner's Act, 1920
- Exchange of Prisoner's Act, 1948
- Transfer of Prisoner's Act, 1950
- Prisoner (Attendance in Court) Act, 1955
- Probation of Offenders Act, 1958
- Code of Criminal Procedure, 1973
- Repatriation of Prisoner's Act, 2003
- Model Prison Manual, 2003
- Model Prison Manual, 2016

Every now and then, the Legislature of India had set up different Committees, Commissions and Working Groups to examine and propose upgrades in jail conditions and organization. A portion of these include:

- All India Jail Manual Committee, 1957

¹² <http://vikaspedia.in/social-welfare/women-and-child-development/women-development-1/women-in-prisons>

¹³ <https://wcd.nic.in/sites/default/files/Prison%20Report%20Compiled.pdf>

- Working Group on Prisons, 1972
- All India Prison Reforms Committee, 1980-83 (Mulla Committee)
- All India Group on Prison Administration, Security and Discipline, 1986 (R. K. Kapoor Committee)
- National Expert Committee on Women Prisoners, 1987 (Justice Krishna Iyer Committee)

The key highlights of the refreshed Model Jail Manual 2016¹⁴ remember accentuation for jail computerization, extraordinary arrangements for women prisoners, center around after-care administrations, jail reviews, privileges of prisoners condemned to death, repatriation of prisoners from abroad, upgraded center around jail remedial staff. Service of Home Issues vide warning dated fourth May 2017 exhorted the State Governments/UT Organizations that so as to guarantee fundamental consistency in jail rules and guidelines, all States and UTs should overhaul their current Jail Manuals by receiving the arrangements of the National Model Jail Manual, 2016. A National Arrangement on Jail Changes and Remedial Organization had additionally been surrounded in 2007, which gave various orders applicable to women prisoners – upkeep of human privileges of prisoners, keeping away from exceed of undertrials and so forth. It further states, "Women prisoners will be secured against all abuse. Work and treatment programs will be conceived for them in consonance with their extraordinary needs."¹⁵

Alongside the above enactments and articles in the constitution there are numerous milestone decisions which featured this and extended the extent of privileges of the women in jail under article 21 and 22 of the Indian constitution.

GUARANTEED RIGHTS FOR THE PRISONERS IN INDIA-

The fundamental right to carry on with an dignified secured life in India is ensured by Art. 21 which says that "no individual will be deprived of his life and freedom except as per the procedure established by law". Art.21 and Art.22 of the Indian constitution indicate six kinds of rights ensured to the prisoners all in all. These are briefly discussed underneath:

1.Convict's right

¹⁴ <https://wcd.nic.in/sites/default/files/Prison%20Report%20Compiled.pdf>

¹⁵ <https://thearticle.in/courtroom/plight-of-female-prisoners-three/>

In *D. Bhuvan Mohan Patnaik versus State of A.P.*¹⁶ it has been held that even convicts are qualified for the privilege under Art.21 aside from as indicated by the method built up by the law. In any case, this doesn't imply that they can escape from prison. Thus, posting of police guards outside correctional facilities and establishment of high voltage live-wire on prison are not violative of Art.21.

2.Prisoners right

Is a prisoner entitled to Art.21? The above question was answered on account of *Sunil Batra versus Delhi Administration*¹⁷ where the practice of anal rupture burst by the police on the prisoners was brought to see under the watchful eye of the judge. Right now, court held that when the convicts is in jail it is his right are abridged yet doesn't mean there is outright refusal of the basic rights, he despite everything has the option to procure and possess the property and right to life and freedom under Art. 21.

3.Right against inhuman torture and custodial deaths

In the landmarked judgment of *D.K. basu versus State of west Bengal*¹⁸, the Supreme court held that the custodial torment is an naked infringement of human rights, dignity and degradation, which decimates the individual personality. It was likewise held that the torment and abuse of the women suspects in police lock ups is violative to the Art.21. Female prisoners ought to be kept in independent cells. The Court additionally coordinated the Monitor General of Detainment facilities and the State Leading group of Legitimate Guide Counsel Council to give all the conceivable lawful help to the poor just as the poverty stricken prisoners, male or female, undertrial or sentenced prisoners.

4. Right against solitary confinement

In *Sunil Batra(No.1) versus Delhi Administration*¹⁹, the significant inquiry raised under the steady gaze of the Incomparable Court was whether isolation forced upon prisoners who were under sentence of death was violative of Art.14, 19, 20, 21 of the constitution. Here capital punishment convict was put under the solitary confinement since the conviction of the Session court till the

¹⁶ AIR 1974 SC 2092

¹⁷ AIR 1980 SC 1579

¹⁸ JT 1997 (1) SC 1

¹⁹ 1979 SCR (1) 392

Supreme Court interceded into. The Court held that if the individual is indicted for capital punishment, it implies that the sentence is fixed and can't be revoked until a request is petitioned for the mercy petition. Solitary confinement is the absolute deprivation of kinship among co-prisoners and it insults the Art.21. The freedom to move, mix, mingle, talk, share organization with co-prisoners if significantly curtailed would be violative of Art. 21, unless backed by the law.

5. Right against arbitrary arrest and detention

Art.22 provides for 4 basic rights²⁰ which are: right to be informed about the grounds of arrest, right to consult a lawyer, right to be produced before the magistrate in 24 hours, freedom from detention after lapse of the said period. The guaranteed rights examined above equally apply to the women offenders. Be that as it may, sadly the predicament of women convicts has never been highlighted before.

CHALLENGES FACED

The Mulla Council clearly characterized a rundown of privileges of prisoners which incorporate the right to human respect, right to basic minimum needs, for example, drinking water, hygiene, medical care, clothing, bedding and so on., right to communication with the outside world, right to access to law, right to meaningful and gainful employment, etc. Each state is intended to have a manual of rights and obligations of prisoners, which ought to be given to prisoners at the hour of affirmation in the jail. A similar list is to be shown in the jail and disclosed to the prisoner in a language that she gets it. With the expanding number of women occupying Indian jails, there is a developing need to comprehend their privileges and better location their needs with regards to a to a great extent male-driven jail framework.²¹

PRISON STAFF

The National Model Jail Manual 2016 (from this time forward alluded to as the 'National Jail Manual') perceives on a fundamental level that there ought to be one guarding staff for each six prisoners. Further, every jail is intended to have executive staff, medical, welfare, educational and other work force to guarantee proper working of the foundation. Starting at 2015, the total number

²⁰ Article 22, Constitution of India

²¹ <https://wcd.nic.in/sites/default/files/Prison%20Report%20Compiled.pdf>

of women prison officials/staff was 4,391, which is just 8.28% of the total.²² There is a shortage of supervisory level female officials. The National Prison Manual endorses the appointment of one woman DIG joined to the Prison headquarters to take care of women penitentiaries, staff and prisoners in the state. In May 2017, the Hon'ble Supreme Court noticed that there is an immense lack of staff in pretty much every prison of the nation. It coordinated all State Governments/UTs to make essential strides on an earnest premise to top off these opportunities by 31st December 2017.²³ Visits by NHRC to more than 100 correctional facilities have uncovered a woeful absence of staff, especially in smaller district detainment facilities. There is a developing requirement for exclusive women detainment facilities, skilled female jail officials, fulltime lady doctors, and pediatricians and so on.²⁴

ACCOMODATION

A predefined size for cells and barracks in prison is prescribed in the National Prison Manual. barracks are intended to house 20 prisoners and dormitories to house only four to six prisoners each. Further, single inhabitation rooms are to be given to prisoners needing protection with the end goal of study and so forth just as isolated cells where prisoners might be kept because of worries of savagery or infectious ailments. Satisfactory cooling and warming facilities in barracks as well as in washrooms and laundries are to be given. Prisoners are additionally intended to have secure individual storage compartments for their personal belongings.²⁵

Be that as it may, as a general rule, overcrowding is one of the key issues tormenting Indian penitentiaries. The national average inhabitation was accounted for at 114.4% in 2015. States/UTs, for example, Dadra and Nagar Haveli, Chhattisgarh and Delhi have revealed the status of congestion in detainment facilities as high as 276.7%, 233.9% and 226.9% separately.²⁶ Congestion straightforwardly identifies with an absence of room for prisoners and expands pressure on effectively restricted offices accessible in correctional facilities. Despite the fact that sentenced and undertrial prisoners are to be housed independently, this isn't typically conceivable because of extreme space limitations. Further, young offenders (18-21 years old) that are likewise to be housed

²² Prison Statistics India 2017, NCR

²³ SC Order in Re - Inhuman Conditions in 1382 Prisons dated 2th May 2017. W.P.(C) No.406 of 2013

²⁴ BPR&D Report no. 165 (Available at:

<http://www.bprd.nic.in/WriteReadData/userfiles/file/201707110435168799390NationalPoliceResearchRepository.pdf>)

²⁵ Prison Statistics India 2017, NCRB

²⁶ Prison Statistics India 2017, NCRB

independently, generally wind up with older women offenders. Overcrowding in penitentiaries additionally prompts offspring of prisoners living in confined and bothersome conditions.

SANITATION AND HYGIENE

The National Jail Manual further estimates the day by day need of water at 135 liters for each prisoner. It endorses that women prisoners may have a bath or shower as much of the time as necessary. In reality, there is an absence of adequate water, which compounds the low degrees of sanitation and cleanliness. There have been reports of prisoners not having the option to bathe for multiple days.²⁷

Each state's jail manual accommodates a base number of garments and underpants to be given to women prisoners according to climatic conditions and comparing to fundamental cleanliness principles. however, it is discovered that prisoners are frequently furnished with extremely restricted garments, and don't have the chance to wash these garments normally.

It is essential to take note that a large majority (81.8%) of female prisoners fall in the menstruating age group of 18-50 years, expanding their requirement for legitimate sanitation facilities and access to adequate menstrual hygiene items. They are to be given disinfected clean napkins according to their prerequisite, yet this is to a great extent missing. Women are supposedly charged for clean napkins in certain jails or are just given a set month to month number regardless of need. This leads women to depend on utilizing unhygienic materials, for example, fabric, debris, bits of old sleeping cushions, papers and so forth.²⁸

HEALTH

The privilege to health incorporates giving healthcare that is accessible, available, acceptable and of good quality.²⁹ The National Prison Manual provides for a hospital in each prison with independent wards for people. It further endorses complete health screening for women prisoners, including tests to decide nearness of sexually transmitted or blood-borne illnesses, emotional wellness concerns, presence of medication reliance, and so on. All prisoners are to be inoculated at the hour of

²⁷ Prison Statistics India 2017,NCRB

²⁸ <http://vikaspedia.in/social-welfare/women-and-child-development/women-development-1/women-in-prisons#section-8>

²⁹ UNHRC Report of the Special Rapporteur on the right to mental health (2017) 13-14, A/HRC/35/21 <<https://documents-ddsny.un.org/doc/UNDOC/GEN/G17/076/04/PDF/G1707604.pdf?OpenElement>> accessed 26 Nov 2019

confirmation. Exceptional consideration is to be taken for older prisoners and necessities of prisoners dependent on drugs. The prison administration ought to be insightful of the fact that a considerable lot of them enter jail with prior physical and mental conditions, which require intercession.

In spite of rules set down in particular State manuals, the physical and emotional wellness of prisoners regularly endures. Much of the time, female wards in emergency clinics and woman Therapeutic Officials particularly gynecologists are not accessible. Worries of emotional wellness are regularly not given satisfactory significance, and women experiencing psychological instabilities are frequently housed in penitentiaries because of absence of other fitting offices. A sum of 51 passings of women prisoners were accounted for in 2015,³⁰ of which 48 passings were viewed as of normal causes and three passings happened due to ending it all.³¹

NUTRITION

Nourishment is firmly associated with great wellbeing. Prison Manuals of each State recommend a size of diet with standard calorie and nourishing admission for prisoners. There is to be one kitchen for every 100 prisoners. Each prisoner should get three dinners every day, which are to be served fresh and hot in perfect and secured territories with satisfactory time to expend the nourishment. Prisoners observing religious fasts should likewise get suitable nourishment. The calorie intake and assortment of nourishment is to be expanded for women prisoners who are pregnant or lactating and require more protein and minerals than expected. Such women are intended to get extra milk, sugar, vegetables, fish/meat, curd, new organic product and so forth according to the Prison Manual. Every complaint about nourishment must be accounted for to the Superintendent.

Be that as it may, visits to detainment facilities have uncovered that differential calorie definition for women and men is frequently utilized as an avocation to furnish women prisoners with substantially less nourishment than men prisoners. The nature of nourishment is accounted for to be to a great extent satisfactory in many penitentiaries, however there are reports of unhygienic states of kitchens and eating territories. In auditing the execution of the Mulla Committee Recommendations, the

³⁰ Prison Statistics India 2015, NCRB

³¹ <https://wcd.nic.in/sites/default/files/Prison%20Report%20Compiled.pdf>

Ministry of Home Affairs observed that eating spaces are frequently viewed as the most ignored regions in penitentiaries.³²

EDUCATION

Adequately trained instructive staff and fundamental offices, for example, homerooms and libraries ought to be given in each prison. Each State is likewise expected to detail and actualize a Jail Instruction Arrangement. Commitment of prisoners in training exercises is likewise viewed as a successful strategy for keeping up discipline in the jail.

Visits by NHRC to different detainment facilities have uncovered that essential instruction isn't generally accessible to women prisoners. Access to more significant levels of training is for the most part absent. Indeed, even in situations where libraries exist in prisons, they are commonly not open to women prisoners.³³

SKILLING AND VOCATIONAL TRAINING

Open doors for skilling and professional preparing ought to be made accessible in all correctional facilities. It is viewed as a fundamental piece of reformation. Each State/UT is to have a clear arrangement for expertise improvement programs and professional preparing of prisoners. A Leading body of Expertise Advancement Program and Professional Preparing is to be set up at the jail base camp under the chairpersonship of Inspector General of Police. Reasonable and equivalent wages of women prisoners occupied with this are to be saved in their financial balances. The jail organization must guarantee that female prisoners are paid at standard with male prisoners.

Different professional preparing cum-generation plans are as of now executed in correctional facilities across the nation in abilities, for example, weaving, pastry shop items, carpentry, tailoring, textiles, printing/book official, making soft toys, soaps, phenyl, stamp pad ink, detergent powder and so forth. Some bigger detainment facilities have set up jail production lines, which produce huge scale goods available to be purchased in the market. Be that as it may, not all skilling and professional preparing programs are very much custom fitted to advertise needs. Prisoners often find it hard to utilize a significant number of the aptitudes for business/independent work once

³²<http://mha1.nic.in/PrisonReforms/pdf/Mulla%20Committee%20implementation%20of%20recommendations%20Vol%20I.pdf>

³³ <https://wcd.nic.in/sites/default/files/Prison%20Report%20Compiled.pdf>

discharged from jail. The professional/skilling choices accessible to women prisoners have likewise seen as less attractive or monetarily feasible than those accessible to their male partners.³⁴

LEGAL AID

Article 39A of the Indian Constitution provides free legitimate guide to poor people and more weaker segments of society and guarantees equity for all. Article 14 and 22(1) of the Constitution likewise makes it mandatory for the State to guarantee uniformity under the watchful eye of law and a legitimate framework that advances equity based on equal opportunities of law. Alongside that Justice A.N. Mulla Committee provided for the prisoners rights.

Visits by NHRC to different jails have uncovered that numerous penitentiaries don't have a lawful guide cell and not many prisoners have gotten to legal aid. States ought to guarantee that District and State Legal Services Authorities are connected to detainment facilities to give free legal aid and all prisoners ought to be made mindful about their privileges.³⁵

VIOLENCE

According to the National Prison Manual, no male ought to be permitted to enter the female ward of the jail except if with an legitimate obligation, after which he should record the explanation behind his visit in his record book. There is to be round the clock duty of female head superintendents and female corrections officers. Women prisoners ought not be made to leave their nook under any conditions other than discharge, move, and participation at court or under request of the Superintendent for some other real reason. The way toward looking through female prisoners at the hour of affirmation is to be completed with due respect to tolerability in a private space by a female staff part. Be that as it may, there are various reports where female prisoners have found being mortified or abused during this procedure. In spite of these protention, the Hon'ble Supreme Court recognized far reaching rate of torment and maltreatment in jail by the two prisoners and specialists most as of late in 2015, guiding States to introduce CCTVs in all penitentiaries and empowering visits by non-official visitors for inspection.³⁶

CONTACT WITH THE OUTSIDE WORLD

³⁴ <https://wcd.nic.in/sites/default/files/Prison%20Report%20Compiled.pdf>

³⁵ Prison Statistics Report, 2017, NCRB

³⁶ SC Judgement in Shri Dilip K. Basu vs State of West Bengal & Ors dated 24th July 2015. W.P.(Cr) No. 539 of 1986

The Hon'ble Supreme Court has reaffirmed the privileges of prisoners to keep in touch with the outside world. The National Prison Manual provides for arrangements for prisoners to communicate with relatives, family members and companions on a fortnightly premise. Prisoners are permitted to compose and get letters, meet with individuals and accept calls under stipulated rules. The quantity of meetings is to be changed for women prisoners and there should additionally be no restriction on approaching letters them. Illiterate/semi-literate women ought to be given assistance in writing letters.³⁷

Notwithstanding these arrangements, their usage is influenced by numerous variables. The social disgrace connected to women living in jail is regularly so serious that female prisoners don't get visits or calls every now and again. Prison visits by NHRC and the National Commission for Women uncover that numerous jails don't have sitting areas and visiting offices or they are excessively little and loud, in this way further hampering this privilege of prisoners. There are some of the time no different visiting spaces for women. The enormous quantities of male prisoners command the general lounge areas, where female prisoners regularly feel defenseless.³⁸

CHILDREN

Children up to the age of six years are permitted to live with their moms in jail if no different arrangements for their consideration can be made. This age limit changes from State to State. As on last check, an aggregate of 1,597 women prisoners are living in jail with their 1,866 kids.³⁹ The Hon'ble Supreme Court gave rules in 2006⁴⁰ under which kids in prison are qualified for nourishment, cover, medicinal consideration, garments, instruction and recreational offices as an issue of right. Prior to sending a pregnant lady to jail, the concerned authorities must guarantee that the prison has the essential least offices for youngster conveyance, pre-natal and postnatal consideration. Beyond what many would consider possible, with the exception of on account of high-risk prisoners, arrangements for brief discharge are to be made to empower conveyance of youngsters in a medical clinic outside the jail. Suspension of sentence may likewise be considered on

³⁷ <https://wcd.nic.in/sites/default/files/Prison%20Report%20Compiled.pdf>

³⁸ <https://wcd.nic.in/sites/default/files/Prison%20Report%20Compiled.pdf>

³⁹ Prison Statistics India 2015, NCRB

⁴⁰ SC Judgement in R.D. Upadhyay vs. State of A.P. & Ors dated 13th April 2006. W.P.(C) No. 559 of 1994

account of casual wrongdoers. Further, the birth certificate of the child ought not make reference to the jail as place of birth to protect them against social shame.⁴¹

According to a BPR&D report in 2009,⁴² proper facilities for biological, psychological and social growth of the child, recreational offices are not accessible in each jail. NHRC prison visits uncover that by and large, other than a glass of milk, a satisfactory special eating routine for youngsters isn't constantly given.

CONCLUSION AND SUGGESTION

Despite a number of provisions given on paper for the welfare of women in prison, the reality of jail is very different. The objective of reformation is often forgotten in favor of discipline and unaccounted violence. The full implementation, in letter and spirit, of existing provisions and adoption of innovative methods will go a long way in improving the prison system. With regards to this, remuneration of the advocates should be increased as small amounts of remuneration for the case discourages advocates to take up such cases. To ensure the proper and efficient implementation of such programmes and schemes provided for the women prisoners, special governmental lawyers should be appointed to take their cases. A report system should be made available for monitoring the legal aid lawyers and it is the responsibility of the judges to monitor the same. This will make them accountable for the cases that are handled by them. The monitoring system should be headed by the State Legal Services authority and the appellate authority for the same should be the National Legal Services Authority.

Steps should also be taken to unify the rules regarding the regulation of women prisoners. With different rules in different States, the formulation and implementation of any kind of national level regulations and the distribution of the funds becomes impossible. The life of women prisoners after release is a major issue which has been inadequately handled in India. There are no provisions or special institutions to take care of the same. Therefore, it is important to have a special administration branch to handle issues pertaining to the release of women prisoners and to aid them

⁴¹ <http://vikaspedia.in/social-welfare/women-and-child-development/women-development-1/women-in-prisons#section-8>

⁴² <http://www.bprd.nic.in/WriteReadData/userfiles/file/201707110435168799390NationalPoliceResearchRepository.pdf>

to rehabilitate efficiently.⁴³ Through the analysis of all reports made on women prisoners, it can be seen that there has always been the problem of inadequate staff to handle prisoners. The number of women prisoners have increased throughout time and for the same, many rules has been made, but very less efforts have been put into the increase of staff according to proportion. The system and administration regarding the same should also be reformed.

⁴³https://www.researchgate.net/publication/306399891_RIGHTS_OF_WOMEN_PRISONERS_IN_INDIA_A_LEGAL_ANALYSIS