CHAPTER - 3
WOMEN PRISONER'S RIGHTS AS HUMAN RIGHTS

Human Rights and Fundamental Freedoms are the birth rights of all human beings irrespective of gender. Charlotte Bunch opines that the work on Human Rights is connected to the indivisibility of all rights. Women are affected by all the Human Rights issues in every area both in a gender specific way and as parts of the various populations of the world. Hence, there is a greater need to seek an understanding that women's Human Rights are not secondary or second class but rather primary.

The convention of United Nations on the elimination of all forms of discrimination against women defines the term discrimination as "Any distinction, exclusion or restrictions made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of Human Rights and Fundamental Freedom in the political, economic, social, cultural civil or any other field." The fourth world conference on women, has once again highlighted women's sufferings and exploitation throughout the world. It has proposed numerous measures to safeguard and enhance the Human Rights of women in various areas. It would be worthwhile to mention here some of them as suggested by the conference.

A. Increasing burden of poverty on women

In conference view this can be minimised/removed by adopting the following strategies:

(i) Strategic Objective A-1

Review, adopt and maintain macro economic policies and development
strategies that address the needs and efforts of women to overcome within the frame work of sustainable development. For the implementation of this strategic objective, action has to be taken: by governments; by multinational financial and development instititutions, including the world Bank, the International Monetary Fund and regional development institutions and through Bilateral development cooperation;

(ii) **Strategic Objective A-2**

Revise laws and administrative practices to recognise women's rights to economic resources and to ensure women's access to economic resources. The action has to be taken by governments;

(iii) **Strategic Objective A-3**

Provide women with access to savings mechanisms and institutions and to credit. In this connection the actions has to be taken by governments, by Commercial Banks, by International Organisations, and by Bilateral Cooperation;

(iv) **Strategic Objective A-4**

Conduct research in order to enable women to overcome poverty. The action is essential on the part of the governments; academic and research Institutions, and by National & International Statistical Organisations.

B. **Unequal access to and inadequate educational opportunities**

For the removal of this inequality the conference has suggested the following objective strategies:

(1) **Strategic Objective B-1**

Ensure equal access to education. The action has to taken by Governments;

(ii) **Strategic Objective B-2**
Says that eradicate illiteracy among women by 2000. In the matter the action is to be taken by governments, by national, regional and International Bodies, by Bilateral and Multinational Donors and Non-Government Organisation.

(iii) **Strategic Objective B-3**

Suggests for improving women's access to vocational training, science, technology and continuing education. The action on this strategy has to be taken by Governments in cooperation with employers, workers and trade unions. International and Non-Governmental Organisations (Women's and youths and educational institutions);

(iv) **Strategic Objective B-4**

Mentions to develop non-discriminatory education and training. The actions are to be taken by Governments; by Educational authorities and other educational and Academic institutions;

(v) **Strategic Objective B-5**

Points out that allocate sufficient resources for educational reforms and monitor implementation; the actions are to be initiated by Governments; Private and Public Institutions; Non-Governmental organisations; Multinational development Institutions; world bank; by International Organisation UNESCO;

(vi) **Strategic Objective B-6**

Suggests to promote life long learning for girls and women. The action in this matter has to be taken by governments and Educational Institutions.

C. **Inequalities in access to health and related services**:

To overcome this problem the following strategies be adopted:

(i) **Strategic Objective C-1**

Increase Women's full access throughout the life cycle to appropriate,
affordable and quality health care and related information and services. The action has to be taken by Governments with Non-Governmental Organisations;

(ii) **Strategic Objective C-2**

Suggests that strengthen preventive programmes that address threats to women's health. The actions are to be taken by Governments with Non-Governmental organisations, the mass media, Private sector and International organisations, i.e., UN Bodies;

(iii) **Strategic Objective C-3**

Suggests to undertake Gender-Sensitive multisectoral initiatives that address sexually transmitted diseases, the HIV/AIDS pandemic and other (Sexual and Reproductive health) issues. The actions on this matter are to be taken by Governments; International bodies; Bilateral and multinational donors and Non-Governmental organisations;

(iv) **Strategic Objective C-4**

Argues to promote research and information dissemination on women's health. The action on the matter are to be taken by Governments, UN system, Health Professional Research Institutions, Mass Media and Non-Governmental Organisations; and

(v) **Strategic Objective C-5**

Points out to increase resources and monitor follow up for women's health. The action in this connection has to be taken by Governments along with in collaboration with Non-Governmental organisations especially women's and youths organisations at all levels.

D. **Violence against Women**

For the elimination of violence against women, the following strategic
objectives are to be set. These include:

(i) **D-1**

Suggest to take integrated measures to prevent and eliminate violence against women. The action has to be taken by Governments; by Local Bodies and Non-Governmental Organisations, Mass Media, Educational Institutions, employers, Trade Unions, and by International organisation;

(ii) **D-2**

Argues for the study of the causes of violence against women and effective methods and strategies of prevention; and

(iii) **D-3**

Recommends to adopt special measures that eliminate trafficking in women and to assist female victims of violence due to prostitution and trafficking.

**E Advance peace, promote conflict resolution and reduce the impact of armed or other conflict of women**

For the improvement on the above areas the following strategies have been suggested:

(i) **E-1**

Suggests to increase and strengthen the participation of women in conflict resolution and decision making and leadership in peace and security activities and protect women in armed and other conflict and living under foreign occupations;

(ii) **E-2**

Points out that reduce military expenditures and control the availability of armaments; reduce and eliminate the availability of instruments of violence against women;
(iii) E-3

Argues to promote non-violent norms of conflict resolution and reduce the incidences of Human Rights abuse in conflict situations;

(iv) E-4

Mentions for promoting women's contribution to fostering a culture of peace;

(v) E-5

Says for providing protection, assistance and training to refugee and displaced women (including internally displaced women); and

(vi) E-6

Argues to promote assistance to the women of the colonies;

F In equality in women's access to and participation in the definition of economic structures and policies

For the achievement of these objectives the following strategies have been suggested:

(i) F-1

Suggests to promote women's self reliance, including access to employment, appropriate working conditions and control over economic resources land capital and technology;

(ii) F-2

Recommends to take positive action to facilitate women's equal access to resources, employment markets and trade;

(iii) F-3

Points out to provide business services and access to markets, information and technology to low income group women;

(iv) F-4
Argues for strengthening women's economic capacity and commercial networks;

(v)  F-5

Suggests for elimination of occupational segregation and all forms of employment discrimination; and

(vi) F-6

Suggests to create a flexible work environment.

G  Strengthen factors that promote the full and equal participation of women in power structures and decision making process at all levels and in all areas.

H  Recommends to apply and enforce international norms and standards to promote and safeguards the full and equal enjoyment by women of all Human Rights.

J  Suggests the enhancement of the role of traditional and modern mass communications media to promote awareness of equality between women and men effectively.

K  Recommends that an adequate recognition and support be given for the promotion of women's contribution in managing natural resources and safeguarding the environment.

L  Suggests that all measures be taken against the persistent discrimination and violation of the rights of (survival, protection and development of) the girl child.3

Thus the Human Rights problems have acquired greater attention in India too, particularly with reference to women. The Indian Constitution along with a large number of other laws, does provide Fundamental Rights and Human Rights for all citizens. It guarantees equal rights to women and they are given equal status in terms of law. Despite this, women in India have suffered and are
suffering on many counts. The ideal of equality, provided in the constitution, in reality, tantamount to equality among unequal's. It is said that "to know the state of the right to equality between men and women one has simply to read stories of termination of female foetus or run one's eye through the statistics relating to development and under development, women represent just 11.5 per cent of the work force in private sector. It is a known fact that women outnumber men in India, inspite of so female infanticide which has become very common; the root cause being the pernicious practice of dowry system. A girl child's rights to have a childhood on par with a male child's is again a case of unforceable rights. Further, the patriarchal system prevalent in India is characterised by the dominance of male over female. Although historically women enjoyed equal status, their inequality appears to be a later development during the Mughal and British period. The truth of the matter is that no one can deny that gender justice is integral to social justice. The rights of women are part and parcel of Human Rights. In a constitution founded upon the democratic equality of all citizens, it would be absured, wholly out of place, to allow any discrimination on grounds of religion, race, caste or sex. So echoed the drafters of the Indian constitution.

**Women's Rights under The Indian Constitution**

Protective legislation for women is found in part III and IV of the Indian Constitution. While part III enunciates the fundamental rights, part IV enshrines the Directive Principles of state policy. The basic freedom guaranteed under fundamental rights include among them special provisions for women. The Directive Principles of State Policy, connote the principles of social justice in relation to women. While proceeding further with the question of Human Rights for women one should also look into Art. 31(2) of the Indian Constitution.
Discussion relating to equality or prohibition of discrimination has been dealt with in Articles 14, 15 and 16. Article 14 secures to every person equality before law or the equal protection of the laws. The directive is in negative terms. The underlying principle of right to equality means that "amongst equals the law should be equal and should be equally administered and that like should be treated alike." Article 14 while clearly prohibits discrimination, it also indicates the presence of classification. The supreme Court in a number of cases upheld the classification on rational basis. In a recent case 9 the Supreme Court did not allow the discrimination against women teachers when they were doing the same job as their male counterparts. The court also ruled that there is no justification for a preferential treatment in the matter of promotions for the male teachers.

As regards the relative scope of Articles 14, 15 and 16 Das J. observed that: "Article 14 guarantees the general right of equality, Articles 15 and 16 are instances of the same right in favour of citizens in some special circumstances." Indeed Article 15 singularly contributes to the maximum as regards women's rights. This provision provides for specific legislation for women. Under Article 15(1) discrimination in favour of men is not permissible. On the other, provisions of Articles 15(3) makes discrimination in favour of women perfectly legal. Thus in Dattatreya Motiram More Vs The State of Bombay, the Bombay High Court observed that the effect of the joint operation of Article 15(1) and 15(3) is that the State could discriminate in favour of women against men, but could not discriminate in favour of men against women. A similar construction could be argued as regards the joint operation of Article 15(2) and 15(3) as well. In case of Savithri Aggarwal Vs. K.K. Bose, the Allahabad High Court opined that Article 15(3)sought to preserve the interest of women as a class and not individual interest.
Article 16 concerns with right of equality in matters relating to employment or appointment. Gajendragadkar J. rightly pointed out that Articles 14, 15(1) and 16(1) and (2) together constitute the "constitutional code of guarantees" the scope of Article 15 (3) is such that it is for the legislature or the judiciary as the case may be to provide maximum effect to the women's interests and rights. Punjab and Haryana High Court observed that Article 15(3) concerning special laws for women would help in determining the scope of Article 16(2) dealing with non-discrimination based on grounds of religion, race, caste, sex, descent, place of birth for employment. Thus it may be pointed out that while Article 16(1) and (2) provide women equal right of employment, a specific legislation for employment of women alone under Article 15(3) cannot be held to be violative of Article 16(1) and 16(2). Various labour laws such as the factories Act, Mines Act with Special provisions for women are justified under Article 15(3).

**Directive Principles of State policy**

The Directive Principles of State Policy with social and economic goals have been used as bases for the upliftment of women by the state machinery. It is the duty of the state to apply these principles while legislating for the welfare of women. These principles cannot be enforced through courts of law. Nevertheless, they are fundamental in governance of the country. The relevant Provisions concerning women of part IV of the Constitutions include:

Under Article 319 The State shall in particular, direct its policy towards securing:

(a) that the citizens, men and women equally, have the right to an adequate means of livelihood;

(b) that there is equal pay for equal work for both men and women, and

(c) that the health and strength of workers, men and women, and the tender age
of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength.

These provisions require the state to ensure adequate means of livelihood, fair distribution of wealth and equal pay for equal work for men and women. They enable the women to participate in the total development of the country in league with men. In order to provide for the safety of women and children their employment in industries involving hazardous activities is not encouraged, though the goal of total ban cannot be achieved. The concept of equal pay for equal work for both men and women focuses at the status of women. It has now been established, in no uncertain terms that a women's work is no less than that of a men's at a given equal period of time. This fact is the basis for the statute equal remuneration Act 1976. Article 42 of part IV of the Constitution provides for just and human conditions of work and maternity relief. The maternity benefit Act 1961 provides maternity relief to women workers. They can avail themselves of leave of absence with full wages for maternity purposes. For women employed in the organised sector the statute secures relief to a certain extent. However, still the plight of those who are working in the unorganised sector has to be resolved. Regulations and various labour laws to provide minimum protection in many ways enable women to work in much more secure work environment. Even so, the sustained efforts in this regard needs to be confirmed ceaselessly, to create an awareness amongst all the concerned.

**Women's Rights against Exploitation**

Article 23 of the Constitution of India concerns with trafficking in human beings. This has a direct bearing on women. The immediate cause being the poor economic condition coupled with biologically weak body structure which
becomes an easy victim of physical harshness. Parliament had passed the enactment Suppression of Immoral Traffic in Women and Girls Act, 1956, which as amended and is now known as prevention of Immoral Traffic in Women and Girls Act to tackle the situation of prostitution and uphold the dignity of women. A vast majority of women are ignorant of the protective laws or even of their existence. The law has therefore, remained an ineffective instrument of social change for equality of women. Through legal aid and literacy services are available to them at all levels, women remain without intended protection. Law is undeniably the major instrument for removal of biases and injustices. Unless we know how it originates, reacts and operates, we will not be able to use law in crucial times in our personal lives but also to influence law reform in the interest of justice for women. It is high time to educate women about law in simple language as it affects their personal, social, economic, and political life. We need to understand why, how and to what extent the law and its support Structures themselves perpetuate the oppression of women in the country. Unfortunately most of the women in Third world countries are not aware of the existence of any such legislation which protects them. According to Minattur (Human Rightist) there is something more than having legislation, perhaps the first thing to be attempted is to make women aware of the Human Rights as their rights. Though attempts are made in this direction, they are a tinkle compared to the need. Finally an analysis of the history of mankind indicates that inspite of having Human Rights and legislation, the women are the victims of discrimination, depression and haunted, both physically and mentally by poverty, consumerism and commodification. What is our answer to the question "Why equal rights for women at par with men." This may be answered in many ways. One is that freedom and equality are the birth rights of every person.
They are necessary to her as a fresh air. Another may be that every individual has the right to grow to her maximum potential and equality is one of the necessary conditions for such growth. Also woman's identity which gives the opportunity for her to conquer new realms and find her place in the intellectual and occupational world can be achieved only through their justified equity.

The growing concern for the respect and the protection of Human Rights of women has been acknowledged by the Indian Government. The establishment of the National Commission for women, is a pointer to that effect. The functions of the commission, are quite elaborate. It has powers to investigate and examine all matters relating to the safeguards provided for women under the constitution and other laws. It has been empowered to review from time to time, the existing provisions of the constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any legislative inadequacies or shortcomings in such legislations. The Human Rights Commission has also been authorised to take up the cases of violation of the provisions or the constitution and of the other laws relating to women with the appropriate authorities and to look into complaints and take suo moto notice of matters relating to (i) deprivation of women's rights (ii) non implementation of laws existed to provide protection to women, and also to achieve the objective of equality and development. Despite all the positive measures, the state of the Human Rights in India is a pathetic and depressing scenario. Projected through media and public protests is an indicative of that much needs to be done to improve this tract record of Human Rights for women. Rights are constituted by the values derived from specific moral universes, there is a singularity, or a uniqueness to justice. This uniqueness is at odds with the law which must take a general form,
as norm and as rule.

To recognise this aspect is not to give up the idea of justice. Rather, it involves a responsibility of recall the history, the origin and subsequent directions of concepts of justice and law. In this way we would be discriminating the values embedded in the idea of "justice as a universal concept. These values have assumed the status of natural presuppositions and the violence of the moment of their imposition has been rendered invisible through a kind of historical amnesia. To interrogate constantly the values we assume in our discursive practice is not to surrender an interest in justice. On the contrary, it raises the stakes of existing justice. There is no consensus on the scope of the vision but the vision itself resonates deeply in all of us. The belief in fundamental Human Rights is not only one of the few goals accepted throughout the international community and by most national governments, it also forms the foundation of the United Nations. The non discrimination clauses of the UN Charter and the Declaration clearly state that Human Rights apply to all people "without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. However, tradition, prejudice, social, economic and political interests have combined to exclude from prevailing definitions of Human Rights and have relegated women to secondary or "special interest" status within Human Rights considerations. This has been a reflection of gender inequity in society at large and has also had a negative impact on the lives of women contributing in no small manner the perpetuation of their subordinate position. However, women have been able to invoke the international Human Rights machinery when they have found themselves in public situations where the abuse of their rights is identical to that of men. But, some of their specifically
gendered experience of Human Rights abuse such as rape in detention have not been visible within the prevailing understanding of abuse. This is because women have traditionally been relegated to the private sphere of home and family. The typical citizen has been portrayed as male and thus the dominant notions of Human Rights abuse have implicitly had a man as their archetype. A major effect of the gendered nature of the split between "public/private" is that Human Rights violations of women that occur between private individuals have been made invisible and deemed to be beyond the responsibility of the state. Thus, abuses done to women in the name of the family, religion and culture, chief among them gender based violence have been hidden by the sanctity of the so-called private sphere, and perpetrators of such abuse have enjoyed immunity from accountability for their actions.

An approach to women's needs and demands based on Human Rights promises the engagement of the responsibility of the state. It is internationally recognized and acknowledged that where claims fulfil the definition of internationally guaranteed Human Rights, their violation immediately raises the question of the legal responsibility of the state. Women's rights, thus when conceived of as Human Rights, are elevated from the realms of the state and international promises premised on good faith and more obligation to a level of binding legal obligation requiring immediate national and international recognition and implementation, and in the case of violation, urgent response. Today, not tomorrow, we men and women must declare war on injustice to womenkind by demanding for real partnership and for special provisions. Women are not alone. Men must cooperate because it is a battle against the socio-economic exploitation. A blue print for action, with orientation to amend the constitution, is the need of
the hour, for the safeguard of women rights. The entire society must be educated and awakened to the depth and width of the problem. We must mobilise and motivate all sections of society to actualise social justice. A strategic component of social justice is gender justice. If you want to fight your mother being molested, your sister being raped, your daughter being dowry burnt, if you value human dignity and will not tolerate sex slavery and insist in the unfoldment of the potential of women who are half of India's population, then you must pledge to realise the worth of women and join the Women's Right brigade.

**Prisoner's Rights**

In 1976, the United Nations General Assembly adopted the declaration on the protection of all persons from being subjected to torture and other cruel, and inhuman or degrading treatment or punishment. At the same time, it also reiterated in its conviction that further and sustained efforts were needed to protect the basic Human Rights to be free from those types of punishments and asked the Commission on Human Rights to study the formulation of a body of principles for the protection of all persons under any form of detention or imprisonment. The Body of Principles for the protection of all persons under any form of detention or imprisonment was completed at the forty third session of the Assembly and it was approved at the same session by a resolution of 43/173 of 9 December 1988. The main objective of the Body of Principles is to establish international legal and humanitarian standards against which the treatment of persons under any form of detention or imprisonment may be assessed and to provide states with guidelines for improving their domestic legislation.

Like the 1966 International Covenant in Civil and Political Rights and the 1955 Standard Minimum Rules for the Treatment of prisoners, the Body of
Principles builds on Article 9 of the Universal Declaration of Human Rights which recognizes the rights of everyone to be free from arbitrary arrest, detention, punishment and exile. With a view to ensuring that all detained or imprisoned persons are treated humanly and that the inherent dignity of the human person is respected, it enunciates a series of substantive principles and provides for legal and procedural guarantees as the most effective means of ensuring that the principles are observed in practice. At the same time, the Body of Principles in no way detracts from the obligation of states to fight crime and uphold the rule of law in the interest of society as a whole.

**The scope of the Body of Principles**

These principles apply for the protection of all persons under any form of detention or imprisonment the body of Principles include a number of Principles which are as follows.

Principle I of the Body Principle states that all person under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person; the Principle II says that the arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law and by competent officials or persons authorized for that purpose; the Principle III describes that there shall be no restriction upon or derogation from any of the human rights of persons under any form of detention or imprisonment recognized or existing in any State pursuant to law, connections, regulations or customs on the pretext that this Body of Principles does not recognize such rights or that it recognizes them to a lesser extent; the Principle IV of the Body of Principles recognizes that any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment
shall be ordered by, or be subjected to the effective control of, a judicial or other authority; the Principle V clearly enunciates that: (i) these principles shall be applied to all persons within the territory of any given state, without distinction of any kind, such as of race, colour, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status; (ii) measures applied under the law and designed solely to protect the rights and special status of women, especially pregnant women and nursing mothers, children and juveniles, aged, sick or handicapped persons shall not be deemed to be discriminatory. The need for, and the application of such measures shall always be subjected to review by a judicial or other authority; the Principle VI of the body principle says that: no person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment; the Principle VII clearly points out that: (i) states should prohibit by law any act contrary to the rights and duties contained in these principles, make any such act subject to appropriate sanctions and conduct impartial investigations upon complaints, (ii) officials who have reason to believe that a violation of this body of Principles has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial powers, and (iii) any other person who has ground to believe that a violation of this Body of Principles has occurred or is about to occur shall have the rights to report the matter to the superiors officials involved as well as to other appropriate authorities or organs vested with reviewing or remedial powers; Principle VIII of the Body Principles suggests that: persons in detention shall be
subject to treatment appropriate to their unconvicted status. Accordingly, they shall whenever possible, be kept separate from imprisoned persons; the Principle IX argues that the authorities which arrest a person keep him under detention or investigate the case shall exercise only the powers granted to them under the law and the exercise of these powers shall be subject to recourse to a judicial or other authority, the Principle X mentions that anyone who is arrested shall be informed at the time of his arrest about the reason for his arrest and shall be promptly informed of any charges against him, the Principle XI provides many safeguards against detention and says that (i) a person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law, (ii) a detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefore, and (iii) a judicial or other authority shall be empowered to review as appropriate the continuance of detention; the Principle XII points out that there shall be duly recorded: (i) the reason for the arrest, (ii) the time of the arrest and the taking of the arrested person to a place of custody as well as that of his first appearance before a judicial or other authority, (iii) the identity of the law enforcement official concerned, (iv) precise information concerning the place of custody, and (v) such records shall be communicated to the detained person or his counsel, if any, in the form prescribed by law, the Principle XIII of the Body Principles says that any person shall at the moment of arrest and at the commencement of detention or imprisonment or promptly thereafter be provided by the authority reasons for his arrest, detention or imprisonment respectively with information and an explanation of his rights and how to avail himself of
such rights; the Principle XIV clearly indicates that a person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to receive promptly in a language which he understands the information referred to in principle 10, principle 11, paragraph 2, principle 12, paragraph 1, and principle 13 and to have the assistance free of charge, if necessary, of an interpreter in connection with legal proceedings, subsequent to his arrest; the Principle XV focuses that: notwithstanding the exceptions contained in principle 16, paragraph 4, principle 16, paragraph 3, communication of the detained or imprisoned person with the outside world and in particular his family or counsel, shall not be denied for more than a matter of days; the Principle XVI mentions that (i) promptly after arrest and each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice about his arrest, detention or imprisonment or of the transfer and of the place where he is kept in custody, (ii) if a detained or imprisoned person is a foreigner he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the state of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an inter governmental organization, (iii) if a detained or imprisoned person is a juvenile or is incapable of understanding his entitlement, the competent authority shall on its own initiative undertake the notification referred to in the present principle. Special attention shall be given to notifying parents or guardians, and (iv) any
notification referred to in the present principle shall be made or permitted to be made without delay. The competent authority may however delay a notification for a reasonable period where exceptional needs of the investigation so require; the Principle XVII points out that (i) a detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it, (ii) if a detained person does not have a legal counsel of his own choice, he shall be entitled to have a legal counsel assigned to him by a judicial or other authority in all cases where the interest of justice so requires and without payment by him if he does not have sufficient means to pay, the Principle XVIII describes that (i) a detained or imprisoned person shall be entitled to communicate and consult with his legal counsel, (ii) a detained or imprisoned person shall be allowed adequate time and facilities for consultations with his legal counsel, (iii) the right of a detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality with his legal counsel may not be suspended or restricted save in exceptional circumstances to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order, (iv) interviews between a detained or imprisoned person and his legal counsel may be within sight but not within the hearing of a law enforcement official, and (v) communications between a detained or imprisoned person and his legal counsel mentioned in the present principle shall be inadmissible as evidence against the detained or imprisoned person unless they are connected with a continuing or contemplated crime, the Principle XIX says that a detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members
of his family and shall be given adequate opportunity to communicate with the outside world subject to reasonable conditions and restrictions as specified by law or lawful regulations, the Principle XX points out that if a detained or imprisoned person so requests he shall if possible be kept in a place of detention or imprisonment reasonably near his usual place of residence, the Principle XXI relates to confession which says that it shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess to incriminate himself otherwise or to testify against any other person, the Principle XXII mentions that no detained or imprisoned person shall even with his consent, be subjected to any medical or scientific experimentation which may be detrimental to his health, the Principle XXIII says that (i) the duration of any interrogation of a detained or imprisoned person and of the intervals between interrogation as well as the identity of the officials who conducted the interrogations and other persons present shall be recorded and certified in such form as may be prescribed by law, (ii) a detained or imprisoned person or his counsel when provided by law shall have access to the information described in paragraph of the present principle, the Principle XXIV describes that a proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge; the Principle XXV reveals that: a detained or imprisoned person or his counsel shall subject only to reasonable conditions to ensure security and good order in the place of detention or imprisonment have the right to request or petition a judicial or other authority for a second medical examination or opinion, the Principle XXVI relating to the
medical examination says that the fact that a detained or imprisoned person underwent a medical examination the name of the physician and the result of such an examination shall be duly recorded. Access to such records shall be ensured. Modalities therefore shall be in accordance with relevant rules of domestic law, the Principle XXVII is regarding the admissibility, non compliance with these principles in obtaining evidence shall be taken into account in determining the admissibility of such evidence against a detained or imprisoned person, the Principle XXVIII prescribes certain facilities for detained persons and says that a detained or imprisoned person shall have the right to obtain within the limits of available resources, if from public sources, reasonable quantities of educational, cultural and informational material subject to reasonable conditions to ensure security and good order in the place of detention or imprisonment, the Principle XXIX says that (i) in order to supervise the strict observance of relevant laws and regulations place of detention shall be visited regularly by qualified and experienced persons appointed by and responsible to, a competent authority distinct from the authority directly incharge of the administration of the place of detention or imprisonment, (ii) a detained or imprisoned person shall have the right to communicate freely and in full confidentiality with the person who visits the places of detention or imprisonment in accordance with paragraph 1 of the present principle, subject to reasonable conditions to ensure security and good order in such places; the Principle XXX of the Body Principles mentions that (i) the types of conduct of the detained or imprisoned person that constitute disciplinary offences during detention or imprisonment, the description and duration of disciplinary punishment that may be inflicted and the authorities competent to impose such punishment shall be specified by law or lawful regulations and duly published,
and (ii) a detained or imprisoned person shall have the right to be heard before disciplinary action is taken. He shall have the right to bring such action to higher authorities for review, the Principle XXXI relates to the assistance of the minors of the detained persons which says that the appropriate authorities shall endeavour to ensure according to domestic law assistance when needed to dependent and in particular, minor members of the families of detained or imprisoned persons and shall devote and particular measure of care to the appropriate custody of children left without supervision, the Principle XXXII mentions that (i) a detained person or his counsel shall be entitled at any time to take proceedings according to domestic law before a judicial or other authority to challenge the lawfulness of his detention in order to obtain his release without delay, if it is unlawful, (ii) the proceedings referred to in paragraph 1 of the present principle shall be simple and expeditious and at no cost for detained persons without adequate means. The detaining authority shall produce without unreasonable delay the detained person before the reviewing authority, and the Principle XXXIII points out that (i) a detained or imprisoned person or his counsel shall have the right to make a request or complaint regarding his treatment, in particular in case of torture or other cruel, inhuman or degrading treatment, to the authorities responsible for the administration of the place of detention and to higher authorities and when necessary, to appropriate authorities vested with reviewing or remedial powers. Standard minimum rules for the treatment of prisoners were approved by the economic and social council of United Nations on 31st July, 1957 (Resolution 663 CI (XXIV)). Which include:

**General Rules**

These rules are to be applied without discrimination on the grounds of race, colour, sex language, religion, political opinions, national or social origin,
property, birth or other status. It is necessary, however, to respect religious beliefs of prisoners. These follows from the:

(i) **Registration**: A bound registration book shall be maintained with the identity, reasons for commitment and day and hour of admission and release of prisoners; (ii) **Separation of categories**: Men and women in detention are to be held in separate facilities; likewise, undertrial and convicted prisoners, those imprisoned for civil offences and criminal offenders, and youths and adults shall be housed separately; (iii) **Accommodation**: Cells for individuals should not be used to accommodate two or more persons overnight; dormitory facilities are to be supervised at night. Cells and prison dormitories should provide adequate space, ventilation, lighting and sanitary facilities and are to be kept clean at all times; (iv) **Personal hygiene**: Prisoners shall be provided with adequate water and toilet articles, and required to keep themselves clean; (v) **Clothing and bedding**: Prisoners not allowed to wear their own clothing are to be provided with an adequate and suitable outfit, with provisions for laundry and changes of clothes. Prisoners outside an institution for an authorized purpose are to be allowed to wear their own clothing. Every prisoner shall be provided with a separate bed and clean, separate and sufficient bedding; (vi) **Food**: Wholesome, well-prepared food is to be provided prisoners at usual hours. Drinking water shall be available whenever needed; (vii) **Exercise and sport**: If not employed in outdoor work, every prisoner shall have at least one hour of exercise in the open air, weather permitting. Young prisoners and others of suitable age and physique are to receive physical and recreational training; (viii) **Medical services**: A medical officer with some knowledge of psychiatry is to be made available to every jail. Prisoners requiring specialized treatment are to be transferred to a civil hospital. A qualified
dental officer shall be available to every prisoner. Prenatal and post-natal care and treatment are to be provided by women's institutions, where nursing infants are allowed to remain with their mothers, a nursery staffed by qualified persons is needed. Every prisoner shall be examined by the medical officer shortly after admission, prisoners suspected of contagious diseases are to be segregated. The medical officer shall see all sick prisoners daily along with those who complain of illness or are referred to his attention. The medical officer is to report to the director of prisoners whose health is suffered by continued imprisonment and due to bad quality of the food, hygiene, bedding, clothing and physical regime of the prisoners; (ix) **Discipline and punishment**: Discipline shall be no more restrictive than what is necessary to ensure custody and order. No prisoner shall be employed in a disciplinary capacity. The types of conduct be considered offences and punishments for them shall be set by law or regulation, and prisoners are to be allowed to defend themselves against charges. Cruel, inhuman and/or degrading punishments, including corporal punishment and restrictions to a dark cell, shall be prohibited. The medical officer is to be consulted before implementing any punishment that may be prejudicial to the physical or mental health of a prisoner; (x) **Instruments of restraint**: Handcuffs, strait-jackets and other instruments of restraint are never to be applied as a punishment, and irons and chains are not to be used as means of restraint; (xi) **Information to and complaints by prisoners**: Upon admission, prisoners shall be informed of the regulations they are to live by and of authorized channels for seeking information and making complaints. Prisoners are to have the right to make complaints to the director of the institution, as well as to the central prison administration and the judicial authority in the proper form but without censorship as to substance, and they are to have the
opportunity to speak directly to an inspector of prisons outside the presence of institutional staff members. Unless evidently frivolous, each complaint shall be replied to promptly; (xii) **Contact with the outside world**: Prisoners are to be allowed regular contact with family and friends, both by correspondence and personal visits. Prisoners who are foreign nationals shall be allowed communication with diplomatic and consular representatives of their respective State, or a State of international authority that has taken charge of their interests. Prisoners are to be kept informed of current events and important items of news; (xiii) **Books**: Every institution shall maintain for the use of prisoners a library with recreational and instructional books; (xiv) **Religion**: If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of each religion shall be appointed to hold services and pay pastoral visits. No prisoner shall be refused access to a qualified representative of a religion, nor shall he be required to entertain a religious visit he objects to. As far as is practicable, every prisoner is to be allowed to satisfy religious needs by attending services and possesing books of observance and instruction; (xv) **Retention of prisoners' property**: Money, valuables and personal items which prisoners are not allowed to keep in their possession are to be kept in safe custody until the prisoner's release. Money or effects received by a prisoner from outside shall be treated the same way. The medical officer is to decide what use shall be made of drugs of medicine a prisoner brings with him; (xvi) **Notification of death, illness, transfer, etc.**: The spouse or nearest relative shall be informed of the death, serious illness, injury or transfer of a prisoner to an institution for treatment of mental afflictions. A prisoner is to be informed at once of the death or serious illness of any near relative. In case of critical illness, the prisoner is to be allowed to visit that relative. Every prisoner
shall have the right to inform his family at once of his imprisonment or transfer;

(xvii) **Removal of prisoners**: Prisoners being transferred are to be protected from insult, curiosity or publicity. Conveyances which subject prisoners being transferred to unnecessary hardship shall be prohibited. Transport is to be at the expense of the prison administration, and equal conditions shall obtain for all prisoners; (xviii) **Institutional personnel**: The jail administration shall carefully select every grade of personnel and maintain in their minds and the public's the important social service they provide. To these ends, pay, conditions of service and other benefits shall be made suitable to suit the needs of the service. Personnel are to be sufficiently educated, and they are to receive ongoing courses and training. As far as possible, personnel of jails should include psychiatric, social worker and education professionals. The director should be a qualified administrator, retained on a full time basis and should reside on the premises or in the immediate vicinity of jail. The personnel should be able to speak the language of the greatest number of prisoners, and should retain the services of an interpreter when necessary. In larger jails, at least one medical officer should reside on the premises or in the immediate vicinity. In others, a medical officer should visit daily and reside near enough to be available for emergencies. In a jail for both men and women, the portion set aside for women should be under the authority of a woman officer, who should have custody of the keys for that section. Male officers shall enter the section for women only in the presence of a woman officer, and women prisoners shall be attended and treated only by women officers, without precluding male doctors and teachers from carrying out their duties. Officers shall but use force except in self-defence, cases of attempted escape or resistance to an order based on law or regulation. Officers who have recourse to force must use no more than
is strictly necessary and must report the incident immediately to the higher authority. Prison officers are to receive physical training in the use of force. As a general rule, they should not carry weapons in the presence of prisoners; (xix) Inspection: There shall be regular inspection of penal institutions.

**Rules for Special Categories of Prisoners**

(a) **Rules for Prisoners Under Sentence:**

(i) **Guiding principles:** The prison system must not aggravate unnecessarily the suffering inherent in a prisoner’s loss of self-determination and liberty. Prisons should utilize all remedial, educational, medical and spiritual forms of assistance to treat the prisoner’s needs and facilitate till his return to society as a law-abiding member. It is desirable to provide varying degrees of security according to the needs of different groups of prisoners. Open prisons that rely on self-discipline as opposed to physical restraint are preferable whenever possible. Government or private agencies should be available for the after care of released prisoners;

(ii) **Treatment:** Treatment of prisoners under sentence shall be directed to achieve the capacity for law-abiding and self-supporting lives, utilizing professional services whenever possible. The director shall receive full reports on the mental, social and physical status of prisoners under sentence of a suitable length directly after admission, keeping and updating this information in individual files;

(iii) **Classification and individualization:** To separate from others those prisoners who are likely to exercise a negative influence and to facilitate specialized treatment, prisoners are to be classified, and kept so far as possible in separate institutions or sections;

(iv) **Privileges:** System of privileges appropriate to different classes of prisoners shall be established to encourage proper conduct and secure the cooperation of prisoners in their treatment;

(v) **Work:** Prison
labour must not be of an afflictive nature. All prisoners under sentence shall be required to work, unless determined to be physically or medically unfit. So far as possible, the work should be of a full-time nature, conducive to vocational training along with the choice of prisoners. The interests and vocational training of prisoners are of greater importance than making a financial profit from their labour. Institutional labour preferably should be directed by prison administrators rather than private contractors. When prisoners are employed in a work not controlled by the administration, they should be under the supervision of the jail's personnel work, unless the contractor is another government agency. Precautions laid down to protect the safety and health of free workmen shall likewise be respected for prison labourers. Maximum days and hours of work shall be fixed by law or regulation, taking into account local rules or customs regarding the employment of free workmen and to leave one rest day a week and sufficient time for education and treatment. Prisoners are to be remunerated equitably, allowed to spend part of their earnings on approved articles for their own use, send a part to their families and set aside some in a savings fund; (vi) Education and recreation: The ongoing education of prisoners is to be facilitated, and schooling of illiterates and youthful prisoners is to be considered compulsory. Recreational and cultural activities are to be made available; (vii) Social relations and after-care: Special attention should be paid to maintaining and improving relations between prisoners and their families. The prisoner should be encouraged and assisted in cultivating relation with persons or extra-institutional agencies conducive to his rehabilitation and best interests after release. Upon release, prisoners shall be provided with appropriate documents and identification papers, suitable clothes and have sufficient means to reach their immediate destinations. They are to be assisted by services or agencies on locating
suitable homes and work. Representatives of such agencies shall have access to prisoners during their term of incarceration and be taken into consultation as to the future of each prisoner from the beginning of his sentence.

(b) **Rules for Insane and Mentally Abnormal Prisoners**

Persons found to be insane are not to be detained in prisons. Prisoners suffering from other mental abnormalities shall be observed and treated in specialized institutions under medical management and steps shall be taken to ensure the continuation of care after release.

(c) **Rules for Under Arrest or Awaiting Trial**

Unconvicted prisoners are presumed to be innocent and shall be treated as such. They shall be held separately from convicted prisoners, and the young kept separate from adults. Prisoners awaiting trial are to sleep singly in separate rooms. They may have food procured at their own expense, otherwise, the administration shall provide food. An untried prisoner shall be allowed to wear his own clothing if clean and suitable, if he wears prison dress, it is to be different from that of convicted prisoners. An untried prisoner may procure at his own expense or that of a third party books, publications and writing materials. Treatment by an untried prisoner’s own doctor or dentist is to be allowed under reasonable grounds, and if the prisoner is willing to pay for the expenses incurred. An untried prisoner shall be allowed to inform his family of his detention immediately after arrest and communicate with and receive visits from family and friends. He shall be allowed to apply for free legal aid where such aid is available, and to consult with his legal adviser regarding his defence. Such interviews may be within sight but not within the hearing of a police or jail official.

(d) **Rules for Civil Prisoners**
Where law permits imprisonment for debt or by order of a non-criminal court, those so imprisoned shall be subject to no greater restriction or severity than necessary for safe custody and good order. Their treatment shall be no less favourable than that accorded untried prisoners, with the reservation that they may be required to work.

(e) **Rules for Persons Arrested or Imprisoned Without Charges**

Persons arrested or imprisoned without charge shall be accorded the same protection as other prisoners, without prejudice to the provisions of Article 9 of the International Covenant on Civil and Political Rights.

**UN General Assembly Declaration Against Torture and Inhuman Treatment of Prisoners**

This declaration was adopted by the General Assembly of United Nations on 9th December, 1975. Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and a fundamental violation of Human Rights. No State may permit or tolerate torture or other cruel, inhuman or degrading treatment of punishment. Exceptional circumstances, including state of war, internal political instability or public emergency, may not be invoked as justification of such acts. Each State shall take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment within its jurisdiction. The training of law enforcement personnel and other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. Each State shall systematically review interrogation methods and arrangements for the custody and treatment of prisoners with a view to preventing cases of torture or
other cruel, inhuman or degrading treatment or punishment. Each State shall ensure that all acts of torture are offences under its criminal law. The same shall apply to participation in, complicity in, incitement to or an attempt to commit torture. Any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain and have his case examined by competent authorities of the State. Wherever there are reasonable grounds to believe that an act of torture has been committed, competent authorities shall carry out an impartial investigation even if there has been no formal complaint. If investigation establishes that an act of torture appears to have been committed, criminal proceedings shall be instituted. If an allegation of other forms of cruel, inhuman or degrading treatment of punishment is considered to be well founded, criminal, disciplinary or other appropriate proceedings shall be instituted. The victim of torture or other cruel, inhuman or degrading treatment of punishment shall be afforded redress and compensation under the law. Any statement made under torture or as a result of other cruel, inhuman or degrading treatment of punishment may not be invoked as evidence against the person concerned or any other person in any proceedings. An order from a superior officer or a public authority may not be invoked as a justification of torture. No State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing he would be in danger of torture.

**Code of Conduct for Law Enforcement Officials**

United Nations General Assembly adopted a resolution on 17th December, 1979. Which says that all those who exercise police powers shall respect and protect human dignity and uphold the human rights of all persons. Law
enforcement officials shall fulfil the duty imposed on them by law by serving the community and protecting all persons against illegal acts. Service to the community includes in particular assistance to those who by reason of personal, economic, social or other emergencies are in need of immediate aid. Protection against illegal acts extends to the full range of prohibitions under penal statutes and to the conduct of persons not capable of incurring criminal liability. Law enforcement officials may use force only when strictly necessary and only to the extent required for the performance of their duty. The use of firearms is considered to be an extreme measure, not to be employed except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others. Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise. No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment of punishment. Law enforcement officials shall ensure the full protection of the health of persons in their custody and take immediate action to secure medical attention whenever required. Law enforcement officials shall not commit any act of corruption and shall rigorously oppose and combat all such acts. Law enforcement officials shall respect the law and this Code to the best of their capabilities, prevent and oppose any violations of them. If they believe that a violation of this Code has occurred or is about to occur, they shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or governmental organs, as a last resort, and in accordance with the laws and customs of their own countries, they may bring violations to the attention of the mass media. Law enforcement officials who comply with the provisions of this Code deserve the respect, full support and
cooperation of the community and of the law enforcement agency in which they serve.

**Safeguards Against Death Penalty of Prisoners**

Economic and social council of United Nations passed another resolution in May 1984. Which says that in countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, intentionally committed with lethal or extremely grave consequences. Capital punishment may be imposed only for crime for which the death penalty is prescribed by law at the time of its commission. Persons below 18 years of age, pregnant women, new mothers or persons who have become insane shall not be sentenced to death. Capital punishment may be imposed only when guilt is determined by clear and convincing evidence leaving no room for an alternative explanation of the facts. Capital punishment may be carried out only after a final judgement rendered by a competent court allowing all possible safeguards to the defendant, including adequate legal assistance. Anyone sentenced to death shall have the right of appeal to a court of higher jurisdiction. Anyone sentenced to death shall have the right to seek pardon or commutation of sentence. Capital punishment shall not be carried out pending any appeal, recourse procedure or proceeding relating to pardon or commutation of the sentence. Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering.

**Summary**

Human Rights and Fundamental Freedoms are the birth rights of all human beings irrespective of gender. Women are affected by all the Human Rights issues in every area both in a gender specific way and as parts of the various
populations of the world. Hence, there is a greater need to seek an understanding that women's Human Rights are not secondary or second class but rather primary.

The convention of United Nations on the elimination of all forms of discrimination against women defines the term discrimination as "Any distinction, exclusion or restrictions made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of Human Rights and Fundamental Freedom in the political, economic, social, cultural civil or any other field. The fourth world conference on women, has once again highlighted women's sufferings and exploitation throughout the world. It has proposed numerous measures to safeguard and enhance the Human Rights of women in various areas.

Thus the Human Rights problems have acquired greater attention in India too, particularly with reference to women. The Indian Constitution along with a large number of other laws, does provide Fundamental Rights and Human Rights for all citizens. It guarantees equal rights to women and they are given equal status in terms of law. despite this, women in India have suffered and are suffering on many counts. The ideal of equality, provided in the constitution, in reality, tantamount to equality among unequal's. It is said that "to know the state of the right to equality between men and women one has simply to read stories of termination of female foetus or run one's eye through the statistics relating to development and under development, women represent just 11.5 per cent of the work force in private sector. It is a known fact that women out number men in India, inspite of so female infanticide which has become very common; the root cause being the pernicious practice of dowry system. A girl child's rights to have
a childhood on par with a male child's is again a case of unforceable rights. Further,
the patriarchal system prevalent in India is characterised by the dominance of
male over female. Although historically women enjoyed equal status, their
inequality appears to be a later development during the Mughal and British period.
The truth of the matter is that no one can deny that gender justice is integral to
social justice. The rights of women are part and parcel of Human Rights. In a
constitution founded upon the democratic equality of all citizens, it would be
absured, wholly out of place, to allow any discrimination on grounds of religion,
race, caste or sex. So echoed the drafters of the Indian constitution.

The growing concern for the respect and the protection of Human Rights
of women has been acknowledged by the Indian Government. The establishment
of the National Commission for women, is a pointer to that effect. The functions
of the commission, are quite elaborate. It has powers to investigate and examine
all matters relating to the safeguards provided for women under the constitution
and other laws. It has been empowered to review from time to time, the existing
provisions of the constitution and other laws affecting women and recommend
amendments thereto so as to suggest remedial legislative measures to meet any
legislative inadequacies or shortcomings in such legislations.

In 1976, the United Nations General Assembly adopted the declaration
on the protection of all persons from being subjected to torture and other cruel,
and inhuman or degrading treatment or punishment. At the same time, it also
reiterated in its conviction that further and sustained efforts were needed to protect
the basic Human Rights to be free from those types of punishments and asked the
Commission on Human Rights to study the formulation of a body of principles
for the protection of all persons under any form of detention or imprisonment.
The Body of Principles for the protection of all persons under any form of detention or imprisonment was completed at the forty third session of the Assembly and it was approved at the same session by a resolution of 43/173 of 9 December 1988. The main objective of the Body of Principles is to establish international legal and humanitarian standards against which the treatment of persons under any form of detention or imprisonment may be assessed and to provide states with guidelines for improving their domestic legislation.

Like the 1966 International Covenant in Civil and Political Rights and the 1955 Standard Minimum Rules for the Treatment of prisoners, the Body of Principles builds on Article 9 of the Universal Declaration of Human Rights which recognizes the rights of everyone to be free from arbitrary arrest, detention, punishment and exile. With a view to ensuring that all detained or imprisoned persons are treated humanly and that the inherent dignity of the human person is respected, it enunciates a series of substantive principles and provides for legal and procedural guarantees as the most effective means of ensuring that the principles are observed in practice. At the same time, the Body of Principles in no way detracts from the obligation of states to fight crime and uphold the rule of law in the interest of society as a whole.

In the next chapter we have attempted to examine the socio-economic status or background of the women prisoners in the state of Haryana.
References


5. Constituent Assembly Debates, Official Reports, 4-11-1948 to 8-1-1949 at Page 651.


7. Ibid Articles 36-51.


11. Op Cit "Women Link" PP 7-8


13. Ibid, Section(d)