Chapter 9

Human Rights of Women Prisoners

9.0 Introduction

This chapter deals with the rights of women prisoners in the Indian Jails with special reference to Amritsar Central Jail. It attempts to examine the applicability of the rights and privileges available to the women prisoners. Women under custody are very much vulnerable in male-centric model of prison system especially in the common jails where men and women both are lodged. The present study highlights the gender-specific needs and human rights of women prisoners set out in the UN documents as well as in the various directives and guidelines issued by the Supreme Court of India, National Human Rights Commission and Model Prison Manual (2003).

For the purpose of this study, ten women prisoners of Amritsar Central Jail were interviewed to know the specific human rights issues and problems being faced by the women prisoners. Besides this, secondary data in respect of women prisoners was collected from the office of Jail Superintendent of Amritsar.

The needs of women prisoners often differ from their male counterparts. Women need gender-specific facilities for healthcare, to help them in childbirth, to care for their children in prison, to receive counselling to guard against the possibility of rape and sexual assault and to maintain contact with their dependants outside the prison. This is reflected in the international standards on the treatment of prisoners and detainees. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment explicitly recognises the need for specific measures to be adopted to protect the rights and special status of women, particularly pregnant women and nursing mothers. In the domestic context, the specific needs of women are recognised by the Indian Supreme Court and are set out exhaustively in the Model Prison Manual.¹

Women constituted 3.9 percent of the total prison population of India at the end of 2006. The total number of women prisoners was 14,657 in 2006 in India.\(^2\) In Amritsar Central Jail, women constituted 4.63 percent of prison population marginally more than the national percentage. 99 women prisoners were lodged in this prison out of 2136 inmates in 2006. Table 9.1 shows the distribution of population of women prisoners in Amritsar Central Jail from 2003 to 2008.

Amritsar Central Jail has the capacity to accommodate 100 women prisoners. Table 9.1 shows that the population of women has been remained approximately 100 from 2004 to 2008 with minor variations.

As per information available in the office of Jail superintendent of Amritsar Central Jail, women inmates were charged under different types of offences. Contrary to the myth that women prisoners are mostly charged under dowry related cases, Amritsar Central Jail has women inmates involved in murder and drug related cases also. Majority of the women inmates (70 percent) are in the age group of 18-35. Some of the women are well educated having Post-graduation and technical degrees.

Aditi Tandon, in an article in the Tribune, reports that hundreds of women prisoners languishing in jails suffer from a deep sense of loss and guilt that fills them every second of their incarceration. While some women reel under the pain caused by separation from their children, others live with the guilt of keeping them inside prisons and forcing them into an emotional chaos they will never be able to handle. In their attempt to secure a support system, they ignore the implications of their act. She further writes: ‘The practice is disastrous as it creates situations where children end up becoming victims of offences they have not committed. What’s worse – they must go

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\(^2\) National Crime Records Bureau of India, *Prison Statistics 2006*
back to the community once they turn six. Suddenly forced into a hostile setting, they crumble under the weight of rejection. Studies show that very few children manage to go back to extended families; most are left alone to endure the pain caused by the label: convict’s children.\(^3\)

**9.1 Separate Institution for women inmates**

*Standard Minimum Rules for the Treatment of Prisoners* provides for separate institution for the female inmates. It further clarifies that in an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of that part of the institution. No male member of the staff shall be allowed to enter the part of the institution set aside for women unless accompanied by a woman officer. Women prisoners shall be attended upon and supervised by women officers only.\(^4\)

*Model Prison Manual* also advocates for separate institution for the women inmates. It says that the State Government shall establish separate prisons for women offenders. Till separate prisons for women are established, both male and female inmates can be confined in the same prison on the condition that female offenders are to be kept in a strictly secluded female enclosure. Such enclosure should be, to the extent possible, independent in terms of infrastructural set-up.\(^5\)

According to the Manual, the women prisoners should be classified and kept separately as under:

- (i) Undertrial prisoners shall be kept completely separated from convicted offenders, even when their number is small.
- (ii) Habitual prisoners shall be separated from casual offenders
- (iii) Habitual offenders, prostitutes and brothel keepers must also be confined separately.
- (iv) In no circumstances should adolescent girls be confined with adult women prisoners.

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\(^3\) *The Tribune*, Chandigarh, 5 April 2006


(v) Political and civil prisoners shall be kept separately from convicts and undertrial prisoners.\textsuperscript{6}

Similar views were expressed by the All India Committee on Jail Reforms 1983. ‘Punjab State Policy on Prisons’\textsuperscript{7} emphasises that women offenders shall as far as possible be confined in a separate institution specially meant for them. Wherever such arrangements are not possible, they shall be kept in separate annexes of prisons with proper arrangements. The staff for these institutions and annexes shall comprise women employees only. Women prisoners shall be protected against exploitation of any kind.

Despite the fact that much stress has been laid upon establishment of separate institution for the women, there are only 15 all-women jails in India.\textsuperscript{8} There is only one women jail in Punjab located at Ludhiana. In Amritsar Central Jail, there is one enclosure earmarked for the women inmates which comprises two sleeping barracks and one room for vocational training.

The women prisoners in Amritsar Central Jail do not feel comfortable in the male dominated jail. They cannot move freely in the jail complex. They cannot visit temple and gurdwara. They cannot go to the canteen. They are vulnerable to sexual harassment and eve teasing etc.

\textbf{9.2 Meeting with Relatives}

It is one of the basic rights of a prisoner to receive meetings with relatives and friends. It is necessary for them to stay in the jails near their homes so that visitors find it convenient to come for meetings. There is no separate interview room in Amritsar Central Jail for the women inmates. They have to go to the general interview room for this purpose which is pre-dominated by the male inmates. The women inmates do not feel comfortable there. They are of the opinion that there should be a separate meeting room for the women inmates and men should not be allowed to enter the women meeting room.

\textsuperscript{6} Ibid., Para 24.02
\textsuperscript{7} Manual for the Superintendence and Management of the Prisons in Punjab, 1996, Para (xvi)
\textsuperscript{8} Supra Note 2
In 2006, all the women prisoners of Punjab jails were sent to Ludhiana Women Jail. However women inmates found it inconvenient for them as well as their relatives at least from ‘interview’ point of view. Later on, the order was withdrawn and women inmates were sent back to their respective jails.

9.3 Food and Accommodation

*Model Prison Manual* lays stress upon hygienic and nutritious food for women. It says that there should be a separate kitchen for every 100 prisoners. In Amritsar Central Jail, separate kitchen was set up for women prisoners in the year 2006. Earlier there was common kitchen for the male and female prisoners. However, food was supplied to the women enclosure after cooking. Majority of women prisoners are satisfied with the kitchen facilities and dietary arrangements in Amritsar Central Jail.

The women inmates were provided wooden cots in 2006 with the help of charitable institutions and financial grant given by the local Member of Parliament. Women inmates were satisfied with the accommodation available in the prison.

9.4 Medical Facilities

The majority of women in prisons are amongst the poorest members of society and many arrive in prison with a range of prior-existing physical and mental health problems. *International best practices* state that the medical services provided for women prisoners should be of the same quality and standard as those available to the outside (free) community. These services should include HIV/AIDS testing, breast and cervical screening, family planning and sexual health services. The Model Prison Manual states that: "Only lady doctors shall look after the medical care of women prisoners during their stay in prison". In practice, however, the health facilities available to women in prisons are ill-equipped and lack sufficient resources to adequately test, diagnose and treat inmates.

*Model Prison Manual* provides for woman gynaecologist as well as sufficient nursing and other supporting staff. Modern facilities like X-ray, ECG, ultrasound and sonography should be available to women in the prisons. Female offenders suffering from mental disorders, anxiety, drug addiction and sex perversion should get proper

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9 *Supra Note 5, Para 24.37-24.41*
10 *Supra Note 1*
medical treatment and psychotherapy. It has been seen that there is always a wide gap between theory and practice, Amritsar Central Jail has no gynaecologist or any female doctor to take care of female inmates. One female doctor from the District Hospital visits once a week in the women enclosure of jail. Women are not satisfied with the medical facilities available there. They want one permanent gynaecologist or a female doctor and a small clinic in the women enclosure.

The Manual further states that each adult woman prisoner should be supplied suitable number of sanitary napkins for use during menstruation.\textsuperscript{11} However this is only a theory and it is difficult for the women inmates to get such facilities and they have to depend upon the relatives and friends from outside to fulfil this need.

However, Yoga was started in January 2006 in Amritsar Central Jail with the help of Amritsar Chapter of Patanjali Yogpeeth Hardwar. These activities are helpful in reducing the stress level of the prisoners besides keeping them fit and healthy.

Punjab Red Cross Society has also initiated various programmes with a view to educate the prisoners about the ill-effects of Drugs and HIV and to bring awareness about effective preventive measures.

United Nations Office on Drugs and Crime (UNODC) has launched Project H-71 in Amritsar Prison in collaboration with India Vision Foundation to prevent drug driven HIV. It is a peer led intervention which aims at intensifying efforts to reduce drug related HIV/AIDS amongst vulnerable high-risk groups including prisoners.

India Vision Foundation has also launched SEHAT (Social Education & Health Advocacy Training) project in Amritsar Prison in collaboration with the United Nations Office on Drugs and Crime (UNODC).

\textbf{9.5 Children of Women Prisoners}

A child up to six years of age can be kept with his mother if there is no other arrangement for keeping him outside with relatives or otherwise. As specified in the

\textsuperscript{11} Supra note 5, Para 24.79
Punjab Jail Manual, children born in prison may remain with their mothers up to six years of age, if they cannot otherwise be suitably placed\(^\text{12}\).

At the end of 2006, there were 339 women convicts with their 374 children and 1,031 women undertrials with their 1,197 children reported to be in prisons in the country.\(^\text{13}\) In Amritsar Central Jail, seven female inmates were living in 2006 with 9 children including one Pak woman with three children.

*Model Prison Manual*\(^\text{14}\) says that there shall be a *creche* and a nursery school attached to a prison for women where the children of women prisoners shall be looked after. Children below three years of age shall be allowed in the *creche* and those between three and six years shall be looked after in the nursery school. The creche and nursery school shall be run by the prison administration preferably outside the prison. Scales of diet for children shall be decided keeping in view the calorific requirements of growing children as per medical norms and climatic conditions. The children of women prisoners living in the prisons shall be given proper education and recreational opportunities.

However, the practical aspect was far from satisfactory and Supreme Court of India expressed its displeasure over the facilities available in the prisons for the care of children. In *RD Upadhyay vs. State of Andhra Pradesh and others*\(^\text{15}\), Supreme Court of India has given speaking orders to provide facilities for women prisoners accompanied by children. The court has directed in clear terms that a child shall not be treated as an undertrial/convict while in jail with his/her mother. Such a child is entitled to food, shelter, medical care, clothing, education and recreational facilities as a matter of right. Strict guidelines have been issued to provide basic facilities to pregnant inmates and to arrange for delivery outside the prison. The court has prohibited writing ‘Prison’ as the place of birth in the birth certificate.

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\(^\text{12}\) Supra Note 7, Para 745 (4)

\(^\text{13}\) Supra Note 2

\(^\text{14}\) Supra Note 5, Para 24.29-24.34

\(^\text{15}\) *RD Upadhyay vs. State of Andhra Pradesh and others*, Writ Petition (Civil) 559 of 1994, Supreme Court Cases
Whilst the judicial activism of the Supreme Court in the Upadhyay case is laudable, gaps between a rights-based theory and the practical realisation of these rights persist.¹⁶

However, Amritsar Central Prison has made all these arrangements especially crèche and nursery in the premises. The children above 3 years were admitted to the government school outside the prison in 2006. It was probably for the first time in Punjab that children residing in jail were attending classes outside the premises of jail. India Vision Foundation is providing reading material and other support to these children. Women prisoners are more or less satisfied with the facilities available in this regard.

9.6 Legal Aid and Counselling

*Model Prison Manual* says that Socio-legal counselling cell should be set up in each institution to be managed by volunteers from a designated law school, school of social work, or a non-governmental voluntary agency. Work done by students while working in such a cell should be given academic credit and should form a part of the student’s graded curriculum.¹⁷

As revealed by the authorities of Amritsar Central Jail, two counselling centres are running with the help of Punjab Social Welfare Board. A number of students of Guru Nanak Dev University have written dissertations and research papers on the activities of Amritsar Central Jail.

9.7 Vocational Training

Vocational training plays an important role in the reformation of prisoners and it is equally important for the women prisoners. Model Prison Manual states that as far as possible women prisoners shall be imparted training suited to their aptitude and background, making them economically self-reliant. Vocational training in useful trades shall be provided to women prisoners. The selection of vocational programmes shall be made in accordance with the marketability and profitability of the product, enhancing the prisoner’s ability to earn their livelihood after release. Sufficient work or vocational trades shall be provided to keep prisoners actively employed for a

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¹⁶ *Supra Note 1*
¹⁷ *Supra Note 5, Para 24.99*
normal working day. These may include tailoring, embroidery, needle-craft, candle making and toy making.\textsuperscript{18}

As regards Amritsar Central Jail, women inmates are fully satisfied with the facilities available in the prison for vocational training and education. Much work in this connection has been done in the year 2006 and Amritsar Central Jail has set an example in providing such facilities to the women prisoners. One independent hall has been earmarked especially for the vocational training of the women inmates. Various Government and Non-Government Organisations like Krishi Vigyan Kendra, Guru Nanak Dev University, Punjab Social Welfare Board, Rotary Club and India Vision Foundation have been associated.

India Vision foundation introduced various schemes for the uplift and empowerment of the women prisoners in the Amritsar Central Jail. Some of the popular projects are weaving behind bars, toy making, stitching and embroidery. Female inmates are also taking keen interest in the education and health advocacy programmes.

Krishi Vigyan Kendra (KVK) has also introduced a number of vocational courses with the active co-operation of its Home Science wing. KVK is a joint venture of Indian Council of Agricultural Research and Punjab Agricultural University. Some of the popular projects are candle making, food preservation, tie and dye, fabric painting, pot painting, home craft etc.

Certificate Course in Dress Designing has been started by the Department of Adult Continuing Education and Extension of Guru Nanak Dev University, Amritsar. The University has appointed a full time instructor for this purpose. This project is very popular amongst the women inmates.

Various products manufactured by jail inmates were special attraction at the ‘Fashion Forecast’ a national art and craft exhibition held on 4 and 5 August 2006 in Amritsar. On this occasion, India Vision Foundation, jail factory and Punjab Social Welfare Board displayed and sold various items such as soft toys, decorative candles, embroidered clothes, furniture etc. made by the inmates of Amritsar Jail.

\textsuperscript{18} Supra Note 5, Para 24.92
Estimate Committee of Punjab legislative Assembly visited Amritsar Central Prison on 18 July 2006. The committee headed by Deputy Speaker appreciated the efforts and initiatives taken up in this jail especially education project and women empowerment.

Punjab Human Rights Commission has also expressed satisfaction over the arrangements and facilities provided to the women inmates in Amritsar Central Jail.19

9.8 Conclusion

The human rights and basic needs of women prisoners have not been given due importance in the Indian Prison System. There are some isolated examples of reforms for the female inmates; however, it needs due attention and proper care. Women constituted 3.9 percent of the total prison population of India at the end of 2006. The total number of women prisoners was 14,657 in 2006. In Amritsar Central Jail, women constituted 4.63 percent of prison population marginally more than the national percentage. 99 women prisoners were lodged in this prison out of 2136 inmates in 2006. Majority of the women inmates (70 percent) were in the age group of 18-35 in Amritsar Central Jail.

There are only 15 women jails in India. There is only one women jail in Punjab located at Ludhiana. Because of shortage of women jails, women inmates are forced to be lodged in the male-dominated Central Jails and District Jails. There are a number of statutes, enactments and guidelines which advocate for separate institutions for the women inmates. However, women jails have not been constructed to accommodate all the women prisoners of India. Punjab and Haryana High Court has also directed to take appropriate measure to lodge all women prisoners in separate institutions other than common jails (H.C. Arora vs. State of Punjab and others, C.W.P. No. 8108 of 2006 decided on May 24, 2006).

Separate kitchen for women inmates was constructed in 2006 in Amritsar Central Jail which was appreciated by the inmates at large. However, women inmates are not satisfied with the healthcare and medical facilities. There is no permanent female

doctor in this jail and the women inmates are fully dependant on the visiting female doctor from the local civil hospital. Sanitary napkins are not provided to the young women which is a basic human requirement.

A number of health awareness programmes including peer-led interventions to prevent drug driven HIV have been launched in Amritsar Central Jail in collaboration with Punjab Red Cross Society, United Nations Office on Drugs and Crime (UNODC) and India Vision Foundation.

The condition of women inmates having children is a subject of major concern. Despite specific instructions of the Supreme Court of India in *RD Upadhyay vs. State of Andhra Pradesh and others* (1999 4 SCC 437), the conditions of child bearing mothers have not improved in general. Though Amritsar Central Jail has initiated a number of projects including a crèche and a nursery school, the system needs to be streamlined. In Amritsar Central Jail, there were 9 children living with their mothers in 2006. The children above 3 years were admitted to the government school outside the prison in 2006.

At the end of 2006, there were 339 women convicts with 374 children and 1,031 women undertrials with 1,197 children reported to be in the prisons in the country. Thus, total 1571 children were living with their mothers in the jails in India. Children below 6 years of age are normally allowed to accompany their mothers as per Jail Manuals.

Vocational training for the women inmates is required for their overall development. Amritsar Central jail has initiated a number of such projects with the help of some Governmental and Non-Governmental Organisations. Krishi Vigyan Kendra (KVK) has introduced candle making, food preservation, tie and dye, fabric painting, pot painting and home craft with the active co-operation of its Home Science wing. Similarly, ‘Certificate Course’ in Dress Designing has been started by the Department of Adult Continuing Education and Extension of Guru Nanak Dev University, Amritsar. The University has appointed a full time instructor for this purpose.
Amritsar Central Jail is an isolated example where a number of programmes have been initiated for the benefit of women prisoners. However it needs to be streamlined.

National Human Rights Commission of India has expressed dissatisfaction over the conditions of women in the jails and has directed that prison conditions should be made more humane for the women (D.O. No. 10/19/2005-PRP&P, December 5, 2006).

Kiran Bedi has also expressed that women prisoners were subjected to the most humiliating experiences, which robbed them of what little dignity and self respect they reached the prison with.\(^{20}\)

### 9.9 Recommendations

There should be separate institutions for the women prisoners and they should not be lodged in the male-dominated Central and District jails. There should be separate kitchen, canteen and hospital for the women prisoners as long they are lodged in the common jails. The provisions of chapter 24 of the Model Prison Manual (2003) are required to be implemented in letter and spirit. The guidelines given by the Supreme Court of India in RD Upadhyay vs. State of Andhra Pradesh and Others should be enforced to safeguard the rights of women inmates.

Arrangements should be made to ensure child birth outside the prison and also to provide sufficient facilities to the women prisoners accompanied by children. There should be one female doctor for every 100 women inmates. Sanitary napkins should be provided in sufficient numbers to the young women inmates. Every women prison should have basic facilities of crèche and nursery for the children living with their mothers.

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