

## **CHAPTER V**

### **CONCLUSION**

#### **5.1 Concluding Observations and Policy Recommendations:**

Female criminality is not a new phenomenon; however, the study of criminal behaviour has remained a relatively neglected area of research. The survey of literature also reveals that there is Paucity of empirical data concerning crimes committed by women. Due to low incidence of female criminality, there is less emphasis on research in this field. However, recently there has been increasing academic interest on female criminality since the industrialization, modernization, globalization, liberalization and marketization of economy and society has led to the growth of female crimes in India. The modernization process has brought certain fundamental changes in our socio-cultural life. Some of these changes have also affected the lives of women. In the liberalized and globalized era of economy, there are more opportunities for women's empowerment however, these opportunities have also led to emergence of new social conditions in which emancipation and liberation have become prominent. Indian women are also experiencing considerable stress and strain due to the impact of modernization which are being increasingly compelled to deviate from our traditional norms and report to anti social or criminal behaviour. The present study has been an attempt to understand the criminal behaviour among women. The empirical evidence has shown that both socio-cultural, economic and environment factors have a vital role to play in female criminality. Thus, there is a considerable need for strengthening

the loosening grip of the family and marriage over its members. These institutional control direct most of the behaviour of its member by internalizing in them certain values like loyalty, security, protection, love and affection and strict rules to its moral conduct. Again, poverty, illiteracy, lack of education and ignorance combined with a social system dominated by traditional value system affect adversely to women leading to criminal behaviour. Since a large number of crimes committed by women are due to adjustment problems of interpersonal relations in family, there is need to adopt a flexible sentencing policy for female criminals.

Another important observation is, notwithstanding the provisions in jail manuals that jail authority provide food, clothes, and necessary items for the survival of women prisoners and their young children but most of the jails are over crowded and lack of basic amenities.. The children living with their mothers in women prisons used to be taken care of by the same medical staff that is meant for adult prisoners. There is hardly any pediatrician available in any jail to provide special medical treatment to a child .Mostly; the jail hospitals are not properly equipped for providing treatment to small kids. Even the physical infrastructure of jail is also not suitable for small kids since the jails are meant for adults only. Though, some forms of educational programmes are reported to be prevalent for the children in some jails, but these programmes are fulfilling the requirements of the children of different age groups. This is also true in case of recreational facilities as well as educational facilities. Though, in some jails where crèches are available to look after the children of women inmates, women inmates may participate in rehabilitation programmes but most of the jails lack such facilities. It

may also be noted that no specific staff or official is assigned to a specialized duty of looking after the children of women inmates.

Secondly, jail staff is overstressed with assigned job and duties. Thus, the attitudinal change among the staff to understand the problems of the children is required.

## **5.2 Findings of the Study:**

Women offenders are mainly from the middle age group of 30-40 years. In some cases, women offenders were found to be belonging to lower age group i. e. 20-30. It was found more pronouncing in Bangalore (35 percent). Even women prisoners belonging to the higher age group were also found This number was more in Mysore prison (21 percent) . Women offenders come from all the age groups and there is correlation of age with women criminality.

Majority of the women offenders were found to be Hindus (79 percent) followed by Muslims (15 percent ) and Christians ( 6 percent) .

Majority of the respondents were coolies ( 35%) followed by the house wives (30%). It clearly indicates the economic status of the respondents. Business and Agriculture accounted for 13 % each followed by the Government employees who constituted a very small proportion of 4 % . Apart from these there were other categories who comprised of 5 %.

69 percent women offenders belong to rural areas and 31 percent to the urban area.

Married offenders accounted for 95 percent of the total offenders and only a small proportion of 5% were unmarried. Of the married women 96 % were arranged marriages and only 6 % were love marriages. Taking the age at the time of marriage it was found that maximum number of respondents had early marriage i.e 58 % got married before 20 years of age which shows that they got married even when they were not in a position to handle the responsibility of the family or even when they did not know the meaning of marriage.

Educational background highlighted the fact that an overwhelming majority of women offenders were illiterate (57 percent) only a statistically insignificant fraction of the women offenders were educated above high school level.

Analysis family structure in terms of its size revealed 34% of the respondents did not have children,5% have one child,32% have two children,19% have 3 children and 5 % of the respondents have 4 and above 5 children .It is quite interesting to note that though majority of the respondents are illiterate, come from rural background still the number of respondents with more than two children is considerably less.

Living conditions – The study revealed that 81 percent women offenders were belonging to joint family and only 19 % belonged to nuclear families .It is also evident from the survey that 94% of the respondents had their own house and only 6% stayed in rented house and as far as the type of house was concerned they are mainly living in Semi pucca houses (75%)which also reflects the economic condition of the family.

Economic aspect of the respondents shows that majority of the respondents 88% belonged to lower economic group and their (Monthly Income less than 10000) very negligible group belonged to the middle and higher income group.

As far as the Criminality of women recidivism was very negligible .93 % were first offenders and only 7% committed crime more than once.

The nature of criminality by women implied that the majority of women prisoners were imprisoned due to Economic (50 percent) cause and Social (31 percent) cause. This means that women criminality is more confined to economic and social causes

Majority of the crimes committed by the respondents were in group of 2-3 members (69%) followed by 25 % who committed alone and 6% committed in group of more than 5 members.

The study showed most of the crimes committed by women were covered under Sec 302 IPC 44.2 % ,followed by Sec.498 IPC 10.9 % , Sec.309 IPC 7.2 % Sec 448 IPC 5.4 % ,Sec120B IPC, Sec 395IPC 4 .2% each, Sec 380 IPC 3.6% , 3% each of Sec 392, 364, 149 , 2.4 % Sec 397 and 1.2 % each were under Sec 342,304,409,138,307,427,396 IPC the remaining 1% comprised of other categories. The above analysis clearly shows that women criminals though in small number compared to men are involved in cognizable crime

Karnataka State has no separate prison for women prisoners .However, separate wards in each of the Central Jails are existing. Due to the increased rate of women criminality the female wards in the Central Jails are overcrowded.

Analysis of the prison life revealed 98% felt life in prison was monotonous, though they had visits by family members (82%) and prison discipline is well maintained and 96 % agreed there is no differential treatment between the undertrials and the convicts regarding the facilities provided.

The findings regarding the health problems of the respondents no serious problems were identified.Problems faced by the inmates were like BP(48%) and joint pains(32%) which usually arise if any women is in such a condition Apart from this the other problems were very negligible.

It was reported that jails have adequate facilities for health check up and immunization of children against major diseases. Awareness of immunizations against major diseases was discussed with the respondents whose children were staying with them and it revealed that majority have taken the advantage of this facility .It is interesting to note though illiterate and from rural background there is 100% awareness about Polio,96% of TT,76% regarding meseals,80 % DTP and little low awareness of BCG ( 46%). **(This information was collected only from the respondents whose children were living with them in the Prison.)**

The facilities for development of child showed importance was given to the basic amenities like educational 82% followed by recreational 52% but Vocational training was lacking and skill development was very limited 22%.

## **Vocational Training in Prisons:**

Training of prisoners in different vocations is given a lot of attention in each of the Central Prisons. Such vocational training provides opportunities to the prisoners to engage themselves in fruitful pursuits during their prison term. Such training not only inculcates in them a sense of value for one's work, but also helps the prisoners learn such work as will enable them to follow a honest vocation and earn a respectable livelihood, when they are released from prison. Apart from regular vocational training in various trades and occupations, and the educational training schedules, a large number of programmes to improve the personality and mindset of the prisoners.also have been devised. The programmes like anger management, social skills training, counseling against drug and substance abuse, Yoga, Transcendental Meditation and Vipasana. Many prisons in Karnataka have tried these new approaches and have found the same to be extremely effective in changing attitudes of prisoners. Encouraged by the effectiveness of such modules in one prison, other prisons in the state lose no time in adopting the same or similar modules. Many of these programmes are carried out by the prison authorities with the help of non-governmental organisations, which have expertise and trained resource persons in such fields.

### 5.3 Suggestions.

The following suggestions have been given to help women offenders to alter their life after their release.

- Since, majority of prisoners belong to the middle aged group, they can be easily redeemed through counseling. They have the stamina and strength to work hard, the details of job opportunities and small business avenues may be explained to them and necessary help may be extended to them through prison aid societies.
- Measures may be initiated for free and compulsory education to the girls and also provide adult education to the adult women. Lectures on moral, ethical, and human values be arranged at regular intervals to convert the mind of the convicted persons that crime does not pay.
- Majority of the prisoners are married, counseling may be given to the members of the inmate's family to treat the woman with respect and dignity after her return from the prison.
- Awareness should be created among the rural people about the severe consequences of commission of crime and its adverse impact on the family.
- Women prisoners – like men – should be informed of their rights under the law. On being brought to the prison, the arrested women should be informed of the grounds of arrest and communication of the arrest should also be sent to the nearest relatives of arrested women.



- Women prisoners should also be allowed to contact their families and communicate with their lawyers, women social workers, and voluntary organizations. Though this facility is available many of the offenders are unaware , therefore awareness should be brought among the offenders.
- Women Voluntary Organizations should be encouraged to be associated with women prisoners to express the problems they facing in the jails.
- Separate jails should be provided for women.
- The hardened criminals should not be clubbed with other inmates
- The prison administration should associate the students of Law Colleges to render legal assistance to women, follow-up cases for bail and other procedures to get relief from the courts.
- The prisoners should be aware of the amount earned by them and, they should have bank accounts where the amount earned by them during the conviction period could be deposited and they should be provided pass book of their bank accounts. The Prison authorities are maintaining the accounts, but the inmates do not know , therefore the inmates should be kept aware of their account.
- Measures like premature release/remission of sentences of women prisoners suffering from serious ailments like Cancer, AIDS, TB, mental breakdown and depression and those above 60 years of age should be implemented.

## **CASE STUDIES**

### **Case 1 : Kalyanimani.**

Kalyani a young lady of 30 years is resident of Mumbai and belongs to a Hindu Brahmin family. She was born and brought up in Nagpur. She is a B.A graduate and also has a BE degree along with a Diploma degree in Hotel Management. She got married to Mr. Vishal at the age of 23 who is also a Hotel management graduate and owns a Hotel. It was an intercaste love marriage, therefore her parents and in-laws did not accept their marriage. However both of them managed to live their family life. They owned a well constructed house at Mumbai. Kalyani has three children, two daughters who are studying in Ist and II nd standard, and one son who is five years old. The Hotel which they owned was managed by both the husband and wife. Their economic status was also very sound, therefore they had lent some money to one of their relatives who was residing at Mangalore.

Days were not as smooth as it was. In the year 2006 they found that their only son had heart problems and was advised for surgery. At this moment they thought of asking the money which they had lent to their relative at Mangalore. But as Kalyani narrates it was not a good time for them. The borrower refused to pay back the amount but they had planned to trap Kalyani and her husband. The borrower paid Rs. one lac, as soon as she received the amount, police arrived on the complaint of the borrower and a case of robbery was charged against Kalyani. Now she is sentenced under IPC section 380 for 5 years and fine

of Rs 93000=00.As she is not able to pay the fine her sentence is extended for another two years.

#### Case 2 : Laxamma

Laxamma is a married women aged twenty seven years old.She belongs to backward caste.She was the only daughter to her parents , who made their living by manual labour.She says that she was dis-obident in her childhood. She was married at the age of eleven years to a sixteen year boy.Her in-laws also made their living by manual labour.She started her marital life at the age of fifteen in a joint family.( His parents,unmarried brothers and sisters) she did not have good relation with her in laws.Her mother in law pledged her jewellery for money. She deserted her husband and started staying with her parents.She developed illicit contacts with one of her co-worker.After some days her husband also came and started staying in the same village.He became suspicious of her character .Her parents forced their son in law to stay with them in their house. Unwillingly Laxamma was forced to stay with him.One day he assaulted her severely. She became furious and administered poison to him through food. He was taken to the hospital and saved ,but on doctors report a case was filed.Laxamma confessed the offence in court and was given four years rigorous imprisonment.

#### Case 3: Mariamma

The respondent aged 28 years is from Mysore of Karnataka.She comes from an agricultural family.Her father is a land lord and mother a respectable housewife. She has four brothers. She is the only girl child of the family.She is

convicted for life-imprisonment for having murdered her servants son aged 12 years. The respondent was given in marriage to her own maternal uncle. Soon after marriage, to her utter shock and bewilderment, she came to that her husband had illegitimate sexual contact (prior to her marriage and her husband has been living in adultery with the servant even after marriage) with the servant who was young and good looking. It was not uncommon for her husband to take her occasionally for an outing, cinemas etc. as soon as the respondent came to know about her husband's extra-marital affair she started protesting and brought to the notice of the other family members, but all that was of no avail. On the other hand her husband became furious (as he feels that his ego is hurt) and started to abuse and beat the respondent. There were cold wars in the family frequently. The mediators tried to bring about reconciliation which did not work out. The husband refused to give up the contact with the paramour. Meantime the respondent became pregnant and she was sent to her parents place for delivery. When she returned after delivery she became red with rage when she saw her husband sleeping with his paramour. She got sore over her husband's incorrigible attitude and decided to teach a lesson to the servant. In her fit-of frenzy and emotive impulse the respondent took the son of the servant and pushed him into the well, causing death of the boy. When the servant started to search her son the respondent disclosed her act of pushing the child into the well thus causing death. The matter was immediately reported to the police and the respondent was taken to custody. The respondent confessed her act in the court and was sentenced life imprisonment. She

explains for the wrong done by her and is a totally transformed woman. After having

#### Case 4: Kavita

Kavita is 27 years old, belongs to backward community, is Marathi-speaking, and has had 9 years of schooling. She was engaged at the age of 13 and married the following year to a man about 6 years older than her. Immediately after the wedding, she was taken to her marital home which was a thatched mud hut in a remote suburb of Bombay. Her household work included cooking, cleaning, taking care of her disabled mother-in-law and sister-in-law, and washing their clothes (including menstrual clothes). In the absence of regular water supply, water had to be obtained from three different sources: drinking water to be fetched from the nearby municipal tap, well water to be drawn for bathing, and river water to be used for washing clothes. Since money was scarce, she was given insufficient food, and sent by her mother-in-law to work as a domestic help in a nearby house within fifteen days of her marriage. Her husband discovered this accidentally and started to beat her up but was prevented by the neighbours. This was her first taste of his violent tendencies. She was forbidden to go out to work and her husband brought her some assembly work to do at home. But all her earnings were spent on food for the family; in addition, she had to pawn all her jewellery to pay for the repairs of the hut. No new clothes were given to her. After about six years of marriage, her mother-in-law inherited some land in her native village and sold it, and gave her son the money to start a small ball-point pen factory. On this occasion, Kavita's husband bought her a sari - the first time ever.

Kavita had no children, and the medical examination showed that she had no defect. Her husband refused to undergo medical tests. He had a mistress with whom he began to stay for days on end. When Kavita caught him red-handed, he battered her badly. She could not tell her parents, because she was not allowed to visit them by herself. After her father's death, the battering increased and was provoked by the slightest incident, such as dislike for the tea prepared by her. If she tried to keep out of his way, her avoidance became a provocation. He beat her with his hands, used a bicycle chain, and once attempted to use a knife on her. When she lodged a complaint with the caste *panchayat* (council of elders), she was told not to bring dishonour to her husband's family. Kavita's family's suspicions were aroused, and her sister once came to take her out shopping, but her father-in-law caught hold of her clothes and started kicking her. She retaliated, but her husband arrived and dragged her inside, threatening to kill her. All the same, she lodged a complaint with the police against her husband and father-in-law, and was advised to return to her mother. She did that, but one day her husband again came and forced her to return. Kavita did not agree for the same. Tussel went on for a long time between the two which had resulted in assault by Kavita. She out of vain was forced to pick up a stone and threw ,which resulted in head injuries. Later Kavita was imprisoned for three years.

#### Case 5: Munniamma.

Munniamma has two sons and a daughter. Urvarshi is her elder daughter in law. Twenty-two-year-old Urvarshi. (hereafter U.) comes from a hindu community, speaks Kannada, and has had only 4 years of schooling. U.'s domestic harassment

started within a fortnight of her wedding, when her mother-in-law began persistent complaints that she was not presented with a sari during the wedding. Finally U. answered that this was not customary in their community (to which both belonged), which angered her mother-in-law so much that she started to beat her up. U. went to her parental home and brought the required sari. The harassment increased, demands were made for more clothes and household articles, and U. continued to be battered by both her husband and the mother-in-law. Pretexts, such as bad cooking, were found to harass her; and once, her mother-in-law poured hot curry over her head because she did not like the taste of it. U. was made to do the cooking and household work during the whole day after her husband left for work in the morning, but complaints were made to him about her laziness, to ensure a beating. A severe battering was routine at least once a week, and the husband's temper could flare up any time. Once U.'s husband was pressing his clothes with an iron borrowed from the neighbours who came to ask for it. U. chided him for constantly borrowing things from the neighbours, and he burnt her arm with the hot iron. Three years after her marriage, U. became pregnant. After the initial joy, her mother-in-law became discontented, and mooted the scheme of getting another and "better" wife for her son. One night he kicked U in the abdomen; she bled for 4 to 5 days and had a miscarriage. She was not given any medical help, nor were her parents told. Her mother, worried because of her long silence, came to visit her and learned about the situation. U. herself was never allowed to speak to or visit her parents alone. During the Diwali festival, however, U. was told to visit her parents and stay there for a month in order to recuperate. About this time, her

parents heard rumours that U.'s husband had married again. She went back to her husband, but before allowing her to return, her mother-in-law asked her mother to give a written statement that if a disaster was to befall U., her in-laws would not be held responsible. She explained that this was necessary because of U.'s carelessness with the stove while cooking. U.'s parents, having confirmed the information about her husband's second marriage, feared for her life, and came to fetch her. She returned with her mother a few days later to collect her things, but found the new wife cooking in the kitchen and her husband sitting nearby. Upset at this sight, U. reproached him. He pulled out a tin of kerosene and tried to douse her with it (in order to set her on fire). She ran out screaming, her mother also shouted, and the neighbours gathered. After a fight, U. and her mother went to the police station and lodged a complaint under Section 498 A of the Indian Penal Code. U.'s husband, Munniamma and sister in law were arrested and sentenced.

#### Case 6: Mumtaz

Mumtaz (hereafter M.) is 23 years old, and belongs to a poor immigrant Muslim family from Bijapur. She is illiterate, but speaks Hindi and Kannada in addition to her mothertongue, Urdu. At the age of 12, M. was married. The two families had known each other for a few months in Bombay, having migrated from the same State. After the marriage, it was discovered that M.'s husband was already married. The first wife (also 12 years old at her wedding) was harassed and beaten up until she ran away and remarried. M.'s husband's family was poor and lived on the pavement. M. sold garlands in the suburban trains until 9 a.m., then went with her husband to dig earth at construction sites, returned at 6 p.m., fetched



water and did all the cooking. Once M.'s uncle-in-law who was competing with them in the business, beat M. up (but not anybody else in the family). M. was five months pregnant at the time. Soon after, her husband hit her so hard that she became partially deaf in one ear. Her mother took her home, but she had a miscarriage within a couple of days. After three months, her husband came to fetch her, along with a few caste representatives who intervened on his behalf. Soon the problem started again. M. had to do hard physical work while her mother-in-law lay at home drinking all day. At night the mother-in-law would complain about M.'s laziness and her husband would beat her up. Several times M. went back to her mother's house, and was fetched by her husband with promises of better behaviour. Later M. gave birth to a baby daughter who was accidentally and deliberately maltreated by M.'s mother-in-law who was often drunk. The baby developed head injuries and one of her arms was paralysed. M.'s husband would not take her to a medical doctor but insisted on getting black magic done. In a fit of depression, M. tried to commit suicide by throwing herself on the railway tracks, but was pulled back by a woman who saw her. A few days later, the baby died. M. feels that her mother-in-law wanted the baby dead because it was a girl. M. later gave birth to another baby girl, and M.'s mother took the baby to her own home to look after her. M.'s husband started drinking and beating her every night. She got pregnant again and gave birth to yet another daughter. The baby was branded with a hot needle, ostensibly as a ritual practice. The wounds got infected, and M.'s mother got the baby hospitalized and cured. Harassment continued, and M.'s husband started blaming her because she could not produce a son. One day he hit

her with a small grinding stone, and the neighbours had to rescue her. M. could not tolerate anymore and in that situation she picked up a lathi lying and hit her husband on the head who later died in the hospital. Her in-laws have lodged the complaint and she is convicted for murder. But she has no regrets as she feels she has saved her second baby after losing her first daughter.

#### Case 7: Savitri

The 36 year old Savitri (hereafter S.) belongs to a Hindu caste of middle status, has had ten years of schooling, and speaks Hindi, Konkani and English in addition to her native language Kannada. S. was 20 years old when her marriage was arranged by her parents. The actual marriage was preceded by a one-month engagement period, during which her fiancé took her out on the pretext of going to the temple. Instead, he took her to a secluded spot and tried to seduce her, ostensibly in order to check whether she was a virgin. Knowing little about the facts of life, she got frightened, and managed to escape. According to the social custom of the community, the married couple do not have sexual intercourse on the wedding night. So S., thoroughly tired, went to sleep near her mother-in-law. Her husband, however, started shouting and insisted on her spending the night with him. He was also suspicious by nature, and accused her of having had an affair with his uncle because the latter had affectionately tapped her on the head. Enraged at the memory, he started beating her. The wedding night thus brought a foretaste of his violent behaviour and excessive sexual demands. S.'s husband was a taxi driver by profession, but refused to go to work after marriage, demanding sex day and night. He would not allow her to leave the house in case another man

was attracted to her. A month after the wedding, S. went with her husband to stay with his family in the village. Even there S.'s husband would not allow her to go out or even dress well. He continued to demand sex all the time and also to beat her every day. Once he tied her up in the room where fuel wood was stored, and his mother and sister had to sneak in to give her food. Another night he branded her with burning fuel wood on the thighs and genitals. Her in-laws heard her screams, rescued her, and covered her up. She made three attempts to kill herself by jumping into the well, but was discovered and rescued each time. She lost weight and became ill. The local doctor advised that she should be taken back to Belgaum. Her husband sold all her jewellery for the journey and stay in Belgaum, and bought her fake jewellery. In Belgaum, she was not allowed to visit her parents, but her mother visited her, saw bruises on her body, and took her home in spite of her husband's objections. S. told her mother the whole story, which was later repeated to her father. The father got enraged and went to attack her husband with a knife. He ran away and was never seen again. S. found herself pregnant. It was too late for an abortion and she delivered a baby girl. Throughout her pregnancy, S. earned money by delivering newspapers and doing domestic work in several households. Her mother delivered a baby boy at about the same time. So S. had to start working soon afterwards. As her mother refused to look after S.'s baby, she drugged her with small doses of opium (as is customary among the working classes). Once the baby tumbled out of the bed and lay on the floor unnoticed. Since then S. started to leave her at a creche during the day. At the creche, she met R. who worked for the organization which managed it. He took special care of the

baby, and later proposed that S. should live with him. S. was hesitant because she was the sole bread winner in the family which included her retired father, her mother, two sisters and two brothers. However, S.'s daughter and youngest brother (who were of the same age) got chicken pox, and the boy died. So S.'s mother started resenting her. R. had helped her during the child's illness, and threatened to commit suicide if she did not come to live with him. She finally agreed, and started working in the same institution. R. was gentle and caring, and held progressive views. Things were fine to begin with. But S started to educate herself. Subsequently she bettered her career, and began earn a salary higher than R's. R. became jealous of her success, and turned violent. He accused her of infidelity. He left his job and took to drinking. He battered her at the least 'provocation' -- if she came home late from a meeting, or refused to give him money for drink. She left him several times but had to return, because shelter was a problem. During the first five years that S. stayed with R., she had had two abortions, but then decided to have a child in the hope of softening him. But instead, he accused her of bearing another man's child, hit her in the abdomen, and threatened to kill the child. When the child was born, he was a replica of R., so he stopped the accusation. However, his drinking and battering did not stop. Things got to a stage where S.'s daughter started to intervene; and S. decided that the time had come to leave him. She bought a place of her own, and left R. for good. He made several attempts to harass her in her new house and one day he succeeded in making her violent ,S lost her control and out of rage stabbed R for which is in the prison serving the sentence.

#### Case 8: Satyavathi.

Satyavathi has two sisters. She lost her father at an early age of twelve years. Her father was an agricultural labourer. She was married at the age of thirteen years to a widower who was fifteen years older to her. He was a driver. As he was alcoholic he spent most of his earnings on drinking. Satyavathi begot six children through him. She worked as an agricultural labour and maintained her family. Quarrels occurred regularly between the two. Her husband spent most of the time outside the house and returned home intoxicated. He started suspecting her character and began to ill-treat her in every respect. One day during an altercation (Quarrel) she became furious and throttled him to death.

#### Case 9: Nagira.

Nagira belongs to an upper caste well-to-do family and was first wife to her husband. She and her co-wife did not have good relations who had a boyfriend before marriage. One day the husband came to know that the second wife had illicit relation with another person (Ex-boyfriend) before marriage which made him furious and he started beating her often. One day in a heated exchange of words with the husband Nagira's co-wife dragged her into the quarrel and abused her in dirty language. The quarrel took a violent turn and in an uncontrolled moment the husband stabbed his second wife to death. The police filed a case against Nagira and her husband. Nagira says that though she was not involved she took the responsibility on her so that she could set her husband free, therefore Nagira was

pleaded guilty and was convicted, though she was not the actual person who caused the death of her co-wife.

#### Case 10 : Kamakshi.

Kamakshi ,39 years, belonged to backward caste.At the age of twelve she was married to a man of twenty years.It was a love marriage.She was given training of theft by her uncle.She and her husband wandered different places hawking petty articles.After giving birth to three daughters they settled in their home town.Her husband slowly developed to addiction,gambling and spent all his earnings for his vices.He also developed illicit relations with other women and neglected the family.She deserted him and turned into a habitual thief ( managed the household with illegitimate earnings)With an intention to enhance the family property she continued act of theft.One day as she snatched a pair of gold bangles from a baby,she was caught red-handed and was prosecuted. She is sentenced with two years rigorous imprisonment.

#### Case 11:Radha

Radha is 46 years , belongs to backward caste. She has three children, two daughters and a son.The elder daughter is married ,she and her husband also stay with Radha. Radha's neighbor earned money by immoral trafficking which Radha did not like and always warned her for the same,which resulted in enmity between the two.The girl complained to her brother and father. One day there was heat of discussion and argument between the two and the girls brother interfered.Meantime radha's son in law also entered the scene resulting a fight

between the girls brother and Radha's son in law who stabbed the other person. The girl's brother died on the spot. Radha and her son in law were arrested and a case of culpable homicide was filled against them. Radha says that she was not involved and did not assist her son in law in the act of stabbing. Having failed to prove her innocence Radha is serving sentence.

#### Case 12: Annette M.

The 24-year-old Annette M. (hereafter AM.) is a Roman Catholic Christian, speaks Konkani (her mother-tongue) as well as Kannada, Hindi, Marathi, and English, has a Diploma in Pharmacy, and works in the pharmacy department of a hospital, earning a good salary. AM.'s clash with her in-laws started right after the wedding when she refused a request made by them, and they accused her of arrogance. The charge was probably prompted by the fact that her education and salary were higher than those of her husband. Two days after the wedding, the couple left on a pilgrimage to a famous church in the south of India, in the company of friends. AM.'s husband was very jealous if she talked to any man in the small group, and started objecting to her wearing dresses because her legs were exposed. When the couple returned to Bombay, AM. discovered that her husband owed money to all the family members who started demanding to be repaid since she was earning well. He had also taken a loan, and a portion of his salary was cut for repayment. Her mother-in-law started demanding money for their upkeep, which AM. paid. Soon her husband started taking her money from her cupboard without telling her, and became angry when confronted, claiming a right to all her earnings. In the third month of her marriage, AM. became ill, but was compelled to

do a lot of housework and also go to work. Her colleagues finally took her to her mother's house, where her husband also stayed with her for a month. She was pregnant at this time, but had a miscarriage. Her husband accused her of having had an abortion, so as to flirt with her male colleagues. The following month, AM. and her husband moved to a rented house. She bought all the household goods with her own money. He repeatedly demanded money from her to pay back his family, which she gave him. Then he took to drinking, returning home after midnight, and battering her. Soon he demanded her jewellery, which she promptly took to her mother's house. Then he started locking her out of the house, and promised to take her back only if she agreed to certain conditions, such as handing over her jewellery, opening a joint bank account, paying back his loans, and never visiting her mother. She rejected all the conditions. He and his family turned up at her mother's house and started abusing them loudly, rousing the neighbourhood. After this incident, a reconciliation became impossible. But he started following her and forced her to come back to him. One day as she was going he forced her and took in a vehicle, by which she became furious and pushed him out resulting in his death. She was sentenced for the same and convicted for five years rigorous imprisonment.

#### Case 13: Julie D'S

Julie (hereafter J.) is a 32-year-old Roman Catholic Christian, has passed her Secondary School Leaving examination, and speaks Konkani as well as English, Hindi and Marathi. J.'s parents got separated when she was two years old. Earlier, her father battered her mother and slept with other women. He also



contracted venereal disease which he transmitted to his wife. She left him, got herself cured, and remarried. J. and her two elder sisters were kept in a home run by nuns. They treated her kindly, and life was comfortable, but she missed having a family. J. was acquainted with her future sister-in-law who suggested the match. Both sets of parents agreed, and they got engaged. However, during the engagement period she discovered the violent tendencies in her fiancé, Thomas. His mother drank a lot, and when she was drunk her husband as well as children would beat her. Once she saw Thomas tie his mother to the bed and batter her. He also used obscene language to his own sisters, and soon to J. also. She became afraid of him, but had to marry him because the banns had been read, and he had got her drunk and seduced her. As the only alternative, she tried to reason with him about his bad habits, but this led to a quarrel which ended in his taking her to a beach and ordering her to walk into the sea to drown herself. This scene was repeated once after their marriage, and he left her at the beach and was about to drive off in a cab when she ran after him, sobbing. The cab driver took them both to the police station and disclosed the story, but when the constable on duty started to threaten Thomas, J. retracted her statement, calling the cab driver a liar. The dowry, given by J.'s father at the wedding, was gambled away by Thomas. The couple moved into his family house which consisted of just one room and an enclosed veranda. All the 14 members of the family slept in that one room, J. and Thomas being under the only bed, with two of his brothers on it. Thomas kept up his sexual activity during most of the night, and also during the afternoons (when his brothers and their friends sat outside laughing at the goings-on). It was crude

violent sex without any tenderness. J's mother-in-law also harassed her, and gave her hardly any food to eat. The rest of the family also had insufficient food. Thomas was the only earning member and spent most of his income on himself. Soon J. took up a job, and had to hand over her salary to her mother-in-law. J. and Thomas were thrown out of the house while she was pregnant. They rented another house. Thomas continued to beat her and make excessive sexual demands throughout her pregnancy. During her second pregnancy, J became bold enough to resist his sexual demands occasionally. However, his behavior grew worse. A few times he forced her to have sex with him in front of the children. He would also bring home expensive food and eat it himself in front of his wife and children without letting them have any, and then destroy the leftovers. Instead of using the outside toilet, he would defecate in the house and make them clean up after him. He would also disconnect the electricity, so as to harass J. into leaving the house with the children on the grounds that she was giving him neither enough sex nor her earnings. Seven years after her marriage, J. finally left him, with support from the kind and concerned priest who had married them and from the Women's Centre. He tried to threaten and cajole her into returning, but she is firm and has applied for a church annulment of her marriage. But he insisted her to return and out of vain one fine day she poisoned him to death by offering him a drink. She is sentenced for four years rigorous imprisonment.

#### **Case 14 : Gangamma.**

Gangamma is forty five years,belongs to forward community,she was married at the age of ten but her husband died of T.B when she was seventeen

years old. After a year she married a widower of thirty years who was an agricultural labourer. Gangamma had two daughters and one son. It was very difficult for them to maintain the family. To have additional income they started a tea stall. She was attracted by their neighbour's easy earnings by selling liquor. Gangamma and her husband also started liquor business. One day in sudden raid Gangamma was arrested by the excise authorities and is sentenced for two years imprisonment.

### **Case 15: Indira.**

Indira forty six years old belongs to backward caste, lives with her husband, daughter and son in law. Their neighbour was a young girl, who earned money by immoral trafficking. Indira warned the girl against such behaviour. The girl complained to her brother. One day Indira and the girl got into an exchange of words and the girl's brother interfered. Gradually Indira's son in law and the girl's brother got into an altercation and in the process. The girl's brother and Indira's son in law got into a quarrel and her son in law stabbed the girl's brother. Indira and her son in law were arrested. Indira says that she was not at all involved in stabbing but as a case was filed against Indira and her son in law. Indira and her son in law are in the jail and serving sentence of four years.

## **PRISON STATISTICS , INDIA, S N A P S H O T S – 2009**

**Total Number of Jails in the country : 1,374**

Central Jails : 119 Women Jails : 18

District Jails : 321 Open Jails : 32

Sub Jails : 832 Other Jails : 52

**Total Capacity of Jails in the country : 3,07,052**

Central Jails : 1,33,453 (43.5%) Women Jails :3,672 (1.2%)

District Jails : 1,13,066 (36.8%) Open Jails :3,451 (1.1%)

Sub Jails : 45,314 (14.8%) Other Jails :8,096 (2.6%)

**Total Number of Jail Inmates as on 31.12.2009 : 3,76,969**

Male : 3,61,563 (95.9%) Female : 15,406 (4.1%)

**Convicts : 1,23,941 (32.9% of total inmates)**

**Undertrial Prisoners : 2,50,204 (66.4% of total inmates)**

Male : 1,19,353 (96.3% of total convicts) Male : 2,39,517 (95.7% of total undertrials)

Female : 4,588 (3.7% of total convicts) Female : 10,687 (4.3% of total undertrials)

**Detenues: 2,232 (0.6% of total inmates) Others : 592 (0.2% of total inmates)**

Male : 2,131 (95.5% of total detenues) Male : 562 (94.9% of total others)

Female : 101 (4.5% of total detenues) Female : 30 (5.1% of total others)

## **Foreigners**

**Convicts : 2,042 Undertrials : 2,896 Detenues : 109**

(Male : 1,784, Female : 258) (Male : 2,470, Female : 426) (Male : 108, Female : 1)

No Borstal School, Open Jail and Special Jail existed in any of the UTs at the end of 2009.

The highest number of 83,805 inmates (81,046 male : 2,759 female) were reported from Uttar Pradesh (22.2%) followed by Bihar 33,711 (32,685 male : 1,026 female) at the end of the year 2009. Lakshadweep reported the highest overcrowding in prisons (275.0%) followed by Chhattisgarh (232.6%).

469 Women Convicts with their 556 children and 1,196 Women undertrials with their 1,314 children were reported to be in prisons in the country at the end of 2009.

Maximum number of 24,430 (23,714 male : 716 female) Convicts were reported from Uttar Pradesh (19.7% of total Convicts in the Country) followed by Madhya Pradesh 15,367 (14,967 male : 400 female) accounting for 12.4% of the total convicts in the country at the end of the year 2009.

Murder alone accounted for 60.1% of the total Convicts under IPC Crimes. The highest percentage of Murder Convicts was reported from Uttar Pradesh (18.0%)

followed by Madhya Pradesh (14.0%) of the total Murder convicts at the end of the year 2009.

The highest number of Graduate (1,253) and Post Graduate (321) Convicts were reported from Uttar Pradesh at the end of the year 2009.

The highest percentage (27.1%) of undertrials were charged with Murder. Uttar Pradesh reported the highest number 9,183 of such Undertrials (17.2%) followed by Bihar 5,678 (10.6%).

2,422 Undertrials (1.0% of total undertrials) were detained in jails for more than 5 years at the end of the year 2009. Punjab had the highest number of such undertrials (680) followed by Bihar (447).

377 Convicts including 7 females lodged in different jails of the country at the end of 2009 were awarded capital punishment.

66,359 Convicts accounting for 53.5% of total Convicts in the country were undergoing sentences for Life Imprisonment at the end of the year 2009.

11,118 Convicts were repeat/recidivists which accounted for 5.2% of total convicts admitted during the year.

### **Number of convicts and undertrial prisoners in different age-groups**

44,770 convicted prisoners were in the age group of 18 - 30 years, 59,869 convicts were in the age-group of 30 - 50 years and 19,302 convicts were 50 years or more.

No convicted prisoner was in the age group of 16-18 years in any jails of the country.

14 undertrial prisoners were in the age group of 16-18 years, 1,17,238 in the age group of 18 - 30 years, 1,05,009 undertrials were in the age-group of 30 - 50 years and 27,943 undertrials were 50 years or more.

### **Rate of change in number of Convicts**

Number of persons convicted under Murder charges decreased by 1.6% in 2008 and increased by 5.8% in 2009 over respective previous year.

Number of persons convicted under Attempt to Murder decreased by 10.7% in 2008 and 22.6% in 2009 over respective previous year.

Number of persons convicted under Rape charges increased by 10.3% in 2008 and 2.2% in 2009 over respective previous year.

Number of persons convicted under Dacoity decreased by 6.7% in 2008 and 4.0% in 2009 over respective previous year.

Number of persons convicted under Robbery increased marginally by 0.1% in 2008 and 0.04% in 2009 over respective previous year.

### **Rate of change in number of Undertrial prisoners**

Number of undertrial prisoners under Murder charges decreased by 1.5% in 2008 and increased by 0.2% in 2009 over respective previous year.

Number of undertrial prisoners under Attempt to Murder charge decreased by 5.0% in 2008 and 4.5% in 2009 over respective previous year.

Number of undertrial prisoners under Rape charge increased by 10.7% in 2008 and 0.1% in 2009 over respective previous year.

Number of undertrial prisoners under Dacoity charge decreased by 1.9% in 2008 and increased marginally by 0.4% in 2009 over respective previous year.

Number of undertrial prisoners under Robbery charge decreased by 7.9% in 2008 and increased by 5.2% in 2009 over respective previous year.

### **Prison Administration and Earning by Prison Inmates**

The highest earning by inmates trained in various vocational programmes was reported from Bihar (₹ 1,076.7 lakh) followed by Maharashtra (₹ 1,040.5 lakh) and Delhi (₹ 1,039.9 lakh) during the year 2009.

The highest earning per inmate was reported from Delhi (₹ 9,247) followed by Gujarat (₹ 5,928) and Maharashtra (₹ 4,181) as against All-India average of ₹ 1,858 during the year 2009.

3,446 (i.e. 7.0%) staff members were women out of the total 49,324 staff managing jails in the country during the year 2009.

The highest annual expenditure per inmate was reported from Delhi (₹ 66,308) followed by Nagaland (₹ 36,437), Manipur (₹ 29,699) and Arunachal Pradesh (₹ 29,032) as against All-India average of ₹ 17,726 during the year 2009-10.



## **Inmate Population and Strength of Jail Officials**

The prisons had a strength of 49,324 Jail Officials to take care of 3,76,969 inmates which amounts to 1 Jail Official per 8 inmates.

The highest number of inmates per prison staff was reported from Jharkhand (15) followed by Gujarat (14).

## **Literacy among the prisoners**

38,151 of total convicted prisoners were illiterate, 55,134 had education upto Xth class, 23,143 had education above Class X but below graduation, 5,337 were graduates, 1,333 were post-graduates and 843 were holding some technical degree.

83,173 of total undertrial prisoners were illiterate, 1,07,465 had education upto Xth class, 43,958 had education above Class X but below graduation, 10,934 were graduates, 3,235 were post-graduates and 1,439 were holding some technical degree.