

## **CHAPTER –VII**

### **PERSPECTIVE OF OTHER STAKE HOLDERS: LAWYERS, PRISON OFFICIALS AND FAMILY MEMBERS OF THE CONVICTED WOMEN**

Punishment not only affects the life of a convicted woman but her entire family also gets affected from it. Trial and conviction are long processes which involve a lot of people in them. We can know a convicted woman completely from the perspective of other stake holders like her lawyer, prison staff and family members. So we found it important to know the perspective of other stake holders such as lawyers, prison officials and family members of the convicted women.

#### **PERSPECTIVE OF LAWYERS:**

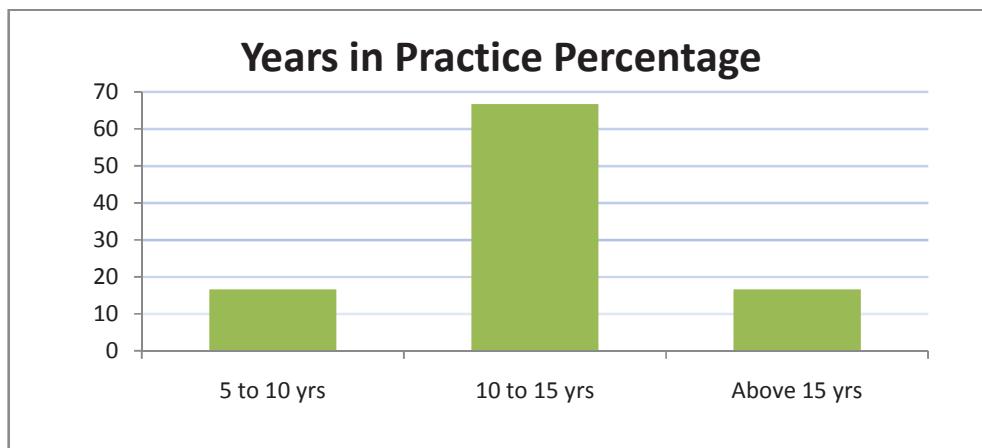
Since the procedure of trial goes with lawyers, so it was important to know their point of view on different issues. During the trial the lawyers come to in close contact with the accused woman and her family so they become familiar with the different aspects of accused woman's life. To know the perspective of lawyers, we talked to 30 lawyers.

- **For how many years you have been in practice?**

The years of practice give experience to a lawyer.

**Table 7.1**  
**Years in Practice**

<b>Practicing years</b>	<b>No. of lawyers</b>	<b>Percentage</b>
5 to 10	5	16.16
10 to 15	20	66.66
Above 15	5	16.16
Total	30	99.98



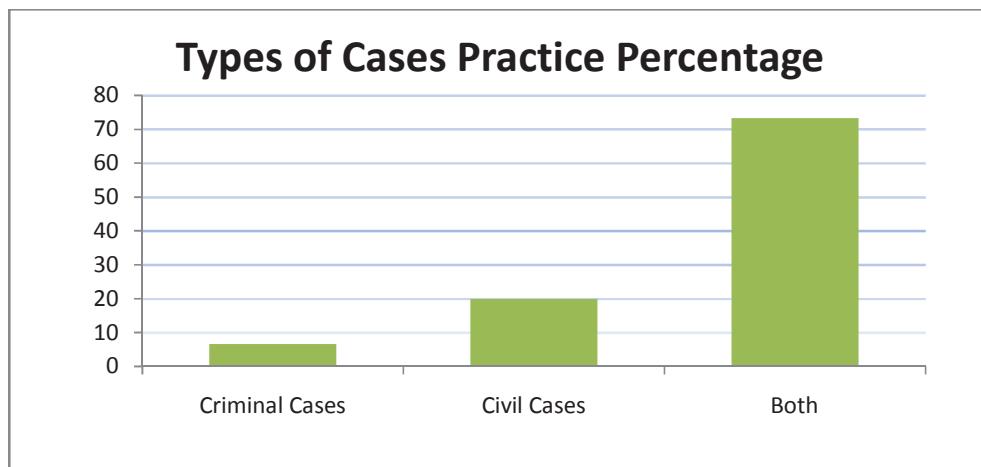
Hence we thought it necessary to find out the practicing years of the lawyers whom we were studying. We found that 5 lawyers (i.e. 16.66% lawyers) had been practicing for 5 to 10 years, 20 lawyers (i.e. 66.66% lawyers) had been practicing for 10 to 15 years, 5 lawyers (i.e. 16.66% lawyers) had been practicing for more than 15 years. Thus, we found in our study, most lawyers had been practicing for 10 to 15 years.

- **What types of cases do you practice?**

This was important for us to know the type of cases that these lawyers had been undertaking.

**Table 7.2**  
**Types of Cases**

Type of cases	No. of lawyers	Percentage
Criminal cases	2	6.66
Civil cases	6	20
Both	22	73.33
Total	30	99.99



We also found it important to know the types of cases that these lawyers had been undertaking. We found that 2 lawyers (i.e. 6.66% lawyers had

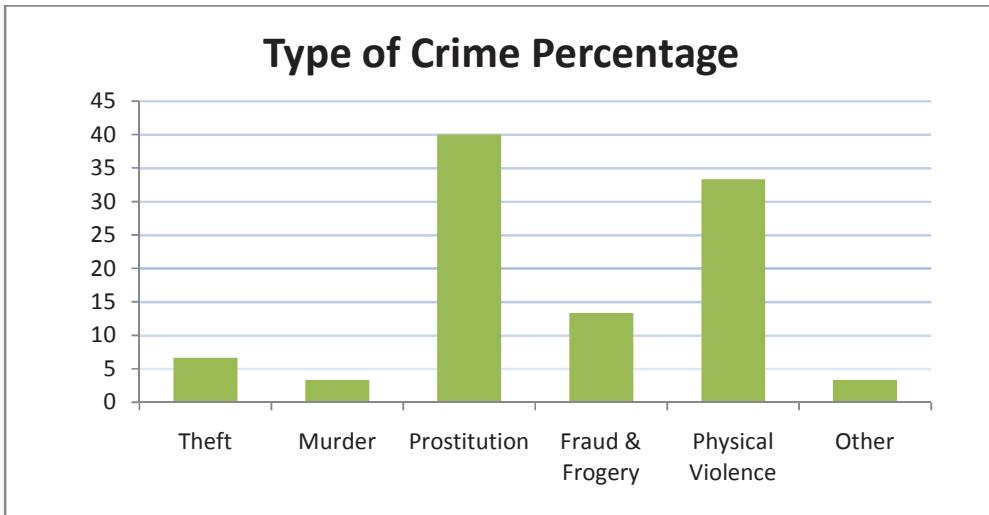
been undertaking criminal cases only, 6 lawyers (i.e. 20% lawyers' were practicing civil cases only and 22 lawyers (i.e. 73.33% lawyers had been undertaking both civil and criminal cases.

- What are the crimes committed by the accused women prisoners?**

Since the lawyers undertake the cases of various crimes so we found it important to know the most common crimes among the accused women.

**Table 7.3**  
**Types of Crime**

Type of crime	No. of lawyers	Percentage
Theft	2	6.66
Murder	1	3.33
Prostitution	12	40
Fraud and Forgery	4	13.33
Physical Violence	10	33.33
Other	1	3.33
Total	30	99.98



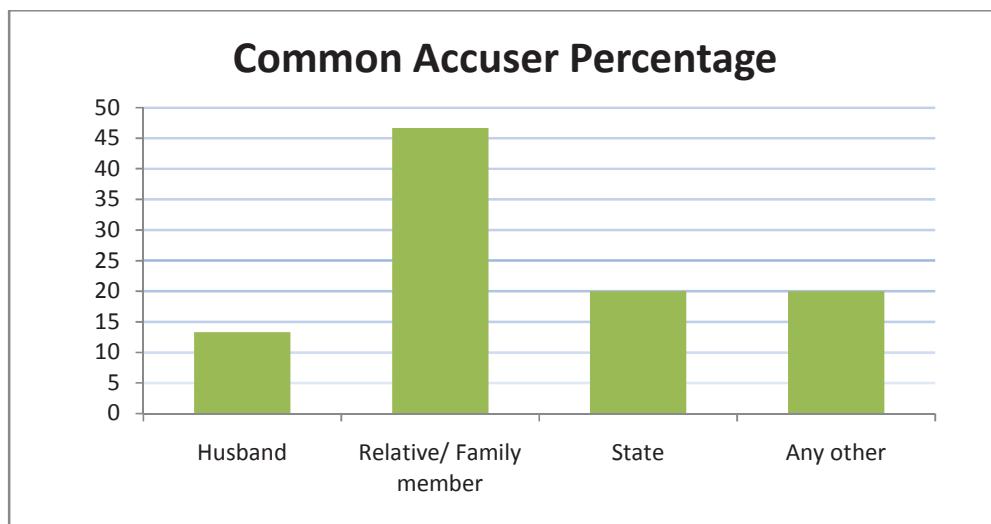
We thought it necessary to find the common crimes among the accused women, according to the lawyers whom we were studying. We found that 2 lawyers (i.e. 6.66% lawyers) said that the most common crime of women accused was theft, 1 lawyer (i.e. 3.33% lawyer) said that most common crime of women accused was murder, 12 lawyers (i.e. 40% lawyers) said that most common crime of women accused was prostitution, 4 lawyers (i.e. 13.33% lawyers) said that most common crime of women accused was fraud and forgery, 10 lawyers (i.e. 33.33% lawyers) said that most common crime of women accused was physical violence and 1 lawyer (i.e. 3.33% lawyer) said that most common crime of women accused was something other. So, we can state in our study, most of the lawyers said that most common crime of women accused was prostitution.

- Who is the most common accuser?

This was important to know that according to these experienced lawyers- Who the most common accuser was.

**Table 7.4**  
**Common Accuser**

Common accuser	No. of lawyers	Percentage
Husband	4	13.33
Relative/Family members	14	46.66
State	6	20
Any other	6	20
Total	30	99.99



Hence we thought it necessary to find out the common accuser according to lawyers. We found that 4 lawyers (i.e. 13.33% lawyers) said that husbands of the accused women were the common accusers, 14 lawyers (i.e. 46.66% lawyers) said that relatives/family members of the accused women were the common accusers, 6 lawyers (i.e. 20% lawyers) said that state of the accused women was the common accuser while 6 lawyers (i.e. 20% lawyers) said that someone else was the common accuser. So, we found in our study, most lawyers said that relatives/ family members of the accused women were the common accusers.

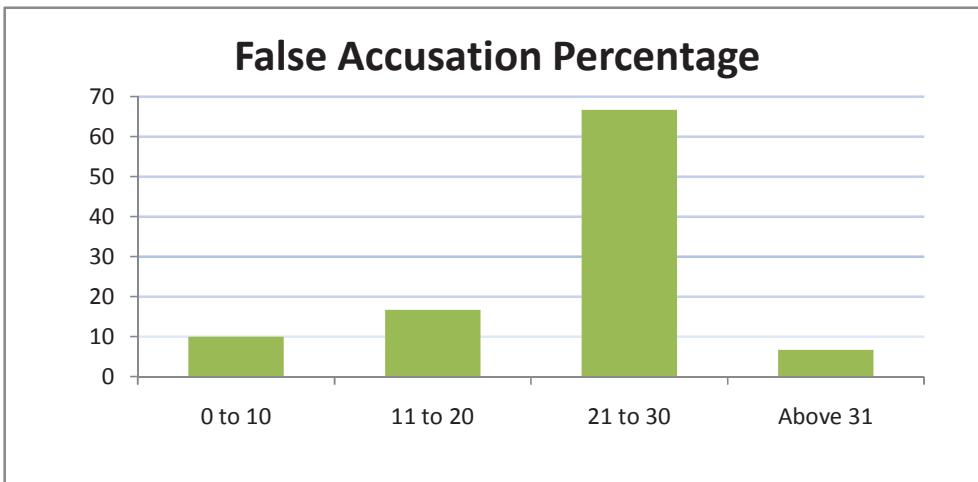
- What is the approximate percent of false accusation of women prisoners?**

False accusation of women prisoners is a bitter truth of our system and society as women are easy victims.

**Table 7.5**  
**False Accusation**

<b>Approximate percentage of false accusation</b>	<b>No. of lawyers</b>	<b>Percentage</b>
0 to 10	3	10
11 to 20	5	16.66
21 to 30	20	66.66
Above 31	2	6.66

Total	30	99.98
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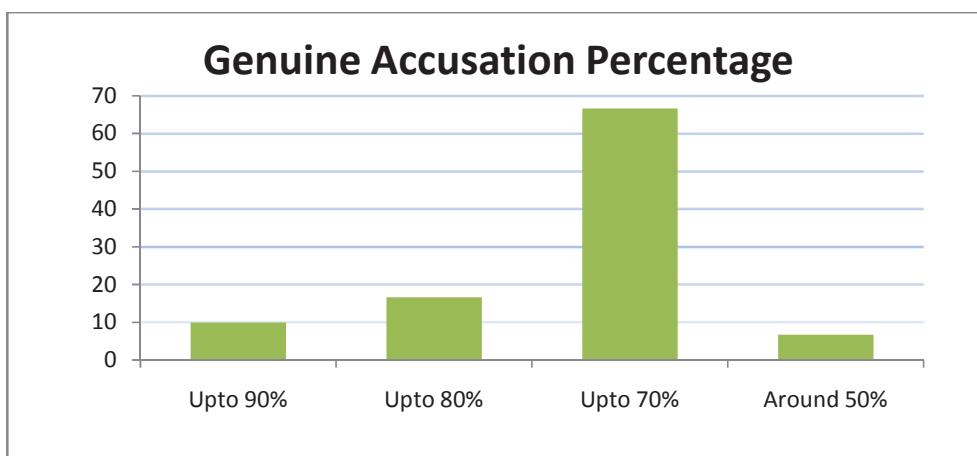


We thought it necessary to find the approximate percentage of false accusation according to the lawyers whom we were studying. In our study, we found that 3 lawyers (i.e. 10% lawyers) said that approximately 10 % women prisoners were falsely implicated, 5 lawyers (i.e. 16.66% lawyers) said that approximately 11% to 20% women prisoners were falsely implicated, 20 lawyers (i.e. 66.66% lawyers) said that approximately 21% to 30% women prisoners were falsely implicated and 2 lawyers (i.e. 6.66% lawyers) said that approximately above 31% women prisoners were falsely implicated. So, we can say that in our study 66.66% lawyers said that approximately 21% to 30% women prisoners were falsely implicated, which is a matter of concern.

- **What is the approximate percentage of genuine accusation of women prisoners?**

**Table 7.6**  
**Genuine Accusation**

Approximate percentage of genuine accusation	No. of lawyers	Percentage
Up to 90%	3	10
Up to 80%	5	16.66
Up to 70%	20	66.66
Around 50%	2	6.66
Total	30	99.98



Hence we thought it necessary to find out the approximate percentage of genuine accusation according to the lawyers whom we were studying. In

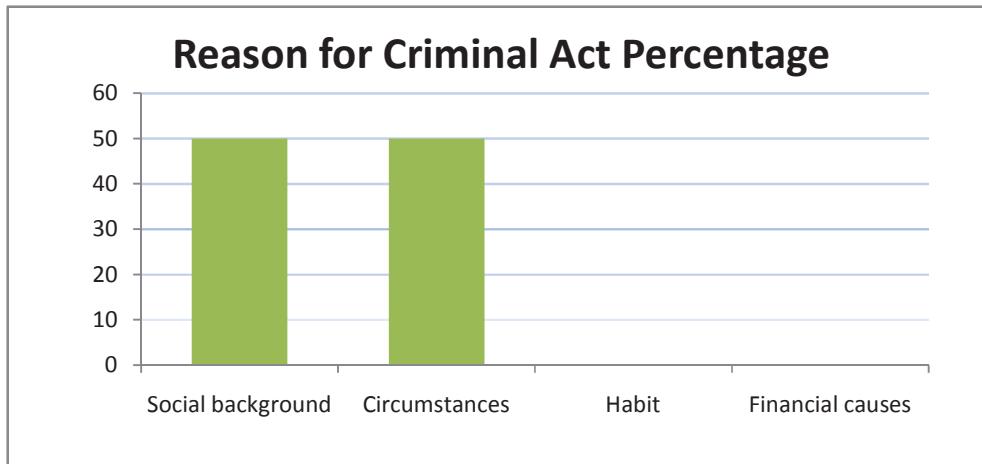
our study, we found that 3 lawyers (i.e. 10% lawyers) said that approximately up to 90% women prisoners were genuinely implicated, 5 lawyers (i.e. 16.66% lawyers) said that approximately up to 80% women prisoners were genuinely implicated, 20 lawyers (i.e. 66.66% lawyers) said that approximately up to 70 % women prisoners were genuinely implicated and 2 lawyers (i.e. 6.66% lawyers) said that approximately around 50 % women prisoners were genuinely implicated. So, we can say that in our study 66.66% lawyers said that approximately up to 70 % women prisoners were genuinely implicated.

- What is the reason behind the criminal act committed by the women?**

There are various reasons behind the criminality of the women prisoners.

**Table 7.7**  
**Reason of Crime**

<b>Reasons of women criminality</b>	<b>No. of lawyers</b>	<b>Percentage</b>
Social background	15	50
Circumstances	15	50
Habit	0	0
Financial causes	0	0
Total	30	100

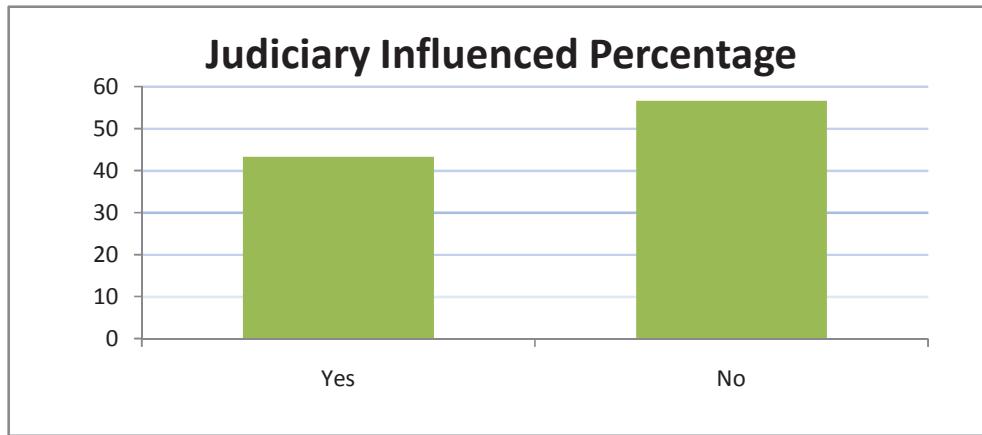


We thought it necessary to find out the reasons responsible for female criminality according to the experienced lawyers whom we were studying. We found that 15 lawyers (i.e. 50% lawyers) said that the social background was the main reason of female criminality and other 15 lawyers (i.e. 50% lawyers) said that the circumstances were the main reason of female criminality. So, we can say that in our study lawyers said that social background and circumstances were the main causes of female criminality.

- **Do you think judiciary accepts the influence from the plaintiff party?**

**Table 7.8**  
**Judiciary Influenced**

Answer	No. of lawyers	Percentage
Yes	13	43.33
No	17	56.66
Total	30	99.99

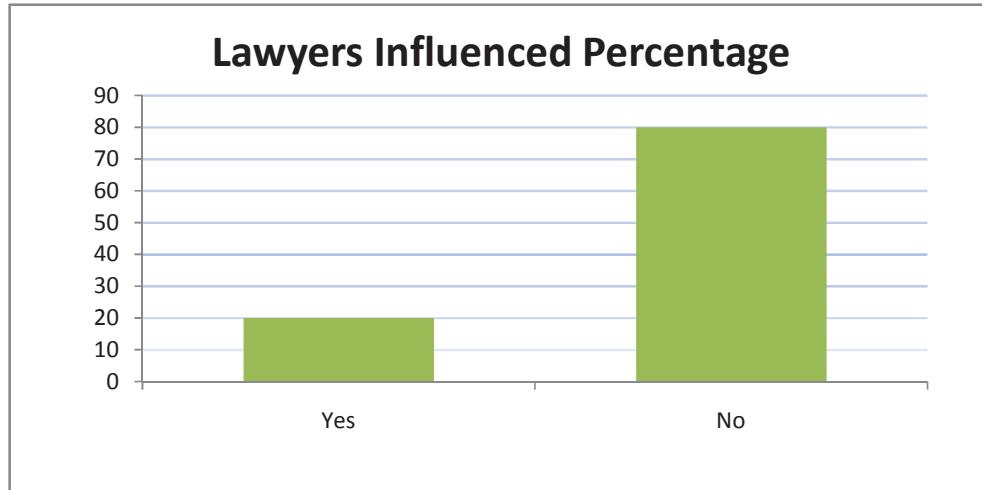


We thought it necessary to find out if the judiciary accepts the influence in any form from the plaintiff party. We found that 13 lawyers (i.e. 43.33% lawyers) said that judiciary accepts the influence from the plaintiff party (especially in criminal cases) while 17 lawyers (i.e. 56.66% lawyers) said that judiciary does not accept the influence from the plaintiff party. So, in our study, we found that 43.33% lawyers said that judiciary accepts the influence from the plaintiff party (especially in criminal cases) which is a matter of concern.

- **Do you think lawyers are influenced by the plaintiff party?**

**Table 7.9**  
**Lawyers Influenced**

Answer	No. of lawyers	Percentage
Yes	6	20
No	24	80
Total	30	100



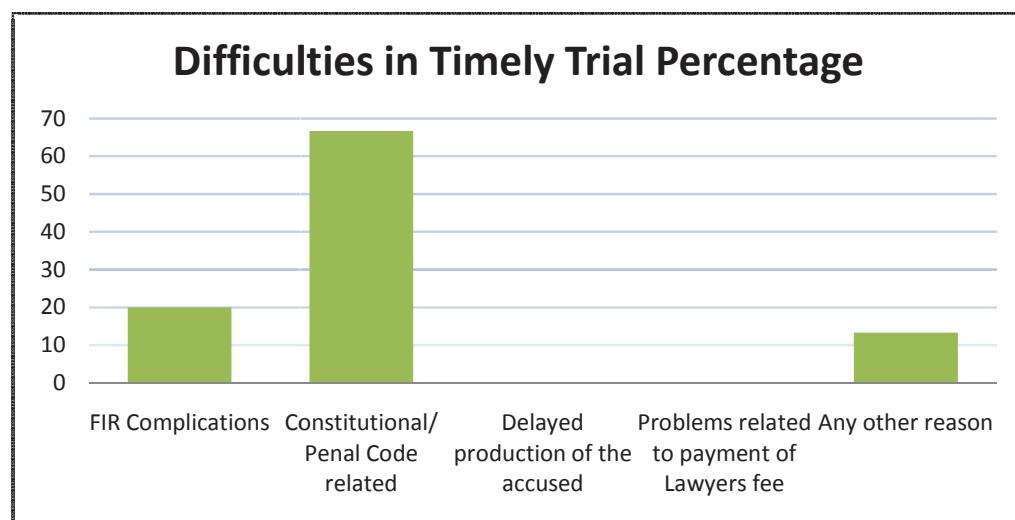
We thought it necessary to find out if the lawyers accept the influence in any form from the plaintiff party. We found that 6 lawyers (i.e. 20% lawyers) said that they are influenced or approached by the plaintiff party while 24 lawyers (i.e. 80% lawyers) said that they were never approached or influenced by the plaintiff party. So, in our study, we found that most lawyers said that they were never approached or influenced by the plaintiff party.

- What are the difficulties according to you in the timely trial process?**

A delayed trial is a major issue of our judicial system as well as prisoner's rights. So we found it important to discuss various reasons of delay with the experienced lawyers we were interviewing.

**Table 7.10**  
**Difficulties in Timely Trial**

<b>Difficulties</b>	<b>No. of lawyers</b>	<b>Percentage</b>
FIR complications	6	20
Constitutional/ Penal code related	20	66.66
Delayed production of accused	0	0
Problem related to payment of lawyers fees	0	0
Any other reason	4	13.33
Total	30	99.99



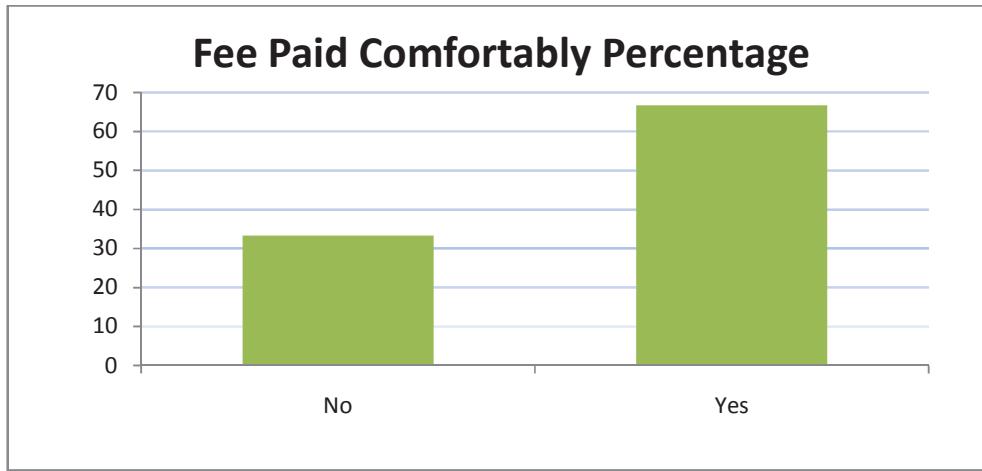
We found in our study that 6 lawyers (i.e. 20% lawyers) said that FIR complications are the main cause of delayed trials, 20 lawyers (i.e. 66.66% lawyers) said that constitutional/penal code related issues are the main cause of delayed trials while 4 lawyers (i.e. 13.33 % lawyers) said that other reasons like big number of pending cases, slow judicial process are the main causes of delayed trials. So, we can say that in our study most lawyers said that constitutional/ penal code related issues are the main cause of delayed trials.

- **Was fee paid to you comfortably?**

Lawyer's fee is an important issue.

**Table 7.11**  
**Fee Paid Comfortably**

Answer	No. of lawyers	Percentage
Yes	10	33.33
No	20	66.66
Total	30	99.99

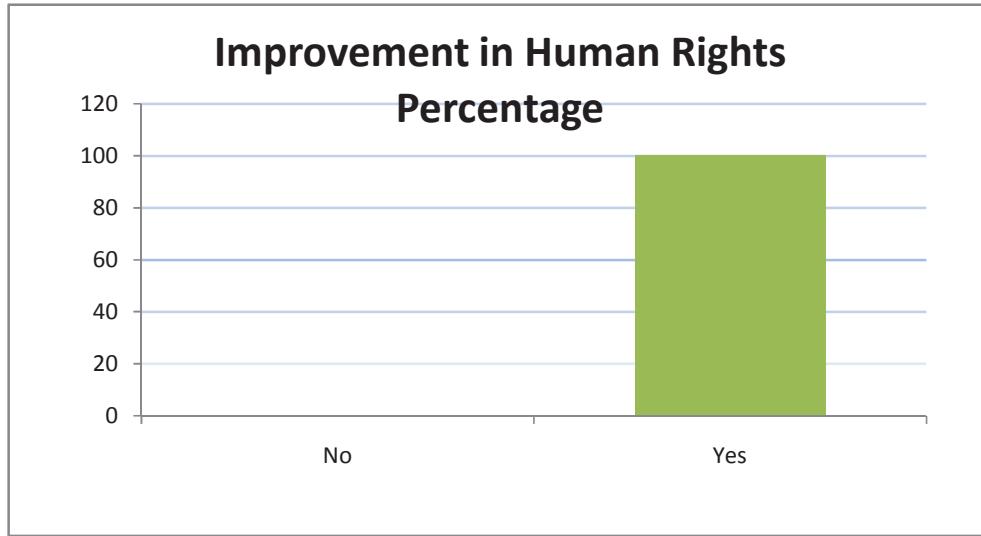


Hence we found it important to know whether the lawyers were paid their fee comfortably by the clients or not. We found that 10 lawyers (i.e. 33.33% lawyers) said that they were not paid their fee comfortably by the clients and 20 lawyers (i.e. 66.66% lawyers) said that they were paid their fee comfortably by the clients. When we asked about the reason of improper payment; lawyers said that their job is a thankless job and people did not appreciate their efforts.

- **In your opinion, has the scenario regarding women's human rights during imprisonment improved with the time?**

**Table 7.12**  
**Improvement in Human Rights**

Answer	No. of lawyers	Percentage
Yes	0	0
No	30	30
Total	30	100



We found it important to know from the lawyers we were interviewing that whether the scenario regarding women's human rights during imprisonment has worsened or improved with the time. We found in our study that all the 30 lawyers (i.e. 100% lawyers) said that scenario regarding women's human rights during imprisonment has improved with the time. According to the lawyers, intervention of courts and increased awareness of the prisoners about their rights are the reasons of for this improvement.

So, we found in our study that even lawyers say that 1/3 women are false implicated. They pointed at penal code issues for the delay in trial. According to the lawyers, the scenario regarding women's human rights during imprisonment has improved with the time.

## **PERSPECTIVE OF PRISON OFFICIALS:**

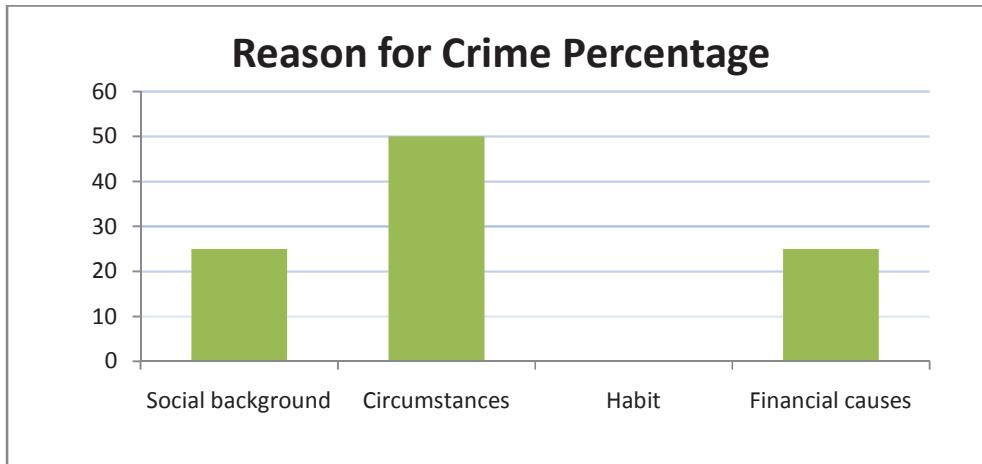
Women prisoners spend their punishment period in jail and during that period they come in close contact with prison staff. Since prisoners spend their worst time there, so prison authorities easily know about various aspects of their personality. Hence we found it important to know prison staff's perspective too and interviewed 20 prison officials.

- **What in your opinion is the main cause of female criminality?**

There are various causes of female criminality.

**Table 7.13**  
**Reason for Crime**

<b>Causes of women criminality</b>	<b>No. of prison officials</b>	<b>Percentage</b>
Social background	5	25
Circumstances	10	50
Habit	0	0
Financial causes	5	25
Total	20	100



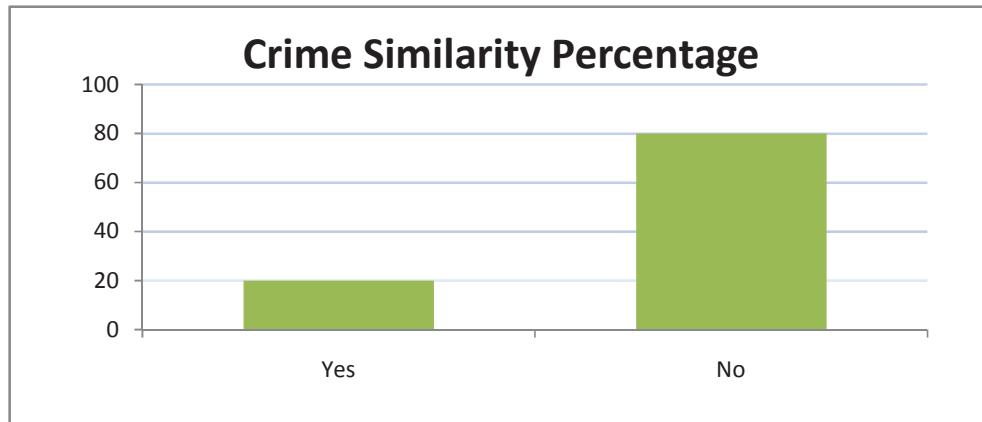
We thought it necessary to find out the reasons responsible for female criminality according to the prison staff. We found that 5 prison officials (i.e. 25% prison officials) said that social background was the main reason of female criminality, 10 prison officials (i.e. 50% prison officials) said that circumstances were the main reason of female criminality while 5 prison officials (i.e. 25 % prison officials) said that financial causes were the main reason of female criminality. So, we found in our study that most prison officials said that circumstances were the main cause of female criminality.

- **Do you think female criminality is similar to male criminality?**

**Table 7.14**

**Crime Similarity**

Answer	No. of prison officials	Percentage
Yes	4	20
No	16	80
Total	20	100

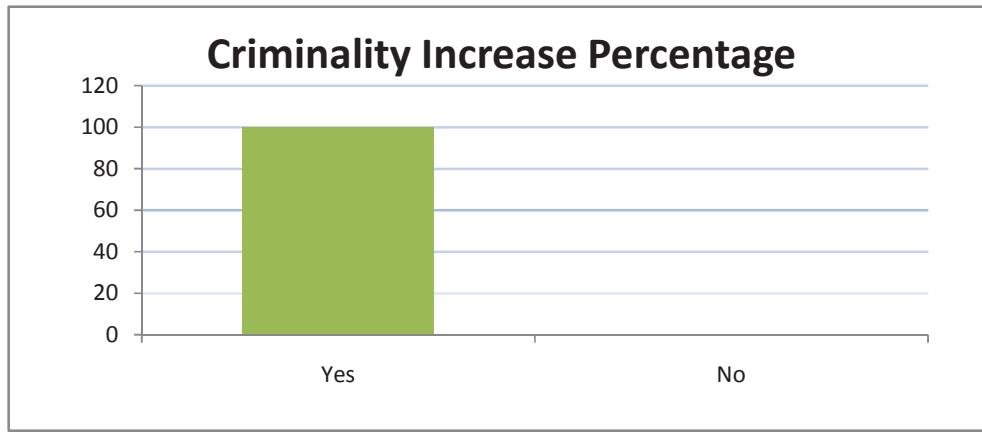


Hence we found it important to know from the prison officials whether in their opinion female criminality is similar to male criminality. 4 prison officials (i.e.20% prison officials) said that female criminality is similar to male criminality while 16 prison officials (i.e.80% prison officials) said that female criminality is not similar to male criminality. So, in our study most prison officials said that female criminality is not similar to male criminality. According to them male criminals are more stubborn while female criminals are highly emotional.

- Do you think the rate of female criminality is on increase?**

**Table 7.15**  
**Criminality Increase**

Answer	No. of prison officials	Percentage
Yes	20	100
No	0	0
Total	141	100



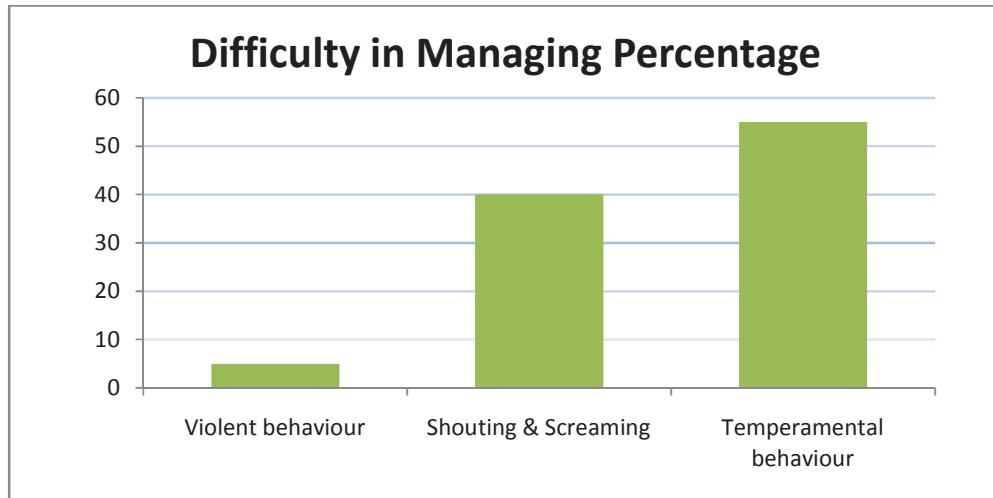
We also found it important to know from the prison officials' about the increased or decreased crime rate of female prisoners. We found that all the 20 prison officials (i.e. 100 % prison officials) said that female criminality is on increase.

- What is the major difficulty you face while managing the women prisoners?**

While managing the female prisoners prison staff faces certain problems.

**Table 7.16**  
**Difficulty in Managing**

Answer	No. of prison officials	Percentage
Violent behaviour	1	5
Shouting & Screaming	8	40
Temperamental behavior	11	55
Total	20	100



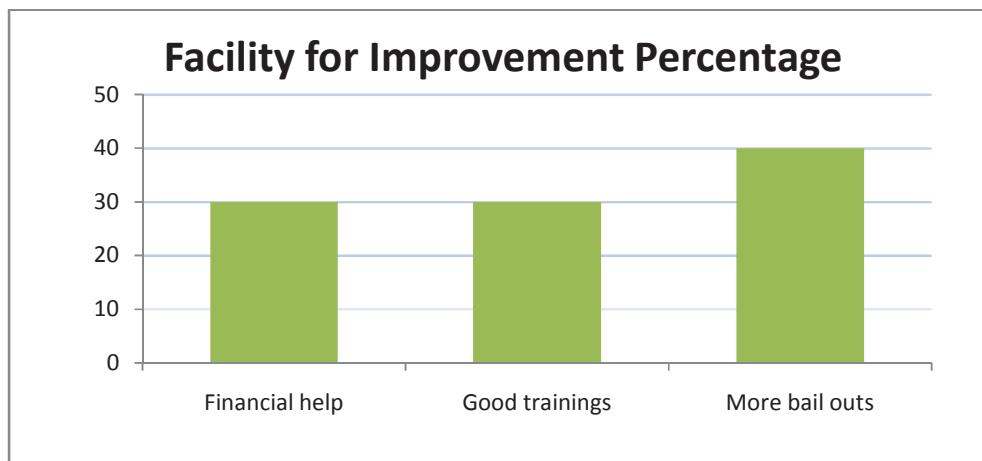
Hence we found it important to know from the prison officials about the difficulties which they face while managing women prisoners. 1 prison official (i.e. 5% prison official) said that violent behaviour of women prisoners is the biggest difficulty in managing them, 8 prison officials (i.e. 40% prison officials) said that shouting and screaming behaviour of women prisoners is the biggest difficulty in managing them, 11 prison officials (i.e. 55% prison officials) said that temperamental behaviour of women is the biggest difficulty in managing them. So, in our study, we found that most prison officials said that temperamental behaviour of women prisoners is the biggest difficulty while managing them.

- **Which facility is needed at the prison to improve the situation?**

Prison officials watch the prison life very closely so they know about the scope of improvement very well.

**Table 7.17**  
**Facility for Improvement**

<b>Answer</b>	<b>No. of prison officials</b>	<b>Percentage</b>
Financial help	6	30
Good trainings	6	30
More bail outs	8	40
Total	20	100



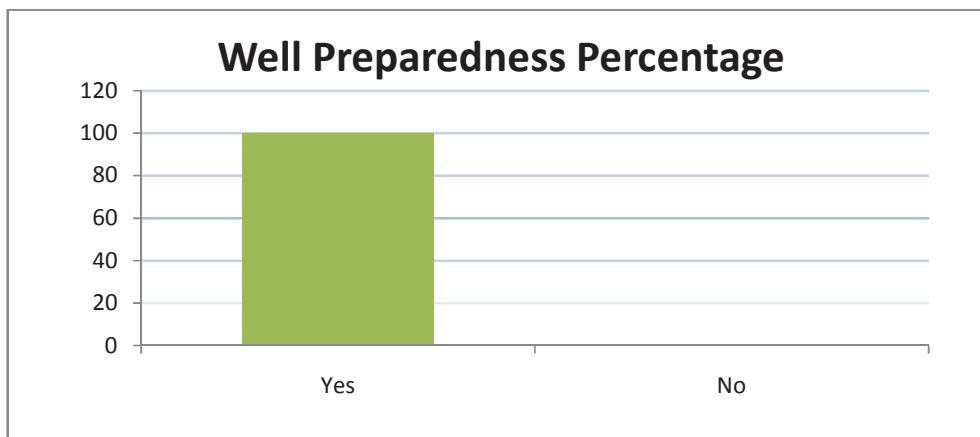
We found it important to know from the prison officials about the facility which was needed to improve the situation in the prison. 6 prison officials (i.e. 30% prison officials) said that women prisoners needed more financial help to improve the situation in the prison, 6 prison officials (i.e. 30% prison officials) said that women prisoners needed good training to improve the situation in the prison, while 8 prison officials (i.e. 40%

prison officials) said that women prisoners needed more bail outs to improve the situation in the prison. So we can say that in our study most prison officials said that women prisoners needed more bail outs to improve the situation in the prison.

- **Do you think released women are well prepared to live a good life?**

**Table 7.18**  
**Well Preparedness**

Answer	No. of prison officials	Percentage
Yes	20	100
No	0	0
Total	20	100



We also thought it important to know from the prison officials about the preparedness of the released women to live a good life. We found that all the 20 prison officials (i.e.100% prison officials) said that released women are well prepared to live a good life. So, we found that they all are very positive about women's after release life.

So, we found in our study that according to the prison officials the women criminality is increasing and women criminals have mood swings but they are smart enough and well prepare for their future.

### **PERSPECTIVE OF FAMILY MEMBERS:**

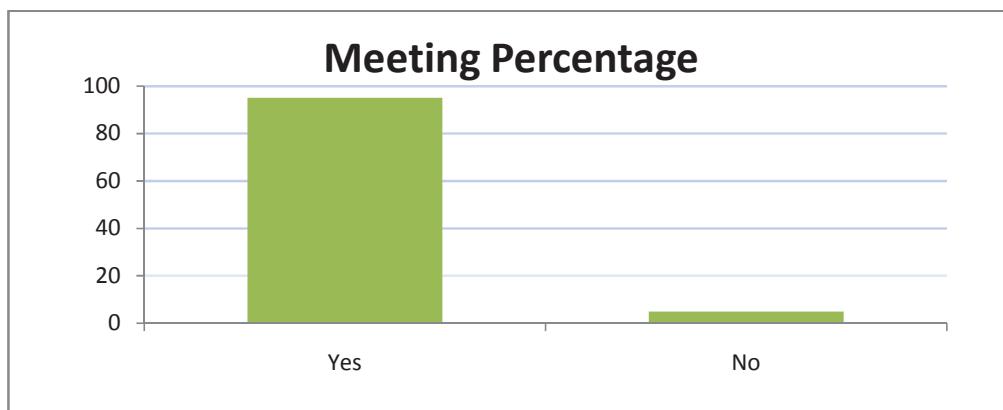
When a woman goes through a trial and gets punishment it affects her life as well as her family member's life too. So, to know the whole issue completely, it was important to know the perspective of incarcerated women's family members. So we interviewed 40 family members of women prisoners.

- Do you go to prison to meet your jailed family member?**

A prisoner almost gets cut off from the society as well as the family. Situation becomes worse if the prisoner is a woman, so a bond with their family is the most important and decisive factor during their incarcerated period.

**Table 7.19****Meeting**

<b>Answer</b>	<b>No. of family members</b>	<b>Percentage</b>
Yes	38	95
No	2	5
Total	40	100



Because of our limitations, we chose to talk to those family members who were residing in Delhi. We found it important to know from the family members whether they go to meet their jailed family member or not. 38 family members (i.e. 95% family members) said that they go to meet their jailed family member while 2 members (i.e. 5% family members) said that they cannot go to meet their jailed family member because of their

own struggles of life. So, we found in our study that most family members said that they go to meet their jailed family member.

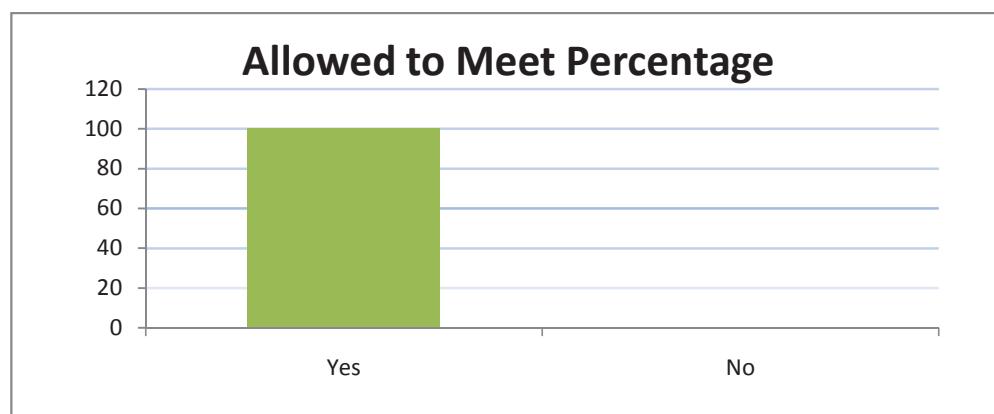
- **Are you allowed to meet your jailed family member?**

A convicted person can remain in touch with the outer world through the visitors. It is important for her psychological health also.

**Table 7.20**

**Allowed to Meet**

<b>Answer</b>	<b>No. of family members</b>	<b>Percentage</b>
Yes	38	100
No	0	0
Total	38	100



Hence we found it important to know from the family members of the women convict whether they are allowed to meet their jailed family

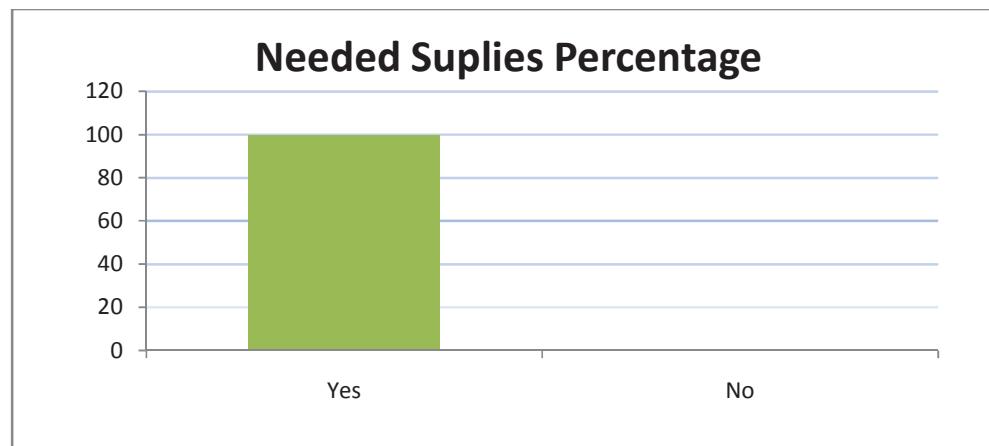
member or not. We found that all the 38 family members (i.e.100% family members) are allowed to meet their jailed family member on predefined days.

- **Do you give needed supplies to your jailed family member?**

**Table 7.21**

**Needed Suplies**

<b>Answer</b>	<b>No. of family members</b>	<b>Percentage</b>
Yes	38	100
No	0	0
Total	38	100



We found it important to know whether the family members give needed supplies to their jailed family member on visits. We found that all 38

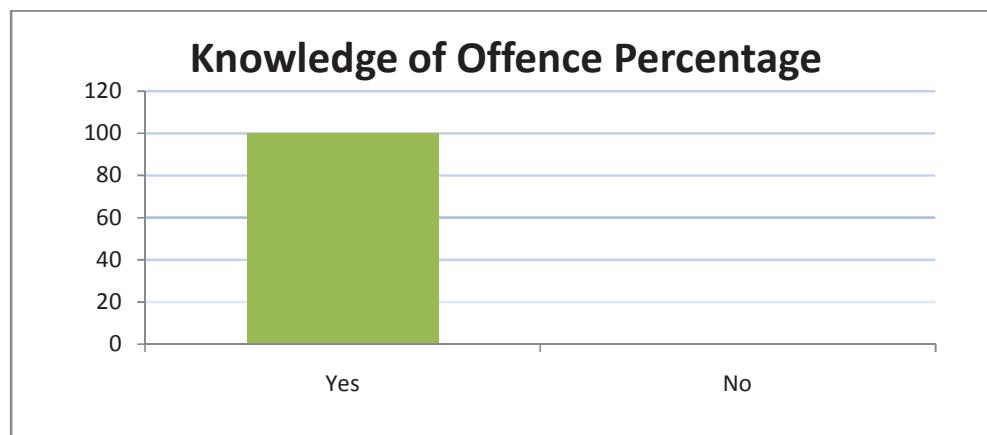
family members (i.e.100% members) give needed supplies to their jailed family member on visits according to their financial conditions.

- **Do you have knowledge about your jailed family member's offence?**

Family members are supposed to be involved throughout the process of trial.

**Table 7.22**  
**Knowledge of Offences**

Answer	No. of family members	Percentage
Yes	40	100
No	0	0
Total	40	100



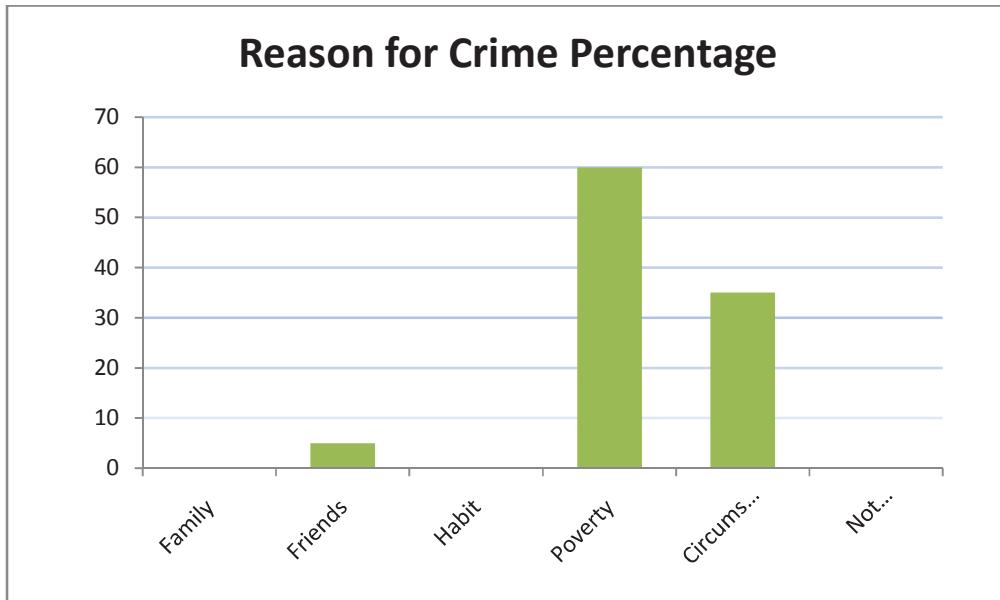
Hence we found it important to know whether the family members of the convicted women had knowledge of their jailed family member's offence or not. We found that all the 40 family members (i.e.100% members) had knowledge of their jailed family member's offence.

- **What reason was responsible for your jailed family member crime?**

**Table 7.23**

**Reason for Crime**

Answer	No. of family members	Percentage
Family	0	0
Friends	2	5
Habit	0	0
Poverty	24	65
Circumstances	14	35
Not mentioned	0	0
Total	141	100

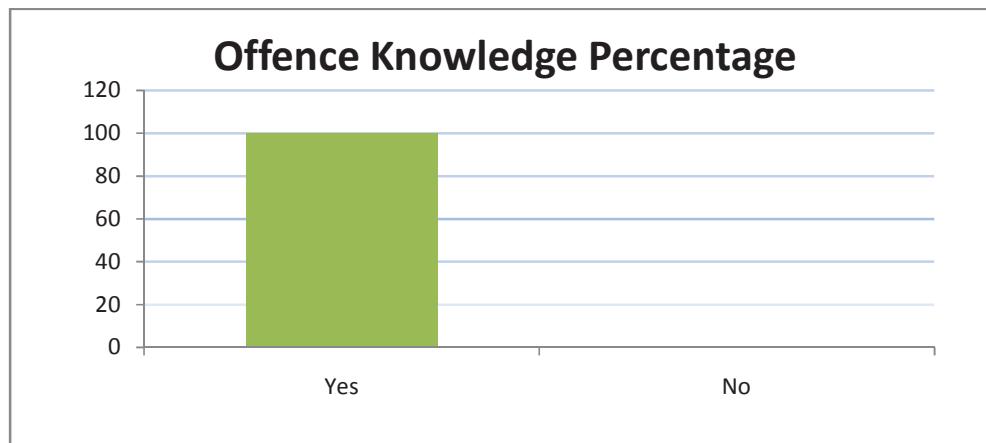


We found it important to know the reasons of crime according to the family members of convicted women. 2 family members (i.e. 5% members) said that friends were reason of crime of their jailed family member, 24 family members (i.e. 60% members) said that poverty was the reason of crime of their jailed family member, 14 family members (i.e. 35% members) said that circumstances were the reason of crime of their jailed family member. So, in our study most family members said that poverty was the reason of crime of their jailed family member.

- **Were you informed by the police at the time of your jailed family member's arrest?**

**Table 7.24**  
**Offence Knowledge by Police**

Answer	No. of family members	Percentage
Yes	40	100
No	0	0
Total	40	100



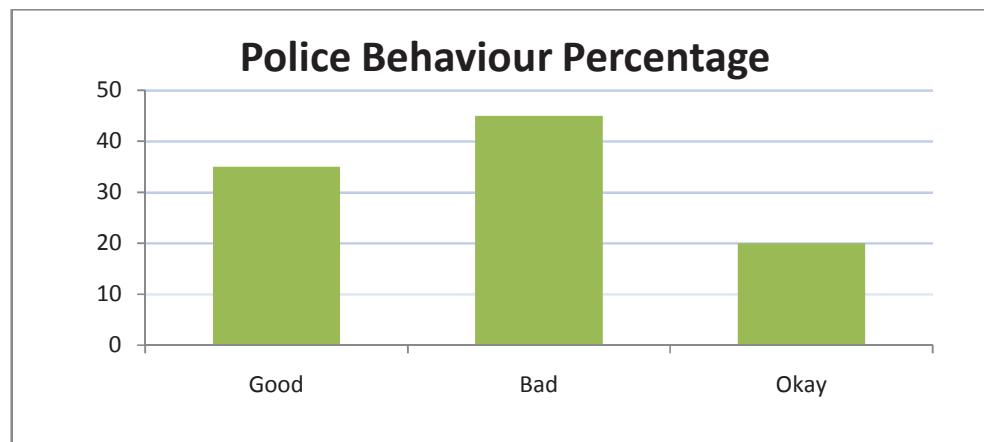
We also found it important to know from the family members of the convicted women whether they were informed by the police or not at the time of arrest of their jailed family member. We found that all the 40 family members (i.e. 100% members) were informed by the police at the time of arrest of their jailed family member.

- **How was the behaviour of the police officials towards you?**

Indian police is infamous for its behaviour towards criminals as well as their families.

**Table 7.25**  
**Police Behaviour**

Answer	No. of family members	Percentage
Good	14	35
Bad	18	45
Okay	8	20
Total	141	100



Hence we found it important to know from the family members of the convicted women about the behaviour of the police officials towards them. We found that 14 family members (i.e. 35% members) said that

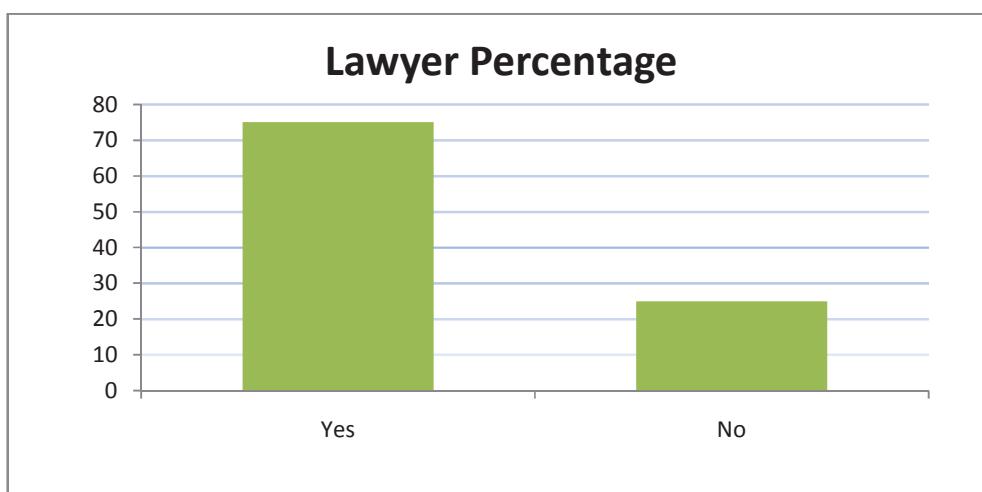
behaviour of the police officials towards them was good, 18 family members (i.e.45% members) said that behaviour of the police officials towards them was bad and 8 family members (i.e.20% members) said that behaviour of the police officials towards them was okay. So, we found in our study that most family members said that behaviour of the police officials towards them was bad.

- **Did you hire lawyer for your jailed family member?**

**Table 7.26**

**Lawyers**

<b>Answer</b>	<b>No. of family members</b>	<b>Percentage</b>
Yes	30	75
No	10	25
Total	40	100



We found it important to know from the family members of the convicted women whether they hired a lawyer for their jailed family member or not. 30 family members (i.e. 75% members) said that they hired a lawyer for their jailed family member while 10 family members (i.e. 25% members) said that they did not hire a lawyer for their jailed family member and government lawyer fought their jailed family member's case. So, in our study most family members said that they hired a lawyer for their jailed family member.

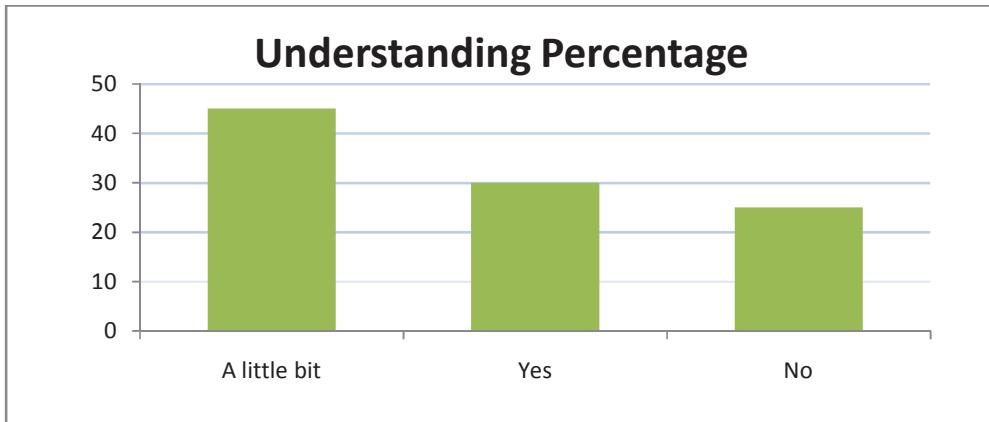
- **Did you understand what the judge said in the court?**

It's really difficult to understand the language of the Indian law and court room procedures are tiring and complicated.

**Table 7.27**

**Understanding**

<b>Answer</b>	<b>No. of family members</b>	<b>Percentage</b>
A little bit	18	45
Yes	12	30
No	10	25
Total	40	100



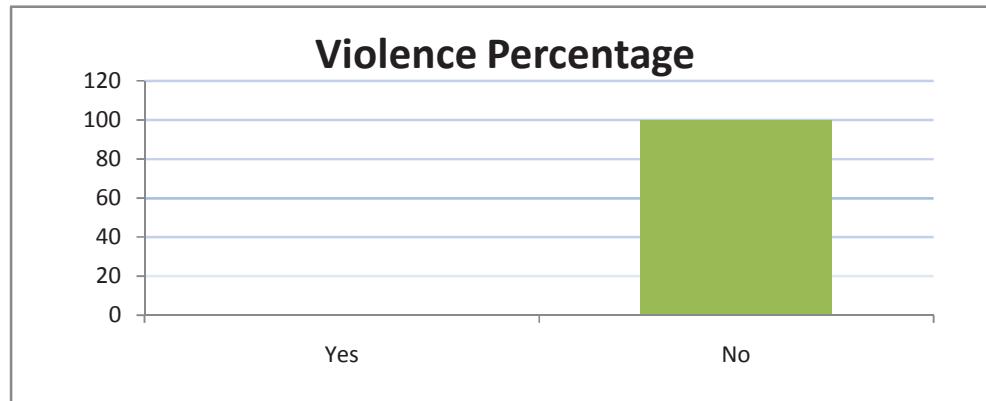
We also found it important to know from the family members of the convicted women whether they could understand what the judge said in the court or not. 18 family members' (i.e.45% members) said that they could understand what the judge said in the court a little bit, 12 family members (i.e.30% members) said that they could understand what the judge said in the court completely while 10 family members (i.e. 25% members) said that they could not understand what the judge said in the court. So, we found in our study that most family members said that they could understand what the judge said in the court a little bit.

- Did your jailed family member ever complain about physical violence or torture inside the prison?**

**Table 7.28**

**Violence**

Answer	No. of family members	Percentage
Yes	0	100
No	40	0
Total	40	100



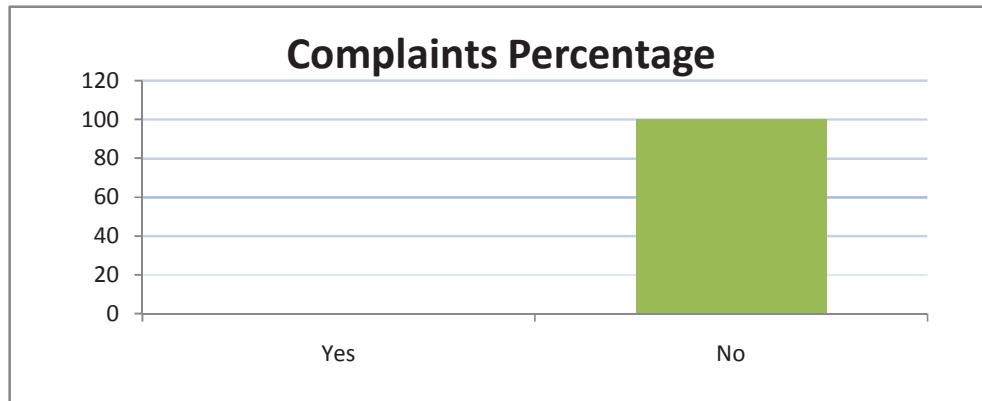
We also found it important to know from the family members of the convicted women whether their jailed family member had ever complained about physical violence or torture inside the prison. We found that all 40 family members (i.e.100% members) said that their jailed family member had never complained about physical violence or torture inside the prison.

- Did your jailed family member ever complaint about immoral act inside the prison?**

**Table 7.29**

**Complaints**

Answer	No. of family members	Percentage
Yes	0	100
No	40	0
Total	40	100



We also found it important to know from the family members of the convicted women whether their jailed family member had ever complained about immoral act inside the prison. We found that all 40 family members (i.e.100% members) said that their jailed family member had never complained about immoral act inside the prison.

- **What is your jailed family member's biggest complaint about prison life?**

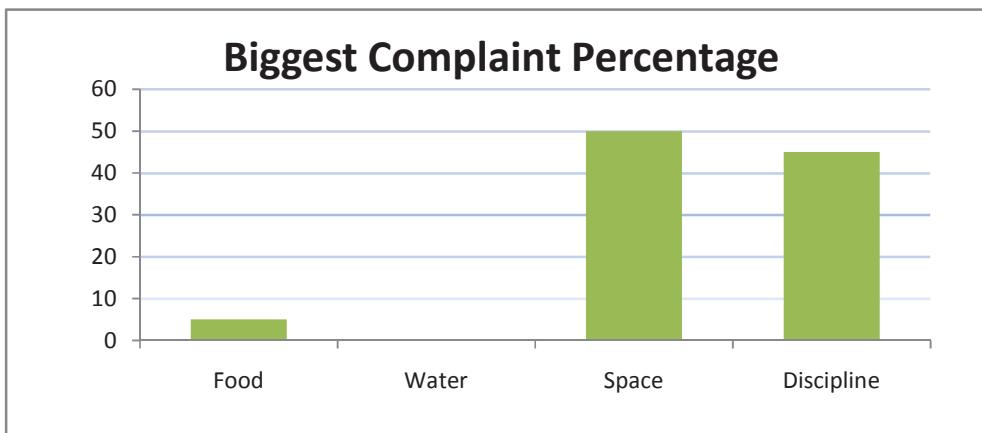
In their routine life women prisoners go through some problems and they have complaints about them.

**Table 7.30**

**Biggest Complaint**

Answer	No. of family members	Percentage
Food	2	5
Water	0	0
Space	20	50
Discipline	18	45

Total	40	100
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Hence we found it important to know from the family members of the women convict- What the biggest complaint of their jailed family member about the prison life. 2 family members (i.e. 5% members) said that their jailed family member's biggest complaint about the prison life was food, 20 family members (i.e. 50% members) said that their jailed family member's biggest complaint about the prison life was space and 18 family members (i.e. 45% members) said that their jailed family member's biggest complaint about the prison life was discipline. So, we found in our study that most family members said that their jailed family member's biggest complaint about the prison life was space.

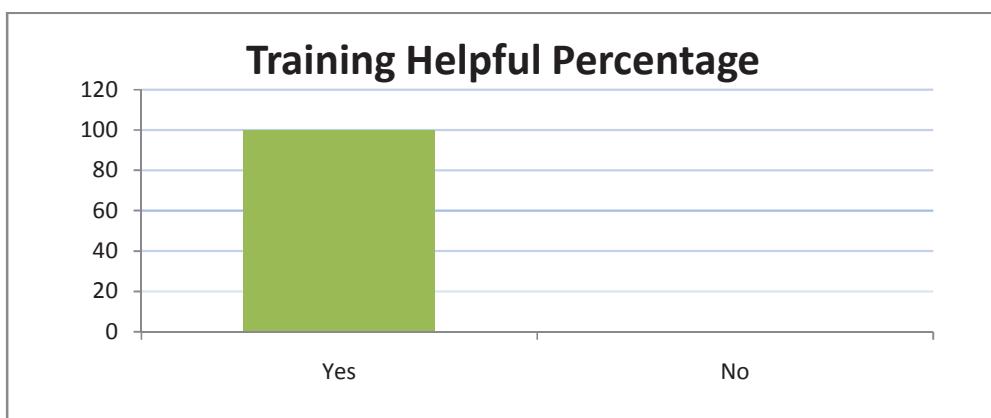
- **Are the training programmes and meditation helpful for your jailed family member?**

The Tihar Central Jail's training programmes and meditations are popular.



**Table 7.31**  
**Helpful Training**

<b>Answer</b>	<b>No. of family members</b>	<b>Percentage</b>
Yes	40	100
No	0	0
Total	40	100

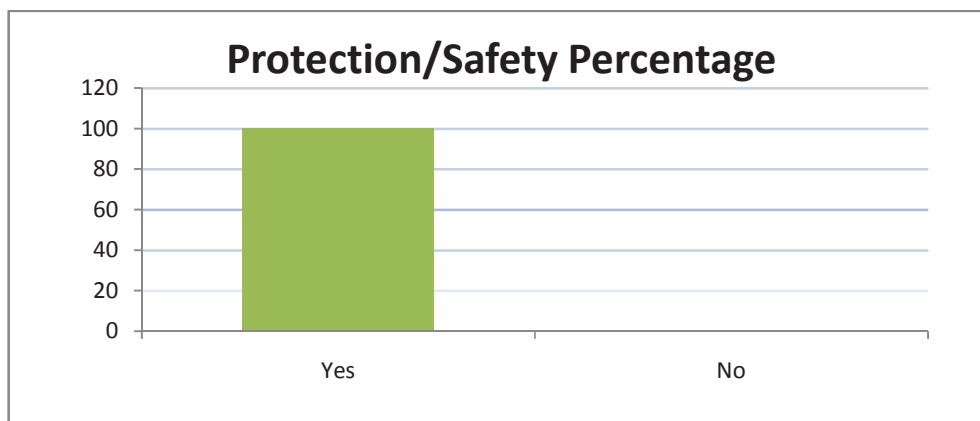


Hence we found it important to ask from the family members of the convicted women if the training programmes and meditation was helpful for their jailed family member. We found that all the 40 family members (i.e. 100% members) said that the training programmes and meditation was helpful for their jailed family member.

- Does your jailed family member feel protected in the prison?

**Table 7.32**  
**Protection/Safety**

Answer	No. of family members	Percentage
Yes	40	100
No	0	0
Total	40	100

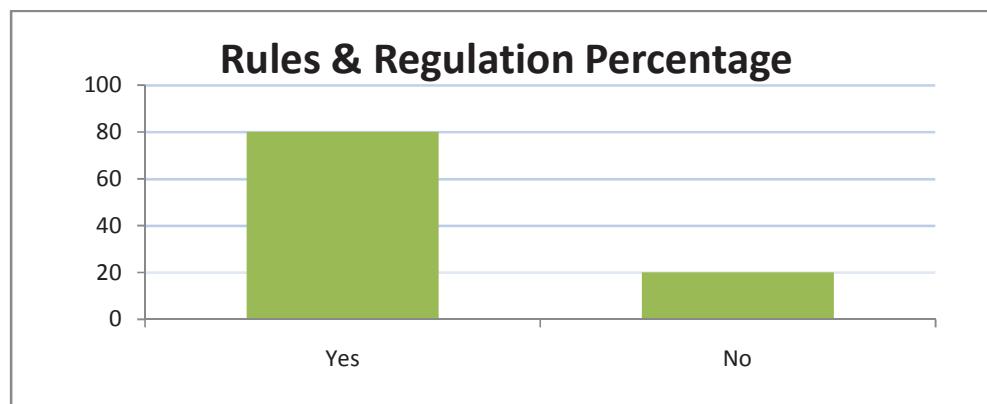


Hence we found it important to ask from the family members of the convicted women if their jailed family member feel protected inside the prison. We found that all the 40 family members (i.e. 100% members) said that their jailed family member feel protected inside the prison.

- Are you satisfied with the rules and regulations of the prison?

**Table 7.33**  
**Rules & Regulation**

Answer	No. of family members	Percentage
Yes	32	80
No	8	20
Total	40	100



We also found it important to know from the family members of the convicted women if they were satisfied with the rules and regulations of the prison. 32 family members (i.e. 80% members) said that they were satisfied with the rules and regulations of the prison while 8 family members (i.e. 20% members) said that they were not satisfied with the

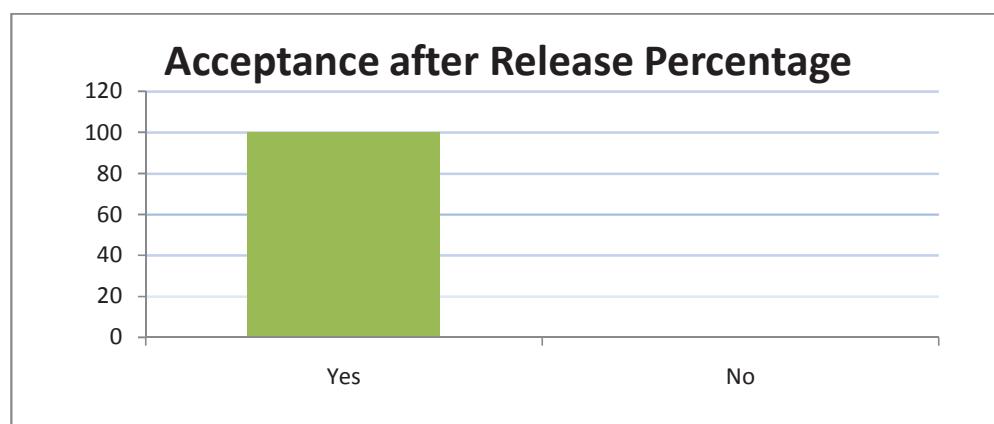
rules and regulations of the prison. So, in our study most family members said that they were satisfied with the rules and regulations of the prison.

- **Will you and your family accept your jailed family member after release?**

It's really difficult for women to get respectful position in a male dominated society like ours. If the woman had lived in jail it becomes all the more difficult.

**Table 7.34**  
**Acceptance after Release**

Answer	No. of family members	Percentage
Yes	40	100
No	0	0
Total	40	100



Hence we found it important to know from the family members of the convicted women if they will accept their jailed family member after release. We found that all 40 family members (i.e. 100% members) said that they will accept their jailed family member after release.

We could contact to the families residing in Delhi only. Answers can be different in remote areas. Here we found that families were agreeing to restart their life with the jailed family member and their experiences about the whole process were same as their jailed family member's.

### **CONCLUSION:**

So, we may conclude in our study that most lawyers said that the most common crime of women accused was prostitution and relatives/family members of the accused women were the common accusers. In our study 66.66% lawyers said that approximately 21% to 30% women prisoners were falsely implicated which is a matter of concern, social background and circumstances were the main causes of female criminality, 46.33% lawyers said that judiciary accepts the influence from the plaintiff party (especially in criminal cases) which is a matter of concern, most lawyers said that they were never approached or influenced by the plaintiff party, most lawyers said that constitutional/penal code related issues are the main causes of delayed trials. We found that 33.33% lawyers said that they were not paid their fee comfortably by the clients and 100% lawyers

said that the scenario regarding women's human rights during imprisonment has improved with the time.

We found that most prison officials said that circumstances were the main cause of female criminality, female criminality is not similar to male criminality and 100% prison officials said that female criminality is on increase. Most prison officials said that temperamental behaviour of women prisoners is the biggest difficulty while managing them and women prisoners needed more bail outs to improve the situation in the prison. We found that 100% prison officials said that released women are well prepared to live a good life.

In our study most family members said that they go to meet their jailed family member inside the prison and they are allowed to meet their jailed family member on predefined days. All 40 family members gave needed supplies to their jailed family member on visits according to their financial condition and had knowledge of their jailed family member's offence.

Most family members said that poverty was the reason of crime of their jailed family member, they were informed by the police at the time of arrest of their jailed family member, behaviour of the police officials towards them was bad, they hired lawyer for their jailed family member and they could understand what the judge said in the court a little bit.

We found that all 40 family members said that their jailed family member had never complained about physical violence or torture inside the prison, their jailed family member had never complained about immoral act inside the prison, their jailed family member biggest complaint about the prison life was space. The training programmes and meditation was helpful for their jailed family member, their jailed family member felt protected inside the prison. Most family members said that they were satisfied with the rules and regulations of the prison and they will accept their jailed family member after release.

## CHAPTER -VIII

# CONCLUSION AND SUGGESTION

In the first chapter entitled '**Introduction**', we discussed about our plan of research.

We reviewed the concerned literature and selected the problems of the research. We discussed objectives and importance of our study. Hypothesis for our study were described and we also explained the statement of our problem. We described the research methodology and various tools for our research. Universe as well as sources of the study were explained.

In the second chapter entitled '**Women's Rights: A Historical Perspective**', the meaning, types, history and scope of feminism and rights of women at international and national level have been elaborated. Growing solidarity among women and the willingness to struggle for their rights can be expressed as 'feminism'. Feminism indicates women deserve equality to men. There are various types of feminism. Liberal feminists have argued and campaigned over the last three hundred years for women's right to education, employment, political participation and full legal equality. Marxist feminists argue that in class society formal equal rights can benefit only a few middle-class women. Most women,

like most men, will remain oppressed until the capitalist economic system is replaced by communism. Radical feminism was first fully articulated in the late 1960s, and it argues that men's patriarchal power over women is the primary power relationship in human society. Modern socialist feminists claim to combine the best of both Marxist and radical feminism. Some sub-movements of feminist philosophy have developed over the years. Anarcha-feminism generally views patriarchy as an expression of reflex hierarchy. Black feminism believes that forms of feminism that struggle to overcome sexism and class oppression but ignore race can differentiate against many people, including women, through racial prejudice. Postcolonial feminism is critical of radical feminism and liberal feminism. Third-world feminists took part in feminist politics in third-world countries. Nevertheless, all feminists advocate equality between sexes. The history of feminist movement has been divided into three "waves" by various feminist scholars. The first wave was mainly concerned with women's right to vote. The second wave campaigned for legal and social rights for women. The third wave, beginning in the 1990s, was a continuation and reaction to the apparent failures of previous feminist movements. Similar to the third wave, which reacted and continued to the theories of the second wave, the fourth wave endorsed the concepts that third wave feminists had put forward. The pervasive inequalities existing in the society are the basic gender issues

that lead to denial of human rights for women. Ever now millions of women throughout the world live in conditions of deprivation and without fundamental human rights for no other reason that they are women. Following international documents have led to the protection of rights of women in the world. **United Nation's Charter, Universal Declaration of Human Rights, 1948**, Convention on the Political Rights of Women, 1952, **Convention on the Nationality of Married Women, 1957**, Declaration on the Elimination of All Forms of Discrimination against Women, 1967, Declaration on the Protection of Women and Children in Emergency and Armed Conflict, 1974, **International Covenant on Civil and Political Rights, 1976**, **International Covenant on Economic, Social and Cultural Rights, 1976**, CEDAW: The International Bill of Women's Rights-1979, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1987, **Convention on the Rights of the Child, 1990**, *General Recommendation 19, 1992*, Vienna Conference, June 1993, Declaration on Elimination of Violence against Women, 1993, Beijing Declaration and Platform for Action 1995, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000, *Millennium Summit 2000*. Indian constitution ensures the equality of men and women. In order to make the de jure equality into a de facto one, women specific and women related legislation have been enacted to safeguard the rights and

interest of women. Hindu Married Women's Rights to Separate Residence and Maintenance Act, 1946, **Special Marriage** Act, 1954, Hindu Marriage Act, 1955, Hindu Succession Act, 1956, The Hindu Adoption and Maintenance Act, 1956, Equal Wages Act, 1976, Dowry Prohibition Act, 1961, The Commission of Sati (Prevention) Act, 1987, Domestic Violence Act, 2005, Pre-natal Diagnostic Technique (Regulation and Prevention of Misuse) Act. 1994 (PNDT Act), Sexual Harassment of Women at Workplace (Prevention and Redressal) Bill, 2004, Indecent Representation of Women(Prohibition) Act 1986, The Immoral Traffic Prevention Act, 1956, The Medical Termination of Pregnancy Act, 1971, Factories Act, 1948, The Beedi and Cigar Worker (Condition of Employment) Act, 1966, *Criminal Law Amendment Act, 2013* are various acts regarding women rights. Although the situation has improved for some women however even now women have to face many challenges in their day to day life. **These are:** Female infanticide and female feticide, neglect by family, medical neglect, deprivation of educational opportunity, sexual abuse of girl child, child marriage, prostitution, *the battered girl-child*, molestation and eve-teasing, torture, dowry death, rape kidnapping and abduction, wife battering, neglect of elderly women, custodial violence against women etc.

The third chapter entitled '**Prisoner's Rights: with Special Reference to Women Prisoners**', addresses the issue of prisoner's rights, especially women prisoner's rights. It focuses on prison system in India and includes meaning and definition of prison, history of prison system especially in Indian reference, problem of prisoners and women prisoners in India, rights of prisoners and women prisoners in international law and rights of prisoners and women prisoners in Indian context. "Prison is a place properly arranged and equipped for the reception of persons who by legal process are committed to it for safe custody while awaiting trial or punishment". In the history of prisons, three phases are eminent in general. The first phase lasted until the middle of the 16th century. During this phase, penal institutions were mainly cells of detention rooms in secure parts of forts or city, in which prisoners were kept. During the second phase, different forms of sentences for certain types of offenders (mostly Juveniles) were experimented. During the third phase, imprisonment, as a substitute for all capital punishments was universally adapted. In 21<sup>st</sup> century the Supreme Court of India has protected and nurtured the prisoner's rights jurisprudence through a sequence of rulings. The right to get information and role of NGOs has proven decisive in prison reforms in India. There are various problems in Indian prisons: overcrowding, discipline, health, criminality, convicts officials, prison labour, prisonization, and the problems of under trial prisoners. Besides

facing the general problem that all prisoners face in any prison in India, women prisoners also face following problems: separation from children, lack of substance abuse treatment; lack of physical and mental health care and vocational and educational program; sexual abuse; harsh disciplinary practices and lack of gender-specific treatment. The chapter includes the rights of prisoners under international law. There are various conventions, declaration and other instruments dealing with the rights of the accused in the international legal regime. Third Geneva Convention, 1929, United Nation Charter, Universal Declaration of Human rights, 1948, UN Standard Minimum Rules for the Treatment of Prisoners, 1955, International Covenant on Civil and Political Rights, 1976, Amnesty International, 1955, Code of Conduct for Law Enforcement Officials, 1979, Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty, 1984, The Milan Plan of Action, 1985, Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New Economic Order, 1985, Model Agreement on the Transfer of Foreign Prisoners and Recommendations on the Treatment of Foreign Prisoners, 1985, Standard Minimum Rules for the Administration of Juvenile Justice, 1985, Standard Minimum Rules for Non-Custodial Measures, 1990, Model Treaty on Extradition, 1990, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, *Convention on the Rights of*

*Persons with Disabilities.* In India constitution provides safety and security to the rights of every Indian individual including prisoners. Prisoners have rights: Prisoners do not lose their fundamental rights, Right of the arrested person, Handcuffing only under Court supervision, Right to health, Right to free legal aid, Rights regarding police custody and remand, Right to speedy trial, Capital punishment in rarest of rare case, First appeal against conviction is a constitutional right, Equality in privileges is a fundamental right, No solitary confinement of condemned prisoners, Wages to be paid to prisoners, Right to compensation, Right against infiltration of police inside prison, Right to have Interview with the relatives and friends, Right to publish works, Bail in bail able offences is a statutory right, Right of compulsory bail, Execution of death sentence, Prisoners' conjugal rights, Every accused has a right to engage counsel of his choice, Right to Religion. The law provided various rights to women prisoners such as pregnant women in prison are provided all necessary pre-natal and post-natal care and treatment. Children of women prisoners have right to adequate nutrition, medical care and educational opportunities in prison.

The forth chapter entitled '**Response of Women Prisoners of the Tihar Central Jail: Personal and Socio-Economic Profile**', discusses about prison system in Delhi. Delhi Prison has two Prison Complexes, one at

Tihar being one of the largest prison complexes in the world, comprising of nine central prisons and one District Prison at Rohini Prison Complex. Staffing pattern of Tihar central jail, aims and objectives of Tihar prison, categorisation and lodging of prisoners in Tihar central jail have also been discussed. The introduction of women inmates at Tihar central jail includes age, education, marital status, domicile, occupational background, religion, caste, economic needs of the family, and monthly income of the family, types of residence and children of inmates. The study was conducted on 141 convicted women of Tihar central jail. Specific permission is required from Director General of Prisons to enter into the jail to meet women prisoners. Researcher met the inmates from 21<sup>th</sup> June to 19<sup>th</sup> July 2014. Researcher was allowed to stay in jail from 10 AM to 4 PM. The inmates were asked to appear before the researcher. Tihar inmates were used to having visitors from various NGOs and research institutes. They knew it well that this interaction was a source of connection with open society for them, so they asked the utility of research appurtenant to them. Most of them were open and eager for talk, while some of them did not prefer to reveal their identity and family background to a stranger. They became comfortable slowly. We found that most convicted women were middle aged, illiterate or below secondary level of education, married, belonging to Hindu religion, general category and residents of Delhi state. Most of them were indulged

in doing petty businesses and fulfilling the economic needs of the family along with other members but belonged to poor families. Most of them lived in small brick houses and had 3 to 5 children.

The fifth chapter entitled '**Response of Women Prisoners of the Tihar Central Jail: Crime, Police & Judiciary**', elaborates upon the types of crime that women committed more, various causes of women criminality, nature of women crime and role of police and judiciary. An attempt was made to know various aspects of women criminality. We found that most women convicts were involved in crimes of murder, drugs and prostitution and most of them were arrested for the first time. Those who were arrested earlier were young-adults, arrested in the crime of prostitution and drugs, stated poverty as the biggest reason for crime and had short stay in prison. Behaviour of their family and other people of the society was good after their first custody period. All the women offenders committed crime together with someone else and no other family member had any criminal record, most of them committed crime because of poverty.

The behaviour of police personnel towards them at the time of arrest was bad and police had beaten or misbehaved with them. Most of them accepted their crime under the police pressure. But as Delhi is the national capital, it has women lock-ups in its police stations, so all the

convicts were kept in lock-ups with females and their families or friends were informed by the police. Most of them were arrested before sunset in the presence of lady police staff and most of the women convict were not asked for bribe by the police.

Most convicted women felt that the behaviour of the judicial officials towards them was good or okay, most convicted women had their own lawyer, a significant percent of women convicts did not understand what the judge said completely, no convicted woman was asked for bribe in the court and most convicted women felt that their cases had been dragged for a long time.

In the sixth chapter titled '**Response of Women Prisoners of the Tihar Central Jail: Prison, Human Rights and Children Related Conditions**', information about condition in prison was gathered from the women inmates. We found that all convicted women were satisfied with the behaviour of prison staff. They said that there was no physical violence inside the prison and had never been kept in isolation. Few convicted women said that prison personnel were susceptible to the influence of money or pressures. All convicted women were aware about the training programmes and meditation facility of Tihar prison; few convicted women were not satisfied with the rules and regulations. Few convicted women were not aware about their human rights and 26.24 %

women said that there were no human rights in the prison. Those who were aware about their rights said that their most important right is healthy food. Most convicted women said that they themselves were smart enough to know about their human rights. They never demanded their rights, never faced physical or mental torture inside the prison, they found prison overcrowded, got regular medical checkups and medicines and most of them found the behaviour of doctor okay towards them. They all felt safe in the prison and were never pressurized to do any immoral act. 84.39 % women convicts said that there was no discipline in the prison. Most of them said that their children came to meet them sometimes and were always allowed to meet them. Most of the convicts did not take the benefit of the library as they were less or not educated. They all had TV facility, sufficient water for bathing and washing, they were satisfied with the food and drinking water and they had sufficient and clean toilets and bathrooms with doors. Most convicted women said that the beddings were not sufficient for sleeping in the prison. They were taken to courts under sufficient security, were never kept in chains, most of the women convict work in the prison. The convicted women said that Judicial Personnel, people from Human Rights Commission, Women Commissions or any other organization visit prison apropos supervision and no specific instructions were given before such visits and the women were free to share their problems with the visitors. Few convicted women

had complained about prison personnel to these visitors and proper action was taken about their complaints.

Most convicted women were not residing with their children in the prison. Children residing with them in prison were in the age group of 2 to 4 years. Educational facility was available for their children in the prison. Their children were getting proper food and milk every day. Behaviour of prison officials and other prisoners was good towards children.

Most convicted women felt that their families will accept them after release and they will never commit crime again.

In the seventh chapter entitled '**Perspective of Other Stake Holders: Lawyers, Prison Officials and Family Members of the Convicted Women**', female criminality is checked through other stake holders perspective like lawyers, prison officials and family members. We found that most lawyers said that most common crime of women accused was prostitution and relatives/family members of the accused women were the common accusers. Most lawyers said that approximately 21% to 30% women prisoners were falsely implicated and social background and circumstances were the main causes of female criminality, 46.33% lawyers said that judiciary accepts the influence from the plaintiff party (especially in criminal cases), most lawyers said that they were never

approached or influenced by the plaintiff party, most lawyers said that constitutional/penal code related issues are the main cause of delayed trials. We found that 33.33 % lawyers said that they were not paid their fee comfortably by the clients and all lawyers said that scenario regarding women's human rights during imprisonment has improved with the time.

Most prison officials said that circumstances were the main cause of female criminality, female criminality is not similar to male criminality and all the prison officials said that female criminality is on increase.

Most prison officials said that temperamental behaviour of women prisoners is the biggest difficulty in managing them and women prisoners needed more bail outs to improve the situation. We found that all prison officials said that released women are well prepared to live a good life.

Most family members said that they go to meet their jailed family member inside the prison and they are allowed to meet their jailed family member on predefined days. All family members give needed supplies to their jailed family member on visits according to their financial condition and had knowledge of their jailed family member's offence. Most family members said that poverty was the reason of crime of their jailed family member, they were informed by the police at the time of arrest of their jailed family member, behaviour of the police officials towards them was bad, they hired a lawyer for their jailed family member and they could

understand what the judge said in the court a little bit. All family members said that their jailed family member had never complained about physical violence or torture inside the prison, their jailed family member had never complained about immoral act inside the prison, their jailed family member's biggest complaint about the prison life is space, the training programmes and meditation is helpful for their jailed family member, their jailed family member feel protected inside the prison. Most family members said that they are satisfied with the rules and regulations of the prison and they will accept their jailed family member after release.

In the eighth chapter entitled 'Summary and Conclusion' focus is on the main findings of the study.

### **TESTING OF HYPOTHESIS:**

1. Our first hypothesis was that women prisoners are not aware of their human rights. This hypothesis was proved during our study as it is shown in Table No. 6.8, 6.9, 6.10, 6.11 & 6.12. Almost half of the convicted women did not know about human rights or prisoner's rights. Though we were studying in Tihar jail, which was situated in the national capital too, but the situation of women inmate's knowledge of human rights is slightly different from other states.

2. Our second hypothesis was that their human rights are not protected when they come in conflict with law. This hypothesis was also proved as it is shown in Table No. 5.12, 5.13, 5.14, 6.17, 6.20 & 7.25. Women inmates had a tough time at the hands of police as well as inside the prison.
3. Our third hypothesis was that women prisoners are dissatisfied with their condition. This hypothesis was proved partly as it is shown in Table No. 6.1, 6.2, 6.4 & 6.7. Though women did not complain but this was due to continuous presence of prison staff and their compromising attitude. Most of the convicted women had only one wish and that was to come out of the jail so this fact proved our hypothesis.
4. Our fourth hypothesis was that women prisoners are uncertain about their future. This hypothesis was proved as it is shown in Table No. 6.48 & 7.34. Most women inmates were depending on their families for their support after release. They were not thinking about a self dependent position in the society as they did not have a clear idea about it.
5. Our fifth hypothesis was that women prisoners do not have opportunities to make their future more secure. This hypothesis was not proved in Tihar jail as it is shown in Table No. 6.5, 6.6 &

7.31. There were many educational and vocational training programmes in Tihar Jail. Women inmates were aware and taking benefit of these programmes though male prisoner's number was higher in this regard.

6. Our sixth hypothesis was that women prisoners need to be given training for economic and psychological empowerment. This hypothesis was proved as it is shown in Table No. 6.5, 6.6, 6.24 & 6.36. Most women convicts were engaged in educational and training programmes in Tihar jail. Thus they were utilising time positively and earning remission for their future.
7. Our seventh hypothesis was that prison officials lack sensitivity and need orientation or training programmes to make them more sensitive. This hypothesis was proven partly as it is shown in Table No. 7.17. We found prison official sensitive towards prisoners and they themselves specified RTI (right to information) and role of NGOs was responsible for it. But they definitely need more orientation programmes to make them more sensitive.

## **RESEARCHER'S OBSERVATION**

Women prisoners of the Tihar central jail are kept in jail no.6. This jail was started in the year 2000. Its sanctioned capacity was 400 prisoners but at the time of our study there were 620 women prisoners. This is the

only ISO certified institution for women inmates in the country. Jail no.6 had a large gate with a small door for the entry of visitors at its main entrance. Visitors had to lift up the leg to enter through the small door. Just after the main entrance, administrative block was situated where the superintendent, deputy superintendents and other prison staff had their offices. Visitors were not allowed to take their mobiles, purses and other valuables inside the prison premise. A record of visitors was kept including name, address, purpose, time of arrival and departure. I waited in the superintendent office. After telling the jail officials my purpose, of visit I received two different kinds of reactions. One official was little upset and said “Why don’t you go and check the human rights of those families who were being harmed by these incarcerated women?” “Your point is important, but these incarcerated women have got their punishment for their mistakes so now they deserve our attention”, I replied. “Yes madam, they are human beings so they have basic rights and we should take care of these rights”, another official said. I was accompanied by a female official. We crossed another large gate of the same type. After walking a few meters the whole jail was in front of me. The 8 wards of the jail had 28 barracks and 54 cells. All the barracks and cells had 1 toilet each and there were 81 external toilets. The jail had 20 bedded hospitals with OPD and dispensary. A huge kitchen with special cooking equipments, namkeen and baking unit, stitching and weaving

centre, pottery designing & candle making unit, jute jewellery and artificial flowers unit, crèche and a large open space with lots of greenery.

At first look, jail no.6 gave me a hostel like impression. Barracks and verandas were small but clean. Bathrooms and toilets were also clean. The task of cleanliness was performed by inmates themselves. The women inmates had enough water for washing purposes and bathing, clean water from water purifiers for drinking. TV facility was available in barracks. A lot of inmates were involved in vocational activities. At hospital, unwell patients were resting. There were coolers. Doctor on duty told us that regular medical checkups of inmates were done and their children were properly vaccinated. Sugar patients, HIV patients, TB patients and other prisoners suffering from contagious diseases were given special food and treatment. They were kept separate according to medical need. A dispensary with two pharmacists was there. Food for those male inmates, who go for their court hearings early in the morning, was cooked by female inmates. Kitchen was big and clean comprising of modern cooking equipments, Piped Natural Gas was used for cooking. The prisoners were given three meals. In the morning they were given breakfast which included tea with chapattis or biscuits or breads. The lunch included dal, sabji, rice and chapattis. Mostly they were given dal and chapattis in dinner. Chapatis were thick and dal-sabji were little oily. Evening tea was also given. Close to the kitchen, there was a bakery

unit. Mouth watering namkeens, pickles, and cookies were being made in this unit. In stitching unit inmates were busy in making dresses. Few days earlier, they had even arranged a fashion show inside the jail. Stitching unit's dress material becomes a part of Tihar emporium at Pragati maidan's Trade fair every year. Inmates were preparing beautiful jute jewellery, bags, pottery and artificial flowers in their respective units. Women inmates were showing their interest towards the course of beautician and some Nigerian women inmates were busy in giving the training of hair styles. Similarly knitting with Crochet was very popular among foreign nation's inmates. Crèche for the small kids of inmates at Tihar is an example for other jails. It was started by Dr. Kiran Bedi and is supported by NGOs. There were 40 kids and around ten teachers at the crèche. Some teachers were from NGOs and others were inmates themselves. Creche was neat and equipped with colourful toys and nursery books. Kids were happy and healthy. NGOs provided clothes, toys and other supplies to them. The room was air cooled with water coolers and some kids were sleeping on the mats. Teachers were planning a trip to India gate for them. The jail authorities provided clothing and bedding for the women prisoners in accordance with the climate. They slept on the floor. They were provided sanitary napkins. They were allowed to meet their visitors on pre-decided days of 'mulakats' and were allowed to talk to them on phone in turns. On Saturdays they were

allowed to meet their male partners, if they were lodged in other jail for males. ‘Padho aur padhao’ was a very popular programme of IGNOU at Tihar. This programme was the first ICT (information and Communication Technology) enabled literacy programme conducted in any Indian jail. But after spending some time in jail, we found that everyone wanted to come out, which was obvious.

After taking a look at the conditions in the prison in this chapter, we will test the hypothesis and identify the problems and suggest solutions.

## **PROBLEMS OF WOMEN PRISONERS IN PRISON**

### **Regarding Police:**

- 1.** Corruption.
- 2.** Torture and bad treatment in police custody.
- 3.** Lack of women police officer leading to arrest and interrogation by male officers.
- 4.** Lack of psychological and emotional counselling leading to mental stress.
- 5.** Lack of experienced female doctors.
- 6.** Lack of legal assistance and guidance.

**Regarding Judiciary:**

1. Long and delayed trials.
2. Very complicated legal processes.
3. Complicated court proceedings.
4. Corruption.
5. Lack of legal assistance.

**Regarding Prison:**

1. Over crowdedness.
2. Lack of sharing of information with inmates (Regarding human rights).
3. Corruption.
4. Lack of discipline inside the prison.
5. Lack of expert female doctors.
6. Lack of grievance box.
7. Lack of adequate officials and staff.
8. Lack of privacy.
9. Lack of open jails.

**Regarding Children:**

1. Lack of extra beddings.
2. Lack of bio-psychological development oriented programmes.

**After Release:**

1. Lack of family acceptance.
2. Lack of rehabilitation opportunities.

**SUGGESTIONS:**

As many problems are evident such as lack of motivation, funds, facilities and efforts, following suggestions would be useful:

**Regarding Police:**

1. Establishment of separate women police stations, manned exclusively by women police staff will be helpful (i.e. Sector-39, Noida, U.P.)
2. The lock-ups for women should ensure privacy. The entry of men in uniform should be restricted into the women enclosures of police stations.
3. Woman's role is always important in an Indian family. So the authorities may avoid detention of women involved in minor and non-violent offences.

4. A woman should not be arrested or remanded without recording special reason for the arrest or custody.
5. If arrest is warranted and women police are not available, women submission to custody shall be presumed and handed over to women police staff at the shortest time possible.
6. Bail provisions should be liberalized, especially for women, even in non-bailable offences, unless special circumstances warrant a different course.
7. A lady doctor should be attached to the police station for the referral and medical examination of the inmates.
8. Psychological and emotional counseling from experts should be provided during females stay in police station.
9. During the interrogation, the legal counsel and family members should be allowed to stay within sight of the women in custody.
10. Facilities for legal assistance, consultancy, guidance and assistance should be given.
11. Arrested women must be specified about her rights.
12. Children should be allowed to stay with the mother in the lock-up in the absence of suitable care and custody for the children outside the police station.

**13.** Presence of prisoners in courts may be done through Video-Conferencing.

**Regarding Judiciary:**

- 1.** Speedy trials should be conducted.
- 2.** No judicial remand of the women should be allowed except into those institutions which are completely under the control of women officials.
- 3.** The judges and magistrates should be sensitized and orientated for a more scientific and humane handling of the judicial and legal procedure affecting women.
- 4.** Court procedures and laws need to be simplified to make them understandable to even illiterate persons.
- 5.** Special courts for women should be established.
- 6.** Pre-trials detention and short term prison sentences should, wherever possible, be avoided.
- 7.** Community service can be considered for minor offences, instead of detention.
- 8.** More women judicial officials should be appointed.

9. Law should provide for the new methodology of alternatives instead of sentences in prison.

**Regarding Prison:**

1. At the time of admission into the custodial premises, it should be mandatory that the woman is made aware of their rights and duties.
2. The vigour of the prisoners should be channelized into constructive work. The educational programmes could be upgraded for both male and female prisoners. Student prisoners may be encouraged to continue their studies and to take the examinations. Vocational training should be enhanced by imparting computer skills, horticulture, agriculture etc.
3. More recreational facilities such as drawing, painting, music, dance, sports etc, may be added in the custodial premises.
4. Training and sensitization of custodial staff need to be carried out continuously.
5. Alternatives to custody may be thought of by the sociologists, jurists and executive, particularly in case of women offenders.
6. The visits of official visitors to the custodial premises should be made more frequent and more meaningful.
7. The establishment of socio-legal counselling cells in all custodial institutions, to aid the inmates is a must.

8. Judicial camps can be conducted in the custodial institutions to help the women in getting speedy justice, especially for minor crimes.
9. Custodial neglect, abuse or excess shall be dealt with due severity by making the concerned person solely responsible for compensating the victim.
10. A separate treatise on the custody and treatment of women prisoners needs to be developed.
11. Modern and better infrastructure with beds, toilets, bathrooms, medical, educational and entertainment facilities should be provided.
12. The administration of the prisons should be streamlined to ensure that the staff members are not overworked; simultaneously prison staff be made more accountable for their conduct towards the prisoners.
13. There is a need to move the subject of prisons and prisoners from the state list to the concurrent list. So that uniform rules can be framed for the whole country. The use of effective pre-release methods should be promoted.
14. Open jails may be preferred for lodging women convicts, who pose no security risk.

### **Regarding Children:**

1. Asleep amenities (provided to the mother and the child) should be sufficient.
2. The stay of children in packed garrison (with women offenders relating to all types of crimes) is definitely damaging for the growth of their character. This aspect should be taken care.
3. Prison administration has to be made more sensitive and responsive to the problem of the children of women prisoners.

### **Regarding after Release Life:**

1. Women inmates should be prepared for their after release life by improving their job skills. For this purpose government should work in collaboration with various industries and NGOs.
2. Women inmates should be helped in finding employment after their release. Involvement of the community can be helpful for this purpose.
3. Acceptance of the women prisoners by family members is very important for their after release rehabilitation. Involvement of the community can be helpful for this purpose also.





महिला कारागार संख्या - ६

