

arrest either to their relatives nor to the nearest legal aid committee as required under law. It is revealed that none of the women are produced before the Magistrate within 24 hours of their arrest. The Magistrate routinely ordered remand without making formal enquiry about her treatment in police custody. Women are not given health check up facility and also not offered bail, though the judicial officer is duty bound to offer. As remand prisoners they remained in jail beyond the stipulated period because of their ignorance, illiteracy and poor economic status.

The women expressed more safety in the prison custody since women in custody are placed in jails administered by women staff. The creation of separate State jails for Women, separate enclosures for women in other jails has paved the way for satisfactory conditions for women prisoners. Some of the innovative methods recently adopted by A.P. Prison authorities such as the video linkage of jail and Court for avoiding the delay in production of undertrial prisoners and some of the proposed innovative community service as an alternative punishment to the jail term, creation of Prison

Development Board *etc.*, are also discussed in detail in this Chapter.

The conditions in rescue homes and State homes are also studied from the custodial justice angle. The facilities and deficiencies in these homes are discussed in this chapter. There is only one rescue home in the whole State of Andhra Pradesh even that home is located in rented house and conditions are less than adequate. There is no proper security for the house.

Conditions in mental hospitals are scrutinized using the rules under Mental Health Act. The women under mental health custody are interviewed to the extent possible and observations are made based on their answers in this chapter. Mental health custody conditions though not upto the mark, it is found, that a new set up with better facilities is coming up at Visakhapatnam.

The **last chapter** is devoted to a fair summary of the whole study, the findings of the study and appropriate suggestions for making the women more safe and dignified while in custody of the any sort.

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## IDENTITY OF PARTIES BY PHOTO SYSTEM IN COURTS ALSO

*By*

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—I. CHAKRAVARTHI, L.L.M.

The Courts are granting bails to accused persons after satisfying the sureties offered by the accused. The sureties have to produce their ration cards with photos on them. The Court after seeing the photos and the sureties and after satisfying that the sureties are the same person as in the photos on the ration card are granting bails to accused. This procedure is insisted and followed to avoid

impersonation and to take steps to secure the person of the accused through the sureties.

Now a days where the litigant public are educated through literacy camps organised by the Courts, became more intelligent and they are not hesitating to misuse their intelligence by producing some other persons

as accused in the place of real accused. This is being done without the knowledge of the Court. The Court when calls the accused all of them would be present and the accused who are not real accused sign or affix thumb mark as if real accused. If the accused are produced by the police with their photos there would not be any difficulty for the Court to satisfy, whether all the accused are real accused or some of them are not real accused by verifying the photos in the charge-sheet.

In civil cases also the same system of affixing photo on the vakalat for the plaintiffs or defendants should be insisted so as to avoid mis-carriage of justice. Even the students are required to produce their photo identity cards, when appearing for examinations, for obtaining certificates from

other officials in Employment Exchange for getting name registered and for each, and every person who wants to profess any profession or employment of matters connected therewith. Photo identity system is strictly followed. Even advocates are given identity cards by the Bar Council. Likewise Doctors, Pharmacists, Passport Officer, drivers, conductors, every workmen employed in any concern in any private or public. The rationale behind this, appears to be to curb or check *mal practices*. Though the suggestion given by us is not exhaustive, it is high time that the Honourable High Court may be pleased to issue circulars to all Courts that every party in civil or criminal matters should furnish their photo identity card which should be available in the Court records so that impersonation of parties would be to a large extent avoided.

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## UNIVERSALITY OF VEDIC LAW

*By*

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When I mentioned Vedic Law, I meant the Legal Principles available in Vedas, Upanishads, Puranas, Dharma Shastras and - why not - the Mythological Epics like Ramayana and Maha Bharata. If we believe historicity of Vedas and Epics like Maha-Bharata, we must call this Law as Mythological and Puranic Ethos of India. Penultimately we have Hindu Ethos and I am of firm belief that they can withstand challenge of change provided they are properly understood and properly applied, notwithstanding what Sri *Samabayu Sen Gupta* wrote in his book "Hindu Ethos and challenge of change" in 1970 (there was an uproar in the Parliament led by Dr. *Karan Singh* attacking Sri *Sen Gupta*). This opinion of mine also differs with the

statement of Sri *Henry Summer-Maine* when he said that "fate of Hindu Law is measure of the role of the Roman Empire".

Before digging deep into the development of intricate and succinct legal principles that can be traced through stories (Upakhyanas) anecdotes, benedictions by Rishies, Parables and pebbles, we must understand that this mode of expression was chosen by our Rishies to make even the unlettered to understand these provisions of Law. This is the great Indian Mythological Jurisprudence or Vedic Law. A prudent man may ponder awhile as to why this great jurisprudence became either subservient to Roman Law or sometimes altogether withered away - for,