

**COMMITTEE ON EMPOWERMENT OF WOMEN
(2002-2003)**

(THIRTEENTH LOK SABHA)

WOMEN IN DETENTION

MINISTRY OF HOME AFFAIRS

AND

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT)**

*[Action Taken on Third Report of Committee on Empowerment of Women
(Thirteenth Lok Sabha)]*

ELEVENTH REPORT

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**LOK SABHA SECRETARIAT
NEW DELHI**

February, 2003/ Phalguna, 1924 (Saka)

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(2002-2003)

(THIRTEENTH LOK SABHA)

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MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT)

*[Action Taken on Third Report of Committee on Empowerment of Women
(Thirteenth Lok Sabha)]*

Presented to Lok Sabha on _____

Laid in Rajya Sabha on _____

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LOK SABHA SECRETARIAT
NEW DELHI

February, 2003/ Phalguna, 1924 (Saka)

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**COMPOSITION OF THE COMMITTEE ON EMPOWERMENT OF WOMEN
(2002-2003)**

CHAIRPERSON Smt. Margaret Alva

MEMBERS

LOK SABHA

2. Dr. (Smt.) Anita Arya
 3. Smt. Jayashree Banerjee
 4. Shri Bhan Singh Bhaura
 5. Smt. Krishna Bose
 6. Smt. Santosh Chowdhary
 7. Smt. Renuka Chowdhury
 8. Dr. (Smt.) Beatrix D'Souza
 9. Adv. Suresh Ramrao Jadhav
 10. Smt. Abha Mahto
 11. Dr. Ashok Patel
 12. **Shri E. Ponnuswamy
 13. Shri Bishnu Pada Ray
 14. Smt. Sushila Saroj
 15. Dr. (Smt.) V. Saroja
- 16 Smt. Minati Sen**
17. Smt. Shyama Singh
 18. Smt. Jayaben B. Thakkar
 19. Shri Prakash Mani Tripathi
 20. Dr. (Smt.) Vukkala Rajeswaramma

RAJYA SABHA

21. Smt. Shabana Azmi
22. Dr. (Ms.) P. Selvie Das
23. Smt. Saroj Dubey
24. *Smt. Vanga Geetha
25. Smt. S.G. Indira
26. *Smt. Gurcharan Kaur
27. *Smt. Chandra Kala Pandey
28. *Smt. Bimba Raikar
29. Miss Mabel Rebello
30. Smt. Savita Sharda

SECRETARIAT

- | | | | |
|----|--------------------|---|----------------------|
| 1. | Shri P.D.T. Achary | - | Additional Secretary |
| 2. | Shri K.V. Rao | - | Joint Secretary |
| 2. | Shri Ashok Sarin | - | Deputy Secretary |
| 3. | Smt. Veena Sharma | - | Under Secretary |
-

* Nominated to the Committee w.e.f. 20th May, 2002

** Nominated as Member of the Committee w.e.f. 28th August, 2002 vice Shri N.T.Shanmugam, MP ceased to be a Member of the Committee on his appointment as Minister.

INTRODUCTION

I, the Chairperson of Committee on Empowerment of Women, having been authorised by the Committee to present the Report on their behalf, present the Eleventh Report (Thirteenth Lok Sabha) on the Action Taken by the Government on the recommendations contained in the Third Report of the Committee on Empowerment of Women (Thirteenth Lok Sabha) on 'Women in Detention' of the Ministry of Home Affairs and Ministry of Human Resource Development (Department of Women and Child Development).

2. The Third Report (Thirteenth Lok Sabha) of the Committee on Empowerment of Women was presented to both Houses of Parliament on 24th August, 2001. Replies of the Government to all the Observations/Recommendations contained in the Report have been received.

3. A Sub-Committee was constituted to examine and process the replies in detail. The Sub-Committee after examining the replies sought clarification from the concerned Ministries on some of the points. The Members of the Sub-Committee were:-

- | | | | |
|----|-----------------------------------|---|----------|
| 1. | Dr. (Smt.) Beatrix D'Souza | - | Convenor |
| 2. | Smt. Santosh Chowdhary | | |
| 3. | Adv. Suresh Ramrao Jadhav | | |
| 4. | Smt. Shyama Singh | | |
| 5. | Smt. S.G.Indira | | |
| 6. | Smt. Chandra Kala Pandey | | |
| 7. | Smt. Bimba Raikar | | |

4. The Draft Report was considered and adopted by the Committee on Empowerment of Women (2002-2003) at their sitting held on 27th January, 2003. The Minutes of the sittings form Part II of the Report.

5. For facility of reference and convenience, the Observations/Recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in Appendix – I of the Report.

6. An Analysis of the Action Taken by the Government on the recommendations contained in the Third Report (Thirteenth Lok Sabha) of the Committee is given at Appendix II.

NEW DELHI;
20th February, 2003
Phaguna 1st , 1924 (Saka)
WOMEN.

MARGARET ALVA
CHAIRPERSON,
COMMITTEE ON EMPOWERMENT OF

CHAPTER I

1.1. This Report of the Committee deals with the action taken by the Government on the recommendations contained in the Third Report (Thirteenth Lok Sabha of the Committee on Empowerment of Women on the (i) Ministry of Home Affairs and (ii) Ministry of Human Resource Development (Department of Women and Child Development) on 'Women in Detention'.

1.2 The Third Report of the Committee was presented to Lok Sabha on 24th August, 2001. Replies in respect of all the recommendations have been received from the Government and have been categorized as under:

(i) Observations/Recommendations which have been accepted by the Government:

1.48, 1.49, 1.50, 1.55, 1.56, 1.57, 1.58, 1.62, 1.63, 1.65, 1.66, 1.67

(ii) Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government:

1.60, 1.61, 1.64

(iii) Observations/Recommendations, replies to which have not been accepted by the Committee and which require reiteration.

1.51, 1.52, 1.53, 1.54, 1.59

(iv) Observations/Recommendations in respect of which the Government have furnished interim replies.

Nil

1.3 The Committee desire that replies in respect of recommendations contained in Chapter 1 should be furnished to the Committee expeditiously.

1.4 The Committee at their sitting held on 11th October, 2002 took oral evidence of the representatives of the Ministry of Home Affairs and the Ministry of Human Resource Development (Department of Women and Child Development) in regard to implementation of the recommendations contained in the Justice Krishna Iyer's Report on Women Prisoners as well as the recommendations contained in the Third Report of the Committee. As the evidence remained inconclusive and the representatives of the Ministry of Home Affairs could not satisfactorily reply to the pointed queries of the Members of the Committee, the Committee decided to take further evidence at a subsequent date. However, before the further evidence which took place on 8th January, 2003 in this connection, the Ministry of Home Affairs organised a meeting of Home Secretaries of all the States and Heads of Prisons on 30th November, 2002 to review the present status of implementation of the recommendations contained in the Justice Krishna Iyer Report on 'Women Prisoners' and the Third Report of the Committee on Empowerment of Women on 'Women in Detention', by the States. The Ministry have forwarded updated replies in regard to implementation of the recommendations of Justice Krishna Iyer Report as well as the recommendations of the Committee on Empowerment of Women.

1.5 The Committee will now deal with some of the action taken replies of the Government, which still need reiteration or merit comments.

Implementation of the Justice Krishna Iyer Report in the States Recommendations (Para Nos. 1.51 to 1.53)

1.6 In paras 1.51 to 1.53 of the Original Report, the Committee had noted that the Ministry of Human Resource Development (Department of Women and Child Development) had set up in May, 1986 an Expert Committee at the National level to identify the gaps and drawbacks in the existing facilities and services and suggest a more humane policy towards women prisoners. The National Expert Committee on Women Prisoners headed by Justice V.R. Krishna Iyer had gone into the conditions of women in the penal and correctional system and submitted their Report in May, 1987 to

the Department of Women and Child Development. For almost thirteen years the Government had remained silent on the implementation of the Report till the Committee on Empowerment of Women took up this subject for detailed examination.

1.7 In the aforesaid paragraph of the Original Report the Committee had deplored the attitude and inaction on the part of the Ministries in taking seriously the recommendations of such an important Committee which had made a number of important suggestions with regard to women prisoners. The Committee had expressed the hope that Government would be more careful in future and take the Reports of such Committees with all the seriousness and urgency that they deserved. The Ministry of Home Affairs and Department of Women and Child Development were urged to impress upon all the State Governments and Union Territory Administrations to immediately act upon the findings of the Report.

1.8 In their action taken reply, the Ministry of Home Affairs have stated that they are alive to the specific problems of women prisoners and have been impressing upon the States for improvement in facilities in jails for them. The recommendations of the Parliamentary Committee on Empowerment of Women on the subject 'Women in Detention' have been brought to the notice of the State Governments/UT Administrations. The concern of the Committee has also been reiterated by this Ministry and an advisory has been issued to the States/UTs in this regard.

1.9 As Regards the response of the various State Governments and the action taken by them in implementing the recommendations of the above Reports, the Ministry of Home Affairs have stated that in 12 States/UTs (viz. Andhra Pradesh, Chattisgarh, Delhi, Gujarat, Karnataka, Kerala, Madhya Pradesh, Manipur, Orissa, Tamil Nadu, West Bengal and A & N Islands) , most of the recommendations of the Justice Krishna Iyer Report have already been implemented or are being implemented by the States in a phased manner. However, the remaining 15 States/UTs (viz. Assam, Chandigarh, Goa, Haryana, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Meghalaya, Nagaland, Pondicherry, Punjab, Rajasthan, Sikkim, Uttar Pradesh and Uttranchal) have either replied 'no comments' on the action taken by them or have stated that the matter relates to Government of India.

1.10 Explaining the steps to be taken for compliance of the recommendations by the States, the Home Secretary stated during evidence :

“We would like to involve the State Women’s Commissions in each State into this work of trying to find out how far the compliance is actual. Whatever is written on paper is a different thing. But, what is the actual compliance on the field is something for which during the course of the next

12 months we would have the assistance of the women’s Commission in each State to tell us. We intend to hold one more meeting with them in the course of the next 12 months. We also intend to use this input in scrutinizing and sanctioning the plans, which would be coming from various States”.

1.11 The Department of Women and Child Development in the action taken reply in respect of the above recommendations have stated that the Report of the National Expert Committee on Women Prisoners headed by Justice Krishna Iyer was forwarded to the State Governments and Union Territory Administrations in December, 1987. They were requested to examine the recommendations and take a view on those for action. The Department of Women and Child Development have been seeking a status Report on implementation of the recommendations of the Report from time to time from the State Governments. 14 State Governments have already furnished the information. The others were being regularly reminded.

1.12 In their Original Report the Committee had noted that an Expert Committee on ‘Women Prisoners’ under the Chairmanship of Mr. Justice V. R. Krishna Iyer which presented its Report in May, 1987 to the Government had made a number of very useful recommendations on women prisoners. However, even after fourteen years, the recommendations of the Report were yet to be implemented by most of the States. The Committee in their Report presented to Parliament in August, 2001 had deplored the attitude and inaction on the part of the Ministries in taking seriously the recommendations of such an important Committee which had made a number of important suggestions to solve the problems being faced by women prisoners. The Committee had urged them to impress upon all the States/UTs to immediately act upon the findings of the Report.

1.13 The Committee regret to note that as the nodal Ministry, the action taken by the Ministry of Home Affairs does not reflect the seriousness and urgency with which the Ministry ought to have taken steps to impress upon the States the need to act on the

recommendations of the Justice Krishna Iyer Report particularly when this was emphasised by the Committee in their Original Report. The Ministry of Home Affairs had not taken any concrete action in this regard except for issuance of an advisory to the State Governments, that too in March 2002 i.e. 7 months after the presentation of the Committee's Report to consider the suggestions for implementation. Even when the Committee took oral evidence of the Ministry of Home Affairs on 11th October, 2002, the representatives of the Ministry could not give satisfactory explanations to the pointed queries by the Members not only in regard to the action taken by them on the recommendations of the Justice Krishna Iyer Report but also in respect of the Report of the Committee on Empowerment of Women.

1.14 In the wake of the displeasure expressed by the Committee on Empowerment of Women in regard to the implementation of their recommendations at their sitting held on 11th October, 2002, the Ministry of Home Affairs organised a meeting of Home Secretaries of all the States and Heads of Prisons on 30th November, 2002 to review the extent of implementation of the recommendations contained in the Justice Krishna Iyer Report and also of the Report of the Committee on Empowerment of Women, by the States. The Committee while welcoming the initiative feel that such a step could have been taken much earlier when the Report of the Committee was forwarded to the Ministry for taking action on the recommendations contained therein.

1.15 From the updated replies furnished by the Ministry of Home Affairs, it is seen that as many as 15 States/UTs have replied 'no comments' on the action taken by them to implement the recommendations or have tried to put the responsibility on the Centre by stating that the matter relates to the Government of India. The Committee desire that the Ministry should make concerted efforts to elicit from these State Governments a definite reply in regard to the implementation of the recommendations. The Ministry should also take steps to ensure that they take follow-up action in a time-bound manner. The Ministry of Home Affairs should also coordinate with the Department of Women and Child Development and rope in other agencies like the National Human Rights Commission and also the State Women Commissions to ensure expeditious and proper implementation of the various recommendations contained in their Report ,

in the States. The Committee would like to be apprised of the specific steps taken in this regard.

Improper and inadequate basic facilities for women prisoners

Recommendation (Para Nos. 1.54)

1.16 In the aforesaid paragraph, the Committee had pointed out that before finalising their Report they had interaction with representatives of the National Commission for Women, Department of Women & Child Development, Ministry of Home Affairs, former I.G. (Prisons), Tihar Jail and NGOs working in prisons with a view to ascertain the problems being faced by women prisoners and the remedial measures that should be taken by the Government to alleviate their sufferings. The Committee had also visited a number of jails in the country and had come to the conclusion that there was total neglect on the part of the concerned authorities in providing basic facilities to women prisoners. There was overcrowding, mal-nutrition, lack of medical care, hygiene and proper clothing, besides recreational, educational, vocational and legal facilities in almost all the jails. Further, very few counsellors visited jails to give much needed advice to the inmates. The status of women even in custody required attention, recognition and protection which had not received adequate attention.

1.17 The Ministry of Home Affairs in their Action Taken reply have stated that the recommendations of the Parliamentary Committee has been conveyed to the State Governments/UT Administrations. They will have to deal with the problems of overcrowding, nutrition, medical care, educational, vocational and legal facilities for women prisoners, since prisons are primarily a State subject. Regarding the improvement in the conditions of women in custody in the States, the Ministry have informed that in the majority of the States/UTs (21 States/UTs like Andhra Pradesh, Chandigarh, Chattisgarh, Delhi, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Manipur, Nagaland, Punjab, Rajasthan, Sikkim, Tamil Nadu, Uttar Pradesh, Uttaranchal, A & N Islands) various aspects relating to food, clothing, medical care, educational and vocational training etc. for women prisoners are being taken care of as per rules. In Madhya Pradesh, the women prisoners in addition to being provided basic amenities are also provided with

some special facilities while few States/UTs (viz Assam, Bihar, Meghalaya, Pondicherry) have replied 'no comments' on the facilities, if any, being provided by them to the women prisoners.

1.18 On being asked as to whether there is any machinery in the Ministry to monitor and ensure that the recommendations to bring about improvement in the conditions of women in custody are properly implemented by the States, the Ministry of Home Affairs have replied that there is no such mechanism in the Ministry.

1.19 The Ministry of Home Affairs have however added that the Government of India have provided financial assistance to supplement the efforts of States in terms of Finance Commission awards and centrally sponsored schemes for modernization of jail administration from time to time. The utilisation of financial assistance is reviewed by the Central Government through periodical meetings, reports and visits. The accounts are audited by C&AG, Utilization Certificates are insisted upon while releasing further funds to State Governments.

1.20 Explaining the position further in this regard, the Home Secretary stated during evidence :

"Now, the Government of India has taken up the most important task of modernising the prisons in the country which are about one thousand. A sum of rupees one thousand and eight hundred crores has been sanctioned for achieving certain minimum standards as far as the facilities that are available in the prisons notably construction of new jails to overcome the overcrowding problem, expansion and renovation of the jails and the sanitation and water supply facilities are concerned and then the minimum requirement that had to be given, will all be incorporated in that. And the staff, who were performing duties, will have certain quarters so that they can live there and then perform their duties better. The annual component of the same central share is about Rs. 1350 crores, State share is about Rs. 450 crores. Seventy five percent of the money will go in the form of grant-in-aid from Government of India with the States complementing the efforts by contributing 25% of the whole project. The annual outlay is Rs. 360 crores of which Centre will provide Rs. 270 crores and the State will contribute Rs. 90 crores. "

1.21 The Department of Women and Child Development in its action taken reply on the above recommendation has stated that the Action Taken Report received from the State Governments contains the feedback received from the Governments of NCT of

Delhi, Orissa, West Bengal and Uttar Pradesh with regard to the prisons under their administration. They indicated that the women prisoners are provided facilities for medical care, education, vocational training, legal aid, food, clothing and recreation. However, the shortcomings pointed out by the Committee during their visits to the jails have been communicated to the concerned State Governments for taking appropriate remedial action.

1.22 In their Original Report the Committee had observed that there was total neglect on the part of the concerned authorities in providing basic needs to women prisoners. There was over-crowding, mal-nutrition, lack of medical, educational, vocational and legal facilities in almost all the jails. Also most of the States did not have exclusive women prisons but only separate enclosures for women. The Committee are dissatisfied with the stock reply given by the Ministry of Home Affairs in respect of this recommendation and also for almost all the recommendations stating that the recommendations of the Committee have been conveyed/forwarded to the State Governments for necessary action. The Committee are not inclined to accept this plea that since prisons is a state subject they (Ministry of Home) has no role to play. The Ministry of Home Affairs being the nodal Ministry, should have developed a proper mechanism to see that there is perceptible improvement in the conditions of women in custody and particularly after the presentation of the Parliamentary Committee's Report. The Committee feel that an appropriate mechanism should be put in place by the Ministry or specific guidelines formulated to monitor the implementation of the recommendations by the State Governments/UTs for improving the basic facilities for women in detention.

1.23 The Committee also do not accept the reply given to the Ministry by majority of the States that various facilities for women prisoners are being taken care of as per Rules. The Committee during tour to various States had themselves witnessed the pathetic conditions of women in majority of jails visited by them and most of the findings of the Committee have been corroborated and brought out in an independent survey conducted subsequently at the initiative of Ministry of Home Affairs themselves. The Committee feel that the Ministry should have more visits/ inspections by their officers and conduct review meetings to

ensure improvement in the conditions of women in jails not only of big cities/ state capitals but also of district towns.

1.24 During evidence, the Home Secretary has stated that a sum of Rs. 1800 crores have been sanctioned by the Government for modernisation of all the prisons which is at the rate of about Rs. 360 crores each year for a period of five years. The Committee desire that the Ministry of Home Affairs should properly monitor the utilisation of the financial assistance released to the States each year and ensure that expenditure incurred by the State Governments is need-based and that it is actually resulting in some improvement in basic facilities in prisons all over the country.

Delay in disposal of cases of undertrials

Recommendation (Para No. 1.54)

1.25 The Committee in their Original Report had observed that the majority of the female population in jails consisted of undertrials (6649 out of 8822) and they languished in jails for offences for which sentences would have been far less if they had been convicted. What was more pathetic was the fact that the women inmates who obtained bail were still languishing in jails for want of surety. The Committee, therefore, had strongly felt that remedial measures must be taken expeditiously by the Centre and State Governments, to bring about perceptible improvement in these figures as a precondition for improving conditions of women in custody.

1.26 In this connection, the representative of the Ministry of Home Affairs informed the Committee during evidence that -

“The bulk of prisoners in the prison currently, constitute undertrials to the tune of 70 percent.....The women prisoners as a whole constitute 2.91 percent of the total prison population. Bulk out of them are also undertrial prisoners to the tune of 78 percent.”

1.27 In their action taken reply, the Ministry have admitted that the majority of the female population in jails consists of undertrials. At times, it is noticed that they remain in jails for longer periods than the sentence they would have served if they have been convicted. Action on this aspect is to be taken by the Judiciary. This situation can be

altered either by the expeditious disposal of cases or by grant of bail, both of which are within the purview of the judiciary.

1.28 In this connection, the Home Secretary added during evidence :-

“Though the Supreme Court has given a decision that where the detention of an under-trial is more than half of the maximum period of punishment, the person concerned should be enlarged. But, again the problem is enlarging him on bail. If a person is unable to get bail and is not enlarged on a personal bond, then, despite the fact that the Supreme Court has given this direction, in practice it will not be implemented”.

1.29 The Ministry have further stated that under the existing laws, there are no differential provisions to treat the women prisoners differently. The Government had introduced the Code of Criminal Procedure (Amendment) Bill, 1994 in the Rajya Sabha on 9th May, 1994, which inter alia proposes amendment to section 436(1) of the Code of Criminal Procedure, 1973, making a mandatory provision that an arrested person, accused of a bailable offence, is unable to furnish surety, the court shall release him on his execution of a bond without surety. This proposal once enacted, although will be applicable to all, irrespective of gender, would benefit a large number of women prisoners.

1.30 In reply to a query regarding the present status of the code of Criminal Procedure Bill, 1994, the Ministry of Home Affairs have stated that the Bill was referred to the Standing Committee of Parliament on Home Affairs which, except for some provisos, endorsed it for enactment. In the meanwhile, the Government received the 154th Report of the Law Commission on the Code of Criminal Procedure, 1973 in 1997 and the 156th Report on the Indian Penal Code 1860. On examination, it was seen that a more integrated approach would be necessary to strengthen the procedure and penal laws. In the light of these Reports as well as the Reports of the Police Committee and the Group of Ministers and the 172nd Report by the Law Commission on sexual abuse, it was decided to constitute a high-powered Committee to suggest measures to revamp the Criminal Justice System. The Committee under the Chairmanship of Dr. (Justice) V.S.Malimath is expected to submit its Report shortly.

1.31 The Committee are constrained to note that in India the prison population of undertrials is around 70% and only 30% of them are actually convicts. The situation is

still worse for women prisoners as almost 78% of them constitute undertrials. The Committee in their Original Report had observed that most of the women prisoners languish in jails for longer periods than if they had been convicted. What was more pathetic is the fact that the women inmates who obtain bail continue to languish in jails for want of surety. The Committee had, therefore, strongly felt that remedial measures must be taken expeditiously by the Centre and State Governments to ensure that the undertrials are released at the earliest.

1.32 In their action taken reply the Ministry while conceding these facts have stated that action on this aspect is to be taken by the judiciary. This situation can be altered either by expeditious disposal of cases or by grant of bail, both of which are within the purview of the judiciary. During oral evidence of the Ministry of Home Affairs the Committee were informed that the Hon'ble Supreme Court has given a decision that where the detention of an undertrial is more than half of the maximum period of punishment, the person concerned should be released. The Committee are, however, concerned to note that despite this decision of the Supreme Court, many of the undertrial prisoners, especially, women undertrials are not released on bail, as they are unable to furnish sureties and are therefore languishing in jails. They have no way of being bailed out because most often their families abandon them after two or three months and they have no guardian/family member to bail them out.

1.33 In this connection, the Committee note that the Government had introduced the Code of Criminal Procedure (Amendment) Bill, 1994 in Rajya Sabha on 9th May, 1994 which *inter-alia* proposes amendment to Section 436(1) of the Code of Criminal Procedure, 1973 to make the mandatory provision that an arrested person, accused of a bailable offence if an indigent and cannot furnish surety, the Court shall release him on his execution of a bond without surety. The Bill was stated to have been referred to the Standing Committee of Parliament on Home Affairs which, except for some provisos endorsed it for enactment. But subsequent reports of the Law Commission and other important reports have resulted in the constitution of a high-powered Committee under the Chairmanship of Dr. (Justice) V.S.Malimath to suggest measures to revamp the criminal justice system and its Report is expected shortly.

1.34 The Committee desire that the Ministry should impress upon the Malimath Committee the need to complete its assigned task at the earliest which *inter-alia* includes the review of the Code of Criminal Procedure. The Committee hope that the Government would then take urgent steps to enact the said amendments which will have a far reaching impact on the release of undertrials thereby overcoming also the problem of overcrowding in the jails.

1.35 As regards the quick disposal of cases of undertrials, the Committee are of the opinion that the cases of undertrials can be speedily disposed of and custodial justice for women prisoners ensured by the prison authorities through constitution of Prison *adalats* in the prison premises. The Committee, therefore, reiterate that the Ministry of Home Affairs should impress upon the State Governments the need to take urgent steps to constitute Prison *adalats* in their respective States.

1.36 The Committee also desire that the Jail Authorities should involve NGOs, law students, Legal Aid Cells etc. to render legal assistance to the undertrials, follow-up cases for bail and other procedures, to get relief from Courts so that their cases are disposed of expeditiously.

Training to Jail officials

Recommendation (Para No. 1.57)

1.37 In this paragraph the Committee had observed that prisons should have a remedial, rehabilitative and reformatory approach where avenues should be built for advancement of basic skills, activities, wages, for moral and intellectual growth, leisure and recreation. An attitudinal change was required on the part of prison officials to keep pace with the new approach. The jail officials should look upon their work as a developmental function and jail as a place of reforms and persuasive deterrence rather than of intimidation and conformity. Motivation and ensuring sustained involvement of the prison staff in the process of correctional reform in the institutional settings were of prime importance. The Jail Superintendents must appreciate the problems of women prisoners and deal with them in a humane way keeping in mind their backgrounds and

differing needs. It is, therefore, of paramount importance that Prison staff are specially selected, given appropriate training and sensitised to women's issues and their needs.

1.38 In the action taken reply the Ministry have stated that the recommendation of the Committee has been conveyed to the State Governments/UTs. Depending upon the resources available with State Prison Departments, efforts are being made to promote facilities for upgrading vocational skills of inmates. Programmes for literacy, education, recreation, sports and cultural activities are being organised in jails using the creative instincts of inmates. Exclusive women jails/Women Enclosures are managed by women staff. Training is being conducted by the States as well by the Ministry of Home Affairs through its training institute e.g. the Institute of Correctional Administration, Chandigarh. The training curriculum includes development of behaviour skills with a view to inculcate attitudinal changes in the prison officials so that the inmates are handled with sensitivity keeping in view their different needs, especially the women inmates.

1.39 When asked whether the training being imparted for sensitisation of the prison officials through one central institute was adequate, the Ministry have replied that besides the training institutions of the State Governments, there are other institutions like the regional Institute of Correctional Administration at Vellore, which is a joint venture of four Southern States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu. BPR&D also organizes 4-5 Vertical Inter action courses of senior Prison Officers annually. Adequate training is being imparted to sensitize the prison officers in these Institutes.

1.40 In this context, the Home Secretary stated during evidence that

“Training in the prison services has now become an institutionalised mechanism. In almost all the major States prison training school have been established with inductees receiving 6-9 months training and all those who are in service three months of in-service training. The whole training is 3-tiered for the warden staff, for the field supervisory staff and for the top administrative staff. There is at least one prison training colleges and 2 Regional Institutes of Correctional Administration one at

Vellore and Chandigarh. All the senior officers have been exposed to a Vertical Interaction Course (VIC) held at regional levels for duration of 6 days. As a national effort 30 courses of three days duration each are in progress to sensitise prison officers to human right for prison management.

1.41 In response to a query whether any evaluation has been done to assess the impact of the training imparted to the jail staff, the Ministry have replied that no such study has been conducted by the Ministry of Home affairs. However, feed back about the usefulness of the training is taken at the end of each course, from participants, and this information is used by training institutions for developing improved training modules for subsequent training courses.

1.42 The Committee note that efforts are being made by the Ministry of Home Affairs to provide training for sensitization of the prison officials through its training Institutes e.g. the Institute of Correctional Administration, Chandigarh. In this connection , the Committee in their Original Report had observed that an attitudinal change was required on the part of prison officials to keep pace with changing laws. Motivation and ensuring sustained level of involvement of the prison staff in the process of correctional reform in the institutional settings were of prime importance. The Jail Superintendents must appreciate the problems of women prisoners and keep in view their special problems and various needs. The Committee had, therefore, recommended that it was of paramount importance that Prison staff were given training on these lines and they were sensitised to women's issues and their needs. The Committee, however, feel that the training being imparted to the prison officials through the training Institutes' personnel who have the same mind set is not of much use. The Committee desire that outside Institutes , trainers and NGOs be involved in such training programmes to ensure positive results in sensitising the jail staff.

1.43 The Committee regret to observe that no formal evaluation study has been conducted by the Ministry so far for assessing the impact of the training being imparted to the jail officials. The Committee feel that unless evaluation studies are done , the achievements and impact of such programmes and the extent of sensitization of the prison officials cannot be known. The Committee, therefore, feel that the Ministry of Home Affairs should take steps to assess the impact of

training being provided to the prison officials through an independent outside agency.

Open Jails

Recommendation (Para No. 1.59)

1.44 In the aforesaid paragraph, the Committee had observed that at the end of 1998 Open Jails existed in Andhra Pradesh, Assam, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal. The system has proved that it is not only far cheaper to control and run Open Institutions, but that they also have a definite rehabilitative value in that they restore the dignity of the individual and give him/her self-reliance and self-confidence besides instilling a sense of social responsibility which is necessary for community living. While appreciating the establishment of such Open Jails, the Committee had desired that a review of their working and results achieved so far be undertaken by the concerned State Governments with a view to evaluating further their efficacy, utility and necessity. Based on the results of such a study, necessary changes, if required, may be carried out while opening new jails.

1.45 In the action taken reply the Ministry have stated that the recommendation of the Committee has been conveyed to the State Governments for necessary action.

1.46 In response to the query as to whether any review of the working and results achieved by the establishment of Open Jails has been undertaken, the Ministry have stated that no such review has been undertaken by the Ministry and also no information about such review by the State Governments is available. Further, the Ministry have replied that the State Governments have set up jails including the Open Jails in accordance with their requirements and resources. The Ministry of Home Affairs have issued no specific guidelines on the issue.

1.47 While furnishing the State-wise position in respect to establishment of such open jails, the Ministry have stated that at present, one or more open air jails exist in 7 States/UTs (viz. Andhra Pradesh, Chattisgarh, Gujarat, Himachal Pradesh, Karnataka, Rajasthan, Tamil Nadu). In Some States/UTs (viz. Delhi, Haryana, Jammu and Kashmir, Jharkhand, Orissa, Uttar Pradesh), there is a proposal under consideration to construct open jails in their respective States. However, in the remaining States/UTs (viz. Bihar, Goa, Madhya Pradesh, Nagaland, Pondicherry, Sikkim, Uttaranchal) there is

either no proposal to construct open jails or it is considered not practicable to construct open jails.

1.48 The Committee in their Original Report had observed that the system of open institutions was not only cheaper but also of definite rehabilitative value. It restored the dignity of the individual and gave the prisoner self-reliance and self-confidence besides instilling in him/her a sense of social responsibility which is necessary for effective and useful community living. While appreciating the establishment of such open jails, the Committee had desired that a review of their working and results achieved so far be undertaken by the concerned State Governments with a view to evaluating their efficacy, utility and necessity.

1.49 The Committee regret to observe that at present one or more open air jails are found to exist only in 7 States/UTs (viz. Andhra Pradesh, Chattisgarh, Gujarat, Himachal Pradesh, Karnataka, Rajasthan, Tamil Nadu). Further, as many as 7 States/UTs (viz. Bihar, Goa, Madhya Pradesh, Nagaland, Pondicherry, Sikkim, Uttaranchal) have replied that there is either no proposal to construct open jails or that it is not practicable to construct open jails in their respective States. The Committee feel that the Ministry should have tried to ascertain the reasons as to why some of the State Governments are not considering such a proposal. Further, no review of the working and results achieved by establishment of open jails has been undertaken by either the Ministry or the State Governments without indicating any reason for not undertaking such a review. The Committee feel that unless such a review is conducted to study the efficacy, benefits and advantages/disadvantages of the open jails vis-à-vis normal jails, it will not be possible for the Ministry to impress upon the State governments the need to do the same. The Committee feel that the Ministry should take immediate steps to undertake such a review. The Committee feel that being the nodal Ministry, the Ministry of Home Affairs should encourage the State Governments to set up more open jails. In this connection the Committee would also like to know the pattern of funding of open jails and whether the Central Government is providing any financial assistance to the States for establishment of open jails. The Committee also desire that the Ministry should consider earmarking some funds out of the sum of 1800 crores that has been allocated for modernisation of jails, for establishment of open jails as one of the priority projects for women prisoners.

Draft Model Jail Manual

Recommendation (Para No. 1.65)

1.50 In paragraph 1.65 of the Original Report the Committee had observed that the rules and regulations governing management and treatment of prisoners were embodied in the Jail Manuals framed by various State Governments. During visits to some of the jails in States, the Committee had found that there were wide variations in prison rules between States and concerted measures were urgently needed to establish minimum standards and uniform practices for management and administration of prisons and treatment of offenders through revision of jail manuals. The Committee had desired that a comprehensive review of jail manuals should be undertaken by the respective State Governments to ensure uniformity in administration of prisons and treatment of women prisoners , and the Ministry of Home Affairs should prepare a draft model Jail Manual and circulate the same to all the State Governments/UT Administrations.

1.51 In the action taken replies, the Ministry have stated that the All India Model Prison Committee constituted by the Ministry of Home Affairs under the Chairmanship of D.G, Bureau of Police Research and Development to guide the work relating to the formulation of the Model Prison manual has set up six working groups comprising of prison officers from the prison staff cadres of States with a view to evolve a national consensus on the provisions to be included in this manual. Due care is being taken to ensure that the Model Prison manual being prepared takes into account not only the ground realities but also the changing context of prison management. The recommendations made by various national committees and directives issued by the Supreme Court of India from time to time, the National Human Rights Commission, the National Commission for Women and also the suggestions emerging from various international instruments are being examined and synthesized for incorporation in the Model Prison Manual. The Draft model Prison Manual will be circulated to all the States/UTs for their comments , and will be finalized after the views/comments of the State Governments have been received and analyzed.

1.52 Explaining the latest position in this regard, the Home Secretary stated during evidence that

“We have drafted the prison manual. Members from various States were constituted for the working groups. Ten such working groups sat and then they completed the different chapters. This was put before the All India Advisory Board for drafting the prison manual. Now, it is complete in all respects and it has been distributed for the purpose of final viewpoints.

The manual basically tries to achieve certain degree of basic uniformity in all the legal framework and activities at the present administration of the whole country to maintain a degree of standardization. A legal framework has also been set up..... There are certain minimum standards for care, protection, treatment, etc., of the prisoners. As per the International Document those have been incorporated. Procedural reformations which are to be done to ensure human rights in the prison have also been incorporated..... Other scientific basis with which treatment of women, adolescents and high security personnel can be dealt are also recorded. To develop coordination between prison and other components of criminal justice system, they deemed set or, let us say, regulations have been incorporated.

The chapter on Women Prisoners is based on the recommendations made by the National Expert Committee on Women Prisoners, as well as the All-India Jail Reforms Committee, including the recommendations made by the hon. Committee. Representative of the National Commission for Women was actively involved in drafting the manual. This is being done in accordance with certain statutory provisions that are available in the legal frame. Welfare of the prison staff has also been taken into account. Staff development has been addressed in a separate chapter. “

1.53 The Department of Women and Child Development in its action taken reply in regard to the above recommendation has stated that the recommendation pertains to Ministry of Home Affairs. However, this Department will provide assistance, if any, required by that Ministry in finalising the model jail manual suggested by the Committee.

1.54 In their Original Report the Committee had observed that there were wide variations in prison rules in various States and concerted measures were urgently needed to establish minimum standards, uniform practices regarding management and administration of prisons and treatment of offenders through revision of jail manuals. The Committee had desired that a comprehensive review of jail manuals should be undertaken by the respective State Governments to ensure uniformity in administration of prison and treatment of women prisoners. The Ministry of Home Affairs should prepare a draft Model Jail Manual and circulate the same to all the State Governments/UT Administrations for their guidance.

1.55 The representatives of the Ministry of Home Affairs who had appeared before the Committee in June, 2001 had stated during evidence that the Ministry were in the process of preparing a Model Prison Manual which would be completed/finalised within a period of six to eight months. It would then be circulated to the States to get their opinion. When the Committee took oral evidence of the representatives of the Ministry of Home Affairs on 11th October, 2002, the Committee were informed that the draft Prison Manual was still being examined by the Ministry and had not yet been circulated to the State Governments for their comments. The Committee had expressed displeasure over this delay which was in contrast to the commitments made by the Ministry earlier. The Committee were anguished to note that even after one and a half years of the presentation of their Report to Parliament, the Ministry were yet to implement this important recommendation of the Committee.

1.56 The Committee are now informed that the Ministry of Home Affairs have finalised the draft prison manual and has circulated it to the State Governments for their comments. During evidence before the Committee (on 8th January, 2003) the Home Secretary has stated that they had given one month's time to the State Governments to send their comments if any to the Centre. The Committee hope that the Manual would be widely discussed with the judiciary, lawyers, NGOs and the State Commissions for Women and the comments, if any, received from the State Governments would be appropriately incorporated in the draft Prison Manual and the finalised Manual would be expeditiously circulated to all the State Governments/UTs for use by the respective jail authorities.

Improvement of condition of women in jails:
[Recommendation (Para Nos. 1.66 (f), (k) and (r))]

1.57 In the aforesaid paragraph of their Original Report, the Committee had desired the Government to consider the following suggestions in consultation with the State Governments so as to improve the condition of women lodged in various jails:-

- (f) Counselling by psychologists and psychiatrists must be provided for inmates, particularly for women who live away from their

children and other dependents and may suffer mental breakdowns. Prompt remedial action need to be taken by the jail authorities to provide necessary care/treatment/health to the women prisoners who become mentally ill while languishing in the jails.

- (k) The children who are born in jails and those who accompany their mothers to jails are compelled to live behind bars without being offenders. There is no Act in the country to take care of these children. As creche facilities are not available in every jail, they lack guidance and proper care. Infant care facilities like creches and ICDS project should be established/run in each prison for proper care and development of children accompanying the women inmates.
- (r) A well-laid policy for rehabilitation during the post-release period for women should be drawn up in collaboration with the Social Welfare Departments of the State Government and NGOs. Special attention is needed in case of mentally broken down women prisoners released after languishing in jails for long period.

1.58 In their action taken reply, the Ministry have stated that these recommendations have been conveyed to the State Governments and the Union Territory Administrations. They have also been requested to consider the recommendations for implementation and report on the progress in the matter from time to time.

1.59 The Committee are constrained to note the casual reply furnished by the Ministry that they have conveyed the recommendations of the Committee to the State Governments with the request to consider them for implementation. The Ministry of Home Affairs, should have impressed upon the State Governments the need and urgency for early and proper implementation of these recommendations. It may be mentioned that the women's physical, psychological and bodily needs are different. When in prison, women miss their families; have few visitors and often have no news from their homes. This has a serious impact on them, making them liable to depression

and mental breakdown. It is, therefore, essential that they are provided counselling by psychologists and psychiatrists. The Jail Authorities should, therefore, ensure that psychologists and psychiatrists pay regular visits to jails.

1.60 Children born in jails or those who accompany their mothers to jails, stay in crowded jails amidst women convicts, under-trials and offenders. This is very harmful to their personality development. These children are compelled to live behind bars without being offenders. Due to lack of guidance and proper care/education, they are liable to grow up to be burdens on society. The Committee, therefore, desire that infant care facilities like creches under ICDS should be established/run in each prison for proper care and development of children accompanying their mothers. After attaining the age of six, they should be admitted to regular or residential schools through NGOs as part of the rehabilitation of the mother.

1.61 During their visit to certain jails, the Committee had observed that often after release, women prisoners have nowhere to go as they are rejected by their families or because no one comes to pick them up. Also when released from jails, these women are not able to immediately adjust to the world outside. The Committee have noticed during visits to jails that in States like Andhra Pradesh and Maharashtra, the Jail Administration has established linkages with Social Welfare Agencies and NGOs for the purpose of rehabilitation of women after their release from Jails. While reiterating the need for evolving a definite policy in this regard, the Committee would like to recommend that these women after their release should be kept in Half-Way Homes/Rehabilitation Centres for some time to enable them to adjust to normal life. These homes could be run by the State Welfare Department. The Committee desire the Ministry to take concrete action in this regard and apprise them about the precise steps taken.

Premature Release of Infirm and Aged Women Prisoners:
(Recommendation Para No. 1.67)

1.62 In the Original Report, the Committee had recommended that the Year 2001 being observed as an year of Empowerment of Women, premature release/remission of sentences of following categories of women prisoners be considered after weighing the gravity of their crime.

- I) those suffering from serious ailments like Cancer, AIDS, TB, mental breakdown and depression.
- II) Those above 60 years of age who have served major part of their sentence.

1.63 In their action taken reply, the Ministry have stated that the recommendation of the Committee has been conveyed to the State Governments/Union Territory Administrations for necessary action. The Ministry have stated that some States have intimated that the recommendation has been implemented while some States have intimated that the cases of female life convicts who are above 65 years of age are under consideration of the Government for their premature release.

1.64 The Committee are concerned to note that despite the Directive of the Supreme Court, a uniform practice is not being followed by the State Governments with regard to premature release of infirm and aged women prisoners. The Committee feel that while in jail , special care and treatment should be given to such women prisoners and their premature release particularly of those who are above 60 years of age and have served major part of their sentence should be considered. The Jail Authorities should bring such cases to the notice of the Hon'ble Session Judges when they visit jails for inspection. The Committee desire that the Ministry should issue necessary guidelines to the State Governments/Union Territory Administrations to uniformly implement the Directive of the Supreme Court in letter and spirit.

1.65 The Committee in their Original Report had recommended that remedial measures must be taken to expeditiously improve the condition of women prisoners. However, even after presentation of their Report, the Committee during their on-the-spot visits to various jails found that women were still not being provided many of the basic facilities. While reiterating their earlier recommendations the Committee desire the Government to consider and implement the following suggestions in consultation and coordination with the

State Governments so as to improve the conditions of women lodged in the various jails:

- i) Women and girls arrested for vagrancy, loitering, begging, destitution etc. should not be sent to jails but to appropriate protection homes.**
- ii) Only female staff should be posted in jails for women prisoners.**
- iii) Women-jailers and women-police should be provided staff quarters within the jail compound or somewhere close by ,so that they are able to stay with their families and do not feel like prisoners themselves.**
- iv) The quality and quantity of food supplied to women inmates needs to be improved and there should not be any discrimination in this regard. There should be a separate kitchen for women prisoners where they should be allowed to cook their own food.**
- v) There should not be any discrimination in food and facilities within jails between Indian inmates and foreign nationals .**
- vi) The prison authorities may arrange training workshops in jails in coordination with Small Scale Industrial Units/Self Help Groups to equip the women prisoners with some skill to enable them to be gainfully employed after their release and instill in them a sense of self respect.**
- vii) There should be a uniform wage structure for women convicts in all the jails. The prisoners should be aware of the amount earned by them and proper accounts should be maintained by the prison staff. They should have bank accounts where the amounts earned by them during their detention are deposited. They should be provided pass books for their bank accounts which must be updated**

fortnightly. All items supplied to them from the canteen must be against bills which must be provided to them.

- viii) Undertrials should also be given an opportunity to work and earn their living like regular prisoners during their stay in jails , if they so desire.
- ix) Sanitary napkins should be supplied to women inmates as part of their 'essential' personal needs.
- x) Women doctors should visit the jails regularly to give free medical aid to women prisoners.
- xi) The prison authority should coordinate with the NGOs to sensitise the families of women prisoners to accept them and to take them back into the family after their release from prison.
- xii) There are no women on the Board of Visitors in various jails. This is unfortunate and must be corrected. Women members of Parliament or State Legislatures, National and State Human Rights Commissions as also of the State Women's Commissions should be associated with the Boards of Visitors for jails.
- xiii) Several women are in jails because of false FIRs that have been lodged against them in collusion with the police. Therefore, there should be a system by which an FIR against a woman is carefully scrutinised and statements by / against them are not treated as sufficient proof, by itself.

1.66 Before finalising their Observations and Recommendations, the Committee had interaction with representatives of the National Commission for Women , Ministry of Home Affairs , IG (Prisons) and NGOs . The Committee also visited a number of jails in the country and themselves witnessed the pathetic conditions of the women prisoners . The Committee had therefore urged upon the Ministry of

Home Affairs to take immediate steps to ensure the implementation of their recommendations as well as the recommendations of the Justice Krishna Iyer Report. However, even one and a half years after presentation of their report, the Committee during their on- the – spot visits to various jails found that women prisoners were still languishing in various jails in the States with hardly any improvement in their conditions. The Committee feel that despite being the nodal Ministry in this regard, the followup action by the ministry of Home Affairs doesnot reflect the urgency and seriousness required to impress upon the states the need to act on the recommendations of such important Committees. The Committee feel that the very purpose of such Committees is defeated if their recommendations are not properly and quickly implemented. The Committee, therefore, reiterate that the Ministry of Home Affairs should take prompt and immediate steps to ensure that these recommendations are properly implemented by all states/UTs. In this connection, the Committee note that a sum of Rs. 1800 Crores have been sanctioned by the Government for the modernisation and improvement of all the prisons. The Committee desire that the Ministry should properly monitor the utilisation of these funds released to the States each year, and ensure that expenditure incurred by the State Governments is need – based and that it results in upgradation and modernisation of facilities in prisons all over the country, with emphasis on the special needs of women prisoners.

CHAPTER II
OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED
BY THE GOVERNMENT

Recommendation

The inequality between the socio-economic status of men and women reinforces the vulnerability of the latter, which makes them more susceptible to social maladjustment, abuse and exploitation. It is this process of victimization of women and their induction into criminality that makes them the subject of custodial and correctional welfare. It is pertinent to note in this regard that the All India Committee on Jail Reforms (1980-83) had pointed out that although women constituted a fragment of the total number of prisoners in the country (estimated at 2.6%), the figure was steadily growing. This percentage has gradually increased over the years and as per the Ministry of Home Affairs, it is at present 3.6%. More than 8000 women are lodged in prisons. The steady increase in the number of women prisoners requires greater effort on the part of the authorities to ensure custodial justice.

(Para No. 1.48)

Considering the importance of the custodial conditions in the country, the All India Jail Reforms Committee (1980-83) had gone into this aspect and made significant recommendations. The National Expert Committee on 'Women Prisoners' (1987) had also made a thorough study of the subject and outlined a number of recommendations of far reaching consequences in their Report. This Report considered to be a landmark on the subject had inter-alia mentioned that "womenhood and childhood even in criminal wrappings and behavioral aberrations deserve to be nursed in dignity and restored to working normally using all the material, moral and spiritual resources at the society's command".

(Para No. 1.49)

There are also a series of judicial decisions of the Supreme Court to guide the Government and the concerned authorities in this regard. The Law Commission of India have dealt with the legislative aspects of the subject. Further, the National Commission for Women have also made from time to time recommendations to the Government on a wide range of matters relating to custodial justice. The Committee are, however,

constrained to point out that despite all these recommendations there is still a serious shortfall in the delivery of requisite services to women who are in jails.

(Para No. 1.50)

Reply from Ministry of Home Affairs

The National Expert Committee on Women Prisoners headed by Justice Iyer was set up by the Department of Women and Child Development, Ministry of Human Resource Development and was, therefore to monitor the implementation of its recommendations. The Ministry of Home Affairs on its part had forwarded the report to the States/UTs in December, 1987 itself. The Ministry of Home Affairs has monitored the implemented and has prepared a Status Paper on the Implementation of the recommendations of Justice Iyer Committee by Central Government as well as the States. A copy of the Status paper is enclosed.

The Ministry of Home Affairs is alive to the prevailing conditions in jails in the country. As such the Ministry of Home Affairs set up the All India Jail Reforms Committee, (1980-82), popularly known as Mulla Committee, which had gone into various aspects of prisons administration in the country. The Ministry of Home Affairs had also set a group under Shri R. Kapoor Former Director Intelligence Bureau to look into security aspects in jails.

The recommendations of Mulla Committee, which concerned State/UTs were forwarded to them. The recommendations, which concerned Central Government were examined. In pursuance of the recommendations of the Mulla Committee and the Kapoor Group the Ministry of Home Affairs has taken action on them. Some of the important actions taken by the Ministry of Home Affairs are as under:-

- I) Provided financial assistance to the States under the Scheme of Modernization of Prisons Administration for components consisting of security, communication and transport, repair and renovation of old prison

buildings, medical facilities, development of borstal schools, facilities to women offenders, vocational training, Modernisation of Prison industries and training to prison personnel etc. and for creation of High Security Enclosures in ten selected States to lodge high risk persons.

- II) Set up a separate a separate wing in the BPR&D to deal with prison issues.
- III) Set up a training Institute of Correctional Administration at Chandigarh, which provides re-orientation training to prison staff/officers.
- IV) Formulated the Model Prisons (Management) Bill and circulated among States/UTs.
- V) Drafting the Model Prisons Manual for circulation among States/UTs.
- VI) Instituted the Correctional Service Medals for prison personnel.
- VII) The Ministry of Home Affairs has been continuously in touch with the States and has been sending advisories to them emphasizing the need for improvement in jail conditions.

The recommendations of the Parliamentary Committee on Empowerment of women (2001-2002) on the subject 'Women in Detention' have been brought to the notice of the State Governments/UT Administrations. The concern of the Committee has also been reiterated by this Ministry and advisory issued to the State Governments/UTs in this regard. A copy of the advisory in this regard sent by the Ministry to the State Governments is given in **Annexure**.

(Ministry of Home Affairs O.M.No. V.17013/33/2001 GPA-IV dated the 14th June, 2002)

Further Reply from Ministry of Home Affairs

ANDAMAN & NICOBAR ISLANDS: In regard to the District Jail, there are only 5 female inmates lodged out of total 288 prisoners. Women prisoners constitute only 1.5% of the total prisoner population.

ANDHRA PRADESH: All efforts are made to ensure custodial justice to women in accordance with recommendation of various committees.

ASSAM: Out of total prison population of 7,368 as on 31.10.2002 the number of women is 198, which constitutes 2.69% only.

BIHAR: Adequate capacity is being created to house the women prisoners. Action has been initiated to create separate wards and also to have separate kitchen for women prisoners.

CHANDIGARH ADMN: As far as the Model Jail, Chandigarh is concerned, there are only 20 women confined in the Jail. Six children are also with them. Custodial justice is ensured to them. They are given good food, clothing, medicines and other queries redressed on priority basis. The number of women inmates in Burail Jail of Chandigarh is small and facilities and measures taken to improve the conditions of the prison are common to both male and female inmates.

CHHATTISGARH: In Chhattisgarh State 9696 prisoners are confined. Out of them 414 are females.

DELHI: A Jail has been exclusively ear marked for lodging female prisoners in Delhi Jails, having a capacity to lodge 400 prisoners. As on 27.11.2002 there were 525 female prisoners in Delhi Jail. The percentage of women prisoners is 4.42% of the total prison population.

GOA: There is a steady but negligible increase in number of women prisoners in detention i.e. from 1 or 2 in the year 1980 to 10 to 12 in the year 2002. Due to higher rate of literacy, crime among women is negligible in the State of Goa.

GUJARAT: There is no difference in treatment of male and female prisoners. More care is usually taken to see that custodial justice is meted out to the female prisoners.

HARYANA: The number of female prisoners has increased due to provisions made on Dowry. The enactment has been made by the Central Govt. Every effort is applied for proper custodial justice in every jail of the State of Haryana.

HIMACHAL PRADESH: It is submitted that the recommendations made under this para have been circulated among all the Superintendents of jails in the State for compliance. However notwithstanding the meager strength of women prisoners in State of H.P. and with no such problems special attention is being always given to protect their interest and dignity and save them from any exploitation.

JAMMU & KASHMIR: No comments.

JHARKHAND: To cope up with the problem of over crowding in Central Jail, Ranchi, a model central jail with a capacity of 3000 prisoners is under construction at Hotwar, Ranchi. The State Government at Ghaghidih, Jamshedpur in the financial year 2003-04 has sanctioned a new district jail with a capacity of 1200 prisoners. There will be improved facilities in this new jail. The State Government

has proposed to upgrade 14 sub jails, 2 district jails in a phase wise manner, as the former sub divisions have become districts. In these jails women prisoners will be provided with better facility. These new jails are proposed to be constructed in the year 2002-03 to 2005-06. In the newly created sub divisions 3 new jails are proposed to be constructed in the year 2002-03. In these new jails also women prisoners will be provided with better facility. In the year 2002-03 an amounts of Rs. 30 Lakh has been provided for vocational training to prisoners including women prisoners. The department has proposed to involve NGOs. & Industry Department for the purpose. A proposal to modernise kitchens by replacing coal based cooking with Gas facility from 11th Finance Commission fund. In this schemes new Hospital wards with modern facility will be constructed and existing facilities will be upgraded with better tools and apparatus. In the 11th Finance Commission schemes 5 crores have been allocated for these purpose. All district jails are equipped with Ambulance under central and state plan fund. All jails have been sanctioned with the tune of Rs. 75,000 to Central jail and Rs. 74,000 to all district and sub jails for purchase of Books, Almira and Chair for the Libraries. The educational qualification for appointment of warden is being increased form 7th class to matriculation so that they can be better trained and sensitized in dealing with prisoners. There is no discrimination in wage structure for male and female prisoners. The Government has set up a committee to revise present wage rates. Special diets are being provided to children up to the age of 5 years with their mother in detention. We are encouraging NGOs. to give counseling, training and provide education to all prisoners including women prisoners. There is a proposal to introduce Video Conferencing system for production of prisoners before courts in Ranchi and Hazaribagh. A Bill in the regard will be produced before the State Assembly in the coming session. As an improved security measure we are providing High Mast Lights, Generators, Close Circuit T.Vs. and construction of WatchTowers is also under process.

KARNATAKA: Women prisoners are treated on par with men by duly providing equal facilities and amenities and for redressal of their grievances. Special care is taken that they are not to put under hardship conditions. They are also put under lighter working (industries) systems compared to men. They are also being provided with additional facilities keeping in view of the feminine physical and mental structure. They are also being paid equal wages.

KERALA: No comments.

MADHYA PRADESH: The sanctioned capacity of jails in Madhya Pradesh is 16.547 out of which 1330 are exclusively meant for housing women inmates. As against that capacity only 638 women prisoners are lodged in various jails of Madhya Pradesh. As per rule 378 of the Jail Manual female prisoners are kept separate from male prisoners and as far as possible, under-trial women prisoners are kept apart from female convicts in separate barracks. Under the provisions of rule 409 of the Jail Manual no male officer is allowed to enter the female prisoner's enclosures without the matron or female warders or, if there be no matron without the jailor concerned.

MANIPUR: No comments.

MEGHALAYA: In Meghalaya, regarding Women prisoners, the statistic is coming down, only less than 2% women prisoners are lodged in the Jails.: Meghalaya state with matriarchal society, stands apart from the rest of the country. Gender bias is not towards female but towards male. Only 11 Under-trial Prisoners are lodged in one Jail in entire Meghalaya.

NAGALAND: No comments

ORISSA: A study of the statistics of the last 3 years reveals that there has been a slow increase in the members of Women Prisoners in Orissa. In the year 1999 there were 284 Women Prisoners (43 convicts, 241 U.T.Ps) as against total numbers of 11,074 numbers of prisoners in the Jails of the State. In 2000, the numbers of Women Prisoners were 338 (51 convicts 287 U.T.Ps) as against total numbers of 11,852 prisoners and 2001, 365 numbers of Women Prisoners (56 convicts and 309 U.T.Ps) as against the total numbers of 12,291 numbers of Prisoners. The percentage of Women Prisoners with regard to total numbers of prisoners comes to 3% (Women Prisoners). In all the prisons in Orissa the Women Prisoners are being treated equally. Steps are being taken to ensure custodial justice to women inmates.

PONDICHERRY: No comments.

PUNJAB: Every effort is being made to provide custodial justice to women.

RAJASTHAN: A separate female jail is already functioning at Jaipur and separate enclosures are provided in different Central & District Prisons. The female staff only is manning the female jail at Jaipur and different enclosures for female prisoners at different jails. Every care is being taken to ensure and maintain custodial justice for female prisoners.

SIKKIM: Unlike in other parts of India, there is no increase in the number of women prisoner in Sikkim State Jail. At present we have only one-woman prisoner in Sikkim State Jail against four in the preceding year.

TAMIL NADU: Of a total number of 24060 prisoners confined in the prisons of this State as on date, only 1938 prisoners are only women prisoners. The custodial Justice of women prisoner, is ensured through Prisoners' Adalat, Legal Aid cell, case review, release on bail as per Supreme Court judgement, efforts to produce the prisoners before courts promptly, action to introduce video conferencing system, effective remission system with general amnesty.

UTTAR PRADESH: All efforts are made to ensure the custodial justice for women prisoners. Men and women prisoner are lodged separately in 54 District jails. Three women jails at Aligarh, Faizabad and Lucknow are functional. Sanitary Napkin is now provided to women. Medical, Gynecological, Sanitary, Child cares, etc. facilities

are provided to women prisoner. These efforts have been made in the direction of ensuring custodial justice.

UTTARANCHAL: Agreed in principle. However, the problem is quite manageable in Uttaranchal.

WEST BENGAL: All facilities are provided to the woman inmates to ensure custodial justice within the ambit of Jail Code Rule.

ANDAMAN & NICOBAR ISLANDS: Efforts are on in this regard. The staffs are maintaining good relationship with prison inmates. They are given full respect to their dignity and time to time advice is also giving to them.

ANDHRA PRADESH: The recommendation of various committees are under implementation.

ASSAM: No comments.

BIHAR: No Comments.

CHANDIGARH ADMN: The number of women inmates in Burail Jail of Chandigarh is small and facilities and measures taken to improve the conditions of the prison are common to both male and female inmates. In addition to this steps are taken to attend to the special requirements of women inmates and their children by deputing a lady doctor for medical consultation and by looking after the nutritional requirements of children and nursing mothers.

CHHATISGARH: No comments.

DELHI: Justice Krishna Iyer Committee has cited certain recommendations, which are being implemented in Women's Jail. Mrs. Margaret Alva, M.P. visited Central Jail for women on 5.10.2000 and appreciated the efforts of Jail authorities. The visiting judges have always been giving outstanding reports in connection with the functioning of this jail. Women prisoners are allowed to keep their children. 45 children are lodged along with their mother prisoners as on 27/11/2002.

GOA: Custodial conditions touching to the peculiar women related aspects as recommended by All India Jail Reforms Committee (1980-83) and the recommendations of the National Experts Committee on "Women Prisoners" (1987) will be implemented in the New Central Jail being constructed in the State of Goa, wherein a separate enclosure exclusively for women prisoners will be constructed:

GUJARAT: No comments.

HARYANA: This aspect is being taken care of under the provisions of the Jail Manual.

HIMACHAL PRADESH: It is submitted that the observations made are quite valid and it is pointed out that there are 28 women prisoners lodged in the jails of the State as on 30.6.2002, out of which 17 are under-trials. It is further pointed out that treatment meted out to these women prisoners by the Staff posted in the jails is proper and no complaint whatsoever on this account has been received.

JAMMU & KASHMIR: No comments.

JHARKHAND: Government has provided special diet to the children of women prisoners up to the age of five years. Facilities are being upgraded.

KARNATAKA: Almost all the recommendations of the All India Jail Reforms Committee (1980-83) have already been implemented, as far back as 1978 duly incorporating the subject matters in the Karnataka Prison Manual 1978. Further the prison manual is also updated periodically.

KERALA: No comments.

MADHYA PRADESH: The State Government sanctioned Rs. 310.50 Lakhs during the year 1999-2000 for the construction and renovation works in jails. Health examination of female prisoners is done on a regular basis. The routine medical examination of women prisoners is done at the jail hospital itself. If required, they are sent to district hospital for further treatment as per rule 178(a) of the Jail Manual. Under special circumstances, lady doctors from district hospitals are asked to visit female prisoner ward. The Government of Madhya Pradesh has amended rule 68 of the Madhya Pradesh Prisons Rules, 1968 for providing better medical facilities and Rs. 5000/- is kept aside in all the jails of Madhya Pradesh for emergency medicines. For detailed medical examination of prisoners, X-ray machines and pathology laboratory has been arranged at Central jails. Periodical medical examination of prisoners is regularly done and the quarterly report is send to the National Human Rights Commission in a prescribed Proforma. The concept of citizen's charter and the right to information has been introduced in all the jails of Madhya Pradesh. As a result, women prisoners are now more aware of their rights and facilities in jails.

MANIPUR: No Comments.

MEGHALAYA: In managing the Jails, recommendations of All India Jail Reform Committee (1980-83) and the National expert Committee on Women Prisoners (1987) are followed.

NAGALAND: No comments

ORISSA: The State Government are implementing the recommendations of the National Expert Committee on "Women Prisoners" for the welfare of the Women Prisoners confined in Jails. Children of Women Prisoners are sent to crèches.

PONDICHERRY: No comments.

PUNJAB: This recommendation is fully implemented.

RAJASTHAN: Not concerned with State Govt.

SIKKIM: The recommendations made by the National Expert Committee on 'Women Prisoners', National Commission for Women, guidelines issued by the Supreme Court etc. have been implemented wherever the implementation was possible and practicable. There is no shortfall in the delivery of services to the women prisoners in jail.

TAMIL NADU: 1] Women prisoners are kept in separate institutions, Annexe. Women are totally segregated from male prisoners in Sub Jails by keeping them in separate enclosures. Now, they will be kept only in the Women Sub Jails / Special Sub Jails declared by Government.2] All Women prisoners are managed only by Women staff.3] Women officers are trained in Regional Institute of Correctional Administration, Vellore and female warders trained in Warders' Training Centre, Vellore on par with male staff.4] Women and their problem are looked after by the lady Superintendents of two women prisons who report to the Deputy Inspector General of Prisons directly. 5] All newly admitted prisoners are medically examined by a full time Lady Civil Assistant Surgeon attached to prison. 6] The visiting Gynecologist properly examines all pregnant women. (i.e) Egg and Milk are given. They are exempted from labour. They are admitted in Government Head quarters Hospital for delivery. This is in accordance with National Committee on Women Prisoners headed by Justice. Tr. V.R. Krishna Iyer vide his recommendation para No.6 under Chapter XI. 7] Women prisoners are segregated according to criminality, age and character etc. as per Prison manual. 8] Women needing protective custody are not confined in prisons. 9] Women prison has a separate Hospital for women only. 10] Women are permitted to retain their "Mangal Sutra" and other Religious symbol. 11] All convict women are given sarees and bedding. Remand prisoners are permitted to wear their own cloths and supplied bedding at Government cost. Remand Prisoners who can't afford are also given sarees, at Government cost. Further clothing is also given to women prisoners as per their wish according to their custom. 12] Vocational training and crafts training such as weaving, tape making, twisted thread making, tailoring and lamination etc. are imparted to women prisoners. 13] Adult education and higher education through Open University are also given to women prisoners. 14] Women prisoners are permitted to have interview with relatives, friends and legal counsels and provided post card at Government cost to write letters and are also provided with ordinary and emergency leave. 15] Children accompanying women prisoners' upto 6 years are kept in creche. 16] Women official and non-officials visitors are permitted to visit women prisons. 17] Rehabilitation of women is looked after by Probation Officers and by Non Governmental Organisations. 18] Women guards escort women prisoners, supported by Armed male guard. 19] The rehabilitative services like counseling Yoga & Meditation, vocational training are arranged.

UTTAR PRADESH: Pregnant women prisoner are given special food on medical advice, children are sent to schools for their development. Creche facility has been provided at Nari Bandi Nikatan, Lucknow. Sanitary Napkins are being provided to women prisoners. Thus the honour and dignity of womanhood and childhood in custody is taken care of.

UTTARANCHAL: The Justice Mulla Committee document is a land mark document in this respect and the state shall strive to follow this recommendation in letter and spirit.

WEST BENGAL: Women prisoners are given useful vocational training and provided considerable recreation facilities. They have access to the library where they can read books, periodicals and newspapers.

ANDAMAN & NICOBAR ISLANDS: All requisite service are being provided to the women's custody in the jail of A & N Administration.

ANDHRA PRADESH: The Department has involved NGO's with professional expertise to make up the short fall in the delivery of requisite services.

ASSAM: No comments, this being an observation of the Committee.

BIHAR: Efforts are being made to improve the condition of women prisoners.

CHANDIGARH ADMN: As far as Model Jail, Chandigarh is concerned, all the facilities permissible under the rules are provided.

DELHI: The directions made by the Supreme Court and recommendations of National Commission for Women are followed and implemented in Delhi Prisons in so far as women prisoners are concerned. 1) A proper and complete medical examination is conducted for all the prisoners who are admitted to women's jail. All those requiring observation or specialized treatment, are admitted to female hospital where doctors/medical facility is available round the clock. 2) Counseling of newly admitted ones by the Welfare Officers, mulaihaza panchayat and other staff members follows admission of prisoners. The trained counselors also talk to them and help them in writing letters to their family and if needed, also visit their homes. 3) The newly admitted prisoners are provided with bathing soap, washing soap, post cards, utensil and sanitary pads to meet their basic needs. 4) Various NGOs as a mode of rehabilitative therapy are running many vocational courses for the inmates. The inmates are allowed to join any of these courses. Certain training programmes like: stitching, weaving, crèche/balwari, embroidery, envelope making beauty culture and painting are also conducted to impart skills to the women inmates, to empower them to be able to start their life afresh, to help them in their rehabilitation after release. There are also income-generating programmes like crèche, weaving, making lunch for prisoners going for court attendance, envelope-making where they earn money. They are paid wages as for Skilled worker- Rs.16 per day, Semiskilled worker- Rs.12 per day, Unskilled worker- Rs.10 per day. Each inmate is allowed to meet her relatives twice a week as per the Jail Manual. They also have the privilege to write two letters to their relatives per week and also receive from outside. The female inmates are allowed to meet their husbands and blood relations lodged in other jails on Saturdays. Prisoners have an access to library, where books of their interest and choice are made available to them. Habitual, prostitute and brothel keepers and those involved in the cases of moral turpitude are kept separate from the rest of the inmates. The inmates are lodged in wards on the basis of offence they have committed. Convicts

and under-trials are kept separately. There is no segregation on the basis of social and economic status of prisoners outside. Inmates can keep their children upto 6 years of age with due permission from the court/Superintendent Jail. Such inmates are kept in a separate ward irrespective of their offence. 750 grams of milk and an egg is given to each child everyday. Two crèches (Morning and Evening) are run by two different NGOs for children's all round development. There are 45 children in the women's jail as on 27.11.2002. The children are given pre-nursery education as a preparation for admission to schools outside. The NGOs and Govt. have various institutions where children of inmates who are above 6 years are being admitted. Such institutions take complete responsibility of the children in respect of boarding, lodging and education. Two NGOs working in this area are CASP (Community Aid Sponsorship Programme) and IVF (India Vision Foundation). As on today CASP has got 202 children and IVF has got 55 children admitted to schools outside. 25 children have been admitted to village cottage homes through Social Welfare Department, Govt. of NCT of Delhi. Unlike their mothers, the children living with their mothers are allowed to go outside on picnics with representative/staff of NGOs for recreation and overall development. Complaints or grievances of the inmates are redressed expeditiously. The inmates have an access to higher authorities through the mobile grievances box in which they can put their applications /petitions addressed to the D.I.G.(P)/DG.(P). 5) At the time of release the female inmates are handed over to their relatives. If no relative exists or shows up, they are sent to "Nari Niketan" which is a Govt. Shelter Home to ensure that they are not lured away by unscrupulous elements. 6) The inmates are provided "Free Legal Aid" and advocates from Delhi Legal Services Authority who visits the Jail and draft applications for the inmates. In needy cases services of advocates is also provided at Government cost in the courts. 7) Self-realization and self-awareness are always the motive behind various meditation camps held in the female jail for the inmates. Vipassana Shivirs, Sahaj Yog sessions and Satsang by "Divya Jyoti Jagriti" Sansthan are the basic modes of meditational therapy besides "Art of Living". 8) The inmates can avail educational facility and can study further through correspondence courses by getting enrolled in IGNOU (Indira Gandhi National Open University) and NOS (National Open School). The more educated prisoners teach the other less educated prisoners. Illiterate prisoners are taught to write their names if they stay for more than a week in the jail. 9) One Central Jail in Delhi has been christened as Female Jail. A woman Superintendent is the head of the Jail and she discharges her duties independently. There is a separate Prison Cadre of women for this jail. They are recruited and trained in their professional duties with adequate promotional avenues. Regular refresher courses on Prison management and human rights are held in the Jail. The staff is regularly deputed to correctional institutions to adopt new techniques in prison management.

GOA: Since the number of women prisoners in detention is negligible, there is not much shortcomings in delivery of requisite services to women in jails.

GUJARAT: No comments.

HARYANA: Recommendations conveyed by the State Govt. are implemented with regard to the custody of female prisoners.

HIMACHAL PRADESH: It is submitted that all requisite services to women prisoners are being provided in the jails. Due care is being taken to deliver the custodial justice in respect of women prisoners and maintain their dignity in the prisons. They are kept in separate enclosures/blocks away from male prisoners wards and attended to by the regular female prisons staff. There are always efforts to ensure that in no manner their dignity is compromised.

JAMMU & KASHMIR: Recommendations received from the Commission for Women and directions contained in the Judicial rulings and also suggestion of the Voluntary Organizations are received with a view to giving them practical shape in the management of women prisoners. A number of new provisions have been made in the new Jail Manual of the state for humane approach towards the prisoners and to orient their lives in the jail towards healthier attitude and constructive work. Vocational Training Classes go a long way towards redeeming the boredom and engaging them something interesting and satisfying.

JHARKHAND: The recommendations of National Commission for women are under consideration.

KARNATAKA All the necessities and amenities are being provided keeping in mind the decisions and recommendations of authorities like Hon'ble Supreme Court, National Commission for Women etc.

KERALA: No comments.

MADHYA PRADESH: In addition to basic facilities like food, clothing and health care as per the existing rules, female prisons are also provided with the following special facilities 1) Female prisoners are given soap at the rate of 125 gram per week per prisoner. They are also provided with hair oil, comb and mirror under the provisions of jail rule 671. 2) Sick female prisoners are given special diet. Expectant and lactating mother accompanied by children are given special diet. Further, female prisoners during pregnancy are given extra diet the scale of which is prescribed in the said rule. 3) Medical Officer is empowered to order the issue of extra cotton and warm clothing and bedding any prisoner (female prisoners included) who needs them on medical grounds. The said provision is followed in letter and spirit. 4) Each female prisoner is given mustard oil at the rate of 5 gram per day for body massage and 30 gram coconut oil per week for oiling hair. Symbols of married life like – “ Bindi and Sindoor ” are also made available to them. 5) They are also provided with sanitary pads. 6) Health-examination of female prisoners is done on a regular basis. The routine medical examination of women prisoners is done at the Jail Hospital itself. If required they are send to District Hospital for further treatment as per rule 178(a) of the Jail Manual. Under special circumstances, lady Doctors from District Hospitals are asked to visit female prisoner ward. 7) For providing

better medical facilities and Rs. 5000/- is kept aside in all the jails of Madhya Pradesh for emergency medicines. For details medical examination of prisoners, X-ray machines and pathology laboratory have been arranged at Central Jails. Periodical medical examination of prisoners is regularly done and the quarterly report is sent to the National Human Rights Commission in a prescribed profarma.

MANIPUR: In respect of Manipur Jails there is no serious shortfall in the delivery of requisite services to women prisoners. The average number of women prisoners in Manipur Jails is not more than 30 in a year and their requisite services are delivered well in time and taken care.

MEGHALAYA: No shortfall in delivering requisite services to the Women Prisoners in Jails in Meghalaya.

NAGALAND: No comments

ORISSA: The recommendations of the Parliamentary Committee Empowerment of Women and National Commission for Women are being implemented strictly for all round development of the Women Prisoners. In the meanwhile we are supplying two numbers of sarees, saya and blouses per year to each Women Prisoner and 3 sanitary napkins in every month.

PONDICHERRY: No comments.

PUNJAB: There is hardly a serous shortfall in the delivery of requisite services to women in the jails of Punjab.

RAJASTHAN: Not concerned with State Govt.

SIKKIM: The recommendations made by the National Expert Committee on Women Prisoners, National Commission for Women, guidelines issued by the Supreme Court etc. have been implemented wherever the implementation was possible and practicable. There is no shortfall in the delivery of services to the women prisoners in jail.

TAMIL NADU: The required service like Health care, water supply, accommodation, vocational Training, Flush out latrine, diet and diet to children has been improved by utilising funds from Modernisation of Prison Administration, Finance commission and State funds.

UTTAR PRADESH: At the state level the efforts as mentioned in para-2 have been made to care womanhood and childhood in custody.

UTTARANCHAL: Women prisoners in Uttaranchal are adequately cared for. However, due to the recent coming into being of the State, the Government shall require more time to look into this aspect.

WEST BENGAL: All recommendation being implemented keeping in view the suitability & practicability.

**Reply from Department of Women and Child Development
(On Recommendation Para Nos. 1.48 to 1.50)**

To remove the unequal socio-economic status between men and women, the Government has taken several measures such as introduction of schemes for self sustenance of women, advocacy support to legal literacy and support services, intervention through women oriented policies and review of laws with a view to remove provisions which may be discriminatory to women. The Ninth Five Year Plan has adopted the concept of the Women Component Plan under which at least 30% of funds/benefits of concerned Departments/Ministries are to be earmarked for women.

Lok Adalats on old pattern are taking up more and more number of cases including that of women. Permanent and continues Lok Adalats have also been established in every District of the country. These Lok Adalats are open to all including women. They take cognizance of all civil and criminal (compundable) cases. These Lok Adalats cover tribal areas also. State Legal Services Authorities (SLSAs) have been requested to provide accreditation to the NGOs and recommend their projects for legal literacy/legal awareness. National Legal Services Authority is providing financial support as and when viable projects are received. The SLSAs in collaboration with the District Legal Services Authorities are also holding legal literacy/legal awareness camps in backward areas for the benefit of the weaker sections of society including SC/ST.

The Report of the National Expert Committee on Women Prisoners headed by Justice Krishna Iyer was forwarded to the State Governments and Union Territory Administrations in December, 1987. They were requested to examine the recommendations and take a view on those for action. The Department of Women and /child Development has been seeking a status report on implementation of the recommendations of the Report of the National Expert Committee from time to time from the State Governments. Some of the State Governments have already furnished the information.. The others are being reminded.

The National Commission for Women had also organised a National level seminar on Women in Detention during 17-18th May, 2001. The Report of this Seminar prepared by NCW has cited certain good practices in prison management. Many States particularly those in the South and Maharashtra have encouraged training for women prisoners so that skills are developed to make them self reliant once they leave the prison. Open air prisons, semi-prisons, open camps are also some good practices. 14 State Governments have so far given feedback on implementation of the recommendations made by the National Expert Committee on Women Prisoners.

(Department of Women and Child Development O.M No. 2-2/2001- WW (Vol.II) dated 7th May, 2002.

Recommendation

The Committee understand that the status of women in custody is not uniform throughout the country. There is a wide difference in the facilities provided to women inmates in different jails. This is mainly because of the fact that the matters relating to prisons, reformatories, borstal institutions, etc., and persons detained therein are a State subject. But the recommended measures for upgradation of custodial justice involve functions to be performed by the Centre also. The Central Government, therefore, cannot absolve themselves from the responsibility of ensuring proper custodial justice for the women detained in the various jails of the country.

(Para No. 1.55)

Reply from Ministry of Home Affairs

‘Prisons’ is a State subject as per the Constitution of India. The Prison Administration is governed by the States as per the provisions of the Prisons Act and the Prison Manuals framed by the respective States in accordance with their local conditions. The Central Government have, however, been impressing upon the State Governments for upgradation of the custodial institutions. In order to supplement their efforts, Central Government have been providing assistance to the States under the Scheme of Modernisation of Prison Administration as well as through the awards of the Finance Commissions.

In order to evolve a standardized uniformity in custodial justice, the Central government formulated and circulated the Model Prisons Bill to all the States/UTs. The Central Government is also in the process of framing a Model Jail Manual for circulation among States/UTs.

(Ministry of Home Affairs O.M.No. V.17013/33/2001 GPA-IV dated the 14th June, 2002)

Further Reply from Ministry of Home Affairs

ANDAMAN & NICOBAR ISLANDS: This department is providing all basic facilities to the women prisoners as per Rule.

ANDHRA PRADESH: Facilities provided to women prisoners in A.P are comparable to the best in the country.

ASSAM: No comments.

BIHAR: No Comments.

CHANDIGARH ADMN: No comments.

CHHATISGARH: No Comments.

DELHI: No comments.

GOA: The Central Government through its agencies are implementing the recommendation of Jail Reforms Committee (1980-89) under the schemes of Upgradation of Prisons and Modernisation of Prison Administration by means of matching grants to the State.

GUJARAT: No Comments.

HARYANA: No comments.

HIMACHAL PRADESH: No comments.

JAMMU & KASHMIR: The living conditions of the women prisoners have been improved. Occasionally they are taken on excursion. Living conditions of the women prisoners are regionally good and satisfactory as almost all their requirements are properly met with. Clothing, food, medical care, cleanliness of the barracks provisions of toilets and bathrooms, adequate water supply, separate kitchen, visits by the lady doctors are all fully taking care of.

JHARKHAND: The facilities are being strengthened.

KARNATAKA: Necessary financial and other assistance from the Government of India is being received for improvement and up gradation of prison conditions, like food, medical assistance and other subjects. The State having meager financial resources is being dependent on the center's assistance for example: for improving the prison buildings most of which have been constructed during the British regime.

KERALA: No Comments.

MANIPUR: No comments.

MEGHALAYA: In the Jails in Meghalaya, all basic and medical facilities are provided as per Jail manual and consideration on humanitarian ground. While women prisoners detained in Jail, the Medical Experts of the State also provide special medical facilities in the Civil hospitals.

NAGALAND: No comments.

ORISSA: Uniform practices are maintained and no disparity in terms of treatment to Women Prisoners is being made.

PONDICHERRY: No comments.

PUNJAB: In the Punjab jail Deptt. uniform facilities are provided to women inmates in different jails on Punjab.

RAJASTHAN: Not concerned with the State Government. However proper attention is being paid in this regard for ensuring requisite facilities for the women prisoners.

SIKKIM: No comments.

TAMIL NADU: Government of India extends financial assistance under Modernization of Prison Administration and Finance Commission awards on matching grant and cent percent grant basis respectively for improving living conditions in prisons.

The reform in these areas is long overdue.

UTTARANCHAL: Although the State Government is seized of the issue, due to inadequate financial resources, financial help and other specialized help in terms of direction etc. from the Central Government shall go a long way in improving conditions to desired levels.

WEST BENGAL: State Government enacted a new Act W.B. Correctional Services, 1992 that has been in operation since 14.04.2000.

**Reply from Department of Women and Child Development
(On Recommendation Para No. 1.55)**

The Ministry of Home Affairs provides financial assistance to the State Governments under its scheme of modernisation of Prisons to supplement the State Government's efforts to improve the conditions of prison and prisoners. The XI Finance

Commission has provided an amount of Rs. 116 crores for the upgradation of the existing arrangements or security in prisons and for vocational training and medical facilities for the inmates.

The Department of Women and Child Development has launched the Swadhar Scheme during the year 2001-2002 to meet the needs of various types of women in distress in diverse situations such as widows deserted by their families and relatives and left uncared near places where they are victims of exploitation, women prisoners released from jail and without family support, homeless women survivors of natural disasters, trafficked women etc.

[Department of Women and Child Development O.M No. 2-2/2001- WW (Vol.II) dated 7th May, 2002]

Recommendation

The Committee find that the Ministry of Home Affairs have released Rs. 124 crores to the States from 1987 to March, 2001 for strengthening security, communication and transport, repair and renovation of old prison buildings , facilities to women offenders, vocational training, modernisation of prison industries and training to prison personnel. However, this does not appear to have brought about the desired results. Not only is the Ministry of Home Affairs responsible to ensure proper and optimum utilisation of the funds sanctioned in this regard, but there should be frequent visits by the officials of the Ministry of Home Affairs to the various jails and there ought to be consultations and coordination at the appropriate level with the concerned State Government officials to ensure that basic needs of the women prisoners are properly met by the jail officials.

(Para No. 1.56)

Reply from Ministry of Home Affairs

Institutional mechanism to watch the developments/deficiencies in jails already exists. There are provisions in Jail Manuals for inspection of prisons by Board of visitors. In addition, the Members/Officials of the National Human Rights Commission/National Commission for Women have been visiting jails. The observations/recommendations of the NHRC/NCW are brought to the notice of the concerned State governments for necessary action for their part. The MHA through the BPR&D conduct 4-5 Regional Meetings of heads of states Prison Departments every year. Besides a number of Vertical Interaction courses of Prison officers in different parts of the country are being conducted regularly. The BPR&D have been advised to ensure that their officers who visit States/UTs in connection with the Regional Meetings /Vertical Interaction courses should monitor the progress of the implementation of the Scheme of Modernisation of Prison Administration and also visit some jails of States. Officers of Ministry of Home Affairs also make visits to Prisons in different States from time to time.

(Ministry of Home Affairs O.M.No. V.17013/33/2001 GPA-IV dated the 14th June, 2002)

Further Reply from the Ministry of Home Affairs

ANDAMAN & NICOBAR ISLANDS: Time to time the V.V.I.P from Administration and Judiciary are visiting the jail to check the management of this jail. All of them were highly satisfied about the jail management and accordingly noted the same in visitors book kept in jail premises.

ANDHRA PRADESH: An amount of Rs.40 Lakhs has been spent on improving infrastructure facilities of women prisons.

ASSAM: No comments.

BIHAR: As per the guideline of the Govt. of India 15% of the amount sanctioned were spent for the benefit of women prisoners.

CHANDIGARH: The funds allotted by the Govt. of India for the modernisation of prisons was spent for the purpose which these were sanctioned.

CHHATISGARH: In Central Jails separate female enclosures & in District Jail Raigarh separate female kitchen has been made.

DELHI: No comments.

GUJARAT: There are 77 vehicles such as Jeeps, Mini Bus, Sumo, Maruti Van and Ambulance and Loading Van. Moreover C.C.T.V. System is installed at Ahmedabad and Vadodara Jails. All Jails are provided with Walky Talky sets for strengthening security arrangements. The fund released under the Scheme of Modernisation of Prison Administration is utilized for the purpose for which it was approved.

HARYANA: No comments.

HIMACHAL PRADESH: No comments.

JAMMU & KASHMIR: Funds received from Government of India are utilized for the specific works and purposes as approved by them. However these funds always found to be inadequate and now the Government of India has approved a scheme of Prison Reforms (a five year scheme) to supplement the State Government in financial resources to improve the infrastructure in the Jails. In the Perspective Plan of Prison Reforms construction of a separate women prison has been included and after it has been approved by the State and Central Government. The work on this project is taken on priority.

JHARKHAND: This is a new State. Efforts are being made to upgrade the facilities and to ensure that the basic needs of women prisoners are properly met.

KARNATAKA: Regular reports are being submitted to Government of India for central assistance so as to ensure that basic needs of women prisoners are properly met by the jail officials. By utilizing funds under modernizations of Prison administration female jails have been provided with minimum required facilities. Improved water facility, providing bathing flat forms, toilets, providing of electricity facilities and solar water system has been installed for providing hot water facilities for female prisoners in nine important jails.

KERALA: During 1994 – 2001 an amount of Rs.560.68 lakhs was available under the scheme “Modernisation of Prison Administration”. Out of that Rs.54.11 lakhs was utilised for the works undertaken specifically for improving the general condition of women prisoners.

MADHYA PRADESH: The jail officials meet the basic needs of the women prisoners as best as they can.

MEGHALAYA: Funds were properly utilized. In case of women offenders, an instructor is presently training in knitting and tailoring.

NAGALAND: No comments.

ORISSA: Funds received Government of India as modernisation grant for strengthening security, communication and transport repair and renovation of old prison building, facilities to Women Offender, vocational training, modernisation of prison industries and training to prison personnel has been expanded for the purpose meant for. The Utilisation Certificates up to 1998 – 1999 have been sent to Government of India.

PUNJAB: The funds received for the purpose was utilized in proper manner for the purpose these funds were received. The State of Punjab has ensured basic needs to the women prisoners.

RAJASTHAN: In all Rs. 4.5 Crores were released from the Govt. of India from the period Starting from 1987 to March 2001 for strengthening security, communication and transport repair and renovation of old Jail buildings, facilities to women offenders, vocational training, modernisation of prison industries and training to prison personnel in Rajasthan Jails which has been utilized for the purposes mentioned above. Vocational training is imparted to the female prisoners to make them confident and self supported after their release. For the training of prison staff there is a Jail Training Institute located at Ajmer. Still there is a lot to be done in this regard and there is a continuous endeavor to create more facilities for training of prison staff. Better facilities for communication and transport are being looked into.

TAMIL NADU: Financial assistance from the Government of India under Modernisation of Prison Administration and XI Finance commission awards were fully utilized and the following improvements have been made -

- 1] Security strengthened, transport and communication improved to a larger extent;
- 2] Medical care, sanitation and hygienic conditions improved;
- 3] Vocational training improved;
- 4] Medical facilities improved;
- 5] Old buildings renovated;
- 6] Improved Water supply and additional Flush out latrine arrangements made;
- 7] Kitchen made hygienic;
- 8] Computerisation of the Department;
- 9] Computer education to the prisoner made available;
- 10] Recreational facilities improve; and
- 11] Interview facilities improved.

UTTAR PRADESH: Under scheme of modernization of jail Administration by spending an amount of Rs. 161.74 Lakh during period 1995-96 to 2000-2001, 48 Toilets, 48 Bathrooms, 11 Women barracks, 38 colour T.V., 13 Public address system, 2 L.P.G. connection, 1 crèche were constructed and made available for women prisoner's welfare.

Under schemes of strengthening of jails. Medical facilities and professional training 10th and 11th Finance Commissions period by spending Rs. 24.74 Lakhs to women barracks were constructed and professional training for women prisoner was organised.

UTTARANCHAL: Although the State is committed to make special efforts in this direction, the Government of India with the help of specialized advisory agencies like the BPR&D can guide, advice and also financially assist the state governments in this regard.

WEST BENGAL: Fund utililised by purchasing Walkie-talkie, metal detector arms & ammunition, Ambulance etc. A sincere effort to provide basic needs to women prisoners.

Recommendation

The Committee feel that prisons should have a remedial, rehabilitative and reformatory approach where avenues should be built for advancement of basic skills, activities, wages, scope for moral and intellectual growth, leisure and recreation. In this connection, a vital role is to be played by the custodial staff which is the key element in bringing about custodial reforms. The prison officers should act in a way that upholds the rights and dignity of women in prisons, in police stations and other custodial institutions. An attitudinal change is required on the part of prison officials to keep pace with theoretical laws. The jail officials should look upon their duty as a developmental function and jail as a place of reforms and persuasive deterrence rather than intimidation and conformity. Motivation and ensuring sustained level of involvement of the prison staff in the process of correctional reform in the institutional settings are of prime importance. The Jail Superintendents must appreciate the problems of women prisoners and deal with a variety of issues keeping in view their background and differing needs. It is, therefore, of paramount importance that Prison staff are specially selected given training on these lines and they are sensitised to womens issues and their needs.

(Para No. 1.57)

Reply from Ministry of Home Affairs

The recommendation of the Committee has been conveyed to the State Governments/UTs. Depending upon the resources available with State Prison

Departments, efforts are being made to promote facilities for upgrading vocational skills of inmates. Programmes for literacy, facilities for upgrading vocational skills of inmates. Programmes for literacy, education, recreation, sports and cultural activities are being organised in jails using the creative instincts of inmates. Exclusive women jails/Women Enclosures are managed by women staff. Training is being conducted by the States as well by the Ministry of Home Affairs through its training institute e.g. the Institute of Correctional Administration, Chandigarh. The training curriculum includes development of behaviour skills with a view to inculcate attitudinal changes on the part of prison officials so that the inmates are treated keeping in view their background and different needs with sensitivity, especially towards women inmates.

The Institute of Correctional Administration, Chandigarh, set up by Central Government, is not the only Institute in the country dedicated for imparting training to prison official. Besides the training institutions of the State Governments, the regional Institute of Correctional Administration at Vellore, which is a joint venture of four Southern States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, the States of Uttar Pradesh and Maharashtra have their own training institutes of correctional services at Lucknow and Pune respectively. BPR&D also organizes 4-5 Vertical Inter action courses of senior Prison Officers annually. Adequate training is being imparted to sensitize the prison officers in the Institutes of Correctional Administration, Chandigarh, Pune (Maharashtra), Lucknow (Uttar Pradesh) and Vellore (Tamil Nadu) and other various training institutions in different States.

No formal impact evaluation study has been conducted by the Ministry of Home affairs for measuring the impact of training to jail officials. However, feed back about the usefulness of the training is taken at the end of each course. The feed back given by participants is used by training institutions for developing improved training modules for subsequent training courses.

(Ministry of Home Affairs O.M.No. V.17013/33/2001 GPA-IV dated the 14th June, 2002)

Further Reply from the Ministry of Home Affairs

ANDHRA PRADESH: Under implementation the women prisons are headed by women who are trained professionally for one year at RICA, Vellore and are exposed to periodical training in Human rights.

ASSAM: There being no training institute for jail personnel in Assam as well as entire North-East, no organized training programme could yet be under taken for the prison personnel to sensitize them in women's issues and needs.

BIHAR: Prison staff are being nominated for various training programmes for sensitizing the prison staff towards their duty as a development function, specially in respect of women prisoners.

CHANDIGARH ADMN: The attitude of the jail officials is always reformatory rather than deterrent. The women prisoners are treated sympathetically. Vocational training such as tailoring and caning etc. has been introduced so as to make them self-sufficient in society on their release from the Jail.

CHHATISGARH: Prison officers are sent for different training programmes for sensitization.

DELHI: The entire women staff is trained in Human Rights and are regularly deputed to National Institute of Criminology and Forensic Science, Delhi and Institute of Correctional Administration to update their skills and techniques. The staff is encouraged to participate in meditation programmes like Vipasana, Art of Living, Sahaj Yoga etc. The Prison staff are specially selected after giving training so that they are sensitized to women issues and their needs.

GOA: Prison staffs are periodically deployed for various courses and training in correctional reforms for imparting it to the jail inmates.

GUJARAT: The approach of Jail Staff with female prisoners is good enough and they stress upon overall development of skills and reform and rehabilitation aspect.

HARYANA: Prisoners in the jails of Haryana are being given vocational training and female prisoners, too, get wages for the labour they do. Prison Staff, including the Superintendent of Jails are put to various courses on prison administration including the human rights and dignity of prisoners.

HIMACHAL PRADESH: It is submitted that there are two wooden based industries at Model Central Jail, Nahan and District Jail, Dharamshala and two weaving industries are functioning at Model Central Jail, Nahan and Kanda and a tailoring industry is functioning at Model Central Jail, Nahan. In addition to this agricultural farm and dairy farm at Model Central Jail, Nahan are also functional. The similar activities however could not be taken up at other jails due to their being sub jails and hence lacking space. No recover undertrials prisoners are generally kept in these jails and hence these jails could not be developed on these lines as yet. As far as convicted women prisoners in the jails of Nahan/Kanda/Dharamshala are concerned, they are being provided facilities for embroidery and tailoring as vocational training. It is pertinent to mention that T.V. sets for the educations, information and entertainments have been provided to women prisoners in the State.

JAMMU & KASHMIR: Vocational training in handicrafts, tailoring, stitching and local trades have been introduced to provide full opportunity to the women prisoners not only to keep themselves engaged in constructive work but also to learn these trades to be of use and profit after their release from the jail.

JHARKHAND: Vocational training is being provided to women prisoners in jails to improve their skills with the help of Industry Department and N.G.Os. . A committee has been constituted to revise the wages. Training and sensitizations programmes are being held at various levels to bring about attitudinal change and impart knowledge about modern principles of prison administration.

KARNATAKA: During the training to the Prison Staff, the staff are being sensitized as regards to the problems being faced by the women prisoners. Further, care is taken for rehabilitative and reformative measures for prisoners by duly giving training to the trade, activities in which they are interested. They are also being provided with proper wages and avenues for moral and intellectual growth apart from leisure and recreation. The prison staff especially, the jail Superintendent are personally looking into the problems of women prisoners and attending to solve their problems.

KERALA: According to changing trends in correctional practices, the prison staff are being given basic training and refresher training to obtain adequate knowledge in treatment of offenders.

MADHYA PRADESH: Women prisoners are given training in craft, tailoring, stitching, knitting, embroidery, food preservation etc. they are also imparted cottage industry training like making wooden toys and dolls. Dolls made by women prisoners are put up

for display and sale at “Aakar Gudiya Ghar” located near the Madhya Pradesh Jail Head Quarters. As far as practicable, women prisoners are given that kind of training which will make them economically self sufficient and capable of functioning independently in society. In the context of Supreme Court ruling, all prisoners sentenced to under go rigorous imprisonment are required to work in prisons. They are paid wages at the rate of Rs. 10/- per half day. Out of their wages 50% is put up in a common fund for deserving victims of crime and the remaining 50% is used by the prisoners for buying essential articles for their personal use and for meeting legal expenses. Illiterate prisoners are motivated to read and write. For this purpose, teachers have been appointed in jails. Educated prisoners are encouraged to pursue their higher studies. Books and reading materials of the prisoner's choice, recreational facilities are provided to prisoners. Sufficient funds for this purpose are allocated in prison budget each year. According to the jail manual all prisoners employed in a jail must be a person of respectable and reputable character. Prison staff are entrusted to be sensitive, just and fair . There are provisions in the jail manual (e.g. rule 247 & 263) for the humane treatment of prisoners. Instructions are issued to prison officers from time to time to treat prisoners with the due courtesy and dignity, humanity and strict impartiality and to listen patiently and without irritability to any complaint or grievances which they may have against prison or prison staff . For this purpose, they are given both pre-service and in-service training. The State Government has reserved 30% jobs for women in jail services. Arrangements are being made to give them proper pre-service and in-service training. The following women officials are posted in jails of Madhya Pradesh: 1) Warder 2) Head Warder 3) Matron 4) Assistant Jailor 5) Welfare Officer 6) Probation officer 7) Jail Teacher 8) Compounder 9) Nurse 10) Lady Attendant.

MANIPUR: We are receiving regular correspondence regarding training of Custodial Staff from NICFS, RICA VELLORE, BPR&D etc. Due to financial constraints the Executive/Custodial Staff could not be sent to training courses/seminars at various centres conducted by the different Institutions.

MEGHALAYA: Steps are being taken for advancement of basic skills through the education, vocational and spiritual programmes. The officials are being motivated to ensure that dignity of all offenders is being maintained and emphasis is being laid on correctional aspects.

NAGALAND: No comments.

ORISSA: Government have organised various training programmes, work shops to sensitise the prison officials of our State for bringing up a change in their attitude and behaviour towards all the prisoners and to especially female and Juvenile Prisoners. For custodial staff a chapter named Gender Sensitivity in their basic training courses have been included to be imparted in Orissa Jail Training School as well as in their Refresher Course. A number of women reformationist, resource persons, University Professor Chairperson of Women Commission, members of High Court Judges and other high dignitaries belonging to Women Folk are invited to deliver their valuable speeches on improving the conditions of Women Prisoners and protecting the human rights of these prisoners. Many leading N.G.Os working for the welfare of the women, High Court Judges to visit different Jails and to see the conditions of Women Prisoners. It is pertinent to mention here that Government have also sending the school going children of the prisoner mothers to different schools for prosecuting their education. The Superintendents are instructed to contact personally with Lady Doctors of the District and Sub-Divisional Hospitals to look after the health care in routine manner in regular intervals. Legal assistance are provided to the desirous Women prisoners and wherever possible. Steps are being taken for rehabilitation of Women Prisoners. In the recent past, Government have given appointment to a released Women Prisoner in Circle Jail, Choudwar as an extra temporary Female Warder. The released Women Prisoners if not accepted by their family are also housed in After Care Shelter managed by the State Government.

PONDICHERRY: No comments.

PUNJAB: The recommendation is being implemented in the jail deptt. of Punjab Government.

RAJASTHAN: The Prison staff is imparted training on the subjects which include Criminology, Sociology, Penology and Correctional administration apart from the subjects like Prison management and the Prison Security. The purpose of such a training in different subjects is to Broaden their horizon so that they have more humanistic approach and sympathetic attitude towards the women prisoners and needs their of.

SIKKIM: No comments.

TAMIL NADU: The prison staff are given pre-service and in-service training in Regional Institute of Correctional Administration, Vellore, and Warder's Training Centre, Vellore, to enable them to acquire and update their knowledge. Apart from this, officers are sent for National level Training given by Bureau of Police Research and Development, New Delhi and National Institute of Forensic Science on Human Rights and on handling of special categories of prisoners especially women.

The attitude of jail staff towards prisoners is not inimical or intimidating. Every possible effort is made to remove the difficulties of women inmates.

UTTAR PRADESH: Training arrangements for women prison staff have been arranged. One woman official in 1999, eleven in 2000, forty five in 2001 and fifteen in 2002 have been trained.

UTTARANCHAL: Although due care is taken to give special treatment to the women prison inmates, programme for training the prison staff in this direction shall be undertaken in the State. However, specialized resource agencies and financial assistance by the government shall yield the desired results in quick time and immensely speed up the process of sensitization.

WEST BENGAL: This aspect has duly taken its place in the new Act namely W.B. Correctional Services, 1992. Besides this, through frequent in service training, meetings etc. staff are sensitized to women prisoners.

Recommendation

As per the information furnished by the Ministry of Home Affairs, there are only 16 women prisons against the total number of 1133 prisons in the country. Most of the States do not have exclusive women prisons but only have separate enclosures for women. There is need for more separate women's jails managed by female staff in every State in accordance with the size, population and number of women convicts in each State. They should have every facility to serve as correctional and rehabilitative institutions and all women convicts in the State should be transferred there. It has come to the notice of the Committee that when women prisoners are shifted to a women's prison, out of their district, their families stop visiting them because it becomes expensive for them. The Committee hope that with the opening of more separate women's jails, it would be possible to shift the women prisoners to a women prison nearest to their district.

(Para No. 1.58)

Reply from Ministry of Home Affairs

The recommendation of the Committee has been conveyed to the State governments/UT administrations. The State Governments construct jails including the exclusive jails for women in accordance with their requirements and resources. However, in view of the fact that most of the States do not have exclusive women prisons but only have separate enclosures for women, the Ministry of Home Affairs has advised the State Governments/UT Administrations that there is need for more separate jails to be managed by female staff in every State in accordance with the population and number of women convicts in each State. This would serve as correctional and rehabilitative institution and all women convicts in the State could be transferred there. In many district/sub-divisions there are no sufficient number of women prisoners to justify separate jails for women.

(Ministry of Home Affairs O.M.No. V.17013/33/2001 GPA-IV dated the 14th June, 2002)

Further Reply from the Ministry of Home Affairs

ANDAMAN & NICOBAR ISLANDS: Not necessity at present in Andaman as the total number of female prisoners is very less & which varies from 3 to 8.

ANDHRA PRADESH: Two women's prisons were set up in 1994 exclusively for women prisoners starting one more institution is under examination.

ASSAM: The numbers of women prisoners, particularly women convicts, in the jails of Assam are quite small. Hence the need for opening separate women prison is not felt urgent.

BIHAR: The State of Bihar has a separate Women District Jail, located at Bhagalpur. The number of women prisoners does not warrant creation of women prison. However, separate wards and kitchens are being set up to isolate the women prisoner from the male prisoners.

CHANDIGARH ADMN: Union Territory, Chandigarh being a small area, there is no justification for opening full-fledged women Jail. The arrangement of separate enclosure presently in vogue in the Jail is sufficient. As Chandigarh is a small Union Territory, no

separate women prison is required. Moreover the women population in the jail is a very small and it does not warrant the establishment of a separate jail for them.

CHHATTISGARH: In this state there is no separate female jail. In future Govt. may take action as per recommendation.

DELHI: A Special Central Jail has been constructed to exclusively lodge female inmates having a capacity to lodge 400 prisoners. As on 27.11.2002 there were 525 female prisoners in Delhi Jail amongst which 412 were undertrials, 112 were convicts and 01 prisoner as detenu. This figure includes 18 foreign women prisoners. All female staffs manage this jail.

GOA: The existing Central Jail in Goa situated in the Old Fort is having a separate wing for women prisoners and fully manned by the Lady Staff under the guidance of Superintendent of Jail and Jailers.

GUJARAT: Now there is no separate Jail exclusively for female in Gujarat State. A proposal to construct new jail exclusively for women is under consideration of the Government. A proposal is under consideration of the Government of Gujarat to create three separate zones in state viz, North Gujarat, South Gujarat and Saurashtra region to accommodate female prisoners so that their social relations are not cut down.

HARYANA: Female prisoners are lodged in separate wards, meant for female only under the custody of female security staff. It is also ensured that the female prisoners remain in such a jail which is the nearest to their home.

HIMACHAL PRADESH: It is submitted that the idea of establishing a separate women prison in the State is laudable. But in this State it will not be viable proposition in view of a very less population of women prisoners.

JAMMU & KASHMIR: There is no separate women prison in this State. However, the enclosure exclusively kept for women prisoners is fully staffed and supervised by female officials. All the facilities for Correctional and Rehabilitation Programmes have been introduced. Under the Perspective Plan of Jail Reforms introduced by the Government of

India in the current year a provision has been made for the construction of separate women Prison.

JHARKHAND: Keeping in view the small number of women prisoners, separate jail for women is not feasible in this state. The number of female prisoners lodged in all the 27 jails is about 400, out of which convicts are 51 and under trials are 349.

KARNATAKA: Due to less number of women prisoners there is no separate women prison in Karnataka. In every prison, whether it is a Central, District, Taluka, Special jail, there is an separate enclosure for women prisoners which is totally manned by women staff. The women prisoners are being kept normally in their own Taluka and District places except that long term convicted women prisoners are kept in Central Prisons and District Prisons. Where they can learn trades, which ultimately help in their rehabilitation after release.

KERALA: At present there is a women's prison exclusively managed by women personnel in Trivandrum District. A new jail exclusively for women prisoners has already been constructed at Thrissur and likely to start functioning after some time.

MADHYA PRADESH: A prison exclusively meant for women inmates is there at Hoshangabad in Madhya Pradesh where convicted women prisoners from different jails of Madhya Pradesh used to be kept there. Since they were kept far from their home area, family and friends, they were unable to maintain their family and social contact. On the recommendations of the Madhya Pradesh Human Rights Commission, the Madhya Pradesh Jail Department decided to close this institution. At present women prisoners are lodged in separate enclosures supervised by women officers/warders in Central/ District/ Sub jails closed to their homes and community.

MANIPUR: There are no separate women prisons in Manipur. The women prisoners are kept in a separate block in Central Jail, Sajiwa. The average number of women prisoners in a year is not more than 30. The problem of overcrowding, mal-nutrition and lack of medical care is not faced by the women prisoners. The separate women prison will be constructed as and when fund is made available.

MEGHALAYA: Women prisoners are detained exclusively in a separate enclosure under the supervision of women Guards only. Accesament of members is not allowed on any pretext except for the Jailor and Superintendent.

NAGALAND: No comments.

ORISSA: There are 68 Jails in the State of Orissa. There is one Jail i.e. Nari Bandi Niketan at Sambalpur which is exclusively for the Women Prisoners. Steps are being taken by the Government to set up other Women Prison so that the Women Prisoners can be confined in a Women Prison nearest to their district.

PONDICHERRY: No comments.

PUNJAB: Part of the scheme is being implemented.

RAJASTHAN: A separate female jail is already working at Jaipur which houses all the convicted female prisoners from all over the State of Rajasthan. Female staff manages this jail. However the undertrial female prisoners are, kept in different central & District jails in separate enclosures. Female staff manages such enclosures. Such Undertrial female prisoners are kept in different jails in separate enclosures till the pendency of their cases.

SIKKIM: There is no separate jail for women prisoners in Sikkim. However, separate enclosures are provided to them. Since the number of women prisoners is negligible there is no need for a separate women jail at least for a decade. Such jails are nearer to the place of trial courts and their respective residing places as well. Another separate female prison is proposed to be constructed at Jodhpur which will facilitate the convicted female prisoners of the near by places in having more frequent contacts with their family members. This might help in minimizing the stress and strain of female prisoners making their stay in the prison in more conducive and healthier environment.

TAMIL NADU: The two women prisons at Vellore and Trichy are meant to keep female convicted prisoners hailing from southern and northern districts respectively. They also keep remand prisoners from local and surrounding districts. Remand prisoners are being kept in Sub Jails situated nearest to their Taluk. Government have since declared 8 Sub Jails and 2 Special Sub Jails as women jails to be exclusively managed by women staff in the State to meet their needs.

UTTAR PRADESH: There are separate encloses for women prisoners in 54 District jail in the state. There are 3 women jails in the District namely Lucknow, Faizabad and Aligarh. The women jail in Lucknow managed by the female jailer.

UTTRANCHAL: The position in the State is adequately addressed by the existing facilities, as the problem is still not acute here. Adequate facilities for meeting family members are ensured here.

WEST BENGAL: This aspect has duly taken its place in the new Act namely W.B. Correctional Services, 1992. Besides this, through frequent in service training, meetings etc. staffs are sensitized to women prisoners. Women prisoners are confined in jail with in district or to nearest jail.

Recommendation

The Committee find that at times the undertrials get bail but they still languish in jails for want of persons who can bail them out. The Committee strongly recommend that the undertrials who are unable to furnish surety should be released on personal bonds and where this is not possible jail authorities should explore alternative measures through NGOs.

(Para No. 1.62)

Reply from Ministry of Home Affairs

Government have introduced the Code of Criminal Procedure (Amendment) Bill, 1994 in the Rajya Sabha on 9th May, 1994 which, inter alia, proposes amendment to section 436(1) of the Code of Criminal Procedure, 1973, to make a mandatory provision that an arrested person, accused of bailable offence, if an indigent and cannot furnish surety, the court shall release him on his execution of a bond without surety. This proposal once enacted, will benefit all including women undertrial prisoners.

(Ministry of Home Affairs O.M.No. V.17013/33/2001 GPA-IV dated the 14th June, 2002)

Further Reply from the Ministry of Home Affairs

ANDHRA PRADESH: NGO's are involved to take up such cases. A Counseling Unit was recently started at State Prison at Hyderabad.

ASSAM: Possibility of involving suitable NGOs could be explored for bailing out undertrials who are not released on personal bond.

BIHAR: The undertrials are given every possible help in this matter. However, the legal assistance needs to be further strengthened.

CHANDIGARH ADMN: No such case has occurred in the Model Jail, Chandigarh, so far. No such case has ever been occurred in this jail.

CHHATISGARH: If female under trials is unable to furnish security for bail, prison officers contact NGOs for co-operation.

DELHI: The Prison Department has already taken this action. In the past one PIL in Supreme Court and three in High Court have been preferred in where the cases of undertrial prisoners who cannot be released for want of surety conditions were raised. In these cases approximately 1000 prisoners have been released from the jail on relaxed surety conditions. Further, the Prison administration is taking following steps for the prisoners who have been granted bail but unable to furnish surety. A regular list of undertrial prisoners to whom bail has been granted but could not be released for want of surety conditions is sent to Delhi High Court and District & Sessions Judge, Delhi on monthly basis for their consideration and passing appropriate orders.

GOA: Cases of women under-trials who get bail but languish in jails for want of surety, is not prevalent in the Goa Jails.

GUJARAT: In such cases they are referred to NGOs who manages such undertrials to be released on bail.

HARYANA: No such case has ever been noticed in the Jail of Haryana.

HIMACHAL PRADESH: It is submitted that there had been no such instance till date in any of the prisons in the State. However, the point has been noted and circulated for future, if there shall be an instance of this kind.

JAMMU & KASHMIR: Attempts are made to follow this suggestion however not much success achieved due to reluctance of NGOs/Voluntaries to come forward to furnish surety.

JHARKHAND: This is being examined in depth.

KARNATAKA: Suitable actions are being taken to get the assistance through NGOs for release of inmates on bail, on personal bond and providing surety whenever the women prisoners are willing for such action.

KERALA: Women undertrials who are granted bail still languishing in jails due to the inability to furnish security is not reported in our State.

MADHYA PRADESH: This possibility shall be examined.

MANIPUR: The recommendation is well taken. The relatives of the prisoners and NGOs are being approached to find out alternative measures for their release on bail from Jail.

MEGHALAYA: Undertrial Prisoners are released on PR bonds after getting bail.

NAGALAND: No comments.

ORISSA: Superintendents of all Jails, Welfare Officers of the Jails are taking steps to release female U.T.Ps on personal bonds. The Assistance of N.G.Os is also being obtained in this regard.

PONDICHERRY: No comments.

PUNJAB: In the state of Punjab under trials are released on personal bond where ever possible. Efforts are being made to contact NGOs for sureties.

RAJASTHAN: Concerned with Judiciary.

SIKKIM: As already stated above, no prisoners including women are languishing in jail for want of surety. If in future such cases take place, arrangement shall be made to bail them out through NGOs.

TAMIL NADU: Superintendents of Prisons have been instructed to utilize the services of Legal Aid Services authority, Non Governmental Organisations in this regard.

UTTAR PRADESH: Release of women prisoner on personnel bond does not relate to prison department and only courts are empowered to take action on it. The jails have been instructed to seek assistance of voluntary organizations for arranging surety for the women prisoner.

UTTARANCHAL: This is a legal-technical problem and needs to be addressed by the Law Ministry, Government of India.

WEST BENGAL: We are in constant touch of NGOs and legal cases in order to solve the problem.

Recommendation

Most of the ills that beset our legal system are due to antiquity of our laws such as the Indian Penal Code, 1860, the Indian Evidence Act, 1872. Due to changes in the socio-economic conditions, there is urgent need to have a fresh approach in dealing with offences against women. Taking cognizance of contemporary changes in the type and nature of offences, a holistic view should be taken and a comprehensive review of all the three statutes namely, the Indian Penal Code, Criminal Procedure Code and Indian Evidence Act should be undertaken and appropriate amendments and additional provisions, if any, introduced to reflect the special needs of women in custody. The assessment and relevance of various legislations bearing on women's status in custody should be undertaken by the Law Commission in consultation with the National Commission for Women and their findings should form the basis for prison reform.

(Para No. 1.63)

Reply from Ministry of Home Affairs

The Law commission of India has undertaken a comprehensive review and submitted 154th and 156th Reports respectively. In the 154th Report, the Law Commission has recommended that women prisoners be exempted from the rigor of section 433 A of the Cr.P.C and the appropriate Government could consider remission of sentence on merits. It is for the State Governments to take a decision as this suggestion does not call for any amendment to the Code of Criminal Procedure, 1973. The Report of the Law Commission is being processed in consultation with the State Governments.

(Ministry of Home Affairs O.M.No. V.17013/33/2001 GPA-IV dated the 14th June, 2002)

Further Reply from the Ministry of Home Affairs

ANDHRA PRADESH :Awaiting Law Commission's recommendations

ASSAM: No comments.

BIHAR: No comments.

CHANDIGARH ADMN: No Comments.

CHHATISGARH: No comments.

DELHI: No comments.

GOA: No comments.

GUJARAT: No comments.

HARYANA: No comments.

HIMACHAL PRADESH: No comments.

JAMMU & KASHMIR: No comments.

JHARKHAND: No comments.

KARNATAKA: Special care is taken for implementation of appropriate amendments and additional provisions of existing Acts, Rules keeping in view of special needs of women in custody. The suggestions and recommendations made by the National Commission for Women are implemented properly.

KERALA: No remarks.

MADHYA PRADESH: The changes in the existing legislation are long overdue.

MANIPUR: No comments.

MEGHALAYA: Agreed.

NAGALAND: No comments.

ORISSA: The findings of the National Commission for Women are being implemented strictly for the welfare of the Female Prisoners in the Jails.

PONDICHERRY: No comments.

PUNJAB: No comments.

RAJASTHAN: No comments.

SIKKIM: As already state above, the review of the old laws should be done at the earliest.

TAMIL NADU: No comments.

UTTAR PRADESH: Matter relates to Government of India.

UTTARANCHAL: No comments.

WEST BENGAL: We are liberally providing for basic needs of Women prisoner within the ambit of present rate.

Reply from Department of Women and Child Development
(On Recommendation Para No. 1.63)

The Law Commission of India has already examined various legislations affecting women in custody. During December 1989, the Law Commission had presented its 135th Report on the subject 'Women in Custody' to the Government. During October 1993, the Government requested the National Commission for Women, (constituted on 31.1.92) which had been separately examining the issue of 'Women in Custody' to examine the Law Commission's Report also while finalising its views. The NCW had considered the 135th Report of Law Commission also and made recommendations on amendments in Code of Criminal Procedure and informed that they sent their recommendations to Ministry of Home Affairs on 20-1-94.

[Department of Women and Child Development O.M No. 2-2/2001- WW (Vol.II) dated 7th May, 2002]

Recommendation

The rules and regulations governing management and treatment of prisoners are embodied in the Jail Manuals framed by various State Governments. During visits to some of the jails in States, the Committee found that there were wide variations in prison rules in various States and concerted measures were urgently needed to establish minimum standards, uniform practices regarding management and administration of prisons and treatment of offenders through revision of jail manuals. A comprehensive review of jail manuals should be undertaken by the respective State Governments to ensure uniformity in administration of prison and treatment of women prisoners. The Ministry of Home Affairs should prepare a draft model Jail Manual and circulate the same to all the State Governments/UT Administrations for their guidance.

(Para No. 1.65)

Reply from Ministry of Home Affairs

The All India Model Prison Committee constituted by the Ministry of Home Affairs under the Chairmanship of D.G, Bureau of Police Research and Development to guide the work relating to the formulation of Model Prison manual has set up six working

groups comprising of prison officers from the prison staff cadres of States with a view to evolve a national consensus on the provisions to be included in this manual. Due care is being taken to ensure that the Model Prison manual being prepared takes into account not only the ground realities but also the changing context of prison management. The recommendations made by various national committees and directives issued by the Supreme Court of India from time to time, the National Human Rights Commission, the National Commission for Women and also the suggestions emerging from various international instruments are being examined and synthesized for incorporation in the Model Prison Manual.

All the six working groups have submitted their reports. They are being discussed in the All India Model Prison Manual Committee. This process is likely to be completed shortly after which the final meeting of the committee will be convened in the BPR&D to finalize the Draft Model Prison Manual. The Draft model Prison Manual will be circulated to all the States/UTs for their comments. The model manual will be finalized after the views/comments of the State Governments have been received and analyzed.

(Ministry of Home Affairs O.M.No. V.17013/33/2001 GPA-IV dated the 14th June, 2002)

Further Reply from the Ministry of Home Affairs

WESTBENGAL: A new Act has been enacted and has come to effect. We are in a process of framing new rules accordingly to new Act.

HIMACHAL PRADESH: It is submitted that till the recent past the Punjab Jail Manual was in enforce in this State. However, H.P Jail Manual has been notified which is under print. The fresh jail manual adopted by the State of H.P. is quite comprehensive and takes care of all the aspects concerning the welfare and up-keep of the prisoners and ensure custodial justice.

MEGHALAYA: The proposal for uniform Model Jail Manual by the Ministry of Home Affairs is essential for Guidance in administration of the Prison Department.

HARYANA: The present Jail Manual is being reviewed by the Govt. keeping in view modern concepts of penology.

SIKKIM: Sikkim Jail does not have any prison laws of its own and is following the laws of other States. On receipt of the Model Laws, the Jail Manual and Act would be enacted.

CHANDIGARH ADMN: The Union Territory, Chandigarh, has adopted the Punjab Jail Manual for the Superintendence and management of prisons. The Punjab Government in 1996 revised this Manual. The Chandigarh Administration has adopted the Punjab Jail Manual for the superintendence and management of the Punjab Jails. The same was revised by the Punjab Govt. in 1996. If any amendment thereof is made, the same will be adopted.

MANIPUR: No comments.

GOA: The Ministry of Home Affairs has to prepare a draft Model Jail Manual for the benefit and guidance of all State Government.

PONDICHERRY: No comments.

ANDHRA PRADESH: BPR& D has already taken up drafting of Model Prison Manual. The State Government is awaiting its finalization.

ORISSA: the provisions enumerated in the Orissa Jail Manual are governing The Prisons in Orissa. On introduction of Model Prison Management Bill by Government of India the objectives of uniformity in Prison administration and treatment to Women Prisoner may be fulfilled.

JHARKHAND: On the receipt of Model Jail Manual, efforts will be made to enact new jail manual for the state.

MEGHALAYA: The state Government is following Assam Jail Manual

ANDAMAN & NICOBAR ISLANDS: Before 1996 this jail was being governed with the Notifications. This Union Territory has since framed the jail manual and all possible benevolent recommendations have already been incorporated in jail manual –1996, A & N Islands.

RAJASTHAN: The New Jail manual is proposed to be prepared after the Prison Bill is passed by the State Assembly. The new proposed Jail Manual will include the Provisions for uniformity in administration of Prisons and treatment of Women Prisoners.

KERALA: The matter will be examined and considered.

DELHI: Delhi Prison Act, 2000 has been prepared and notified on 14th February 2002. Work relating to preparation of New Delhi Prison Manual has been undertaken and will be finalized very soon.

MADHYA PRADESH: The changes in the existing jail manual are long overdue . A committee under the chairmanship of DIG(Prisons) Shri A. K. Rawat has been constituted to purpose changes in the manual. The committee will soon submit recommendations.

KARNATAKA: The Karnataka Prisons Acts and Rules have been already got incorporated the minimum standards, uniform practices regarding formation and administration and treatment of offenders. Regular revision of jail manuals is undertaken so as to ensure uniformity in administration, treatment of women prisoners.

NAGALAND: No comments.

UTTAR PRADESH: As per recommendation of an expert committee to revise existing para of Uttar Pradesh Jail Manual, the steps have taken to publish Rules under the prison Act 1894 by revising the Manual shortly.

TAMIL NADU: The Bureau of Police Research and Development, Ministry of Home Affairs, Government of India, New Delhi have constituted various working groups for the preparation of Model Prison Manual. The work is nearing completion.

PUNJAB: The Punjab Jail Manual was repeated in the year 1996 and were circulated to other States.

JAMMU & KASHMIR: State Government has adopted New Jail Manual in July, 2000 in incorporating new ideas and thinking on jails administration with emphasis on Human Rights, enshrined in the constitution and Court rulings on the subject. A Model Jail Manual is also under preparation in the BPR&D Ministry of Home Affairs, New Delhi and is expected to be ready for circulation among the States.

CHHATISGARH: Amendment in Chhattisgarh Jail Manual will be done as per requirement by this state.

BIHAR: Government of India is in the process of drafting a Model Prison Mannual. That could be adopted after appropriate amendment as per local requirement.

ASSAM: Review of the existing State Jail Manual will be undertaken in the light of the Model Jail Manual which is awaited from Govt. of India.

Reply from Department of Women and Child Development
(On Recommendation Para No. 1.65)

This recommendation pertains to Ministry of Home Affairs. However, this Department will provide assistance, if any, required by that Ministry in finalising the model jail manual suggested by the Committee.

Recommendation

The Committee had noticed a number of shortcomings/deficiencies during their visits to various jails and would like the Government to consider and implement the following suggestions in consultation and coordination with the respective State Governments, so as to improve the conditions of the women lodged in various jails to ensure proper custodial justice:-

- (a) The hardened criminals should not be clubbed with other inmates, particularly the Juveniles.
- (b) Women arrested for vagrancy, loitering, begging, destitution etc. should not be sent to jails but to appropriate protection homes.
- (c) On being brought to the prison, the arrested women must be informed of the grounds of arrest immediately and a communication in that respect should also be sent to the nearest relatives(s) of arrested women.
- (d) Literacy programmes, vocational training and treatment of women prisoners is largely neglected. In most jails, satisfactory facilities for appropriate vocational training, elementary education, medical care, free legal aid, etc are lacking and suitable corrective measures need to be taken.
- (e) 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.
- (f) **Counselling by psychologists and psychiatrists must be provided for inmates, particularly for women who live away from their children**

and other dependents and may suffer mental breakdowns. Prompt remedial action need to be taken by the jail authorities to provide necessary care/treatment/health to the women prisoners who become mentally ill while languishing in the jails.

- (g) The quality and quantity of food supplied to women inmates needs to be improved and there should not be any discrimination in this regard. Use of aluminium utensils should be discontinued, both for cooking and for serving food, as these constitute a health hazard. Instead, stainless steel utensils should be used. There should be a separate kitchen for women prisoners and they should be allowed to cook their own food.
- (h) Sanitary napkins should be supplied to women inmates as a part of their 'essential' personal needs.
- (i) Occupational therapy and meditation programmes are of utmost importance for their mental and physical health. The vocational training programmes as well as meditation programmes like Vipasana and Art of Living have a tremendous effect on the psyche of the prisoners. As the jails are meant to reform not only the convicts, but all the inmates, the undertrials should also be encouraged to participate in work and to learn some skills.
- (j) There should be a uniform wage structure for the women convicts in all the jails. The prisoners should be aware of the amount earned by them and proper accounts should be maintained by the prison staff. 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.
- (k) The children who are born in jails and those who accompany their mothers to jails are compelled to live behind bars without being offenders. There is no Act in the country to take care of these children. As creche facilities are not available in every jail, they lack guidance and proper care. Infant care facilities like creches and ICDS project should be

established/run in each prison for proper care and development of children accompanying the women inmates.

- (l) For recreation and pastime, indoor games facilities should be provided such as Carrom, Ludo and access to light reading/books, magazines, etc as these are essential facilities for the mental health of inmates.
- (m) The Committee would like the Government to consider sympathetically the request from women inmates for a change in the colour of their sarees from white to an appropriate colour as also the freedom to wear the salwar kameez, if they so desire - as is done in the case of foreign detainees.
- (n) **The jail visitors committee should comprise members of the judiciary, social workers, journalists and others with powers to visit prisons and interact with inmates and represent their grievances. One-third of the members of the jail visitors Committee should be women**
- (o) Sophisticated gender sensitive training in human rights and human handling skills need to be imparted to jail officials urgently and continuously.
- (p) **To encourage and motivate the prison staff to discharge their assigned duties towards prisoners in a caring and sympathetic manner, there should be better working conditions and promotional avenues available to them. For this purpose a separate prison cadre headed by an I.G may be created in each State. The vacancies in the prison cadre especially of female officers/staff should be filled up by appointing female officers/staff only. A special recruitment process should be initiated expeditiously by the concerned State Government.**
- (q) In view of the special circumstances of women whose custody in jails not only leads to their social segregation but also to complete disruption of the family life, the rules of premature release should be liberally applied in their case, because they do not pose a social risk. Cases for pre-mature release of 'eligible' women convicts should be taken up by jail authorities suo-moto at the earliest.
- (r) A well-laid policy for rehabilitation during the post-release period for women should be drawn up in collaboration with the Social Welfare Departments of the State Government and NGOs. Special attention is

needed in case of mentally broken down women prisoners released after languishing in jails for long period.

- (s) The National Commission for Women and the State Commissions for Women, whenever mandated, have the right to enter and inspect any place(s) where women are kept in custody. To ensure transparency, the Committee recommend that Women Members of Parliament, and Legislative Assemblies, Chairpersons of the National Commission for Women and the respective State Commissions for Women, women lawyers and representatives of the NGOs associated with the jail should be given permission to enter the women's jails without prior notice.
- (t) The jail authorities should be instructed to generously follow the principle of releasing the women prisoners on parole.
- (u) Considering the general overcrowding of prisons, unnecessary arrests for trivial offences should be avoided; the constable, at the cutting edge level, who primarily makes the arrest, should be suitably sensitized.

The aforesaid measures should be implemented at the earliest and, if necessary, by bringing about the changes in the relevant Acts, Jail Manuals, etc.

(Para No. 1.66)

Reply from Ministry of Home Affairs

These recommendations have been conveyed to the State Governments and the Union Territory Administrations. They have also been requested to consider the recommendations for implementation and inform the progress in the matter from time to time.

(Ministry of Home Affairs O.M.No. V.17013/33/2001 GPA-IV dated the 14th June, 2002)

Further Reply from the Ministry of Home Affairs

(a) The hardened ANDAMAN & NICOBAR ISLANDS: Being followed.

criminals should not be clubbed with other inmates, particularly the Juveniles.

ANDHRA PRADESH: It is implemented. Hardened criminals are being segregated from other criminals. Juvenile offenders are not admitted in jails.

ASSAM::Hardened criminals are kept segregated from other inmates as far as practicable. Juveniles are not kept in Jails.

BIHAR: Juveniles are kept separately.

CHANDIGARH ADMN. This is already being done. The hardened criminals are kept separate from other inmates and juveniles.

CHHATISGARH: Hardened criminals are kept separate from Juvenile criminals.

DELHI: Hardened criminals are not lodged with the casual prisoners. No juvenile prisoner is lodged in Delhi Prisons

GOA: No hardened women criminal and juvenile are clubbed together.

GUJARAT: Suggestion is followed.

HARYANA: The hardened criminals and juveniles are detained separately. Besides the above, the other inmates are also detained as per alphabetic system. Juveniles are not accepted by the jail authorities and the hardened criminals are segregated from other inmates.

Himachal Pradesh: The recommendations given in para (a) to (u) have been circulated to all the Superintendents jails in the State for strict implementation. However, further action is being taken to implement the recommendations in this regard so far is possible in this State. This is already being followed. As separate Borstal jail under the Prison Department and Children Homes are under the Women & Social Welfare Deptt. have been established in H.P. State.

JAMMU & KASHMIR: It is invariably enforced. Hardened militants criminals are not clubbed with other inmates or juveniles.

JHARKHAND: The hardened criminals are not clubbed with other inmates. There are separate wards for adolescents. Some of the jails are facing problems of overcrowding. This problem is being tackled by construction of additional barracks and new jail buildings.

KARNATAKA: All the suggestions made by the committee are

implemented. Hardened criminals are not clubbed with other inmates. The juveniles are also being kept separately.

KERALA: The hardened criminals are separated from other inmates. Juveniles are not kept in jails. They are kept in Juvenial Home which is under the Social Welfare Department.

MADHYA PRADESH: Under rule 378 of the Madhya Pradesh Prisons Rules, 1968 undertrial women prisoners are separate from the convicts. Female adolescents are kept away from older prisoners, habituals from non-habituals and prostitutes from women who have lived a respectable life.

MAHARASHTRA: As per Maharashtra Prison Manual 1979, Chapter 44 ` Habitual & Hardended Criminal Rules 1965, Hardened criminals are lodged in Ratnagiri Special Prison. According to Maharashtra Prison Manual Chapter XLI ` Women Prisoners', habitual women prisoners, prostitutes and procuresses and young women prisoners are segregated. If adequate arrangements do not exist for segregation in the women's sections of a prison, such woman prisoners are transferred to the Prisons for women prisoners irrespective of length of their sentences.

MANIPUR: Hardened criminals are kept in a separate room and at present no Juvenile is lodged in the Jails of Manipur.

MEGHALAYA: There is separate home for Juvenile delinquents

Meghalaya: This practice is strictly followed in the State.

NAGALAND: The Policy of separation of hardened criminals from other inmates, particularly juveniles, have been implemented and practiced since 1989.

ORISSA: The hardened criminal are being kept separately from the others inmates in the Jails particularly the Juveniles.

PONDICHERRY: There are separate enclosures for hardened criminals and juveniles and they are not clubbed with juveniles in the prison of this Administration.

PUNJAB: Hardened criminals are kept separately from other inmates and juveniles.

RAJASTHAN: All possible care is being taken for proper segregation of different categories of prisoners. Although there is a shortage of segregation facility nevertheless hardened female criminals are kept

separately from others.

SIKKIM: The suggestions of the Parliamentary Committee contained in clauses (a) to (t) which have not yet been implemented shall be complied with by submitting concrete proposals to the Government especially the constitution of Prison Cadre because up till now the jail administration is in the hands of Police officer on deputation.

TAMIL NADU: Hardened criminals are segregated in different yard. Juveniles are not admitted in Prisons.

TRIPURA: The juvenile offenders are not sent to the Jails in Tripura. The hardened criminals are quite less in number but accommodated together with minor offender in our Jails with a view that the prisoners of soft offence may inform the Jail authorities about any conspiracy, if planned, by the hardened criminals.

UTTAR PRADESH: Hardened criminals are separated from other prisoners.

UTTARANCHAL: This is generally done.

WEST BENGAL: The hardened criminals are normally kept in cells in jail as far as practicable. Juveniles are not kept in jails but in the Social Welfare Homes.

(b) Women arrested for vagrancy, loitering, begging, destitution etc. should not be sent to jails but to appropriate protection homes.

ANDAMAN & NICOBAR ISLANDS: No case has been admitted so far.

ANDHRA PRADESH: There are separate Homes, managed by the Social Welfare Department for these women. There are 4 State Homes done by Women Child Welfare Department for administration of women discharged from Correctional institutions.

ASSAM: No comments.

BIHAR: They are sent to Remand Homes.

CHANDIGARH ADMN: All the concerned have been briefed in this regard.

DELHI: Such women are sent to appropriate custodial homes.

GOA: Beggars, vagrants, destitute etc. are not admitted into the jails of this State.

GUJARAT: No comments.

HARYANA: It does not pertain to this Department. Female prisoners sent for prison custody are only accepted.

HIMACHAL PRADESH: The recommendation is already being practiced in the State of H.P.

JAMMU & KASHMIR: These women are sent to Nari Nekatan and other Homes run by the Social Welfare Department for lodgement of women prisoners hauled up by the Police for vagrancy, loitering, begging etc.

JHARKHAND: Women arrested for vagrancy, loitering, begging, destitution etc. are not confined in jails. They are sent to female probation / remand homes.

KARNATAKA Eligible women prisoners are sent to appropriate protection homes. The vagrant, loitering, begging, destitute women are not being kept in jails.

KERALA: Such women are not detained in jails. They are kept in Protection Homes under Social Welfare Department.

MANIPUR: There is no women prisoner arrested for vagrancy, loitering, begging, destitution etc., are lodged in the Jails of Manipur at present.

MEGHALAYA: All such cases women offenders are being sent to Homes run by social welfare Dept.

NAGALAND: Women arrested under such offences are not forwarded to jails.

ORISSA: No Women Prisoners are being detained on the grounds of vagrancy, loitering, begging and destitution in the Jails, of Orissa.

PONDICHERRY: At present women arrested for such petty offences are sent to jails. However, the matter to send them to Protection Homes is being examined in consultation with Police and Social Welfare Department and this recommendation will be implemented after a decision is taken.

PUNJAB: In the State of Punjab such women are sent to protection homes such as Nari Niketan etc.

RAJASTHAN: Women are not arrested for begging, destitution etc.

Such women are sent to the Institutions run by Social Welfare Department.

TAMIL NADU: No women are detained in Prison on the grounds of vagrancy, loitering, begging destitution etc. in the State.

UTTAR PRADESH: Only prisoners under court orders are admitted in jails.

UTTARANCHAL: A parallel system of Nari Nikentans exists in the State for such cases.

WEST BENGAL: Jail Authority is always duty bound to comply the Court's Order and such cases, if sent to Jail, are always brought to the notice of the concerned Court for modification of order for sending them to homes.

- (c) On being brought to the prisons, the arrested women must be informed of the grounds of arrest immediately and a communication in that respect should also be sent to the nearest relatives(s) of arrested women.
- ANDAMAN & NICOBAR ISLANDS: Recommendation is being followed.
- ANDHRA PRADESH: On being brought to the prison, the arrested women must be informed of the grounds of arrest immediately and communication in that respect should also be sent to the nearest relatives (s) of arrested women. As soon as they are admitted, they are supplied postcards to inform their relatives about their arrest. The Prison Welfare Officer speaks to every newly admitted prisoner and looks after the problems.
- ASSAM: This recommendation is yet to be implemented.

BIHAR: This is being implemented

CHANDIGARH ADMN: Suggestion is being complied with. Every arrested person is intimated for the reasons of arrest and intimation is also given to his/her relative.

CHHATTISGARH: Every prisoner is given Post Card to write letter to their relatives. All the jail Superintendent have been directed that when ever any female convict is admitted in jail, their relatives should be informed accordingly.

DELHI: The jail authorities as well as Police are conveying grounds of arrest. However, the Section under which a prisoner is arrested is being conveyed to him/her. The Welfare officers of the Jail also inform the relatives of the prisoner about the arrest.

GOA: Women prisoners are given communication facilities to inform

their families/relatives.

GUJARAT: No comments.

HARYANA: On admission of any inmate including women inmate in the jail, the concerned inmate can intimate to their relatives about their arrest providing a post card by the jail authorities. This is being done in every jail and the female prisoners, too, are informed of the offences.

HIMACHAL PRADESH: This practice is already being followed in this State.

JAMMU & KASHMIR: It is done.

JHARKHAND: This is being done.

KARNATAKA: On being brought to the prison, the arrested women are informed the grounds of arrest etc. and their signature is also taken in the registers where details, information provided by them.

KERALA: The practice of informing the grounds of arrest to the arrested women and her nearest relative is now existing.

MADHYA PRADESH: Rules 676, 677 & 692 of the Madhya Pradesh Prisoners Rules 1968 allow prisoners to have a reasonable number of interviews with the relatives and opportunities to write letters to them and receive letters from them.

MAHARASHTRA: A circular regarding implementation and guidelines issued by the Hon. Supreme Court of India in case of D.K.Basu V/s State of West Bengal (AIR 1997 SC 416) regarding preventive measures to be taken at the time of arrest and detention is forwarded to all the Superintendents of Prisons.

MANIPUR: On judicial remand all the women prisoners are informed about their ground of arrest and their relatives are informed accordingly before admission in the Jail. The services of Doctors are also utilized for medical check up etc.

MEGHALAYA: Strictly observed.

NAGALAND: the jail authorities adhere to these procedures.

ORISSA: In case of necessity, the prison authority keep informed the Women inmates about their cause of arrest at the time of admission. Further, they were advised to inform their relatives regarding detention in the Jail.

PONDICHERRY: The arrested women as well as their family members are immediately informed about the grounds of arrest by the concerned Police Officers without fail in all cases.

PUNJAB: This is being implemented.

RAJASTHAN: The arrested women are informed the grounds of arrest. The female prisoners after being brought to the Prisons are provided with postcards so that they can contact their relatives.

TAMIL NADU: Every female prisoner on her admission is enquired by the Welfare officer who informs the regulation of prison to her and a letter or post card is given to inform her family of her detention. This process is already being followed.

TRIPURA: The arrested women can not be brought to any prison without the order of a Competent court and it is expected that the court while passing an order of judicial custody (Jail custody) some hearing in presence of the accused women must have taken place and thereby she would have known the ground of her arrest. Anyway the Jail authority may inform the ground of arrest immediately to arrested women and may inform of the nearest relative of the arrested women.

UTTAR PRADESH: No comments.

UTTARANCHAL: This is being done.

WEST BENGAL. No comments.

(d) Literacy programmes, vocational training and treatment of women prisoners is largely neglected. In most jails, satisfactory facilities for appropriate vocational training, elementary education, medical care, free legal aid, etc. are lacking and

ANDAMAN & NICOBAR ISLANDS: The activities like Tailoring, Embroidering, Designing, Gardening, Adult education, Medical Care/ facilities, Free legal aid in case of need are being provided in this Jail.

ANDHRA PRADESH: Literacy programme: Compulsory education to all illiterate prisoners is being given in continuing education center. The literate prisoners are being encouraged to appear in higher examinations conducted by the Dr. B.R. Ambedkhar Open University. One part time lady teacher is importing higher education to the interested female prisoners. Prisoners are being imparted vocational training in tailoring chalk – piece making, tooth powder making etc. Free Legal Aids is being provided to the female prisoners through Andhra Pradesh State Legal Services Authority and also through Legal Aid Committee of Hon'ble Supreme Court.

suitable corrective measures need to be taken.

ASSAM: Literacy and vocational training facilities for women prisoners exist in most of the jails. While medical care is provided to them by full time doctors in all the jails.

BIHAR: Vocational training and Medicare to women prisoners are being provided.

CHANDIGARH ADMN: All these facilities are provided in the Model Jail, Chandigarh to the prisoners (including women prisoners). The women inmates are given vocational training in canning, tailoring and Mehndi application etc. Adult Education programmes are being run for the inmates. Suitable medical facilities are being provided. A legal cell has been established for providing legal aid.

CHHATTISGARH: In Chhattisgarh state educational programme, vocational training etc. are given to female prisoners. Under the scheme of adult education literate prisoners educate the illiterate prisoners. In Central jail primary schools are there where classes from 1st upto 5th are conducted. Medical Officer, para medical staff look after the health of prisoners.

DELHI: Avenues for literacy programmes, vocational training are available in the female jail.

GOA: Facilities like legal aid, literacy programmes, vocational training, medical care etc. are extended to women prisoners in the jails in Goa.

GUJARAT: Existing facilities are adequate however they need to be upgraded.

HARYANA: Steps are under way to strengthen vocational training and elementary education facilities, medical care, free legal aid in Haryana Jails. Vocational training, elementary education, medical care and free legal aid is regularly provided to the female prisoners.

HIMACHAL PRADESH: There being negligible strength of women prisoners in the jails of H.P., these aspects could not be taken up in a big way. However, these aspects in relation to the existing strength of women prisoners are being taken care of by making provision for embroidery, television sets and books for studies to the educated women prisoners.

JAMMU & KASHMIR: Literacy Programmes & vocational trainings are being run to cover all the female inmates. Education, medical care given free legal aid provided.

JHARKHAND: Literacy and Vocational training programme are being run in all the jails. Free legal Aid is provided by the 'Legal Aid Committee' at sub division and district levels, Recreation facilities in the form of indoor games, books, magazines, newspapers etc. are being provided. A modern jail is being constructed in Ranchi, where all the facilities are being ensured.

KARNATAKA: Women prisoners are provided with proper facilities for vocational training, elementary, education, medical care, free legal aid etc.

KERALA: All such programmes are offered to women prisoners. Training in weaving, tailoring, embroidery etc. are being imparted. Services are also rendered to obtain free legal aid.

MAHARASHTRA: This recommendation is already incorporated in the Maharashtra Prison Manual. A female teacher is appointed in Yeravda Central Prison who conducts literacy classes/Adult Education Programmes for the women prisoners. Voluntary Institutions like 'Prayas', Tata Institute of Social Science Mumbai, 'Saathi' run literacy classes/ elementary education for the women prisoners. Vocational training is imparted to women prisoners like candle making, tailoring, book binding, knitting. A lady Medical Officer Cl. II is appointed in Mumbai Central Prison to accord medical treatment to the women prisoners. Regular visits by lady doctors at Yeravda Central Prison and Nagpur Central Prison are held to give medical treatment to prisoners.

MANIPUR: Under literacy programme one Lady Teacher is appointed to provide necessary education to the inmates. One Jail Warden is also engaged in assisting for imparting education to prisoners. Necessary medical treatment is given to all the inmates including female prisoners. 2 (two) Doctors are posted each at Central Jail Sajiwa. One security ward at J.N. Hospital with 11 beds is earmarked for these prisoners who are seriously ill and admitted in the hospital. One full time lady Medical Officer and one Staff Nurse are attending to the medical needs of women prisoners and their children. For expertise treatment they are being referred to outside Government Hospitals for Specialists check up and prescription. Medical camps are organized periodically through the Non-Governmental Organization.

MEGHALAYA: All these facilities are provided in Shillong jail where women prisoners are kept.

NAGALAND: Such programmes and projects are being initiated for implementation.

ORISSA: Literacy programmes and vocational training are being conducted through the trained regular teachers and Instructresses, both in craft and tailoring. Proper medical care and free legal aid facilities are also provided to them.

PONDICHERRY: Good medical facilities are provided to all prisoners including women by a Jail Medical officer posted in Jail Department itself, who refer the patient to General Hospital of this Administration if specialized treatment is required. Free Legal Aid is provided through the Free legal Aid Cell available in the Jail Department. Vocational training to women prisoners are not being provided at present for the reason that number of female prisoners on an average is not more than 5 every day and most of them are under trial and their period of stay in Jail is not specified. However, steps are now being taken to introduce some short duration vocational courses for the benefit women prisoners.

PUNJAB: In the State of Punjab appropriate vocational training, education, medical care etc. are provided.

RAJASTHAN: The facilities for literacy programmes and vocational training are available at female Jail, Jaipur. Medical facility & free legal aid is also available. With the help of NGOs there is an endeavor to enhance these facilities for the women prisoners.

TAMIL NADU: Adult education is imparted by secondary grade teacher. Higher education like M.A, is imparted by Open University. Certificate courses in Computing and food and nutrition are imparted at Government cost. Computer centre to provide computer education at Government cost are being started. Improved medical care, free legal aid , vocational training in Weaving, Tailoring, Tape making, Twisting thread, lamination etc are given.

TRIPURA: For the women prisoners literacy programme is available in Tripura. Vocational training like tailoring, Rabbit rearing, kitchen gardening are available. Proper medical care and free legal aid are also available.

UTTAR PRADESH: Action is being taken as per the recommendation.

UTTARANCHAL: From time to time, such programmes are undertaken.

WEST BENGAL: Literacy programmes are run in jails at the instance of concerned department and also with the help of some NGOs. Vocational Training like Candle making, Wool knitting, Sewing, Tailoring, Computer Learning etc. are imparted to the women inmates in our jails. There is arrangement for proper medical care, elementary

education and free legal aid to the jail inmates in West Bengal Jails and different NGOs are working to give service in those sectors, as well as for imparting moral education to the inmates as a corrective measure.

- (e) 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.

ANDAMAN & NICOBAR ISLANDS: There is no law college in this U.T. However, every Saturday a legal practitioner from the legal Aid society is visiting this jail to give advice to prisoners.

ANDHRA PRADESH: Recently the Govt. permitted the advocates (NALSAR Students) to start a legal cell in the Jail.

ASSAM: Services of State Legal Services Authority is availed for legal aid to needy prisoners (including women prisoners).

BIHAR: The possibility will be explored.

CHANDIGARH ADMN: A Legal Cell has already been set up in the Model Jail, Chandigarh. A legal aid cell is there and an advocate has also been employed to pursue their cases in the court.

CHHATTISGARH: Prisoners are given legal aid through the legal aid society. The jail officer takes appeal cases of prisoners on priority basis.

DELHI: Students of Law Faculty, Delhi University are regularly visiting jails for rendering necessary legal aid to the prisoners.

GOA: Legal Aid Committee of all ranks of courts are easily available to the women prisoners.

GUJARAT: Now no such arrangements are followed. It is agreeable to be followed.

HARYANA: No such facility exists in the jails. The State Government also has limited number of universities where law is taught. It is not feasible, as the law facility is not available in any college in the State. Only Universities have these facilities and the deployment of law studying students for this purpose to various jails would hamper their studies.

HIMACHAL PRADESH: The same is done from time to time on the basis of requirement submitted by the women prisoners on the basis of which the courts organize for legal assistance and follow ups thereon.

JAMMU & KASHMIR: students of Jammu University and Srinagar University have been involved once to interact with the female inmates to render whatever legal assistance they can.

JHARKHAND: This is under consideration.

KARNATAKA: The advocates are allowed to provide legal assistance to women. In case the inmates are poor, free legal assistance is also provided through Courts.

KERALA: At present there is no such association with the students of Law College.

MAHARASHTRA: Appropriate orders/circular are being issued by the Office of the Inspector General of Prisons in this regard .

MANIPUR: It is good suggestion. Government will take up the case with Law College to render legal assistance to women prisoners.

MEGHALAYA: Not yet done

NAGALAND: Attempts in this regard will be made as and when the need arises.

ORISSA: Legal assistance to Women Prisoners to follow up their cases for bail are being provided by the Prison Welfare Officers with the help of District Legal Aid Committee.

PONDICHERRY: Even though Free Legal Aid Cell is available in jail Department for assistance, local Law College students are invited at regular intervals to interact with the women prisoners.

PUNJAB: Efforts are being made in such cases.

RAJASTHAN: Whenever the students of Law College and other Institutions visit the female Jail they are apprised of such situations. Many a times the students under take such social activities either of their own or at the instance of the institutions in question.

TAMIL NADU: There is a Free legal aid cell to give legal assistance in the Prison.

TRIPURA: This system is not practiced in Tripura. It may be considered as to whether such a system will be introduced. The Law Department will be asked to examine the issue.

UTTAR PRADESH: There is no arrangements at present. However it is under consideration.

UTTARANCHAL: The Legal Aid Society exists for Jails and Amices Curiae are given on demand.

WEST BENGAL: Such legal assistance are rendered to all inmates including women inmates.

- (f) Counselling by psychologists and psychiatrists must be provided for inmates, particularly for women who live away from their children and other dependents and may suffer mental breakdowns. Prompt remedial action need to be taken by the jail authorities to provide necessary care/treatment/health to the women prisoners who become mentally ill while languishing in the jails.

ANDAMAN & NICOBAR ISLANDS: Every Monday Superintendent of Jail gives counseling to the inmates. Regular Medical Officer is visiting their barracks. All steps have been taken to provide all necessary and prompt medical aid to the prisoners including women prisoners.

ANDHRA PRADESH: A Project "Medical Health of Women Prisoners" has been taken up by an NGO PRAJA, who are providing counseling psychiatric advice to women prisoners.

ASSAM: Services of Psychiatrists of Medical colleges and LCB Institute of Mental Health are availed for prisoners (including women) suffering from mental break –down/ illness.

BIHAR: This is done when & where the need arise.

CHANDIGARH ADMN: There is no such prisoner in the Model Jail, Chandigarh. However, mentally ill are not kept in the Jail. Special treatment by specialist doctors, psychiatrists and psychologists is provided in the jail to the women inmates.

CHHATTISGARH: In Chhattisgarh jails post of psychologists and psychiatrist are not there. The Matron & Welfare Officers do counseling. In this state there is only one psychiatrist in Medical College, Raipur. So his services can be taken in jails. Mentally ill prisoners are sent to Medical College for treatment.

DELHI: Psychologists & Psychiatrists are regularly visiting the female prisoners and doing counseling. If any prisoner is found mentally ill she is referred to specialized mental Hospital.

GOA: Counseling by psychologists and psychiatrists of the Institute of Psychiatry and Human Behavior and Goa Medical Hospital at Bambolim, Goa, is made easily available to all the women prisoners. As per the Mental Health Act, 1987, mentally ill women prisoners with due order of the Judicial Magistrate First Class are admitted in the IPHB.

GUJARAT: Now no such arrangements are followed. It is agreeable to be followed.

HARYANA: Psychologists and Psychiatrists from the Government hospitals have started paying visits in some jails for providing treatment/health to the inmates including women prisoners confined in

the Haryana Jails. Psychiatric care is provided to the needy female prisoners by referring them to PGI Chandigarh and PGI Rohtak

HIMACHAL PRADESH: Due care of this aspect is taken by the prison administration. Wherever there is any such problem they are sent for counseling to psychiatrists in the hospitals

JAMMU & KASHMIR: Psychiatrists regularly visits the jail both for men and women prisoners.

JHARKHAND: This is under consideration.

KARNATAKA: Proper medical care, treatment are being provided to women prisoners through the medical officers of the Prison hospital and General hospitals. Necessary Psychologist and Psychiatrist treatment is also provided wherever necessary.

KERALA: Provisions are already there for the services of psychiatrists and psychologists. Prompt remedial action is taken by the jail authorities to provide necessary care to the women prisoners who become mentally ill.

MADHYA PRADESH: In order to keep criminal lunatics separate from the prisoners the State Government has made “ The Madhya Pradesh treatment of criminal lunatics confined in prisons rules 2000 ” Under these rules, the State Govt. has notified District Jail, Bhopal as the “ Mental Health Rehabilitation Center ” and steps are been taken to make it functioning. Under the provisions of these rulesa the participation of NGO is ensured.

MAHARASHTRA: No Comments

MANIPUR: One Psychiatrist Doctor from J.N. Hospital is visiting Central Jail Sajiwa once in a month who are mentally ill. Necessary care/treatment is being provided to the needy.

MEGHALAYA: Counseling is being done regularly by the Counsellors of Central social welfare Board and by Psychiatrists of Meghalaya institute of Mental Health & Neuro-sciences

NAGALAND: Visiting doctors have been arranged for the purpose.

ORISSA: The Psychiatric Specialists of Circle Jails visit regularly to provide necessary care and treatment to the Women Prisoners turned mentally ill, while languishing in the Jails.

PONDICHERRY: Psychiatrists of the General Hospital of this Administration attends to women inmates requiring such treatment. To

keep the women prisoners in good mental health, religious and voluntary organizations are invited to prisons for counseling and moral lectures.

RAJASTHAN: A psychiatrist visits the jail periodically and helps the female inmates as per their needs.

TAMIL NADU: Counseling is done by the following Non-Governmental organization--Organization for Rural Development Ariyur, Vellore District, Society for Education Village and Improvement Attur, Trichy District, Women prisoners who are certified to be mentally ill are immediately sent to Government Institute of Mental Health for mental treatment.

TRIPURA: The system of counseling by psychologists and psychiatrists to the inmates is not prevalent in Tripura, Prayers, meditation and Yoga are daily organized though. The government may consider to accept this suggestion. It may be mentioned that necessary medical care and treatment are being provided to the prisoners regularly otherwise.

UTTAR PRADESH: Psychological counseling at Nari Bandi Niketan at Lucknow has been arranged with the help of Nari Seva Samiti, a Voluntary Organization.

UTTARANCHAL: NGOs have been adequately addressing this problem. The Government shall take all possible steps on a need basis.

WEST BENGAL: Proper care is taken for the mentally ill prisoners in jails both by rendering medical aids and also by counseling service by our Psychiatric and Psychologist. Services of NGOs are also utilized in this field.

(g) The quality and quantity of food supplied to women inmates needs to be improved and there should not be any discrimination in this regard. Use of aluminium utensils should be discontinued, both for cooking and for serving food, as these constitute a health hazard.

ANDAMAN & NICOBAR ISLANDS: There are only 5 female prisoners lodged in this jail. No separate kitchen is provided. As such till date no complaint has been received regarding the food. Steps are being taken to replace aluminum utensil with stainless steel utensil.

ANDHRA PRADESH: The diet scale is common to male and female prisoners. Prisoners are supplied food in stainless steel utensils. Separate Kitchens with gas cooking arrangements are functioning in both the women prisons.

ASSAM: Adequate quality food is supplied to women inmates at par with male inmates. Changeover to stainless steel utensils is under examination. Action is being initiated to provide separate kitchen for women prisoners.

Instead, stainless steel utensils should be used. There should be a separate kitchen for women prisoners and they should be allowed to cook their own food.

BIHAR: There is no discrimination in food supply. The women prisoners have their own separate kitchen & they cook food themselves at many places. However, this could be done at other prison also. Funds have been earmarked under the scheme of 11th Finance Commission for separate kitchen with LPG facilities for women prisoner.

CHANDIGARH ADMN: There is no complaint from women prisoners in the Model Jail, Chandigarh, so far as the quality and quantity of food is concerned. The food is prepared in steel utensils, but there is no separate kitchen for women prisoners. The lactating and expectant mothers are given special food on the advice of medical officer, jail dispensary.

CHHATTISGARH: There is no discrimination between the diet of Male and Female prisoners. Quantity of food is sufficient which is given as per Jail Manual. At present enhancement in diet scale is not needed. Use of aluminum utensils has been stopped. Steel utensils are used. Kitchen for female prisoners has been started in this state. In District Jail, Raigarh kitchen for female is working.

DELHI: Women prisoners themselves in a separate kitchen cook the food. The scale of ration to every prisoner and the child is as per in Jail Manual. The food is cooked in Brass/Steel vessels and served in stainless steel utensils.

GOA: Well-balanced diet tested and approved by the Nutrition Department of State Government is provided to the prisoners. Use of aluminium utensils will be discontinued.

GUJARAT: The suggestions are partially followed. Existing diet scale is adequate. Use of stainless steel utensils has begun. There is no separate kitchen for women prisoners. This will be reviewed and followed accordingly.

HARYANA: A convict/undertrials consumer forum "consisting 4-2 convicts/undertrials is constituted in all the jails of the Haryana State for providing food to the inmates including women prisoners. Efforts are on to discontinue the aluminum utensils for cooking/serving the food. In the big jails a separate kitchen for women prisoners is proposed.

HIMACHAL PRADESH: It is being ensured that no discrimination is done in respect of food to women. The use of aluminum utensils is discontinued since long in the prisons of H.P. State and Stainless steel brass utensils have been provided.

In view of small number of female inmates, construction of separate kitchen buildings in the Jails may not perhaps be required at present.

JAMMU & KASHMIR: The quality and quantity of food is good and nutritious. There is a separate kitchen for women where they cook their own food. Steel utensils are used.

JHARKHAND: There is no discrimination in the quality and quantity of food supplied to women inmates. Proposal is underway to replace aluminum utensils to stainless steel utensils.

KARNATAKA: Due to the insufficient strength of women prisoners, no separate kitchen is being maintained at present. The kitchen serves food both for men and women prisoners. Actions are underway for elimination of aluminum utensils and are providing stainless steel utensils. The help of Government of India is being taken through its financial assistance in this regard under the modernization of prison administration.

KERALA: The quality and quantity of food supplied to women inmates conform to the required standards and no discrimination exists in this matter. There is a Welfare Committee of prisoners to look after the quality and quantity of food. All the jail institutions are provided stainless steel vessels for drinking and eating purpose of prisoners. Action is being taken to provide steel vessels for cooking purpose also.

MADHYA PRADESH: This recommendation is being examined.

MAHARASHTRA: The quantity of food supplied to the women prisoners is according to the Diet Scale for prisoner prescribed in Maharashtra Prison Manual 1979 Chapter XXIV Diet for prisoners . The quality of the food cooked is tasted by the Superintendent of the Prison, Medical Officer, Sr. Jailor and the Jailor in charge and then distributed amongst the prisoners. There is a separate kitchen for women prisoners in Yeravda Central Prison.

MANIPUR: Good quality food as per scale prescribed by the Government is provided to all the inmates. A sum of Rs.700/- per month per UTP/Convict and Rs.1200/- per month per NSA detinue was spent on feeding of the prisoners. Food is prepared/cooked by the regular cook appointed for the purpose and stainless steel plate, glass etc. are also provided. Use of aluminum utensils is being phased out. The food for all the prisoners is cooked outside the security wall. It is not possible to cook inside the Jail by women prisoners.

MEGHALAYA: Quality and Quantity of food is good and balanced. Nutritional programmes in the form of Horlicks and fruits are being regularly provided

NAGALAND: Diet is given to the inmates as per the prescribed scales

and the process of replacing aluminium utensils with stainless steel utensils is underway. Nutritious and wholesome food is provided to all the prisoners and the utensils are of stainless steel.

ORISSA: The food is prepared and served to the prisoners as per prescribed scale fixed by the Government, which is found to be satisfactory both in quality and quantity. Further good quality dietary articles are also supplied to the Jails. The change of utensil from aluminum to Stainless Steel is under consideration. Separate kitchen for Women Prisoners are being provided in Jails in a phased manner.

PONDICHERRY: The quality and quantity of the food supplied to all inmates has been uniformly good and there has been no complaint from the prisoners. There is absolutely no discrimination between men and women prisoners in food distribution. Only Stainless Still vessels are used for cooking as well as for serving. Because of small number of women prisoners (Average 5 only every day) and space constraint in the existing Jail building, there is no separate kitchen exclusively for women at present. However, food is served to them through women Jail employees.

RAJASTHAN: The food provided to women inmates contains proper nutritive values. The women prisoners who are either pregnant or sick are paid special attention for their diets on medical advice. The utensils for cooking and serving the food are of brass and stainless steel respectively. There is a separate kitchen for female prisoners in the female Jail at Jaipur. However because of small number of female prisoners in separate enclosures in different jails the separate kitchen for women inmates is not feasible.

TAMIL NADU: Women prisoners are supplied a well balanced nutritious diet on par with male prisoners. Each women prison has a separate kitchen and they cook their own food. The steps regarding use of stainless steel utensils instead of aluminum utensils has yet to be implemented which need to be examined thoroughly for the changeover.

TRIPURA: The food is supplied to the women prisoners indiscriminately as per scale under the provision of Bengal Jail Code. Use of steel utensils may now be introduced. The number of women prisoners in District and Sub Jails is very few at one time, numbering only one or two. Separate kitchen may be introduced in the Female Jail, Agartala.

UTTAR PRADESH: Diet schedule is provided in the Uttar Pradesh Jail Manual. The prisoners are being provided with stainless steel utensils. Separate kitchen for women prisoner has been started where space is available and number of women prisoner is sufficient.

UTTARANCHAL: The government shall seriously address this problem, once the jail modernization programme comes into effect. However, the food given is of standard quality.

WEST BENGAL: Food is supplied to the inmates according to Jail Code Rule. Representatives of the inmates (Prison Panchayat) remain present during cooking and distribution of food in addition to the supervision and checking by the higher officers.

(h) Sanitary napkins should be supplied to women inmates as a part of their essential personal needs.

ANDAMAN & NICOBAR ISLANDS: Being followed.

ANDHRA PRADESH: Sanitary napkins are being provided.

ASSAM: Sanitary Napkins are supplied to the female inmates as provided in the Assam Jail Manual.

CHANDIGARH ADMN: These are being supplied in the Model Jail, Chandigarh. Sanitary napkins etc are supplied to women inmates.

CHHATTISGARH: In Chhattisgarh female prisoners are provided sanitary napkins.

DELHI: Sanitary napkins are supplied to the women prisoners.

GOA: Sanitary napkins are provided.

GUJARAT: Sanitary Napkins now not supplied but diapers are supplied. The matter is under active consideration of the Government to supply Sanitary napkins.

HARYANA: Sanitary napkins in a month are being supplied to the needy women prisoners.

HIMACHAL PRADESH: These are being supplied on the requirement basis in jails of H.P. State.

JAMMU & KASHMIR: Sanitary napkins provided.

JHARKHAND: At present cotton cloth is being provided as per the jail manual. The question of supply of sanitary napkins is being considered.

KARNATAKA: Necessary clothing including towels, under garments are being provided and also replenished at regular intervals.

KERALA: At present sanitary napkins are provided to women prisoners by voluntary organizations.

MADHYA PRADESH: Women inmates are provided with sanitary pads.

MAHARASHTRA: Maharashtra Government through Govt. constituted One Man Committee under the Chairmanship of the Inspector General of Prisons for improving the provisions of Maharashtra Prison Manual pertaining to Women Prisoners. The said Committee submitted the report to the Govt. on 31st march 2001. The report includes the said recommendation.

MANIPUR: Sanitary napkins are provided to all the women prisoners on monthly basis.

MEGHALAYA: Sanitary napkins are provided

NAGALAND: The supply of sanitary napkins to women inmates as a part of their essential personal needs will be followed.

ORISSA: New clothes are being supplied to the Women Prisoners as a part of their personal need and for better hygienic. They were also supplied sanitary napkins in place of prison cloth.

PONDICHERRY: As per the provisions of Jail Manual, Sanitary Napkins are already provided regularly to the women prisoners.

RAJASTHAN: The provision for sanitary napkins to be provided to needy women inmates is already there.

TAMIL NADU: Sanitary napkins are supplied to women prisoners on need basis.

TRIPURA: The government has already accepted the recommendation.

UTTAR PRADESH: Sanitary Napkins are being provided.

UTTRANCHAL: Orders have already been issued in this regard.

WEST BENGAL: Sanitary Napkins are supplied to the women inmates.

(i) Occupational therapy and meditation programmes are of utmost importance for their mental and physical

ANDAMAN & NICOBAR ISLANDS: Art of living meditation programme has been conducted inside the jail

ANDHRA PRADESH: It is implemented. Every morning and evening prisoners meditate regularly. Spiritual upliftment of women prisoners is being carried through various programmes.

health. The vocational training programmes as well as meditation programmes like Vipasana and Art of Living have a tremendous effect on the psyche of the prisoners. As the jails are meant to reform not only the convicts, but all the inmates, the undertrials should also be encouraged to participate in work and to learn some skills.

ASSAM: Vocational training as well as meditation programmes are implemented in most of the jails for all prisoners (including women) involving the undertrials as well.

BIHAR: These types of programme are organized regularly in different prisons.

CHANDIGARH ADMN: Vocational trainings such as tailoring and caning have been introduced in the Model Jail, Chandigarh. Meditation programmes are held whenever some request to deliver some sermon to the prisoners. Such lecturers are arranged. All inmate women prisoners are given vocational training irrespective of the fact whether they are convicts or undertrials. Yoga is also being taught.

CHHATTISGARH: In this state following programmes are conducted for prisoners: Prayer, Meditation, Vipasana and Art of living. Female prisoners are being trained in typing, stitching, kadhai, weaving, jute industry, cadlemaking etc. Under trial females can work if they are willing to do so.

DELHI: Many vocational courses are being run by various NGOs as a mode of rehabilitative therapy for the inmates. The inmates are allowed to join any of these courses. Certain training programmes like: stitching, weaving, crèche/balwari, embroidery, envelope making beauty culture and painting are also conducted to impart skills to the women inmates, to empower them to be able to start their life afresh, to help them to rehabilitate after release. The projects are a means of reforming the inmates and building confidence in them to lead an independent life after their release. There are also income generating programmes like crèche, weaving, kitchen, envelope making for the women, where they earn money. The wages are paid to them according to the gratuity decided by the authority.

GOA: Meditation and Vipasana programmes through N.G.Os. are made available to them.

GUJARAT: Such programmes are organized through NGO's. The suggestion is followed.

HARYANA: Such programmes are being held in some jails. Efforts are on in this direction to enlarge their scope.

HIMACHAL PRADESH: Various Art of living Courses are run in the jails by the local branches of the organizations on the request of prisons authorities as well as voluntarily by them. In these courses

convicts and undertrials are encouraged to participate.

JAMMU & KASHMIR: Meditation, Yoga and other spiritual practices are conducted regularly. The Art of Living courses have been organized.

JHARKHAND: Vocational training programmes are being conducted. Art of Living and Yoga courses are also conducted in all the jails. Under trial prisoners are engaged in literacy activities. Those who volunteer to work are given incentives.

KARNATAKA: Programmers like Meditation, Yoga, are arranged through NGOs for their mental and physical health. The women inmates are also taught skills in various trades for their proper rehabilitation.

KERALA: Yoga Classes and Meditation programmes are being arranged occasionally for women prisoners. In major jails vocational training in weaving, tailoring, embroidery are provided.

MADHYA PRADESH: Prisoners are encouraged to participate in meditation programmes like yoga and Vipasana. The State Government has amended the rule 647 of the MP Prisons Rules 1968 in the year 2001. Under these rules, undertrial prisoners are also employed if they are willingly ready to render their services.

MAHARASHTRA: With regard to occupational therapy, various trades like tailoring, book-binding, candle making, knitting, etc. is taught to women prisoners which is of utmost importance for their mental and physical health and to rehabilitate themselves after release. Meditation programmes are run by Vipasana Centre in almost all the prisons. As per Chapter XXII of Maharashtra Prison Manual 'Employment of Prisoners' Rule 7, unless she/he so desires no undertrial prisoners shall not be allotted any work.. Moreover, a circular shall be issued to all the Jails to encourage the undertrials to participate in the work and learn some skills.

MANIPUR: Occupational therapy and meditation programmes are not available at present. But regular Doctor is available to look after the health of all prisoners.

MEGHALAYA: Meditational programmes are conducted by members of Art of Living

NAGALAND: Meditation programmes have been introduced and are practiced regularly and other relevant programmes will be implemented gradually. Occupational therapy is being provided by allotting labour to the prisoners. Vipasana and Yoga facilities provided through the NGOs in the respective jails.

ORISSA: Bhajan Kirtan and festivals of different religions are being observed inside the Jail. Steps are being taken for the NGOs to arrange meditation programmes for a short period

PONDICHERRY: Some capsule training for skill enhancement of the undertrial women prisoners is under consideration of the Government and likely to be implemented soon. Women Prisoners are encouraged to participate in meditation programs undertaken regularly with the help of religious and voluntary organizations.

RAJASTHAN: Regular meditation programmes are being organized in the prison for mental and physical health of the inmates. However there is an endeavor to extend and increase such facilities. Vipasana & Yoga trainings are given by NGOs.

TAMIL NADU: Yoga and Meditation and Art of Living classes are conducted regularly by the Non Governmental Organisations to all prisoners. Willing remand and undertrial prisoners participate in work and to learn skills.

TRIPURA: For improvement of physical and mental health, patriotic songs, Bhajans etc. have been made available to the prisoners through Audio system extended to all the wards in all the Jails in Tripura. The system of morning prayer, meditation and Yoga is also introduced in all the Jails. The prisoners including Under-trials are given vocational trainings like tailoring, Rabbit rearing, kitchen gardening as occupational therapy.

UTTAR PRADESH: Yoga Camps are organized with the assistance of the voluntary organization for physical and mental development of women prisoner from time to time.

UTTRANCHAL: Such programmes are already running in selected prisons.

WEST BENGAL: Different NGOs give training to the inmates on occupational Therapy and Meditational programmes like art of living etc.

- (j) There should be a uniform wage structure for the women convicts in all the jails. The prisoners should be aware of the amount earned by
- ANDAMAN & NICOBAR ISLANDS: Being followed. No. discrimination is being made between the male and female convict. They have their pass books for the Bank accounts Individual account card has been provided to the each prisoner so that they can be able to check their account at any time.
- ANDHRA PRADESH: There is no discrimination or variation in wages system to Man & Women prisoners skilled prisoners are being paid

them and proper accounts should be maintained by the prison staff. 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.

Rs.20/- per day while unskilled prisoners are paid Rs.15/- per day. Wages are being deposited in bank accounts.

ASSAM: Wages paid to women prisoners are at par with male counterparts, Post Office Savings Bank accounts are opened for depositing their wages.

BIHAR: There is uniform wage structure and these are maintained properly through bank accounts.

CHANDIGARH ADMN: This is being done in letter and spirit. Wages are given to inmates in various trades and no discrimination in wages or male and female is made. Their bank accounts are maintained. Half of their wages are deposited in the bank and other half is given to them for purchase of goods from the jail canteen etc. They withdraw the amount deposited by them on their release from the jail.

CHHATTISGARH: There is no discrimination in wages between Male & Female prisoners are always given up to date information about their earning. The earned amount is deposited in saving account of concerning prisoners. At the time of release the passbooks are handed over to the prisoners.

DELHI: There are also income-generating programmes like crèche, weaving, envelope making, cooking for the women where they earn money. The wages are paid as for Skilled worker – Rs.16 per day, Semiskilled worker- Rs.12 per day and Unskilled worker - Rs.10 per day. The bank accounts are opened for the prisoners with passbooks issued by the Bank. There is a proposal to engage all the prisoners in various vocational programmes so that they can learn and earn during their incarceration period.

GOA: Equality in wages for women prisoners are maintained.

GUJARAT: The suggestion is followed

HARYANA: The women inmates who are working in the jails are being paid wages as fixed by the State Government which is at par with the male inmates. The jail authorities maintain a proper account. This is uniform for male and female prisoners. Proper accounting system through the Treasury is being maintained.

HIMACHAL PRADESH: There is uniform wage structure applicable to both men and women prisoners in the State and proper practice of keeping the accounts of wages earned by the prisoners, as recommended, is already in vogue in this state.

JAMMU & KASHMIR: There is no difference in wages between men and women prisoners. Daily wages have been increased from Rs.8 to Rs.24. Both convicts and undertrials attend vocational training.

JHARKHAND: This is being followed.

KARNATAKA: There is an uniform wage structure both for men and women inmates. Proper accounts are maintained through the prisoner private cash registers. Necessary bank accounts are opened wherever inmates volunteer for it. They are also permitted to send their earnings to their families' advocates and on their release balance amount is paid.

KERALA: There is a uniform wage structure and the prisoners are fully aware of their earnings. A proper account system is also being maintained. Minimum wages paid to women prisoners is Rs.9/- and the maximum is Rs.23/-

MADHYA PRADESH: In the context of Supreme Court ruling, all prisoners sentenced to under go rigorous imprisonment are required to work in prisons. They are paid wages at the rate of Rs. 10/- per half day. Out of their wages 50% is put up in a common fund for deserving victims of crime and the remaining 50% is used by the prisoners for buying essential articles for their personal use and for meeting legal expenses. The wages of every prisoner are deposited in a joint account opened in a nationalized bank near the jail in the name of the prisoner concerned and the jail superintendent.

MAHARASHTRA: Women prisoners work are paid Rs. 25/- (for skilled workers) Rs. 17.50/- (for semi-skilled worker) and Rs. 12.50 /- (for un-skilled worker) on par with men prisoners. As per Chapter XXXI of Maharashtra Prison Manual 1979 'Facilities to Prisoners' Rule 46 (i), (ii), (iii), (iv) the prisoners are allowed to utilize 9/10th of his earnings; remainder be kept as compulsory savings for rehabilitation needs.

MANIPUR: All prisoners are given equal wages irrespective of gender. The rate of wages given for Skilled is Rs.12/-, Semi Skilled Rs.10/- and Unskilled Rs.8/- .

MEGHALAYA: Since there is no convict, wage structure has been not implemented.

NAGALAND: A uniform wage structure is maintained for all prisoners.

ORISSA: There are two types of wage system in practice one for the skilled and another for the unskilled work in the Jails. All the women

prisoners are aware of the amount earned by them. The Prison staff is maintaining the proper accounts of their wages. They have also been provided with Passbooks in support of their savings. They have also accounts in Banks and Post Offices.

PONDICHERRY: There is no discrimination between male and female prisoners in payment of wages for the work done. The wages earned by the prisoners are properly accounted for in a ledger and they are informed regularly about the amount accumulated. The accumulated amount is paid to the prisoner at the time of release through a cheque payable at State Bank of India, Pondicherry. However, no separate Bank Account is opened for the prisoners at present.

RAJASTHAN: There is already a provision of wages to be given to the women inmates. The wages are deposited in their respective accounts with the cashier of the prison concerned. The prisoners are allowed to spend the amount in purchasing the necessary things. The inmates can also send the money to their relatives if they so feel. If a particular inmate wants to open an account in a bank he or she is provided with such a facility.

TAMIL NADU: The wages to prisoners have been revised on the basis of the recommendation of wage Fixation Committee. They are given wages as follows: Skilled-Rs. 60/-(Before Deduction), Rs. 18/-(After Deduction) , Semi-skilled, Rs. 50/- (Before Deduction), Rs. 15/-(After Deduction), Unskilled -Rs. 45/-(Before Deduction) and Rs.13.50/-(After Deduction). Individual ledger accounts are maintained for the wages earned by each prisoner. Prisoners are at liberty to have bank accounts where the wages earned by them could be deposited. The bank pass book is kept by the Wage Earning Scheme Accountant and handed over to women prisoners as and when required.

TRIPURA: Uniform wage structure is there in Tripura. Individual ledger is also being maintained for the wages being earned by them. But there is no system of opening of bank account in the name of convicted prisoners. The government may take a decision on this issue.

UTTAR PRADESH: Wage structure for women prisoner is uniform and account of wages earned is properly maintained.

UTTRANCHAL: Wages are being paid to women prisons. There is uniformity of wages here.

WEST BENGAL: The same wage is paid to the prisoners irrespective of whether men or women for their prison labour. In fact, there is no discrimination between men and women prisoners in jails. The rate of wages along with other benefits available to the prisoners is placed in a notice board for perusal of the prisoners inside the jail. The wages

earned by the prisoners, both men and women are kept in Bank Account which is operated jointly by the prisoner himself or herself and the Superintendent jointly.

(k)The children who are born in jails and those who accompany their mothers to jails are compelled to live behind bars without being offenders. There is no Act in the country to take care of these children. As crèche facilities are not available in every jail, they lack guidance and proper care. Infant care facilities like crèches and ICDS project should be established/run in each prison for proper care and development of children accompanying the women inmates.

ANDAMAN & NICOBAR ISLANDS: The number of female inmates is very low. Very rarely child with mother inmates live in the jail and that too for a short period.

ANDHRA PRADESH: Crèches are established in both the women prisons. Balwadi teachers are taking care of children of the prisoners of women's jail at Hyderabad who are above 3 years and below 5 years are being sent to outside school, children above 5 years are admitted in Residential school, special diet is provided to them in the form of eggs, plantain, milk, groundnuts etc.

ASSAM: As the numbers of children of prisoners are quite small, setting up of crèches in all the jails is not felt necessary at present.

BIHAR: Instructions have been issued to provide all facilities, to the children born inside jails.

CHANDIGARH ADMN: Every effort is made to provide medical facilities and nutrition to the children below the age of 5 years who accompany their mothers to the Model Jail, Chandigarh. However, no crèche facilities are available. Though there are no crèches in the jail every effort is made to give proper facilities to the children accompanying their mothers in the jail. Efforts are being made to run a crèche in the Jail by associating the Social Welfare department.

CHHATTISGARH: In Central Jail Bilaspur there is a crèche in the jail campus. Where as in other central jails this arrangement is not found in female enclosure. Children of females are given pre-school training in all the jails.

DELHI: Inmates can keep their children upto 6 years of age with due permission from the court/Superintendent. Such inmates are kept in a separate ward irrespective of their offence. 750 grams of milk and one egg is provided to each child everyday. Two crèches (Morning and Evening) are run by two different NGOs for children's all round development. There are 45 children in the women's jail as on 27.11.2002. The children are also given pre-nursery education as a preparation to be able to cope up with the schools outside. The NGOs and Govt. have various schools where children of inmates who are above 6 years can be admitted. Such institutions take complete responsibility of the children in respect of boarding, lodging, clothing and education. Two NGOs working in this area, are CASP

(Community Aid Sponsorship Programme) and IVF (India Vision Foundation). As on today CASP has got 202 children and IVF has got 55 children admitted to schools outside. 25 children have been admitted to village cottage homes through Social Welfare Department, Govt. of NCT of Delhi. Unlike their mothers, the children are allowed to go outside on picnics with representative /staff of NGOs to acquaint them with the happenings beyond the four walls.

GOA: Crèche facilities for infants of women prisoners are to be introduced in the New Central Jail through ICDS.

GUJARAT: The suggestion is partially followed.

HARYANA: For the care of the children upto the age of 6 years who live with their convict mothers, crèche facility is provided in the jails. Special diet is also given to the children.

HIMACHAL PRADESH: The recommendations require chalking out the modalities and implementation at the level of state Government in consultation with the prison authorities though such cases in this state are negligible. As on today there is only one child behind the bars with his mother at M.C.Jail Kanda.

MADHYA PRADESH: Voluntary associations are running crèches in many jails of the state. The jail department is running crèche in Central Jail Bhopal. The jail department also provides the children of women prisoners with colorful clothes and other attractive teaching aids. In fact every attempt is made by the prison authorities to ensure the interest of both mother and child.

JAMMU & KASHMIR: Complete care is taken of the children who accompany their mothers in jails. Crèche facilities available.

JHARKHAND: At present children up to the age of five years are allowed to live with their mothers in prison. After that they are sent to remand home. Provision for nutritious food is made for children staying with their mothers. Children staying in the remand home are provided access to their mothers

KARNATAKA: The children upto the ages of 6 years are allowed to stay in jails with their mother. The children are also handed over to the care taking agencies, institutions for their up-bringing in case the women prisoner volunteers it. Necessary crèches and other facilities have been provided in jails.

KERALA: Services of voluntary agencies are available for the protection of such children. Starting of crèches facilities at Government level attached to major jails may be considered.

MADHYA PRADESH: As per rule 403 of the Madhya Pradesh Prisons Rule 1968 children are to be admitted to jail with their mother only when no friends or relatives can be found to take charge of them. Children up to the age of 6 years are allowed to stay with their mother with prison. As soon as children admitted or born in jail attain the age of six years, arrangements are made for the custody of such children. Organizations like SOS (Save Our Souls), Bal Gram, Bhopal have been approached by the prison authorities for adoption of these kids so that their future could remain unaffected by the crime committed by their mother. This organization now adopts kids sent by the prison authorities.

MAHARASHTRA: In the jails of Maharashtra, no children are admitted except those children below the age of four years accompanying their mothers. As on 31-12-2001 in the jails of Maharashtra there were 108 children (52 male and 56 females) accompanying their mothers. So far no systematic study is conducted by the State Govt. with regard to their overall mental attitude for being in the company of criminals. Maharashtra Prison Manual 1979 Chapter XLI Rule 8,9,10 & 11 has laid down Rules for the care, custody and welfare of children accompanying their mothers. Voluntary Agencies like Prayas, Saathi, Tata Institute of Social Sciences run crèche for these children.

MANIPUR: So far we have never come across with such problems. The recommendation is well taken. As and when required the crèche facilities will be established to meet the requirement.

MEGHALAYA: No such case of children born/or accompanying mothers is in jail at present.

NAGALAND: Such cases have not occurred to date and when they do occur, all necessary facilities will be made available.

ORISSA: As per Orissa Jail Manual Rules the Children upto four years of age are accompanied with their mothers are kept in the Jails. The four to six year age group children are being sent to the Orphanage or Balashram etc. for their education, if they have no relatives to take care of them. There is no such facilities like, chreches and ICDS Projects available in the Jails of Orissa.

PONDICHERRY: It is not possible to start crèche facility or any ICDS project at present due to space constraint in the existing Jail. This will be provided in the proposed new Central Prison.

RAJASTHAN: The children who are either born in jails or accompany their mothers are looked after in a proper manner. In the female jail at Jaipur there is a facility for crèche for small children. Such facilities are

being increased with the help of NGOs.

TAMIL NADU: Child upto 6 years of age is admitted to prison with his mother if it cannot be placed with relations. When the child attains the age of 6 (six) years, the District magistrate arranges to entrust the child to the custody of relation or voluntary organisations allowing a moderate sum for the maintenance of child. A nursery and creche with two Ayahs and one Nursery teacher paid by Non-Governmental organisation are functioning at Special Prison for Women, Vellore. The children while in prison are properly cared for by giving them special diet and the other requirements such as oil soap-nut powder, toilet soap, toilet powder, towel, comb etc.. The arrangements for establishing crèches in the new jails have been introduced. The Prison administration fully endorses the recommendations of the committee that Infant care facilities like crèches and ICDS project should be established/run in each prison for proper care and development of children accompanying the women inmates.

TRIPURA: The average prisoner population in the Female Jail, Agartala is around 15. There is a child aged about 1(one) year at present in the female Jail, Agartala along with his mother. The government in SW&SE may consider setting up of crèche near the Female Jail, Agartala.

UTTAR PRADESH: Crèches for the children of women prisoner are established where space is available .

UTTRANCHAL: Crèches shall be established once the need for women jails shall be felt here.

WEST BENGAL: In Presidency Jail, I.C.D.S. Project is run for supplying additional nutrition to the children accompanying their mother. There is a Park for the children where they can play and picture and elementary reading books are provided to them for their elementary education. Attempts are being taken to provide similar facilities in other jails also.

ANDAMAN & NICOBAR ISLANDS: Being followed.

ANDHRA PRADESH: Under implementation. Game articles and Library books are provided. Besides, T.V. sets have been provided in the barracks.

(1) For recreation and pastime, indoor games facilities should be provided such as Carrom, Ludo and access to light reading/books, magazines, etc. as these are essential facilities for the mental health of inmates.

ASSAM: Indoor Game facilities like Carrem, Ludo and reading materials like Books, Magazines and Newspapers are made available in the Jails for entertainment and recreation of the inmates.

BIHAR: This is being done in some jails, which is being further extended to other prisons.

CHANDIGARH ADMN: These facilities are provided in the Model Jail. All these facilities are being provided.

CHHATTISGARH: Prisoners are provided carrom boards, ring balls, ludo and newspapers, magazines regularly. Musical instruments are provided to the female prisoners.

DELHI: All such recreational facilities are available in the Jail for the female prisoners.

GOA: Recreational and literacy facilities are made available to the prisoners.

GUJARAT: Indoor games and Library facilities are available.

HARYANA: All the inmates including women prisoners are being provided with indoor game facilities like as carrom, ludo and books/magazines/newspapers are being provided to them for reading. These facilities are being provided to female and male prisoners.

HIMACHAL PRADESH: The television and facilities like carom, ludo and books from library are being provided to the male and female prisoners.

JAMMU & KASHMIR: Indoor games have been provided to all the women prisoners.

JHARKHAND: Facilities for Indoor Sports like ludo, carrom board, volleyballs etc. have been provided. Books and magazines are also provided.

KARNATAKA: Indoor-games facilities like Carrom, Chess are provided apart from reading books and magazines to them.

KERALA: All these facilities are provided.

MADHYA PRADESH: These facilities are generously provided to prisoners.

MAHARASHTRA: Indoor games like draughts, carom are already incorporated in the Maharashtra Prison Manual Chapter XLI 'Women Prisoner' Rule 15(i) and prisoners can avail library books according Maharashtra Prison Manual Chapter XXXI, 'Facilities to Prisoners, Rule 28.

MANIPUR : Indoor games materials, such as carom, ludo, chess, volley ball, badminton etc. , local newspapers, national newspapers and magazines are also provided to the inmates for their recreation and entertainment.

MEGHALAYA: Indoor games are being provided to all inmates in Jail.

NAGALAND : Indoor games facilities alongwith reading materials are supplied to the inmates.

ORISSA: The inmates of all Jails of the State are provided indoor games facilities such as Carrom, Ludo, Chess, Ring ball and they have been also provided with light reading books, magazines etc. for development of their mental health.

PONDICHERRY : All the indoor games listed here are provided regularly to the female inmates alongwith daily newspapers and magazines.

PONDICHERRY: All the indoor games listed here are provided regularly to the female inmates along with daily newspapers and magazines.

RAJASTHAN: Facility for indoor games such as carroms, Ludo & Chess have already been provided with to the female inmates. Reading materials such as News Papers, Magazines and books have already been provided.

TAMIL NADU : Women prisoners are permitted to play indoor games like chess, carom, tennicolt etc., Cultural and entertainment programmes are conducted on national and festive occasions. Books of moral and educative value are kept in prison library for reading by the prisoners. News papers and periodicals are supplied to women prisoners at Government cost Television is also provided.

TRIPURA: These facilities are available in all the Jails in Tripura.

UTTAR PRADESH: For Mental development of women prisoner entertainment indoor games, television and library facilities are available.

UTTRANCHAL: Indoors games are available here.

WEST BENGAL: Such facilities are provided to the women inmates of all jails in West Bengal.

(m)The Committee would

like the Government to consider sympathetically the request from women inmates for a change in the colour of their sarees from white to an appropriate colour as also the freedom to wear the Salwar Kameez, if they so desire- as is done in the case of foreign detenuess.

ANDAMAN & NICOBAR ISLANDS: Noted for future guidance.

ANDHRA PRADESH: The colour of the saree (prescribed white) would be changed after exhausting the present stock.

ASSAM: No change in colour of costume of women prisoners is felt necessary since there is no such request from them.

BIHAR: Women inmates are provided clothing as per the provision of Jail Manual. However, the recommendation is being examined.

CHANDIGARH ADMN: There is no bar so far as the dress of women prisoners is concerned in the Model Jail, Chandigarh. There is no restriction about wearing of dresses of different hue.

CHHATTISGARH: Female convicts are provided cream colour sarees with blue border. Female undertrials can put on salwar kurta.

DELHI: The colour of sarees provided to female prisoners is light grey. They are given freedom to wear Salwar Kameez if they so desire.

GOA: Proposal for wearing sarees of their choice of colour, so also that of salwar khameej will be submitted shortly for approval.

GUJARAT: Now this suggestion is not followed The suggestion is agreeable.

HARYANA: There is no provision of issuing sarees to the female prisoners under the Jail Manual. They are issued Salwar Kurta as per pattern and scale given in the Punjab Jail Manual. Prison dress is being provided as prescribed in the Jail Manual and any change ordered by the State Govt. shall be implemented.

HIMACHAL PRADESH: There is no such request so far received from any of the women inmates. However, they are allowed to put on Salwar and Kameez according to their wish. The prison authority is not very strict on this account in relation to women prisoners.

JAMMU & KASHMIR: Women prisoners wear clothes other than white sarees or salwar kameej.

JHARKHAND: Instructions have been issued regarding change of colour of sarees from white to any other appropriate colour. The question of freedom to wear Salwar Kameez is being considered.

KARNATAKA: The clothing and bedding are being provided to the inmates as per rules. Further, the undertrials are permitted to wear their

own clothing of any choice, shape etc.

KERALA: Undertrial prisoners have the freedom to wear the dress according to their choice. This recommendation will be considered favourably, in the case of women convicts.

MADHYA PRADESH: This is under consideration.

MAHARASHTRA: According to the Maharashtra Prison Manual – 1979, Chapter XXXIII, 'Bedding Clothing and Equipment' Rule 17(ii), light green saris with white blouse to casual convicted women prisoners and light blue saris with white blouse for habitual women prisoners and yellow saris with white blouse for woman convict overseer. Report of the Committee under the chairmanship of the Inspector General of Prisons, for improving the provisions of Maharashtra Prison Manual pertaining to women prisoners proposes brown colour saris with white blouse for women prisoners selected for Open Jails.

MANIPUR: Government will consider and issue necessary orders allowing use of colour Saree/ Phanex as per the choice of the Female inmates.

MEGHALAYA: Women inmates are allowed to wear colour sarees and salwar kameej of their choice.

NAGALAND: All undertrial prisoners are given the liberty to wear clothes of their choice.

ORISSA: No decision has yet been taken for change of colour of the Sarees of women prisoners from white to an appropriate colour and also to allow wearing salwar kamij on demand.

PONDICHERRY: Change of colour in sarees of women prisoners is not under consideration. Women prisoners who are accustomed to wear Salvar Kameez are allowed to wear it.

RAJASTHAN: The female inmates in the State of Rajasthan are provided with white Sarees with coloured Border. Normally colours of the Border is Blue or Yellow as per the tradition of the State of Rajasthan.

TAMIL NADU: Female convicts are provided blue colour sarees and maroon sarees. The Inspector General may sanction any variation in the kind of clothing and bedding required in individual cases.

TRIPURA: The female convicted prisoners are given white sarees with green border in Tripura. There is no request for any particular colour of

sarees from the convicted female prisoners. Moreover, there may be some problem regarding widow-convicted prisoners if the coloured sarees are introduced. Wearing of Salwar Kameez, according to the collective choice of the prisoners, will be considered by State government as recommended.

UTTAR PRADESH: Women are being provided with colour sarees in place of white ones. They are also allowed to wear Salwar, Kurta and Duppata in lieu of saree.

WESTBENGAL. The women U.T Prisoners are allowed to wear garments according to their own choice. In regard to the women convicts the proposal is under active consideration.

(n) The jail visitors committee should comprise members of the judiciary, social workers, journalists and others with powers to visit prisons and interact with inmates and represent their grievances. One-third of the members of the jail visitors committee should be women.

ANDAMAN & NICOBAR ISLANDS: Being followed.

ANDHRA PRADESH: It is under implementation. The members of visiting committee hail from different backgrounds as suggested. The recommendation is under serious consideration and would be implemented shortly.

ASSAM: As regards composition of Jail Visitors Committee in Assam, the Board of Visitors as constituted by Government comprise of District Magistrate as Chairman, chief Judicial Magistrate as Member along with 4 non-official members (including one lady member) for Jails at District headquarters, and SDO (Civil) as Member along with 2 non-official members (including one lady member) for Jails at Sub-divisional headquarters. In view of the recommendation of the Parliamentary Committee, one accredited Journalist may perhaps be included as one of these non-official members as referred to above.

ASSAM: Jail Visitor Boards comprising DM, CJM and 4 non official members (including at least 1 lady) already exist.

BIHAR: This is followed.

CHANDIGARH ADMN:_This is being followed in the Model Jail, Chandigarh.

CHHATTISGARH: Among 8 jail visitors, 6 are male while 2 are female.

DELHI: The proposal regarding constitution of Board of Visitors is under active consideration of the Government of NCT of Delhi.

GOA: Existing Jail Visitors Committee included women MLA and social workers etc.

GUJARAT: The suggestion is partially followed. Now there is no 1/3 female members but there is one or two members of the women representatives. The suggestion is agreeable.

HARYANA: As per provision of the PJM, a board consisting, district and Session Judge, Commissioner of Division, S.P. and D.C. visit the jails quarterly. District and Session Judge also visits jails every month under their jurisdiction. Besides the above, there is also a provision to nominate the non-official visitors to visit the jails. No comments as the matter being policy issue, can be decided by the Govt.

HIMACHAL PRADESH: Jail Visitors Committee has not been constituted so far in this state. However the judicial officers and other ex-officio visitors visit jails periodically. Besides the social workers, journalists etc. are permitted to visit jails on their requests.

JAMMU & KASHMIR: District Magistrate, session Judge, Superintendent of Police and Social worker have been invited to jail and it has to be of god effect.

JHARKHAND: This is being followed.

KARNATAKA The jail visitor Committee comprise both official non-official visitors of various fields and also includes the women visitors.

KERALA: The existing jail visitors committee includes members of the judiciary and social workers. The recommendation to include journalists and to appoint one-third members of the committee, as women will be considered.

MADHYA PRADESH: The jail visitors committee regularly visits jails to interact with inmates and represent their grievances. The representation of women in such committee is ensured.

MAHARASHTRA: Maharashtra Prison Manual, Chapter XV, Prison Visitors already incorporates the said suggestion. " There shall be a Board of Visitors for each prison in the State consisting of ex-officio visitors and non-official visitors appointed under these rules. The list of officers is enclosed as Annexure

MANIPUR: Vide Government order No.12/4/84-H(O) dated 14.7.97 a Board was constituted for two years to visit Jails of Manipur and not extended. Home Department is requested to constitute Board of Visitors Committee comprising members of Judiciary/Social Workers/Journalists etc. to visit prisons.

MEGHALAYA: This recommendation may be proposed to the Government.

NAGALAND: This system is being implemented accordingly.

ORISSA: As per Orissa Jail Manual Rules the Children upto four years of age are accompanied with their mothers are kept in the Jails. The four to six year age group children are being sent to the Orphanage or Balashram etc. for their education, if they have no relatives to take care of them. There are no such facilities like, crèches and ICDS Projects available in the Jails of Orissa.

PONDICHERRY: A board of Visitors comprising eminent citizens advocates, social workers including women social workers visit the prison regularly and interact with the Jail inmates.

RAJASTHAN: The visitors are appointed by the State Government keeping in view the requisite experience and qualifications of the persons so appointed. There is a provision for appointment of two lady visitors for the female jail at Jaipur.

TAMIL NADU: There will be 3 lady Non official visitors for the "Women prisons". Preference is given to social workers, psychiatrist, psychologist, sociologist and those interested in correctional work. Panel of names called for from Superintendent of Prisons.

TRIPURA: In the Board of Visitors the members from judiciary, social workers and others are included and they are allowed to visit prisons and inter-act with the inmates and hear the grievances. The matter of one third of members to be represented by Women in the Board and inclusion of a Journalist will put up at the time of forming the next Board.

UTTAR PRADESH: Jail Visitors including women are appointed by the State Government.

UTTRANCHAL: Jail visiting committees exist in the States.

WEST BENGAL: In the Jail visitors Committee there are more or less 1/3rd women members among the Non-M.L.A. Members.

(o) Sophisticated gender sensitive training in human rights and human handling skills need to be imparted to jail officials urgently and

ANDAMAN & NICOBAR ISLANDS: Noted for future guidance.

ANDHRA PRADESH: It is under implementation. Others are being trained in Human Right and Gender issues regularly. Within the existing resources of the State working and living of the staff have been improved.

continuously.

ASSAM: For sensitizing the Jail officials in Human rights and human handling skills, the Jail officials are deputed to different institutes to attend training courses like Vertical Interaction Courses conducted by B.P.R&D, and Refresher Courses etc. It is also proposed to conduct a number of interactive training courses for the Jail officials particularly in human rights in the near future.

BIHAR: Jail official are imparted required training in different correctional institutes.

CHANDIGARH ADMN: Training in this field is being imparted to the officials by the RICA, U.T. Chandigarh and Punjab Jail Training School. The jail staff is given training in the jail by the jail training school at Patiala and refresher courses at Regional Institute of Correctional administration.

CHHATTISGARH: Jail officers are sent to National Institute of Criminology & Forensic Sciences, New Delhi, Administration Academy, Bhopal, Jail Training Institute, Lucknow for training purpose.

DELHI: Training in human Rights and Correctional administration has been imparted to the Jail staff and refresher courses are being conducted regularly.

GOA: Jail staff will be exposed to Human Rights and Human Handling skills.

GUJARAT: The suggestion is partially followed.

HARYANA: The Central Government/National Human Rights commission/National commission can design such courses for Women/State Commission for Women. Training is being imparted regularly by nominating officers to undergo courses at ICA and NICFS.

HIMACHAL PRADESH: A training center for warders has been established at M.C.Jail Kanda and all necessary training to the male and female warders is given to them.

JAMMU & KASHMIR: Female Staff of the Prisons has been given training to sensitize them in handling female prisoners.

JHARKHAND: Government agrees. Training modules have to be developed in consultation with NGOs.

KARNATAKA: Jail staff are provided with short term courses on the subjects like human rights etc. they are also sensitized in gender issues during the training.

KERALA: Some selected officers are given training in human rights and human handling skills. In future more officers including women will be deputed for such training.

MADHYA PRADESH: Prison officers are deputed from time to time attend courses on gender issues, human rights and inter personal skills.

MAHARASHTRA: Training of Human Rights is imparted to prison officials. Human Rights are also incorporated into the syllabus of the Jail Officers Training School in all its orientation courses of prison officials. In the year 1999 two prison officials were sent to U.K. to study the prison system under the British Council and BPR&D Scheme. They in turn conducted Human Rights training for prison officers in the year 2000-2001.

MANIPUR: A number of training courses are being conducted by N.I.C.F.S./RICA Vellore/BPR&D etc. but due to shortage of fund nomination is not accepted by the Government.

MEGHALAYA: Officers are sensitized through training.

NAGALAND: Jail officials are regularly deputed to undergo such trainings.

ORISSA: The Jail Officials are imparted sensitive training on human rights and human handling

PONDICHERRY: Necessary action will be taken to train women jail officials in gender sensitive human rights issue and handling of women prisoners.

RAJASTHAN: The prison officers of the State of Rajasthan are regularly sent to attend various advanced courses at different institutions for enhancement of their skills in handling the human beings.

TAMIL NADU: Human Rights, psychology, Sociology are included in the syllabus and curriculum of staff training in Regional Institute of Correctional Administration, Vellore and Warders, Training Center, Vellore. Officers are also given special training in this aspect at National level.

TRIPURA: Jail officials are being trained in 'human rights' and 'human handling skills' by sending them to such workshops being organized within and outside the State.

UTTAR PRADESH: Action is being taken as suggested.

UTTRANCHAL: Training is being imparted to jail officials.

WESTBENGAL: In service training to Jail Officials are imparted on Human Rights and also in sophisticated gender sensitization and such training are imparted to the jail officers frequently and batches at regular interval.

(p) To encourage and motivate the prison staff to discharge their assigned duties towards prisoners in a caring and sympathetic manner, there should be better working conditions and promotional avenues available to them. For this purpose a separate prison cadre headed by an I.G. may be created in each State. The vacancies in the prison cadre especially of female officers/staff should be filled up by appointing female officers/staff only. A special recruitment process should be initiated expeditiously by the concerned State Government.

ANDAMAN & NICOBAR ISLANDS: There is a separate prison Cadre in this U.T. Both male & female staffs are being recruited as per standards as mentioned in R.R.

ANDHRA PRADESH: It is under implementation. Two special prisons for women located at Hyderabad and Rajahmundry and managed at all levels by women staff only. A prison cadre is already developed.

ASSAM: Regular cadres of "Assam Jail Services" and "Assam Subordinate Jail Services" from Jail Warders up to the rank of DIG of Prisons have already been created in Assam with provision for promotion from within the cadre. Specific number of posts are earmarked for women personnel in the cadres of Jail Warders, Head Warders, Assistance Jailors and Jailor. The vacancies in the Prisons cadre which are earmarked for female personnel are filled up by women incumbents only.

BIHAR: A separate cadre is in place in the state for a long time.

CHANDIGARH ADMN: The Institution of Inspector General of Prison and Superintendent Model Jail does work for the premature release of women prisoners under the rules prevailing in Union Territory, Chandigarh. A separate cadre of prisons department, UT Chandigarh exists and all recruitment is made in accordance with the rules.

CHHATTISGARH: Promotion to the employees of jail department is given as per rules.

DELHI: There is a separate prison cadre for the Prisons with appropriate promotional avenues. Female staff including the Superintendent Jail is managing the female jail.

GUJARAT: The suggestion is partially followed. The matter is under consideration of the Government

JAMMU & KASHMIR: Within the existing resources of the State, working and living conditions of the staff have been improved. Promotional avenues of female staff co-exist with male staff and no preferential treatment is permissible under promotion rules.

JHARKHAND: There is a separate prison cadre in the state. The post of I.G. of Prison is reserved for IAS officer. Necessary steps have been taken to fill in the vacancies of female officers and staff.

KARNATAKA: The posts of Prison Department are being filled as and when necessary through recruitment committees and necessary female staff is also recruited as per requirement. Further at regular intervals the State Government also permits for special recruitment of staff.

KERALA: This recommendation will be considered for implementation.

MADHYA PRADESH: The State Government has reserved 30% jobs for women in jail services. Arrangements are being made to give them proper pre-service and in-service training. The following women officials are posted in jails of Madhya Pradesh: 1) Warder 2) Head Warder 3) Matron 4) Assistant Jailor 5) Welfare Officer 6) Probation officer 7) Jail Teacher 8) Compounder 9) Nurse 10) Lady Attendant.

MANIPUR: There is no restriction on advancement/promotion of female Prisons Officers. At present, one female officer is in the rank of Chief Head Warden. One female officer in the rank of Assistant Jailor was serving in Manipur Central Jail, Imphal, before her retirement.

MEGHALAYA: Staff motivation is undertaken continuously by improving working conditions.

NAGALAND: The issue is under consideration.

ORISSA: There exist separate cadres for Jail staff. There are adequate promotional avenues for Jail Staff. Vacancies are regularly filled up.

PONDICHERRY: A separate cadre for prison service is available in the jail Department with Inspector General of Prisons acting as the Head of Department and one Chief Superintendent of Jails as Head of Office. Sufficient number of prison staff is available to man the prisoners. At present there is no vacancy in the prison cadre of female officers and additionally Women Home Guards are also posted to handle women prisoners.

RAJASTHAN: A separate post of A.I.G. (female) at the Head Quarters in the State of Rajasthan is not required considering the small number of women inmates.

TAMIL NADU: The Prison Department of this state is headed by an Additional Director General of Police. By creation of more prisons for

women, promotional opportunity is improved. Introduction of 8 hours system is beneficial to warders and their working condition is improved. Only women is appointed in women prison.

TRIPURA: There is a separate prison cadre up to the level of Superintendent in Tripura. However, there is a separate prison department having separate Recruitment Rules for different categories of officers and employees with avenues for promotion.

UTTAR PRADESH: Vacant posts of women officials are being filled up.

UTTARANCHAL: A well-managed cadre system be put in place in the new state shortly. Vacancies of female officers/staff filled up by female only.

WESTBENGAL: In West Bengal there is a Prison Directorate headed by an I.G. Prison Officers have their promotional avenues up to the rank of Additional I.G. In each category of officer up to the rank of Superintendent there are female officers also at present and they also get similar promotional opportunity like the male officers.

q) In view of the special circumstances of women whose custody in jails not only leads to their social segregation but also to complete disruption of the family life, the rules of premature release should be liberally applied in their case, because they do not pose a social risk. Cases for pre-mature release of 'eligible' women convicts should be taken up by jail authorities suo-moto at the earliest.

ANDAMAN & NICOBAR ISLANDS: Board for Review of sentence for premature release is already in existence.

ANDHRA PRADESH: The state is adopting liberal policy towards women prisoners. In the case of premature releases of life convicts in the past, men were considered after completion of 07 years of actual sentence while women were considered after completion of 05 years of actual sentence. Prisoners were accordingly released on the occasion of 50th Anniversary of republic in 2000.

ASSAM: Action for premature release of eligible women convicts have been taken in accordance with the provisions of "Good Conduct Prisoners Prebational Release Act, 1938 (Assam Act II of 1938)". Recently, as many as 11 women convicts including life convicts who had served only on-third of their sentences were released by Government under the provisions of the aforesaid Act.

BIHAR: Remission Review Board has been constituted to look into this matter.

CHANDIGARH ADMN: Chandigarh being a Union Territory, the Administrator, UT Chandigarh does not enjoy the power of a governor and as such no procedure for the release of prisoners as in other states has been laid down. The pre-mature release is governed by Section 433A of Cr.P.C. under which a prisoner whether he is a male or female

has to undergo 14 years of actual imprisonment and 20 years including remission in case of life sentence. No relaxation could be made by the Administrator, UT Chandigarh.

CHHATTISGARH: Premature release case of female prisoners are taken up suo-moto at the earliest.

DELHI: A Sentence Revising Board has been constituted on the recommendation of the National Human Rights Commission. However, the females are treated liberally in the matter of grant of remission.

GOA: Prisoners Welfare Scheme is operated under the Social Welfare Department of the State Government. Premature release of women prisoners is taken care of by the Review of Sentences Board.

GUJARAT: Now such powers not vested to Jail authorities. It is for the Government to consider and delegate such powers. However, cases for premature release are reviewed by the Government.

HARYANA: In Haryana, the premature release cases of the female convicts are being considered on completion of 8 years actual sentence including undertrial period and after undergoing total sentence of 10 years including remission. Being policy matter, the directions of the State Govt. are carried out. However, sufficient female security staff is deployed to guard female prisoners. Premature release cases of female convicts are decided by the State Level Committee under the guidelines framed by the State Govt.

HIMACHAL PRADESH: There shall be a need to incorporate a provision in the 'Premature Release policy' issued by the State Government.

JAMMU & KASHMIR: Whenever circumstances and rules permit women convicts are considered for pre-mature release, sympathetically.

JHARKHAND: Government grant remission on specific occasions in which women prisoners are given additional weightage.

KARNATAKA: Necessary action for premature release of women convicts are taken up immediately on their becoming eligible- Suo-moto. The women prisoners are also allowed proper facilities like interviews letter writing, to their family member, friends and legal advisors, so that feeling of segregation is not felt.

KERALA: A Jail advisory Board exists to consider the premature release of prisoners.

MADHYA PRADESH: On the recommendations of National Human Rights Commission , the State Government has amended rules 358 of the Madhya Pradesh Prisons Rule 1968 for premature release of the life imprisoned prisoners. Under the amended rules, the women prisoners are more likely to benefit than male prisoners as they may be considered for premature release after they have served at least 10 years of actual sentence . Every year on various public occasion the State Governments grant remission of sentence to prisoners who have been convicted by the courts of criminal jurisdiction of the State and are confined in the jail of the State or other states. Every year the State Government on the eve of the International Women's Day (8th March) grants remission of sentence to women prisoners.

MAHARASHTRA: Govt. vide resolution No. APR-4583/3 (512)/PRS-3 dated 31-07-1984 issued guidelines for premature release under 432 (1) and accordingly proposal is submitted to Govt. Proposal for premature release under 433 (A) is submitted to Govt. on completion of actual imprisonment of 14 years including undertrial period, six months prior to completion of 14 years of sentence. Applications received under Article 72 and 161 of the Constitution of India to grant pardons, etc., and to suspend, remit or commute sentences in certain cases are submitted to the President and the Governor respectively through the State Govt.

MANIPUR: Since we do not have rehabilitation programme, Government may like to take up the case with Social Welfare Department.

MEGHALAYA: Efforts are always made for this.

NAGALAND: Such cases will be considered subject to admissibility.

ORISSA: Cases of prisoners for premature release are liberally considered by State Sentence Review Board as per guideline given by the National Human Rights Commission.

PONDICHERRY: There is a Board of review to review the cases for premature release of prisoners including women prisoners. However, at present there are no "eligible" women convicts to be considered for premature release.

RAJASTHAN: There is already the facility of premature release existing for all the convicted prisoners in the State of Rajasthan including women prisoners.

TAMIL NADU: The cases for premature release of eligible women convicts are placed before the advisory board by initiating action six months in advance. The advisory board records are forwarded to

Government for orders immediately after consideration by advisory board. General amnesty is granted by Government on special occasions.

TRIPURA: There are Rules for pre-mature release of convicted prisoners irrespective sex.

UTTAR PRADESH: Premature releases of women prisoner are being considered regularly.

UTTRANCHAL: No such case has come to light in the state till date. Due care shall be taken in this regard.

WESTBENGAL: The Judicial Department of the Government of West Bengal deals with the premature release of the inmates. Jail authority recommends such eligible cases to the Judicial Department for premature release.

(s) The National Commission for Women and the State Commissions for Women, whenever mandated, have the right to enter and inspect any place(s) where women are kept in custody. To ensure transparency, the Committee recommend that Women Members of Parliament, and Legislative Assemblies, Chairpersons of the National Commission for Women and the respective State Commissions for Women, women lawyers and representatives of the NGOs associated with the jail should be given permission to enter the women's jails without prior notice.

ANDAMAN & NICOBAR ISLANDS: Being followed.

ANDHRA PRADESH: Under implementation Permissions are being liberally to all Non-Government Organizations given.

ASSAM: The National Commission for Women, the Assam State Commission for Women, the Assam Legislative Assembly Committee on Empowerment of Women etc. have been paying visits to the Jails from time to time and meet the women prisoners. While members of Women Commissions and Parliamentary/ Assembly Committees for Women Empowerment have access to visit and inspect Jails, others.

BIHAR: State Commission for women is functioning in Bihar since one year. This Committee visits different jail. Permission is also granted to such institution as and when required.

CHANDIGARH ADMN : They are always welcome.

CHHATTISGARH: Hon'ble members of National Commission for Women & State Commission for women, Member of Parliament, Member of Legislative Assembly are allowed to visit jails.

DELHI: These organizations are being permitted to enter the women jail during working hours and days without proper notice besides members of the visual and Print Media.

GOA: Parole is considered liberally for women prisoners.

GUJARAT: Now suggestion is partially followed. The suggestion is agreeable.

HARYANA: There is no embargo in the prisons of the State of Haryana and the NGOs are being encouraged to visit jails frequently.

HIMACHAL PRADESH: There is no objection to the prison visit by any authorities mentioned in this recommendation. Whenever any such authority wants to visit any jail, it can apply to Superintendent jail concerned, and permission can be granted by prison authorities.

JAMMU & KASHMIR: Chairman of the State Commission for Women, members of the State Human rights commission and other NGOs are visiting the jails to see the condition of the women prisoner and make sanction for improvement.

JHARKHAND: This is being followed.

KARNATAKA: The Chairperson and members of the National Commission for Women and State Commission for women are allowed to visit the Prison where the women are kept in custody.

KERALA: The women Members of Parliament and legislative assembly, chairperson of National Commission for women and the respective State Commission for women are permitted to enter the women's jail without prior notice. Lawyers and representative of NGOs are permitted liberally, to visit women's jail.

MANIPUR: Action is being taken.

MEGHALAYA: The Government follows this procedure with proper identification. Authorities mentioned in its recommendation can visit any time without notice.

NAGALAND: This has been noted for consideration and implementation.

ORISSA: The Chairperson and the Members of the National Commission for Women, State Women Commission, representatives of the N.G.Os., Members of Parliament, Members of Legislative Assembly are coming to the Jail with prior permission of the competent authority. Government orders are yet to be issued for giving permission to above personnel connected with Jail to visit women Jail without prior notice to the competent authority.

PONDICHERRY: Women M.Ps, MLAs, Chair persons of National commission for Women, Women Lawyers and NGOs Associated with the Jail are permitted to enter the Jail without prior notice.

RAJASTHAN: There is already a provision for M.P.'s, M.L.A.'s and

members of State Commission for women and NGOs to visit the female prison/enclosures.

TAMIL NADU: Superintendents of Prisons have already been instructed to sensitize the staff under their control about the National Commission for Women Act 1990 and extend full co-operation and all possible assistance to the members of National Commission for Women whenever they visit their prison on official tour. Members of Parliament / Members of Legislature may visit prisons after obtaining the permission of the Government

TRIPURA: The members of Commissions, M.Ps., MLAs, Chairpersons are high officials are permitted to enter any Jails without prior notice as provided in Rule 65 of the Bengal Jail Code along with women lawyers and representatives of NGOs associated with the Jails.

UTTAR PRADESH: The recommendation is under consideration of State Government.

UTTARANCHAL: By and large, the recommendation is being followed in Uttaranchal.

(t) The jail authorities should be instructed to generously follow the principle of releasing the women prisoners on parole.

HIMACHAL PRADESH: This is being done liberally, especially in case of women prisoners.

WESTBENGAL: Parole is granted to prisoners liberally after being satisfied of other requirements as per the Jail Code Rules.

PONDICHERRY: As per the provisions of suspension of Sentence Rules 1987, women convicts are being released on parole liberally after obtaining Police verification reports.

MEGHALAYA: This procedure is followed properly.

ANDHRA PRADESH: It is being implemented.

JAMMU & KASHMIR: Wherever permissible Women prisoner cases are considered liberally for release on parole.

ANDAMAN & NICOBAR ISLANDS: Being followed.

ANDHRA PRADESH: Yes. It is being implemented.

ASSAM: Provisions for releasing prisoners including women prisoners on parole are quite liberal in Assam.

BIHAR: Principle of parole is followed as per the provisions of Jail

Manual.

CHANDIGARH ADMN: This is done strictly in accordance with the rules.

CHHATTISGARH: Jail Officers have been instructed to follow premature release of prisoners, generously.

DELHI: The parole is granted by Government of NCT of Delhi.

GUJARAT: The suggestion is followed.

HARYANA: There is a very liberal policy on parole of prisoners in the State of Haryana.

JAMMU & KASHMIR: Whenever permissible women prisoners are considered liberally for release on parole.

JHARKHAND: This is being examined.

KARNATAKA: Necessary facilities are provided and action taken release of women prisoners on parole.

KERALA: Jail authorities are generously following the principles of releasing the women prisoners on parole.

MADHYA PRADESH: Under the Madhya Pradesh Prisoners' Release on Probation Act 1954 and the Madhya Pradesh Prisoners Release on Probation Rules 1964, 39 women prisoners are released under the probation license during the last few years. They are also released on parole every year under the Madhya Pradesh Prisoners' Leave Rules 1989.

MANIPUR: Government is requested to issue necessary instructions to Police Department in this regard in order to avoid unnecessary arrest.

NAGALAND: Such releases are subject to applicability.

ORISSA: The Women Prisoners are released on parole as per rule. However, the Jail authorities are being instructed to follow the principle of releasing the Women Prisoners on parole generously.

PONDICHERRY: As per the provisions of suspension of Sentence Rules 1987, women convicts are being released on parole liberally after obtaining police verification report.

RAJASTHAN: The facility of parole to all the prisoners including

female prisoners is already existing in the State.

TAMIL NADU: The Superintendent of prison, the range Deputy Inspector General of Prisons and the Government grant leave to all the eligible prisoners generously.

UTTAR PRADESH: Decision regarding Parole is taken by the State Govt. on merit.

UTTARANCHAL: The attitude of government officers is very helpful in this regard.

(u) Considering the general overcrowding of prisons, unnecessary arrests for trivial offences should be avoided; the constable, at the cutting edge level, who primarily makes the arrest, should be suitably sensitized.

ANDAMAN & NICOBAR ISLANDS: Noted.

ANDHRA PRADESH: The Director General of Police and Government have been addressed in this regard.

ASSAM: No comments.

BIHAR: No Comments

CHANDIGARH ADMN: All concerned have been briefed in this regard. There is no overcrowding in the jail. However it is for the Police Department to see whether the offence is trivial or not.

CHHATTISGARH: Not applicable.

DELHI: No comments.

GUJARAT: Not pertaining to Jail Department.

HARYANA: No comments.

HIMACHAL PRADESH: The instructions to this effect are required to be issued to department of police by the State Government.

JHARKHAND: Sensitization programmes / course are being conducted for the police personnel.

KARNATAKA: The inmates are admitted in the prisons only through warrants of arrest, detention order, production warrant, conviction warrant etc.

KERALA: No remarks.

MADHYA PRADESH: No comments.

MAHARASHTRA: No Comments.

MEGHALAYA: In Meghalaya no one is arrested for trivial offences.

NAGALAND: The problem of overcrowding with respect to women prisoners does not exist.

ORISSA: Considering the general overcrowding in prisons, instructions are being issued to Police to avoid arrests for trivial offences.

PONDICHERRY: Unnecessary arrests for trivial offences are avoided and police officials have been sensitized on this issue.

RAJASTHAN: Suitable directions have been issued to field staff to avoid unnecessary arrest of women.

TAMIL NADU: Gender sensitization training has been imparted to Police constables upto the level of Director General of Police.

WESTBENGAL: No comments.

The aforesaid measures should be implemented at the earliest and, if necessary, by bringing about the changes in the relevant Acts, Jail Manuals, etc.

Noted.

**Reply from Department of Women and Child Development
(On Recommendation Para No. 1.66)**

The status of implementation of the Recommendations at S. No (a) to (u) have been circulated to all State governments for compliance and for sending a report to this Department. With regard to the recommendation at S.No ® above, it may be stated that as mentioned in the ATR in respect of recommendation at S.No 7 para 1.55, the Government has launched the Scheme 'Swadhar' for providing shelter and rehabilitation of women released from prison and without family support.

(Department of Women and Child Development O.M No. 2-2/2001- WW (Vol.II) dated 7th May, 2002.

Recommendation

4.17 The Year 2001 is being observed as the year of Empowerment of Women. The Committee, therefore, recommend that premature release/remission of sentences of the following categories of women prisoners be considered after weighing the gravity of their crime.

- i) those suffering from serious ailment like cancer, AIDS, TB, mental breakdown and depression
- ii) Those above 60 years of age who have served major part of their sentence.

(Para No. 1.67)

Reply from Ministry of Home Affairs

The recommendation of the Committee has been conveyed to the State Governments/UT Administrations for necessary action. The government of Sikkim have intimated that the recommendation have been implemented as suggested. Chandigarh Administration have also stated that action on the recommendation is being taken. The Government of Goa have stated that the trial courts take care of speedy disposal of undertrials including women prisoners who are in jails. The jail authorities bring such cases to the notice of Hon'ble Sessions Judge when they visit the jail for inspection as per the directives of the Supreme Court. The Government of Tamil Nadu have intimated that the cases of female life convicts who are above 65 years of age are under consideration of the Government for their pre-mature release.

(Ministry of Home Affairs No V. 17013/33/2001 GPA-IV dated the 14th June,2002)

Further Reply from the Ministry of Home Affairs

ANDAMAN & NICOBAR ISLANDS: Noted for future guidance.

ANDHRA PRADESH: Almost all the recommendations of various committees are under implementation.

BIHAR: As per direction of NHRC, Sentence Review Board has been constituted to which at present release of women prisoners of 65 years of age and those with serious illness.

CHANDIGARH: No comments.

DELHI: No comments.

GUJARAT: No comments.

HARYANA: Constant measures are being taken to change in Jail manual and Model Jail Manual is from awaited MHA.

HIMACHAL PRADESH.: No comments.

KARNATAKA: Necessary action for the above paras is being taken for changes in the relevant Acts, Jail Manuals wherever necessary.

KERALA: No comments.

MADHYA PRADESH The changes in the relevant Acts in jail manual are long overdue.

MEGHALAYA: Some of the aforesaid measures are followed.

NAGALAND: No Comments.

ORISSA: Since the process of revision of the Orissa Jail Manual (O.J.M.) is going on at present, steps are being taken for inclusion of the above guidelines and recommendations in the Manual to fulfill the objectives of such noble mission.

RAJASTHAN: Most of the aforesaid measures are being implemented in the State of Rajasthan. The New Prison Bill 2001 is in process.

TAMIL NADU No Comments.

UTTARANCHAL: The State government is seriously studying the of jail manual and other relevant acts applicable in the erstwhile Uttar Pradesh. Suitable amendments shall be undertaken in due time.

WESTBENGAL: No comments.

CHAPTER - III

RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES OF THE GOVERNMENT

Recommendation

The women are sent to prisons either as undertrials or convicted prisoners. The Supreme Court of India had issued instructions, not specifically for women prisoners but for prisoners in general, to all the State Governments and Union Territory Administrations to take urgent steps for expeditious disposal of cases of undertrials who are languishing in jails. However, it has come to the notice of the Committee that suitable steps are not being taken by the concerned authorities to dispose of expeditiously the cases of the undertrials. The Committee strongly recommend that Jail Adalats should be held frequently in all the jails so as to ensure early disposal of the cases of the undertrials.

(Para No. 1.60)

Reply from Ministry of Home Affairs

The recommendation of the Committee has been conveyed to the State Governments/UT Administrations. However, action for expeditious disposal of cases is to be taken by the judiciary, which is not under the control of the State Governments. Sikkim, Uttar Pradesh and Tamil Nadu, Chandigarh and NCT of Delhi have reported that the Lok Adalats are being held in prisons of their States. The Government of Goa has intimated that the system of judicial Magistrate visiting the jail as per the directives of the Supreme Court is in vogue to deal with the bail applications of undertrials. The Government of Manipur have intimated that as per the orders of the Gauhati High Court, District Session Judges, along with Chief Judicial Magistrates visited Central jail, Sajiwa on 26.11.2001 and Central Jail, Imphal on 27.11.2001 and released 15 undertrial prisoners of Central Jail, Sajiwa.

(Ministry of Home Affairs O.M.No. V.17013/33/2001 GPA-IV dated the 14th June, 2002)

Further Reply from the Ministry of Home Affairs

ANDAMAN & NICOBAR ISLANDS: The female prisoners are usually granted bail in time by Hon'ble Courts in this Union Territory. No Undertrial Prisoner is languishing in the jail for long time. More over the special court is being held inside the jail complex time to time.

ANDHRA PRADESH: Undertrial review committee meetings are being regularly held at every District Jail every quarter, to review the cases of all Uts who are in jail for more than 3 months. Jail Adalats are being organized in all District jails and Central Prisons.

ASSAM : Pursuant to Supreme Court directive, Jail Adalats are held by the CJMs from time to time to take up and dispose of cases of petty nature.

BIHAR: Steps have been taken for speedy disposal of the cases of the undertrial. The system of jail Adalat has been started. Lot of steps on also required to be taken up by the judiciary in the regards.

Camp courts at the jail premises are being held to ensure early disposal of cases.

CHANDIGARH ADMN: Jail Adalats are held in the Model Jail, Chandigarh, frequently and the prisoners/undertrials are released by them as these cases warrant. As already stated above, Lok Adalat is held by the Chief Judicial Magistrate twice a week and the prisoners/undertrials who are in the prison because of trivial offences are released on the spot.

CHHATISGARH: On dated 2.12.2001 jail adalat was held at Central Jail Raipur. During the session 115 cases were considered and 46 cases were decided.

DELHI: So far as Tihar administration is concerned a mechanism has been developed to review the cases of undertrial prisoners who are in jail for more than one year as per section 60 of the Delhi Prison Act, 2000. Holding Special Courts on monthly basis at Tihar Court Complex for trying the cases of Petty offenders who are willing to confess to their offences. Till date 29 Special Courts have been held and 2021 cases have been disposed off. Monitoring the cases of all the undertrials who have spent more than half of the sentence, which could be awarded by the Courts for that offence.

GOA: The cases of all undertrials are expedited in courts within a period of two years at the maximum, in heinous crimes. However, system of Judicial Magistrate visiting the jail as per the directives of Supreme Court of India is in vogue, to deal with the bail application of undertrials.

GUJARAT: In Jails of Gujarat State a Core Committee is constituted in each Jail under the chairmanship of District Sessions Judge. This committee is empowered to review the cases of undertrial prisoners who are languishing in Jail for more time. As a result of constitution of Core Committee cases of undertrials are disposed expeditiously.

HARYANA: No comment as the matter pertains to Judiciary.

HIMACHAL PRADESH: The Hon'ble High Court of Himachal Pradesh has been requested to take further necessary action for holding the Jail Adalats.

JAMMU & KASHMIR: District Judges are invited in the Jails to hear the hardships of the women prisoners due to delay in their trials. President of the Bar Association and Women Lawyer has been requested to visit the women prisoners to help them in the legal proceedings to minimize their hardship.

JHARKHAND: Efforts are being made for expedite disposal of cases of women undertrial prisoners. So far five jail Adalats have been held at Ranchi, Hazaribagh, Jamshedpur & Dhanbad.

KARNATAKA: Care is being taken for early disposal of cases. Regular reports and suggestions are being submitted to the judicial authorities for speedy disposal of their cases. The advocates are freely allowed to have access with their women clients, apart from providing facilities for preparation of petitions, appeals, etc. to the judicial authorities at regular intervals. The judicial magistrates are also visiting every jail under their jurisdiction to observe the conditions and facilities of the prisoners.

KERALA: No undertrial women are languishing in jails for a long period. A District Level Committee headed by District and Sessions Judge is functioning in each District to consider the cases pending for more than 3 months.

MADHYA PRADESH: The Law and Legislative Affairs Department, the Government of Madhya Pradesh with the Central Government assistance has decided to set up "fast Track Courts" to expedite the cases of undertrials. Lok Adalats are held from time to time to ensure early disposal of the cases of the undertrials. The benefits all prisoners including women prisoners.

MANIPUR: As per Gauhati High Court letter No.HC.III-23/94/131-A/G dated 2--99, District Session Judge, Manipur West alongwith CJM Thoubal/BDR/CDL/SPT/CCP/TML visited Central Jail Sajiwa on 26.11.2001 and Central Jail, Imphal on 27.11.2001 and 15 undertrial prisoners of Central Jail Sajiwa were released on bail by the concerned CJM.

MEGHALAYA: Jail Adalats are held regularly to ensure early disposal of the cases of the UTPs.

MEGHALAYA: Regular review meetings are held to discuss the pendency of cases.

NAGALAND: No comments.

ORISSA: As per order of the Supreme Court of India, the Superintendent and Welfare Officers of all Jails of the State are making contact with the courts for release the U.T.Ps

early. Steps are being taken to hold Lok Adalat in Jails for expeditious disposal of the cases of U.T.Ps.

PONDICHERRY: No comments.

PUNJAB: Jail Adalats are being held frequently in order to dispose of the cases of under trials.

RAJASTHAN: Concerned with Judiciary & Law Department.

SIKKIM: For the speedy disposal of cases, Jail Adalat is being held in Sikkim Jail.

TAMIL NADU: Prisoners' Adalat is established in almost all Central Prisons. It is being conducted once in 15 days. Special Prison for Women, Vellore is having a Prisoners' Adalat. 20 cases of petty nature brought before the Prisoners' Adalat at Special Prison for Women, Vellore, have been disposed of. Petitions received from female prisoners pleading guilty have been forwarded by Prisoners' Adalat to respective courts out of its jurisdiction.

UTTAR PRADESH: Lok Adalats are organized in every jail for disposal of cases of undertrials including that of Women Prisoner.

UTTRANCHAL: Two Lok Adalats per month are being organized in the State and for a small State and for small State like Uttaranchal. The system is working satisfactorily here. However, the State Government shall reexamine the need for jail adalats in the future on a need to have basis.

WEST BENGAL: Constant persuasion is made through the concerned District Monitoring Committee consisting of the District Judge, District Magistrate and the superintendent of Police for early disposal of such cases. Judicial Magistrates and District Judges also visit our jails regularly.

Recommendation

The Committee also note that the XI Finance Commission has provided a sum of Rs. 502.90 crores for establishing 1734 additional Courts to ensure speedy trial of undertrials. The Government of India has advised the State Governments and the High Courts to institute Fast Track Courts. The Committee have been informed that as on 1st July, 2001, 459 Fast Track Courts have been set up in different States and the remaining courts are in the process of being set up. The year 2001 being the year of Empowerment of Women, special efforts are needed for women in detention. The Committee recommend that out of the 1734 Fast Track

Courts proposed to be set up in States, ten percent of these Courts should be exclusively earmarked for disposing of the cases of women undertrials.

(Para No. 1.61)

Reply from Ministry of Home Affairs

The award of the XI Finance Commission which provides for setting up of Fast Track Courts, does not stipulate any gender based earmarking of such Courts. XI Finance Commission has recommended setting up of 1734 Fast Track Courts countrywide. Till date 1123 Fast Track Courts have been notified and out of these 706 have started functioning. Setting up of Fast Track Courts is the prime responsibility of the State Governments and the respective High Courts. Supreme Court has directed in its judgement dated 6th May, 2002 in the case of Brij Mohan Lal Vs. Union of India that steps should be taken to set up all the Fast Track Courts within three months from the date of judgement. The State Governments have been requested to take necessary steps in pursuance of the Supreme Court judgement.

There is no bar laid down by the XI Finance Commission to earmark 10% of Fast Track Courts exclusively for disposal of cases of women undertrials. However, the recommendation of the XI Finance Commission under which Fast Track Courts have been set up, do not provide for any gender based earmarking of Fast Track Courts. Where there are large number of undertrials and small number of Courts, the Fast Track Courts may help speedy trial. But the Supreme Court is monitoring the Fast Track Courts and it will require their indulgence to do so.

(Ministry of Home Affairs O.M.No. V.17013/33/2001 GPA-IV dated the 14th June, 2002)

ANDHRA PRADESH: As against 86 courts recommended by Government of India, 46 courts were already sanctioned. Starting of another 18 courts is under process. Earmarking 10% of the Fast Track Courts exclusively for disposing the cases of women under trials is under consideration of Government.

ASSAM: No comment.

BIHAR: Few Fast Track Courts have been set up in the State. However, the possibilities of setting up more such Court's are under consideration.

CHANDIGARH ADMN: The Scheme of Fast Track Courts is meant for the States and not for the Union Territories.

CHHATISGARH: There are 32 Fast Track Courts in this state.

DELHI: No comments.

GOA: The opening of Fast Track Courts to deal with trials of women prisoners is a subject matter of judiciary, Besides, the number of lady prisoners in Goa jail is very meager, hence, no need is felt for such a Centre.

GUJARAT: Court is also functioning at Ahmedabad Central Prison.

HARYANA: No comments.

HIMACHAL PRADESH: The State Government has taken the decision to Open Fast Track Courts in the State as per the recommendations made by the XI Finance Commission.

JHARKHAND: Seventy-five Fast Track Courts are working as against sanctioned strength of 89. Efforts are being made to expedite cases through fast track court, so that women prisoners are benefited. The proposal has been initiated to earmark 10 percent of sanctioned fast track court for trial of women prisoners.

KARNATAKA: Apart from the actions being taken by the establishment of special courts by the judicial authorities the prison authorities are submitting the details. Since when the cases are pending etc. to the Courts so that proper action is taken for early disposal of cases. A committee is also functioning under the chairmanship of Hon'ble Judge of High Court to look into the problems undertrial prison whose cases are pending for more than 6 months.

KERALA: No remarks.

MADHYA PRADESH : No Comments.

MANIPUR: No comments.

MEGHALAYA: Regarding establishment of Courts and Fast Track Courts, information has not been received from the Court concerned.

NAGALAND: No comments.

ORISSA: State Government are taking steps for establishment of First Track Courts to dispose of cases of Women U.T.Ps.

PONDICHERRY: No comments.

RAJASTHAN: Concerned with Law Department.

SIKKIM: For the speedy disposal of cases, Jail Adalat is being held in Sikkim Jails.

TAMIL NADU: The views of the High Court have been called for. On receipt of report from the Registrar General, High Court, Madras the proposal will be examined and necessary orders issued.

UTTAR PRADESH: Two Hundred Six Fast Tract Courts have been established in the state and made functional so far. 36 Fast Tract Courts are to be established shortly. There is no restriction for reserving 10 percent of such courts for speedy trial of Session cases related to women undertrial by 11th financial commission.

UTTARANCHAL: Fast Track Courts in Uttaranchal have been dispensing speedy justice.

WEST BENGAL: We have nothing to comment.

ANDAMAN & NICOBAR ISLANDS: No such incident has noticed here.

Recommendation

The Committee note that Colonial Acts viz. The Prisons Act, 1894 and the Police Act, 1861 are still being followed in the country. Even after more than five decades of independence, these Acts have not been comprehensively revised. The Prisons Act, 1894 was enacted during British Rule and obviously the policies of that period were reflected in the Act, like the provision for better food and facilities for foreigners in jails. These policies have now not only become outdated but they have also been obstructing proper development and working of prison administration. The Committee also note that the All India Committee on Jail Reforms (1980-83) had recommended updating, revision and consolidation of prison laws so as to meet the requirements of changing times. The Supreme Court of India had also stressed the need for the revision of prison laws. The Ministry of Home Affairs have informed the Committee that the Central Government had requested the State Governments to pass resolutions under Article 252 of the Constitution

for enactment of a new Prisons Act to replace the existing Prisons Act, 1894. However, having not received the desired response from the State Governments, it circulated in September, 1999 a draft Model Prisons Management Bill among the State Governments for their views. The Committee, therefore, recommends that the Ministry of Home Affairs take the initiative and work in close association with State Governments so that the proposed draft Prisons Management Bill could be finalised early and the objectives of uniformity in prison administration could be achieved.

(Para No. 1.64)

Reply from Ministry of Home Affairs

As per available information, the State Governments of Andhra Pradesh, Gujarat, Karnataka, Maharashtra, Tamil Nadu, West Bengal and Delhi have their own Police Acts and Government of West Bengal has enacted its own Prison Act. As regards the recommendations that the Ministry of Home Affairs should take initiative in close association with the State Governments so that the Draft Prison Management Bill could be finalised early and the uniformity in the Prison Administration could be achieved, it may be stated that the State Governments do not appear to be inclined in favour of Central intervention in their jurisdiction.

(Ministry of Home Affairs O.M.No. V.17013/33/2001 GPA-IV dated the 14th June, 2002)

Further Reply from the Ministry of Home Affairs

ANDAMAN & NICOBAR ISLANDS: The comments on Draft Model Prison Management Bill-1999 have been submitted.

ANDHRA PRADESH: 1979 Andhra Pradesh Jails Manual revised.

ASSAM: The draft Model Prisons Management Bill, which was received from the Govt. of India is under examination.

BIHAR: Government of India is in the process of drafting a Model Prison Manual. That could be adopted after appropriate amendment as per local requirement.

CHANDIGARH ADMN: The Model Jail, Chandigarh is running on the rules and regulations of the Punjab Jails Department as and when any amendment is made in the Rules and regulations of Punjab Jail, the same will be adopted.

DELHI: In pursuance to various directions of the Hon'ble Supreme Court of India in CWP No.402/94 – Watchdogs International Vs. Union of India & others the Government of Delhi constituted a Committee under the Chairmanship of Shri Ganga Das for preparing progressive Delhi Prison Act and Rules. The Report of the Committee was placed before the Hon'ble Supreme Court of India and on the directions of the Hon'ble Apex Court and with the prior approval of the Central Government, Delhi Prison Act, 2000 was notified on 14thn February 2002. The draft of Delhi Prisons Rules is in the process of legislation.

GOA: Recommended. Relates to the proposal of draft on Prison Management Bill to be finalized by the Ministry of Home Affairs in association with the State Government to bring uniformity in prison administration in the country.

GUJARAT: The matter is under consideration of the Government. I.G. of Prisons have already opined and recommended New Prison Draft Bill with certain amendments for approval.

HARYANA: The Prison administration is being governed under the Prison Act, 1894 but the Departemnt shall enforce the new Prisons Act when the same is enacted by the Central Govt, if recommended by the State Government.

HIMACHAL PRADESH: No comments. It is under consideration by the Government to pass resolution under Article 252 of Constitution for enactment.

JAMMU & KASHMIR: No comments.

JHARKHAND: Model Prison Management Bill, 1998 has just being received. Efforts are being made to enact New Prison Act.

KARNATAKA: Necessary provision for better food and facilities for inmates including foreigners have been implemented according to the changing times. The Karnataka Prison Rules and Karnataka Prison Manual are being updated duly incorporating, revising and consolidating prison laws so as to meet the requirements. The prisons Laws are also revised at regular intervals. The former Prisons Act 1894 has been revised as Karnataka Prisons Act 1963 in the State. Action is being taken for revision of rules as per Draft Model Prisons Management Bill for which necessary reports and suggestions have been called for. However Prison Management Bill may be accepted in toto.

KERALA: No remarks.

MADHYA PRADESH: Reform, in these arias is long overdue.

MANIPUR: The comments on the Draft Model Prisons Management Bill had already been submitted to the Government.

MEGHALAYA: We agree with the recommendation of the Committee for the proposal of prison Management Bill in view of the change of time.

NAGALAND: No comments.

ORISSA: the provisions enumerated in the Orissa Jail Manual are governing the prisons in Orissa. However, the present Orissa Jail Manual is being revised by inclusion of different views of the Committees, Commissions etc. The State Government have furnished their comments on the draft Prison Management Bill to Government of India.

PONDICHERRY: No comments.

PUNJAB: Punjab Jail Manual has been revised in the year 1996 taking into account the recommendations of the Committee and also directions of the Hon'ble Supreme Court.

RAJASTHAN: The New Rajasthan Prison Bill has already been proposed and submitted.

SIKKIM: Sikkim jail does not have any prison laws of its own. Till date we have been following the prison laws of other States. Attempts are being made to enact our own law.

TAMIL NADU: Prison Management Bill circulated by Government of India was received. State Govt. has sent its response.

UTTAR PRADESH: The Prison Act, 1894 has been amended and Rules therein are being framed so as to provide compensation to the deserving victims of the crime committed by the convicted prisoners one of a portion of the wages earned by prisoners. Equitable wages have been revised and fixed at Rs. 18, 13 and 10 for skilled, semi-skilled and unskilled labour respectively on farms and industry of the jail.

UTTARANCHAL: This is a very important recommendation and the State Government is in total agreement with it. However, in the interest of uniformity the Central Government should legislate suitably on the issue. The number of convicts in Uttaranchal does not warrant the setting up of a Model Prison here. However, the State Government shall review the situation from time to time.

WESTBENGAL: We are in close co-operation with the MHA, Government of India in this regard. The work of preparation of draft is going on.

CHAPTER IV

OBSERVATIONS/RECOMMENDATIONS, REPLIES TO WHICH HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION.

Recommendation

The Committee note that the Ministry of Human Resource Development (Department of Women and Child Development) had set up in May, 1986 an Expert Committee at the National level to identify the gaps and drawbacks in the existing facilities and services and suggest a more humane policy towards women prisoners. The National Expert Committee on Women Prisoners headed by Justice V.R.Krishna Iyer had gone into the conditions of women in the penal and correctional system and submitted their Report in May, 1987 to the Department of Women and Child Development. For almost thirteen years the Government remained silent on the implementation of the Report till the Committee on Empowerment of Women took up this subject for detailed examination. Even when a reference was made to the Department of Women and Child Development regarding the action taken on the recommendations of the Report, the Department of Women and Child Development indicated that the Ministry of Social Justice and Empowerment were to take action on the Report. On a reference having been made to the Ministry of Social Justice and Empowerment they stated that the National Expert Committee on Women Prisoners headed by Justice Krishna Iyer was appointed by the Department of Women and Child Development in May, 1986 and the report was also submitted to them. The Ministry of Social Justice and Empowerment also indicated that all the relevant files were returned to the Department of Women and Child Development in September, 1990. The Secretary, Department of Women and Child Development conceded during evidence that after 1990, there was a certain dispute between the Ministry of Social Justice and Empowerment and Department of Women and Child Development and till 1990 these recommendations were followed up.

(Para No. 1.51)

The Committee deplore the attitude and inaction on the part of the Ministries in not taking seriously the recommendations of such an important Committee which had made a number of important suggestions to solve the problems being faced by women prisoners. The very purpose of setting up of such powerful Committees is defeated if

the reports are shelved and are simply ignored by the appointing authorities. The Committee hope that Government would be more careful in future and take the Reports of such Committees with all the seriousness and urgency that they deserve.

(Para No. 1.52)

The Ministry of Home Affairs and Department of Women and Child Development have now assured the Committee that steps would be taken to implement the recommendations of the Justice Krishna Iyer Report. The Committee would urge upon them to impress upon all the State Governments and Union Territory Administrations to immediately act upon the findings of the Report. The Committee desire that a Status Paper on the implementation of recommendations contained in the aforesaid Report, both by Central and State Governments, be compiled and forwarded to the committee within three months of the presentation of the Report.

(Para No. 1.53)

Reply from Ministry of Home Affairs

The Ministry of Home Affairs is alive to the specific problems of women prisoners and has been impressing upon the states for improvement in facilities in jails for women prisoners. Keeping this in view, a part of the Central assistance provided to the States under the scheme of the modernization of prisons administration is earmarked for facilities to women prisoners. The Ministry of Home Affairs has also sent advisory to the States /UTs to consider the following suggestions for implementation:-

- (i) Women prisoners with children should not be kept in sub-jails, unless proper facilities are ensured which make a conducive environment there, for proper bio-psycho-social growth of children.
- (ii) Before sending a woman in stage of pregnancy, to a jail, the concerned authorities must ensure that particular jail has got the basic minimum facilities for child delivery as well as for providing pre-natal and post-natal care for both to the mother and the child.
- (iii) The stay of children in crowded barracks amidst women convicts, undertrials, offenders relating to all types of crime including violent crimes, is certainly harmful for such children in their personality

development. Children are, therefore, required to be separated from such an environment on priority basis, in all such jails.

- (iv) A permanent arrangement needs to be evolved in all jails, to provide separate food with ingredients to take care of the nutritional needs of children to them on regular basis.
- (v) Children of women prisoners should be provided with clothes, bed sheets, etc. in multiple sets. Separate utensils of suitable size and material should also be provided to each mother-prisoner for giving food to her child.
- (vi) Medical care for every child living in a jail has to be fully ensured. Also, in the event of a women prisoner falling ill herself, alternative arrangements for looking after the child should be made by the jail staff.
- (vii) Adequate arrangements should be available in all jails to impart education, both formal and informal, to every child of the women inmates. Diversified recreational programmes/facilities should also be made available to the children of different age groups.
- (viii) A child living in a jail along with her incarcerated mother is not desirable at all. In fact, this should be as only the last resort when all other possibilities of keeping the child under safe custody elsewhere have been tried and have failed. In any case, it should be a continuous endeavor of all the sectors of the criminal justice system that the least number of children are following their mothers to live in jails.

(Ministry of Home Affairs No V. 17013/33/2001 GPA-IV dated the 14th June, 2002)

Further Reply from the Ministry of Home Affairs

ANDAMAN & NICOBAR ISLANDS: No Comments.

ANDHRA PRADESH: The recommendations of the expert committee on women are under implementation in A.P. Jails.

ASSAM: No comment.

BIHAR: No comments

CHANDIGARH ADMN: No comments. Not related to Chandigarh Administration.

CHHATISGARH: No Comments.

DELHI: The recommendations of Krishna Iyer Committee have already been implemented.

GOA: The observations made in this para are noted for guidance.

GUJARAT: No comments.

HARYANA: No comments

HIMACHAL PRADESH: No comments.

JAMMU & KASHMIR: For the Govt. of India.

JHARKHAND: The Government is examining the recommendations in details.

KARNATAKA: All the recommendations made through the various expert committees have been implemented immediately as and when they were brought to the notice of the prison administration.

KERALA: No comments.

MADHYA PRADESH: As in para 3.

MANIPUR: There are no gaps and drawbacks in the facilities provided to women prisoners. As and when recommendations/suggestions are received from the concerned Courts, necessary action is taken up in order to improve the condition of women in Jails in Manipur.

MEGHALAYA: No such situation arises; rules are followed as per direction of the Government.

NAGALAND: No comments.

ORISSA: No comments.

PONDICHERRY: No comments.

PUNJAB: No comments.

RAJASTHAN: No comments.

SIKKIM: The recommendations made by the National Expert Committee on 'Women Prisoners', National Commission for Women, guidelines issued by the Supreme Court etc. have been implemented wherever the implementation was possible and practicable. There is no shortfall in the delivery of services to the women prisoners in jail.

TAMIL NADU: Various recommendations of the National Expert Committee on women Prisoners are implemented in a phased manner as and when the funds are available.

UTTAR PRADESH: Matter relates to Government of India.

UTTARANCHAL: Largely concerns the Government of India. The state shall follow the directions of the Govt. of India.

WEST BENGAL: The recommendations of Justice Krishna Iyer Committee have been implemented.

Reply from Department of Women and Child Development
(On Recommendation Para Nos. 1.51 to 1.53)

The Report of the National Expert Committee on Women Prisoners headed by Justice Krishna Iyer was forwarded to the State Governments and Union Territory Administrations in December, 1987. They were requested to examine the recommendations and take a view on those for action. The Department of Women and Child Development have been seeking a status Report on implementation of the recommendations of the Report from time to time from the State Governments. 14 State Governments have already furnished the information. The others are regularly reminded.

Besides the above, the National Commission for Women had also organised a national level seminar on 17-18th May, 2001 at New Delhi to assess and examine how far the recommendations of Justice Iyer Committee Report has been implemented in various States as regards women in prisons and women in remand homes. As a follow up, the NCW had requested all state Governments, all Inspector Generals of Prisons and State Women Commissions to make earnest efforts to implement the recommendations contained in the Report.

NCW is empowered under the National Commission for Women Act, 1990 to inspect or cause to be inspected places of custody, where women are kept and to take up with the appropriate authorities remedial action, if found necessary. As per this mandate, NCW regularly visits jails and other custodial institutions to assess the condition of the women prisoners.

(Department of Women and Child Development's O.M No. 2-2/2001 – WW (Vol.II) dated 7th May, 2002)

Recommendation

Soon after the selection of this subject, the Committee had interaction with representatives of the National Commission for Women, Department of Women & Child Development, Ministry of Home Affairs, former I.G. (Prisons), Tihar Jail and NGOs working in prisons with a view to ascertain the problems being faced by women prisoners and the remedial measures that should be taken by the Government to alleviate their sufferings. In this connection, the Committee had also visited a number of jails in the country viz. Arthur Road Jail, Mumbai, Tihar Jail, Delhi, Model Jail, Chandigarh, Central Prison Orissa, Presidency Jail, Kolkata, Nari Bandi Niketan and District Jail, Lucknow. The Committee have come to the conclusion that there is total neglect on the part of the concerned authorities in providing basic facilities to women prisoners. There is overcrowding, mal-nutrition, lack of medical care, educational, vocational and legal facilities in almost all the jails. The general condition relating to food, clothing, recreation, hygiene is not proper and needed considerable improvement. Further, very few counsellors visited jails to give much needed advice to the inmates. The status of women even in custody requires attention, recognition and protection which have not been forthcoming in an adequate manner. The majority of the female population in jails consists of undertrials (6649 out of 8822) and they languish in jails for offences for which sentences would have been far less if they had been convicted. What is more pathetic is the fact that the women inmates who obtained bail were still languishing in jails for want of surety. The Committee, therefore, strongly feel that the remedial measures must be taken expeditiously by the Centre and State Governments, to bring about perceptible improvement in the conditions of women in custody. These have been discussed in succeeding paragraphs.

(Para No. 1.54)

Reply from Ministry of Home Affairs

The recommendation of the Parliamentary Committee has been conveyed to the State Governments/UT Administrations. They will have to deal with the problems of overcrowding, nutrition, medical care, educational, vocational and legal facilities for women prisoners. Government of India have provided financial assistance on its part to supplement the efforts of States in terms of Finance Commission awards and centrally sponsored schemes for modernization of jail administration from time to time. The

status of women in custody requires attention, recognition and protection. It is a fact that the majority of the female population in jails consists of undertrials. At times, it is noticed that they remain in jails for offences for which sentences would have been far less if they have been convicted. Action on this aspect is to be taken by the Judiciary This situation can only be altered either by the expeditious disposal of cases or by grant of bail, both of which are within the purview of the judiciary. Under the existing laws, there is no differential provisions to treat the women prisoners differently.

The Government has introduced the Code of Criminal Procedure (Amendment) Bill, 1994 in the Rajya Sabha on 9th May, 1994, which inter alia proposes amendment to section 436(1) of the Code of Criminal Procedure, 1973, to make a mandatory provision that an arrest person, accused of bailable offence, if an indigent and cannot furnish surety, the court shall release him on his execution of a bond without surety. This proposal once enacted, although will be applicable to all, irrespective of gender, the women prisoners will also be benefited.

The Code of Criminal Procedure Bill, 1994, was introduced in Rajya Sabha on 9th May 1994. The Bill was referred to the Standing Committee of Parliament on Home Affairs which, except for some provisos, endorsed it for enactment. In the meanwhile, the Government received the 154th Report of the Law Commission on the Code of Criminal Procedure, 1973 in 1997 and the 156th Report on the Indian Penal Code 1860. On examination, it was seen that a more integrated approach would be necessary to strengthen the procedure and penal laws. In the light of these Reports as well as the Reports of the Police Committee and the Group of Ministers and the 172nd Report by the Law Commission on sexual abuse, it was decided to constitute a high-powered Committee to suggest measures to revamp the Criminal Justice System. The Committee under the Chairmanship of Dr. (Justice) V.S.Malimath is expected to submit its Report shortly.

(Ministry of Home Affairs No V. 17013/33/2001 GPA-IV dated the 14th June, 2002)

Further Reply from Ministry of Home Affairs

ANDAMAN & NICOBAR ISLANDS: There are only 5 female prisoners lodged in this Jail - three convicts and two are undertrials. The under trial female prisoners have not yet been granted bail by Hon'ble Court, because the mandatory period has not been over. In regard to the hygienic and other basic facilities, this department is providing.

ANDHRA PRADESH: The condition of women prisoners in A.P. has been improved in accordance with recommendation of various. All aspects relating to food, clothing, hygiene medical care, education, vocational and legal facilities are being taken care of.

ASSAM: No comments.

BIHAR: No Comments.

CHANDIGARH ADMN: The Model Jail, Chandigarh, has a sanctioned capacity of 1000 prisoners. The women barrack is a vast one and the question of over crowding in the Jail does not arise. Wholesome meals are provided and it is appreciated by one and all whoever visit the Jail. The women prisoners/undertrials are living in a congenial atmosphere. Non official visitors visit the Jail regularly and have never pointed out any flaw regarding the upkeep of the women prisoners. There is no such case where a woman who is granted bail, remains in the Jail. Their relatives get them released on that very day. Chief Judicial Magistrate visits the Jail twice/thrice a month and hears the grievances of all prisoners. He releases the prisoners who are sent to the prisons for short terms and involved in minor crimes on the spot. So, none of the women prisoners are languishing in the Jail on flimsy grounds. A legal Cell has also been set up in the Jail for the facility of prisoners. The Model Jail Chandigarh has a capacity of accommodating one thousand prisoners. The Jail population at present ranges between 400-500 and as such there is no over-crowding in the jail. The food given to the prisoners is strictly in accordance with the scale of provisioning provided in the Punjab Jail Manual and the Medical Officer prescribes additional items like eggs, meat, milk etc. keeping in view the health of the prisoners. The Jail has a full time medical officer to look after the health of the prisoners. The services of specialists in various diseases are also utilized. They visit the jail once a week. The lady doctor also visits the women inmates twice a week. Two pharmacists are always available to provide 24 hours service to the inmates. Arrangements to impart literacy by involving the department of Adult Education have been made. Vocational training is also being imparted to the inmates in carpentry, welding, polishing, canning and tailoring etc. Training in tailoring and mehndi application is especially imparted to the women inmates. A legal cell has been established for providing legal assistance to the inmates. The jail is neat and tidy and unhygienic conditions do not arise. Re-creational facilities like carom boards and other games, T.V. etc. are provided.

CHHATISGARH: Female prisoners of this state are provided adequate food, clothing, bedding, medicines and training as per rule.

DELHI: As on 27/11/2002 the total prison population was 12292 which also includes 525 female prisoners. The percentage of women prisoners is 4.42% of the total prison population. All basic amenities are being provided to the women prisoners which were seen by the committee during their visit to female jail on 05/10/2000 and widely appreciated the efforts of prison administration in the sphere of nutritious food, medical care, education, vocational and legal aid facilities. The poor inmates are being provided clothing and other basic needs at Government cost. Counselors, Welfare officers, number of advocates and various NGOs are regularly visiting the jail for counseling and rendering legal aid. In Tihar Prisons there are 412 female undertrials against the total population of 525 as on 27/11/2002. It is always ensured that there is not a single inmate who is languishing for a period more than maximum prescribed sentence for that offence. The cases of women prisoners who have not been granted bail but are unable to furnish surety are regularly taken up with the High Court and subordinate courts so that they could be released on relaxed surety conditions. The women jail is being regularly visited by lady Sessions Judge who interacts with the inmates and her report is submitted to the High Court, Government as well as to jail department. The efforts of the prison administration have been appreciated during such visits.

GOA: Since there are less number of women prisoners in the jails of this State, they are well taken care of by the jail authorities.

GUJARAT: In all aspects overall condition is good and the females face no severe problems. They are provided nutritious food and provided with hygienic and medical care. Children upto ages of 3 to 6 years are provided 250 ml. milk daily. Pregnant and nursing women are provided 400 ml. milk daily. Total Authorized accommodation of female prisoners is 237 whereas 240 prisoners are kept as on 1/11/2002.

HARYANA: The female prisoners get the prescribed facilities as per Jail Manual while in custody. As far as the trials are concerned, the District Judge inspects all inmates every month and the speedy trials are to be carried out by the judiciary. Prison administration does not interfere with the administration of the justice system.

HIMACHAL PRADESH: It is submitted that there is no instance of laxity on the part of prison Administration in the State on any of the accounts pointed out in this para, which the Committee has observed during its visit to various jails in the country. There is no overcrowding in the case of women prisoners in the State. It is pointed out that total capacity to lodge women prisoners in the State is 56 where are number of women prisoners lodged is 28 including under-trials as on 30.6.2002. The State Legal Services Authority is being requested to give the needed legal advice to the prisoners. Due care is being taken to deliver the custodial justice in respect of women prisoners and maintain their dignity in the prisons. They are kept in separate enclosures/blocks away from male prisoners' wards and attended to by the regular female prison staff. There is always an effort to ensure that in no manner their dignity is compromised.

JAMMU & KASHMIR: Utmost attention and efforts are given to create congenial atmosphere within the premises of women enclosures and the women staff attend to all their requirements in sympathetic manner. The women prisoners have their separate kitchen and cook their own food in hygienic manner. They are taken on excursions and granted interviews with their relatives and lawyers liberally. Commission for Women, State Human Rights Commission occasionally visit their and they found that the women in enclosures managed nicely and no9 complaints have been received by them during their visits. However, any suggestions coming from these visits are considered and implemented if found practical and within resources. 1. As the number of women prisoners is small there is no overcrowding and the space provided for their lodgment is adequate. 2. In the absence of a separate prison for women many facilities which should have been there have not been supplied. One of such shortcoming is the lack of sufficient open space and greenery and also proper workshops for holding Vocational Training Classes.

JHARKHAND :The problems of overcrowding, malnutrition, lack of medical care etc. are not being faced by the women prisoners of this state. There is sufficient accommodation at least for female prisoners. Where there is overcrowding in general, additional barracks and jails are being constructed medical care is being provided by lady doctors deputed by the concerned civil surgeon. Literacy and Vocational training programme are being run in all the jails. Free legal Aid is provided by the 'Legal Aid Committee' at sub division and district levels, Recreation facilities in the form of indoor games, books, magazines, newspapers etc. are being provided. A modern jail is being constructed in Ranchi, where all the facilities are being ensured. The proper space, good medical care, educational & vocational training will be available. Five Jail Adalats have already held in jails at Ranchi, Jamshedpur, Dhanbad & Hazaribagh. Legal aid services are being strengthened.

KARNATAKA: All the care is being taken to avoid over- crowding malnutrition, in all the jails of the State. The conditions relating food, clothing, recreation, hygiene has been improved. All the recommendations made by the visitors have been looked into and suitable actions have been taken.

KERALA: The women prisoners in Kerala are provided with all facilities without any neglect. The general conditions relating food clothing, recreation hygiene etc. are satisfactory. Women are not languishing in jails for long period as undertrials. District Level Committee are functioning in all Districts to consider the cases of undertrials pending for more than 3 months.

MADHYA PRADESH: In addition to being provided basic facilities like food, clothing and health care as per the existing rules, they are also provided with the following special facilities. 1) Female prisoners are given soap at the rate of 125 gram per week per prisoner. They are also provided with hair oil, comb and mirror. 2) Sick female prisoners are given special diet as per the provisions of rule 551 of the Jail Manual. Expectant and lactating mother accompanied by children are given special diet. Female prisoners during pregnancy are given extra diet the scale of which is prescribed in the said rule. 3) The medical officer is empowered to order the issue of extra cotton and warm clothing and bedding any prisoner (female prisoners included) who needs them on medical grounds.

The said provision is followed in letter and spirit. 4) Each female prisoner is given mustard oil at the rate of 5 gram per day for body massage and 30 gram coconut oil per week for oiling hair. Symbols of married life like – “Bindi” and “Sindoor” are also made available to them. 5) They are also provided with sanitary pads. 6) Health examination of female prisoners is done on a regular basis. The routine medical examination of women prisoners is done at the Jail Hospital itself. If required they are send to District Hospital for further treatment. Under special circumstances, lady Doctors from District Hospitals are asked to visit female prisoner ward. For providing better medical facilities and Rs. 5000/- is kept aside in all the jails of Madhya Pradesh for emergency medicines. For details medical examination of prisoners, X-ray machines and pathology laboratory have been arranged at Central Jails. Periodical medical examination of prisoners is regularly done and the quarterly report is sent to the National Human Rights Commission in a prescribed proforma. 7) Women prisoners are given training in craft , tailoring, stitching, knitting ,embroidery, food preservation etc. they are also imparted cottage industry training like making wooden toys and dolls. Dolls made by women prisoners are put up for display and sale at “Aakar Gudiya Ghar” located near the Madhya Pradesh Jail Head Quarters. As far as practicable , women prisoners are given that kind of training which will make them economically self sufficien and capable of functioning independently in society. 8) In the context of Supreme Court ruling, all prisoners sentenced to under go rigorous imprisonment are required to work in prisons. They are paid wages at the rate of Rs. 10/- per half day . Out of their wages 50% is put up in a common fund for deserving victims of crime and the remaining 50% is used by the prisoners for buying essential articles for their personal use and for meeting legal expenses. 9) Illiterate prisoners are motivated to read and write. For this purpose, teachers have been appointed in jails. Educated prisoners are encouraged to pursue their higher studies .10) Books and reading materials of the prisoners' choice, recreational facilities are provided to prisoners. Sufficient funds for this purpose are allocated in prison budget each year. In order to provide legal aid to undertrial female prisoners, the state government has appointed law officers in central jails where High Courts, Administrative Tribunals and their respective benches are located. The law officers posted in these jails forward prisoners’ application for legal aid to the authorities concerned. A legal aid camp is also organized from time to time in jails.

MANIPUR: In Manipur, no separate women prison is available. At present, women prisoners are kept in a separate Block in Central Jail, Sajiwa. The capacity of the Block is 120. At present, total number of women prisoners are 26. There is no over-crowding mal-nutrition, lack of medical care. The general condition relating to food, clothing, recreation, hygiene is provided to each and every inmates as per the recommendations of Justice Krishna Iyer Report Committee. There are only 15 female undertrial prisoners and their detention in prison is not more than 10 months. The female NSA detainees are kept in Manipur Jails for maximum period of one year. The female undertrial prisoners are not facing any problem of languishing in the Jails. Remedial measures are being taken by the Government to improve the condition of prisoners in Manipur Jails.

MEGHALAYA: No Comments.

NAGALAND: The number of female prisoners in the State is quite negligible compared to other States in the Country and such being the case, even the absence of a separate Jail for women prisoners in the State have not been felt and all female prisoners are presently lodged comfortably in a spacious enclosure within Sub-Jail, Dimapur. Cases of female offenders, unless otherwise related to heinous crimes or offences under the National Security Act, are also disposed off expeditiously so as to ensure that they are not detained in custody longer than necessary awaiting trial. Further, the State Prisons Department has formulated various projects, schemes and programmes to improve and augment the existing living conditions of Women prisoner and facilities presently being made available to them, and these are expected to be implemented on receipt of the requisite financial assistance from the Centre.

ORISSA: The Female Prisoners are housed in a separate Female enclosure. There is separate latrine and bathroom for the use of the Women Prisoners although there is no separate kitchen for them. All the Female enclosures are filled with mosquito proof wire netting in doors and windows. Separate mosquito nets to each female prisoner are also being provided. T. V. sets, Ludus, Carrum etc. are also provided for the entertainment of the Women Prisoners. The Women Prisoners are provided with diet as per provisions contained in the Orissa Jail Manual. For improving the hygienic condition of the Female enclosures, phynile for latrins, bath room, and jhuna are also provided. Sanitary Napkins, bathing soaps, detergent powders are supplied for their use. Vocational training such as tailoring, embroidery, wood knitting, incense stick making, papad making and bidi making are provided for upgradation of the skills of Women Prisoners which will ultimately help for their rehabilitation after release from Jail. The State Government co-ordinate with W.& C.D. Department, State Women Commission and leading N.G.Os for extending necessary support to Women Prisoners in the field of legal assistance and other matters. Even the help of the N.G.Os are taken to stand as surety for the Female Prisoners who have been granted bail in absence of their own local sureties.

PONDICHERRY: No comments.

Proper attention is being given for the extension of recreational facilities for women prisoners, some times with the help of NGO's to make the Prison environment more conducive for mentle welfare of the women prisoners.

PUNJAB: The Punjab Jail Deptt. is providing basic needs to women prisoners such as medical care, vocational and legal, food facilities etc. In the State of Punjab there are only very rare cases where the women inmates are in jails for want of sureties.

RAJASTHAN: There is no problem of overcrowding in female jail at Jaipur. Medical facilities are fully available. Nutritious Diet & Medical diet are provided to women prisoners. Proper educational, vocational training & free legal aid facilities are provided to women prisoners. No woman prisoner is languishing in State jails for want of surety.

SIKKIM: There has been no neglect on the part of jail authority in providing basic needs to jail inmates including the women prisoners. Good food, free medical facilities, free legal aids, free access to their relatives and lawyers and separate cells have been provided to women prisoners. These apart, for their recreation, games like carom, chess, ludo,

satellite TV has also been provided to them. Even sanitary napkins are provided to women prisoners in jail. As the number of women prisoners is less, there is no overcrowding problems being faced by the women prisoners in Sikkim State Jail. But so far none of the women prisoners could avail of the facilities of Vocational Training and Educational programmes because of their short stay in jail. Otherwise, we have in the recent past introduced these programmes. Under Educational programme, for the first time in the history of Sikkim Jail we have organized class VIII Board Examination with the help of Education Department for interested jail inmates (for both convicts and under-trials). Similarly, Board Examination for interested jail inmates for Class X and XII shall also be organized in future. Under vocational training, we have been imparting training on canes & bamboo works to all jail inmates. We have planned to start training on other items in near future. There are no women prisoners languishing in jail for want of surety nor had there been any such case in the past. However, if such situation arises in future, arrangements shall be made to bail them through NGOs as suggested by the Committee.

TAMIL NADU: The following improvements have been made : 1] Living conditions improved by increasing the accommodation by adding one more women prison. 2] Food is prepared and supplied under hygienic conditions by using steam cooking. 3] The quality and quantity of food is in accordance with the manual, which was already prescribed on calorie values required for a balanced diet. 4] Water supply and Sanitation facilities improved. 5] Clothing are sufficient and bedding improved by enlarging the size of Dhurry. 6] Medical facilities improved by providing lab facilities, cots, refrigerators, blood analysers, X-ray, ECG etc. 7] Higher Education facilities made available by open University. 8] Recreation facilities improved by providing T.V. Radios and magazines. 9] Yoga and Meditation taught through Non Governmental Organisations. 10] Reading materials provided. 11] Moral lectures delivered. 12] Interview and communication facilities improved by enlarging interview rooms. 13] Leave facilities already provided as per manual. 14] Compliant box is provided. 15] Grievances redressed then and there by authorities concerned. 16] Vocational training in Tape making, twisted thread making, lamination and tailoring is given. 17] Remunerative wages are paid at the following rates: Skilled- Rs. 60/-, Semi skilled- Rs. 50/-, Unskilled- Rs. 45/-. 18] Canteen facilities are available. 19] School facility is given. 20] Creche for children is available with Ayahs. 21] Non Governmental Organisations participation is encouraged. 22] Counseling is given by Organisation for Rural Development Ariyur, Vellore and Society for Education Village and improvement , Athur , Trichy 23] Yoga and mediation is given by Brajapitha Brahma Kumarigal Isverya Viswa Vidhyalaya

UTTAR PRADESH: There have been no cases of mal nutrition in Nari Bandi Nikatan, Lucknow. There are 116 inmates against a capacity of 70. Additional barrack has been sanctioned. The general condition relating to food, clothing, recreation and hygiene is being constantly improved. There are 2 lady doctors, 3 nurses and 1 female pharmacist posted in Nari Bandi Nikatan. For disposal of undertrials Lok Adalats are regularly being organized in all jails of the state to dispense with cases including women prisoner. Services of Voluntary Organizations are taken for bail and surety of the women prisoner.

UTTARANCHAL: The Govt. of the state is sensitive towards the special needs of the women prison inmates. However, the Government of India, shall also guide and assist the

State Government in this direction. In terms of guidelines and special financial assistance, the ratio of women inmates to male inmates in Uttaranchal is substantially lower than that of the other states.

WEST BENGAL: Number of female inmates is very low, no overcrowding. Proper cares for providing 24 hrs. medical facilities, adequate food, cloths etc. There is provision of T.V.Sets, indoor games, and library. ICDS project in Presidency Jail for providing additional nutrition to lactating mother and children. Women inmates often hold cultural programmes.

**Reply from Department of Women and Child Development
(on Recommendation Para No. 1.54)**

The Action Taken Report received from the State Governments contains the feedback received from the Governments of NCT of Delhi, Orissa, West Bengal and Uttar Pradesh with regard to the prisons under their administration. They had indicated that the women prisoners are provided with adequate facilities for medical care, education, vocational training, legal aid, food, clothing and recreation. However, the shortcomings pointed out by the Committee during their visits to the jails specified in para 1.54 have been communicated to the concerned State Governments for taking appropriate remedial action.

(Department of Women and Child Development's O.M No. 2-2/2001 – WW (Vol.II) dated 7th May, 2002)

Recommendation

The Committee are informed that at the end of 1998 Open Jails existed in Andhra Pradesh, Assam, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal. The system of open institutions has established that it is not only far cheaper to control and run Open Institutions than the closed prisons, but that the system of open institutions has also a definite rehabilitative value in that it restored dignity of the individual and gives him/her self-reliance and self-confidence besides instilling a sense of social responsibility which is necessary for an effective and useful community living. While appreciating the establishment of such Open Jails, the Committee desire that a review of their working and results achieved so far from this experiment should be undertaken by the concerned State Government with a view to evaluating further their efficacy, utility and necessity. Based on the results of such a study, necessary changes, if required, may be carried out while opening new jails.

(Para No. 1.59)

Reply from Ministry of Home Affairs

The recommendation of the Committee has been conveyed to the State Governments for necessary action.

No review of the working and results achieved by establishment of open jails has been undertaken by the Ministry of Home Affairs to evaluate their efficacy, utility, and necessity. No information about such review by the State Governments is available.

The State Governments have set up jails including the Open Jails in accordance with their requirements and resources. The Ministry of Home Affairs have issued no specific guidelines on the issue.

(Ministry of Home Affairs No V. 17013/33/2001 GPA-IV dated the 14th June,2002)

Further Reply from Ministry of Home Affairs

ANDHRA PRADESH: The functioning of open prisons in A.P. was found to be successful. A semi open prison was opened in Rajahmundry in October 1998.

ASSAM: Although no formal review of the working results of the existing Open Air Jail in Assam has yet been made, this institution has been found to be extremely useful in facilitating the process of resocialization of the long-term convicts on their release.

BIHAR: At present there is no proposal.

CHANDIGARH ADMN: Chandigarh being very small Union Territory, there is no justification for opening of open air Jail. There is no open-air jail in UT, Chandigarh.

CHHATISGARH: In state of Chattisgarh there is only one open jail, which is situated in Masgoan, District Bastar.

DELHI: The Government appreciates the system of open institution, which has a definite rehabilitative value as it gives confidence besides instilling a sense of social responsibility. There is a proposal to construct one open jail at village Baprola. The land is under process of acquisition.

GOA: Prison population in prisons in Goa do not exceed 500 Nos. of all categories of prisoners included. As such open jail is not practicable in the State of Goa as the jails are very small.

GUJARAT: Now there are two open prisons in Gujarat State one at Amreli and one at Ahmedabad which in annexed with Central Jail they are functioning well. The Senior Officers of the Jail Department do the review annually during the inspections/visits. The proposal to start new open jails at Danteshwar and Nadiad is under consideration of the Government.

HARYANA: Presently, there is no Open jail in the State of Haryana but the Deptt. has submitted the scheme on Open Jail to the Govt. and if approved the Open Jails shall be established in new upcoming jails at Karnal and Gurgaon.

HIMACHAL PRADESH: There is only one Open Air Jail established at Bilaspur where the selected prisoners in accordance with the policy laid down are confined and is thus functional.

JAMMU & KASHMIR: The State Government will make efforts to establish open jails after comprehensive study of the functioning of such jails in other States.

JHARKHAND: The concept of open jails is also under consideration of Government. There is a proposal to establish an open jail in Hazaribagh in the next financial year.

KARNATAKA: In Karnataka there is only one Open Air Jail functioning which is mainly based on agricultural production oriented. As the convicted women prisoner's population is very very less, it has not been able to form an exclusively separate open jail for women. However, care is taken for restoring dignity of the individual, self-reliance, and self-confidence for the women prisoners, wherever they are accommodated.

KERALA: Open Prisons are found successful in the field correctional reformation and less expensive.

MADHYA PRADESH: Open prisoners are not safe for women prisoners.

MANIPUR: The concept of Open Jail System is very good but in Manipur it is difficult to introduce because 90% of the total prisoners population (UTPs/NSA detenus) belongs to different underground outfits.

MEGHALAYA: No open-air jail, we will see that such a jail come up in this state.

NAGALAND: No comments.

ORISSA: One Open Air Jail at Jamujhari is going to be established in the State of Orissa with an aim to achieve definite rehabilitative value, steps are being taken to make the Open Air Jail functional very soon.

PONDICHERRY: No comments.

PUNJAB: The recommendation is being implemented and necessary charges carried out as per requirement and results.

RAJASTHAN: There are eight Prisoners' Open Air Camps already existing in different parts of Rajasthan where female prisoners also are being housed. This helps the female prisoners in building-up their self-confidence and makes them self-reliant. Two more Open Air Camps are already proposed.

SIKKIM: There is no open jail in Sikkim and for the time being there is no need of the same.

TAMIL NADU: Open Air Jail is functioning only for male which is under-utilized due to unwillingness of inmates to take up agricultural work. Study is being conducted to attract more inmates. Afterwards a study will be made to start Open Air Jail for Women.

UTTAR PRADESH: Open jail at Ghurma in the state has become non-functional on account of closure of cement factory at Churk, Sonabhadra. Efforts are on the way to establish an open jail at Neel Gaon in the District Sitapur on the farmland of the Animal Husbandry Department.

UTTRANCHAL: The need for open jail for women prisoners is not being felt in this State due to the negligible number of women prisoners here. However, the State Government will continue to be aware of this recommendation in the future.

WEST BENGAL: Vocational training on different trades is imparted on the prisoners in Open Air Jail and banker scheme is also done to finance them for rehabilitation. Govt. may consider setting up committee for evaluating efficiency of the Open Air Jail.

CHAPTER V
OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH THE
GOVERNMENT HAVE FURNISHED INTERIM REPLIES

- Nil -

NEW DELHI;
March 25, 2002
Chaitra 4 , 1925 (Saka)

MARGARET ALVA
CHAIRPERSON,
COMMITTEE ON EMPOWERMENT OF WOMEN.

APPENDIX – I

OBSERVATIONS/RECOMMENDATIONS

SI No.	Para No.	Ministry/Department	OBSERVATIONS/RECOMMENDATIONS
	1.12	Ministry of Home Affairs	<p>In their Original Report the Committee had noted that an Expert Committee on 'Women Prisoners' under the Chairmanship of Mr. Justice V. R. Krishna Iyer which presented its Report in May, 1987 to the Government had made a number of very useful recommendations on women prisoners. However, even after fourteen years, the recommendations of the Report were yet to be implemented by most of the States. The Committee in their Report presented to Parliament in August, 2001 had deplored the attitude and inaction on the part of the Ministries in taking seriously the recommendations of such an important Committee which had made a number of important suggestions to solve the problems being faced by women prisoners. The Committee had urged them to impress upon all the States/UTs to immediately act upon the findings of the Report.</p>
	1.13	Ministry of Home Affairs	<p>The Committee regret to note that as the nodal Ministry, the action taken by the Ministry of Home Affairs does not reflect the seriousness and urgency with which the Ministry ought to have taken steps to impress upon the States the need to act on the recommendations of the Justice Krishna Iyer Report particularly when this was emphasised by the Committee in their Original Report. The Ministry of Home Affairs had not taken any concrete action in this regard except for issuance of an advisory to the State Governments, that too in March 2002 i.e. 7 months after the presentation of the Committee's Report to consider the suggestions for implementation. Even when the Committee took oral evidence of the Ministry of Home Affairs on 11th October, 2002, the representatives of the Ministry could not give satisfactory explanations to the pointed queries by the Members not only in regard to the action taken by them on the recommendations of the Justice Krishna Iyer Report but also in respect of the Report of the Committee on Empowerment of Women.</p> <p>In the wake of the displeasure expressed by the Committee on Empowerment of Women in regard to the implementation of their recommendations at</p>
	1.14	Ministry of Home	

Affairs

their sitting held on 11th October, 2002, the Ministry of Home Affairs organised a meeting of Home Secretaries of all the States and Heads of Prisons on 30th November, 2002 to review the extent of implementation of the recommendations contained in the Justice Krishna Iyer Report and also of the Report of the Committee on Empowerment of Women, by the States. The Committee while welcoming the initiative feel that such a step could have been taken much earlier when the Report of the Committee was forwarded to the Ministry for taking action on the recommendations contained therein.

1.15 Ministry of Home Affairs

From the updated replies furnished by the Ministry of Home Affairs, it is seen that as many as 15 States/UTs have replied 'no comments' on the action taken by them to implement the recommendations or have tried to put the responsibility on the Centre by stating that the matter relates to the Government of India. The Committee desire that the Ministry should make concerted efforts to elicit from these State Governments a definite reply in regard to the implementation of the recommendations. The Ministry should also take steps to ensure that they take follow-up action in a time-bound manner. The Ministry of Home Affairs should also coordinate with the Department of Women and Child Development and rope in other agencies like the National Human Rights Commission and also the State Women Commissions to ensure expeditious and proper implementation of the various recommendations contained in their Report, in the States. The Committee would like to be apprised of the specific steps taken in this regard.

1.22 Ministry of Home Affairs

In their Original Report the Committee had observed that there was total neglect on the part of the concerned authorities in providing basic needs to women prisoners. There was overcrowding, mal-nutrition, lack of medical, educational, vocational and legal facilities in almost all the jails. Also most of the States did not have exclusive women prisons but only separate enclosures for women. The Committee are dissatisfied with the stock reply given by the Ministry of Home Affairs in respect of this

recommendation and also for almost all the recommendations stating that the recommendations of the Committee have been conveyed/forwarded to the State Governments for necessary action. The Committee are not inclined to accept this plea that since prisons is a state subject they (Ministry of Home) has no role to play. The Ministry of Home Affairs being the nodal Ministry, should have developed a proper mechanism to see that there is perceptible improvement in the conditions of women in custody and particularly after the presentation of the Parliamentary Committee's Report. The Committee feel that an appropriate mechanism should be put in place by the Ministry or specific guidelines formulated to monitor the implementation of the recommendations by the State Governments/UTs for improving the basic facilities for women in detention.

1.23

Ministry of Home
Affairs

The Committee also do not accept the reply given to the Ministry by majority of the States that various facilities for women prisoners are being taken care of as per Rules. The Committee during tour to various States had themselves witnessed the pathetic conditions of women in majority of jails visited by them and most of the findings of the Committee have been corroborated and brought out in an independent survey conducted subsequently at the initiative of Ministry of Home Affairs themselves. The Committee feel that the Ministry should have more visits/ inspections by their officers and conduct review meetings to ensure improvement in the conditions of women in jails not only of big cities/ state capitals but also of district towns.

1.24

Ministry of Home
Affairs

During evidence, the Home Secretary has stated that a sum of Rs. 1800 crores have been sanctioned by the Government for modernisation of all the prisons which is at the rate of about Rs. 360 crores each year for a period of five years. The Committee desire that the Ministry of Home Affairs should properly monitor the utilisation of the financial assistance released to the States each year and ensure that expenditure incurred by the State Governments is need-based and that it is actually resulting in some improvement in basic facilities in prisons all over the country.

1.31 Ministry of Home Affairs

The Committee are constrained to note that in India the prison population of undertrials is around 70% and only 30% of them are actually convicts. The situation is still worse for women prisoners as almost 78% of them constitute undertrials. The Committee in their Original Report had observed that most of the women prisoners languish in jails for longer periods than if they had been convicted. What was more pathetic is the fact that the women inmates who obtain bail continue to languish in jails for want of surety. The Committee had, therefore, strongly felt that remedial measures must be taken expeditiously by the Centre and State Governments to ensure that the undertrials are released at the earliest.

1.32 Ministry of Home Affairs

In their action taken reply the Ministry while conceding these facts have stated that action on this aspect is to be taken by the judiciary. This situation can be altered either by expeditious disposal of cases or by grant of bail, both of which are within the purview of the judiciary. During oral evidence of the Ministry of Home Affairs the Committee were informed that the Hon'ble Supreme Court has given a decision that where the detention of an undertrial is more than half of the maximum period of punishment, the person concerned should be released. The Committee are, however, concerned to note that despite this decision of the Supreme Court, many of the undertrial prisoners, especially, women undertrials are not released on bail, as they are unable to furnish sureties and are therefore languishing in jails. They have no way of being bailed out because most often their families abandon them after two or three months and they have no guardian/family member to bail them out.

1.33 Ministry of Home Affairs

In this connection, the Committee note that the Government had introduced the Code of Criminal Procedure (Amendment) Bill, 1994 in Rajya Sabha on 9th May, 1994 which *inter-alia* proposes amendment to Section 436(1) of the Code of Criminal Procedure, 1973 to make the mandatory provision that an arrested person, accused of a bailable offence if an indigent and cannot furnish surety, the Court shall release him on his execution of a bond without surety. The Bill was stated to have been referred to the Standing Committee of Parliament on Home Affairs which, except for some provisos endorsed it for

enactment. But subsequent reports of the Law Commission and other important reports have resulted in the constitution of a high-powered Committee under the Chairmanship of Dr. (Justice) V.S.Malimath to suggest measures to revamp the criminal justice system and its Report is expected shortly.

- 1.34 Ministry of Home Affairs
The Committee desire that the Ministry should impress upon the Malimath Committee the need to complete its assigned task at the earliest which *inter-alia* includes the review of the Code of Criminal Procedure. The Committee hope that the Government would then take urgent steps to enact the said amendments which will have a far reaching impact on the release of undertrials thereby overcoming also the problem of overcrowding in the jails.
- 1.35 Ministry of Home Affairs
As regards the quick disposal of cases of undertrials, the Committee are of the opinion that the cases of undertrials can be speedily disposed of and custodial justice for women prisoners ensured by the prison authorities through constitution of Prison *adalats* in the prison premises. The Committee, therefore, reiterate that the Ministry of Home Affairs should impress upon the State Governments the need to take urgent steps to constitute Prison *adalats* in their respective States.
- 1.36 Ministry of Home Affairs
The Committee also desire that the Jail Authorities should involve NGOs, law students, Legal Aid Cells etc. to render legal assistance to the undertrials, follow-up cases for bail and other procedures, to get relief from Courts so that their cases are disposed of expeditiously.
- 1.42 Ministry of Home Affairs
The Committee note that efforts are being made by the Ministry of Home Affairs to provide training for sensitization of the prison officials through its training Institutes e.g. the Institute of Correctional Administration, Chandigarh. In this connection , the Committee in their Original Report had observed that an attitudinal change was required on the part of prison officials to keep pace with changing laws. Motivation and ensuring sustained level of involvement of the prison staff in the process of correctional reform in the institutional

settings were of prime importance. The Jail Superintendents must appreciate the problems of women prisoners and keep in view their special problems and various needs. The Committee had, therefore, recommended that it was of paramount importance that Prison staff were given training on these lines and they were sensitised to women's issues and their needs. The Committee, however, feel that the training being imparted to the prison officials through the training Institutes' personnel who have the same mind set is not of much use. The Committee desire that outside Institutes , trainers and NGOs be involved in such training programmes to ensure positive results in sensitising the jail staff.

- 1.43 Ministry of Home Affairs The Committee regret to observe that no formal evaluation study has been conducted by the Ministry so far for assessing the impact of the training being imparted to the jail officials. The Committee feel that unless evaluation studies are done , the achievements and impact of such programmes and the extent of sensitization of the prison officials cannot be known. The Committee, therefore, feel that the Ministry of Home Affairs should take steps to assess the impact of training being provided to the prison officials through an independent outside agency.
- 1.48 Ministry of Home Affairs The Committee in their Original Report had observed that the system of open institutions was not only cheaper but also of definite rehabilitative value. It restored the dignity of the individual and gave the prisoner self-reliance and self-confidence besides instilling in him/her a sense of social responsibility which is necessary for effective and useful community living. While appreciating the establishment of such open jails, the Committee had desired that a review of their working and results achieved so far be undertaken by the concerned State Governments with a view to evaluating their efficacy, utility and necessity.
- 1.49 Ministry of Home Affairs The Committee regret to observe that at present one or more open air jails are found to exist only in 7 States/UTs (viz. Andhra Pradesh, Chattisgarh, Gujarat, Himachal Pradesh, Karnataka, Rajasthan, Tamil Nadu). Further, as many as 7 States/UTs (viz. Bihar, Goa, Madhya Pradesh, Nagaland, Pondicherry, Sikkim, Uttaranchal) have replied that

there is either no proposal to construct open jails or that it is not practicable to construct open jails in their respective States. The Committee feel that the Ministry should have tried to ascertain the reasons as to why some of the State Governments are not considering such a proposal. Further, no review of the working and results achieved by establishment of open jails has been undertaken by either the Ministry or the State Governments without indicating any reason for not undertaking such a review. The Committee feel that unless such a review is conducted to study the efficacy, benefits and advantages/disadvantages of the open jails vis-à-vis normal jails, it will not be possible for the Ministry to impress upon the State governments the need to do the same. The Committee feel that the Ministry should take immediate steps to undertake such a review. The Committee feel that being the nodal Ministry, the Ministry of Home Affairs should encourage the State Governments to set up more open jails. In this connection the Committee would also like to know the pattern of funding of open jails and whether the Central Government is providing any financial assistance to the States for establishment of open jails. The Committee also desire that the Ministry should consider earmarking some funds out of the sum of 1800 crores that has been allocated for modernisation of jails, for establishment of open jails as one of the priority projects for women prisoners

1.54 Ministry of Home Affairs In their Original Report the Committee had observed that there were wide variations in prison rules in various States and concerted measures were urgently needed to establish minimum standards, uniform practices regarding management and administration of prisons and treatment of offenders through revision of jail manuals. The Committee had desired that a comprehensive review of jail manuals should be undertaken by the respective State Governments to ensure uniformity in administration of prison and treatment of women prisoners. The Ministry of Home Affairs should prepare a draft Model Jail Manual and circulate the same to all the State Governments/UT Administrations for their guidance.

1.55 Ministry of Home Affairs The representatives of the Ministry of Home Affairs who had appeared before the Committee in June,

Affairs

2001 had stated during evidence that the Ministry were in the process of preparing a Model Prison Manual which would be completed/finalised within a period of six to eight months. It would then be circulated to the States to get their opinion. When the Committee took oral evidence of the representatives of the Ministry of Home Affairs on 11th October, 2002, the Committee were informed that the draft Prison Manual was still being examined by the Ministry and had not yet been circulated to the State Governments for their comments. The Committee had expressed displeasure over this delay which was in contrast to the commitments made by the Ministry earlier. The Committee were anguished to note that even after one and a half years of the presentation of their Report to Parliament, the Ministry were yet to implement this important recommendation of the Committee.

1.56

**Ministry of Home
Affairs**

The Committee are now informed that the Ministry of Home Affairs have finalised the draft prison manual and has circulated it to the State Governments for their comments. During evidence before the Committee (on 8th January, 2003) the Home Secretary has stated that they had given one month's time to the State Governments to send their comments if any to the Centre. The Committee hope that the Manual would be widely discussed with the judiciary, lawyers, NGOs and the State Commissions for Women and the comments, if any, received from the State Governments would be appropriately incorporated in the draft Prison Manual and the finalised Manual would be expeditiously circulated to all the State Governments/UTs for use by the respective jail authorities.

1.59

Ministry of Home
Affairs

The Committee are constrained to note the casual reply furnished by the Ministry that they have conveyed the recommendations of the Committee to the State Governments with the request to consider them for implementation. The Ministry of Home Affairs, should have impressed upon the State Governments the need and urgency for early and proper implementation of these recommendations. It may be mentioned that the women's physical, psychological and bodily needs are different. When in prison, women miss their families; have few visitors and often have no news from their homes. This has a serious

impact on them, making them liable to depression and mental breakdown. It is, therefore, essential that they are provided counselling by psychologists and psychiatrists. The Jail Authorities should, therefore, ensure that psychologists and psychiatrists pay regular visits to jails.

1.60

**Ministry of Home
Affairs**

Children born in jails or those who accompany their mothers to jails, stay in crowded jails amidst women convicts, under-trials and offenders. This is very harmful to their personality development. These children are compelled to live behind bars without being offenders. Due to lack of guidance and proper care/education, they are liable to grow up to be burdens on society. The Committee, therefore, desire that infant care facilities like creches under ICDS should be established/run in each prison for proper care and development of children accompanying their mothers. After attaining the age of six, they should be admitted to regular or residential schools through NGOs as part of the rehabilitation of the mother.

1.61

**Ministry of Home
Affairs**

During their visit to certain jails, the Committee had observed that often after release, women prisoners have nowhere to go as they are rejected by their families or because no one comes to pick them up. Also when released from jails, these women are not able to immediately adjust to the world outside. The Committee have noticed during visits to jails that in States like Andhra Pradesh and Maharashtra, the Jail Administration has established linkages with Social Welfare Agencies and NGOs for the purpose of rehabilitation of women after their release from Jails. While reiterating the need for evolving a definite policy in this regard, the Committee would like to recommend that these women after their release should be kept in Half-Way Homes/Rehabilitation Centres for some time to enable them to adjust to normal life. These homes could be run by the State Welfare Department. The Committee desire the Ministry to take concrete action in this regard and apprise them about the precise steps taken.

1.64 Ministry of Home
Affairs

The Committee are concerned to note that despite the Directive of the Supreme Court, a uniform practice is not being followed by the State Governments with

regard to premature release of infirm and aged women prisoners. The Committee feel that while in jail , special care and treatment should be given to such women prisoners and their premature release particularly of those who are above 60 years of age and have served major part of their sentence should be considered. The Jail Authorities should bring such cases to the notice of the Hon'ble Session Judges when they visit jails for inspection. The Committee desire that the Ministry should issue necessary guidelines to the State Governments/Union Territory Administrations to uniformly implement the Directive of the Supreme Court in letter and spirit.

1.65

**Ministry of Home
Affairs**

The Committee in their Original Report had recommended that remedial measures must be taken to expeditiously improve the condition of women prisoners. However, even after presentation of their Report, the Committee during their on-the-spot visits to various jails found that women were still not being provided many of the basic facilities. While reiterating their earlier recommendations the Committee desire the Government to consider and implement the following suggestions in consultation and coordination with the State Governments so as to improve the conditions of women lodged in the various jails:

- xiv) **Women and girls arrested for vagrancy, loitering, begging, destitution etc. should not be sent to jails but to appropriate protection homes.**
- xv) **Only female staff should be posted in jails for women prisoners.**
- xvi) **Women-jailers and women-police should be provided staff quarters within the jail compound or somewhere close by ,so that they are able to stay with their families and do not feel like prisoners themselves.**
- xvii) **The quality and quantity of food supplied to women inmates needs to be improved and there should not be any discrimination in this regard. There should be a separate kitchen for women prisoners where they**

should be allowed to cook their own food.

- xviii) There should not be any discrimination in food and facilities within jails between Indian inmates and foreign nationals .
- xix) The prison authorities may arrange training workshops in jails in coordination with Small Scale Industrial Units/Self Help Groups to equip the women prisoners with some skill to enable them to be gainfully employed after their release and instill in them a sense of self respect.
- xx) There should be a uniform wage structure for women convicts in all the jails. The prisoners should be aware of the amount earned by them and proper accounts should be maintained by the prison staff. They should have bank accounts where the amounts earned by them during their detention are deposited. They should be provided pass books for their bank accounts which must be updated fortnightly. All items supplied to them from the canteen must be against bills which must be provided to them.
- xxi) Undertrials should also be given an opportunity to work and earn their living like regular prisoners during their stay in jails , if they so desire.
- xxii) Sanitary napkins should be supplied to women inmates as part of their 'essential' personal needs.
- xxiii) Women doctors should visit the jails regularly to give free medical aid to women prisoners.
- xxiv) The prison authority should coordinate with the NGOs to sensitise the families of women prisoners to accept them and to take

them back into the family after their release from prison.

- xxv) There are no women on the Board of Visitors in various jails. This is unfortunate and must be corrected. Women members of Parliament or State Legislatures, National and State Human Rights Commissions as also of the State Women's Commissions should be associated with the Boards of Visitors for jails.
- xxvi) Several women are in jails because of false FIRs that have been lodged against them in collusion with the police. Therefore, there should be a system by which an FIR against a woman is carefully scrutinised and statements by / against them are not treated as sufficient proof, by itself.

Before finalising their Observations and Recommendations, the Committee had interaction with representatives of the National Commission for Women , Ministry of Home Affairs , IG (Prisons) and NGOs . The Committee also visited a number of jails in the country and themselves witnessed the pathetic conditions of the women prisoners . The Committee had therefore urged upon the Ministry of Home Affairs to take immediate steps to ensure the implementation of their recommendations as well as the recommendations of the Justice Krishna Iyer Report. However, even one and a half years after presentation of their report , the Committee during their on- the – spot visits to various jails found that women prisoners were still languishing in various jails in the States with hardly any improvement in their conditions. The Committee feel that despite being the nodal Ministry in this regard , the followup action by the ministry of Home Affairs does not reflect the urgency and seriousness required to impress upon the states the need to act on the recommendations of such important Committees. The Committee feel that the very purpose of such Committees is defeated if their recommendations are not properly and quickly implemented. The Committee , therefore , reiterate that the Ministry of Home Affairs should take prompt and immediate steps to ensure that these

recommendations are properly implemented by all states/UTs. In this connection , the Committee note that a sum of Rs. 1800 Crores have been sanctioned by the Government for the modernisation and improvement of all the prisons. The Committee desire that the Ministry should properly monitor the utilisation of these funds released to the States each year , and ensure that expenditure incurred by the State Governments is need – based and that it results in upgradation and modernisation of facilities in prisons all over the country , with emphasis on the special needs of women prisoners.

MINUTES OF THE FIRST SITTING OF THE ACTION TAKEN
SUB-COMMITTEE OF COMMITTEE ON EMPOWERMENT OF
WOMEN (2002-2003) ON 'WOMEN IN DETENTION'.

The Sub-Committee sat on Friday, 28th June, 2002 from 1200 hours to 1300 hours in Room No. 115, Parliament House Annexe, New Delhi.

PRESENT

IN CHAIR

Dr. (Smt.) Beatrix D'Souza - Convenor

MEMBERS

LOK SABHA

2. Smt. Shyama Singh

RAJYA SABHA

3. Smt. S.G.Indira

4. Smt. Chandra Kala Pandey

5. Smt. Bimba Raikar

SECRETARIAT

1. Smt. Veena Sharma - Under Secretary

2. At the outset, the Convenor welcomed the Members to the first sitting of the Action Taken Sub-Committee on 'Women in Detention'. The Sub-Committee then took up for consideration, the action taken replies received from the Ministry of Home Affairs and Ministry of Human Resource Development (Department of Women and Child Development) on the action taken by them on the recommendations made by the Committee on Empowerment of Women (2001-2002) in their Third Report on the subject.

3. The Sub-Committee took note of the procedure being followed after the receipt of the action taken replies from the concerned Ministry/Department on the original reports. As per this procedure, after receipt of the replies from the concerned Ministries/Departments, the replies are categorised into four categories viz. (i) Observations/Recommendations which have been accepted by the

Government; (ii) Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government; (iii) Observations/Recommendations replies to which have not been accepted by the Government and which require reiteration; (iv) Observations/Recommendations in respect of which Government have furnished interim replies.

After categorisation of the replies, the Draft Action Taken Report is prepared which is considered and adopted by the Action Taken Sub-Committee.

The Sub-Committee then decided that a comprehensive list of points arising out of the action taken notes received from the Ministry of Home Affairs and Ministry of Human Resource Development (Department of Women and Child Development) seeking further clarifications be prepared and sent to the concerned Ministry for eliciting requisite information.

The Sub-Committee then adjourned.

MINUTES OF THE SITTING OF THE COMMITTEE ON
EMPOWERMENT OF WOMEN (2002-2003)

The Committee sat on Wednesday, 8th January, 2003 from 1530 hours to 1715 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

IN CHAIR

Smt. Margaret Alva

Chairperson

MEMBERS

LOK SABHA

6. Dr. (Smt.) Anita Arya
7. Shri Bhan Singh Bhaura
8. Smt. Krishna Bose
9. Smt. Renuka Chowdhury
10. Dr. (Smt.) Beatrix D'Souza
11. Shri E. Ponnuswamy
12. Dr. (Smt.) V. Saroja
13. Smt. Minati Sen
14. Smt. Shyama Singh
15. Smt. Jayaben B. Thakkar
16. Shri Prakash Mani Tripathi

RAJYA SABHA

17. Smt. Shabana Azmi
18. Smt. Saroj Dubey
19. Smt. S.G.Indira
20. Smt. Gurcharan Kaur
21. Smt. Bimba Raikar
22. Miss Mabel Rebello

Ministry of Home Affairs

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|---------------------------------|---------------------------|
| 1. Shri N.Gopalaswami, | Home Secretary |
| 2. Shri Dev Swaroop | Addl. Secretary |
| 3. Shri Sharda Prasad, | Joint Secretary |
| 4. Shri Durgadass Gupta, | Joint Secretary |
| 5. Dr. P.K.Aggarwal, | Joint Secretary |
| 6. Shri Surendra Nath | Additional Secretary (J) |
| 7. Shri A.K. Sinha | Director |
| 8. Shri Taradatt, | Director |
| 9. Shri L.C. Amarnathan, | DG(BPR&D) |
| 10. Shri B.V. Trivedi | Assistant Director, BPR&D |

Ministry of Human Resource Development (Department of Women and Child Development)

- | | |
|-------------------------------------|----------------------------------|
| 1. Dr. R.V.Vaidyanatha Ayyar, | Secretary |
| 2. Shri P.G.Dhar Chakrabarti | Joint Secretary |
| 3. Smt. Vasudha Gupta | Deputy Secretary |
| 4. Shri Yeshpal Debas | Under Secretary |
| 5. Smt. Vijaya Srivastava | ED, Central Social Welfare Board |

SECRETARIAT

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|-----------------------------|-------------------------|
| 1. Shri Ashok Sarin | Deputy Secretary |
| 2. Smt. Veena Sharma | Under Secretary |

At the outset, the Chairperson welcomed the Members of the Committee, the Home Secretary and other officers of the Ministry of Home Affairs and the Ministry of Human Resource Development (Department of Women and Child Development) to the sitting of the Committee. The Chairperson then requested the Home Secretary to share his views on how far the Ministry of Home Affairs was satisfied with the implementation of the Justice Krishna Iyer's Report on 'Women Prisoners' and the Third Report of the Committee on Empowerment of Women on 'Women in Detention' and the steps taken by them to impress upon the States to take precise and expeditious action on these Reports.

2. The Home Secretary sought permission of the Chairperson for giving an audio-visual presentation by the Ministry of Home Affairs in this regard. The Ministry of Home Affairs then gave an audio-visual presentation on the extent of implementation of the recommendations contained in the Justice Krishna Iyer Report and the Third Report of the Committee. The Home Secretary, thereafter, replied to some of the points raised by the Committee. The Secretary also informed that the Draft Prison Manual had been finalised and had been circulated to all the States/UTs with the request to forward their comments, if any, to the Ministry of Home Affairs within a period of one month. He also assured the Committee of taking some concrete action in the coming months to review the actual implementation of the recommendations at the grass-root level in the States/UTs. The Members, thereafter, sought clarifications on the points arising out of the submission of the Ministry. The representatives of the Ministry of Home Affairs and Department of Women and Child Development replied to the various queries/issues raised by the Members.

3. A verbatim record of the proceedings has been kept.

The Committee then adjourned.

MINUTES OF THE SIXTEENTH SITTING OF THE
COMMITTEE ON EMPOWERMENT OF WOMEN ON DRAFT
ACTION TAKEN REPORT ON WOMEN IN DETENTION (2002-2003)

The Committee sat on the 27th January, 2003 from 1100 hours to 1245 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

IN CHAIR

Smt. Margaret Alva - Chairperson

MEMBERS

LOK SABHA

2. Dr. (Smt) Anita Arya
3. Smt. Jayashree Banerjee
4. Smt Santosh Chowdhary
5. Adv. Suresh Ramrao Jadhav
6. Dr. Ashok Patel
7. Shri E. Ponnuswamy,
8. Smt. Sushila Saroj
9. Smt. Shyama Singh

RAJYA SABHA

10. Smt. Shabana Azmi
11. Dr. (Ms.) P. Selvie Das
12. Smt. Saroj Dubey
13. Smt. Vanga Geetha
14. Smt. S.G. Indira
15. Smt. Gurcharan Kaur
16. Smt. Chandra Kala Pandey
17. Smt. Bimba Raikar
18. Miss Mabel Rebello
19. Smt. Savita Sharda

SECRETARIAT

Shri Ashok Sarin - Deputy Secretary

At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Chairperson then informed the Members that the Draft Action Taken Report on the subject 'Functioning of National and State Commissions for Women' was considered by the Committee at their sitting held on 8th January, 2003 and all the suggestions/amendments of the Committee have been incorporated in the draft Report and therefore the Report might be considered as adopted. The Committee then adopted the Draft Action Taken Report on 'Functioning of National and State Commissions for Women'.

2. The Committee then took up for consideration the Draft Action Taken Report on 'Women in Detention'. After some deliberations, the Committee adopted the Draft Report and authorised the Chairperson to finalise and present the same to the Parliament during the ensuing Budget Session along with the Action Taken Report on 'Functioning of National and State Commissions for Women'.

3. The Committee, thereafter, decided that the on-the-spot study tour to Jaipur and Udaipur which was scheduled to be undertaken from 3rd to 6th February, 2003 might now be undertaken from 5th to 8th February, 2003.

4. The Committee also decided that a Seminar on the Economic Empowerment of Women might be organised on the 1st March, 2003, in collaboration with CII, focussing on Self Help Groups, Economic linkages, funding, management and marketing support to women entrepreneurs.

The Committee then adjourned.

