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**PARLIAMENT OF INDIA  
LOK SABHA**

**COMMITTEE ON EMPOWERMENT OF WOMEN  
(2016-2017)**

**(SIXTEENTH LOK SABHA)**

**TENTH REPORT**

**'WOMEN IN DETENTION AND ACCESS TO JUSTICE'**



सत्यमेव जयते

**LOK SABHA SECRETARIAT  
NEW DELHI**

*August, 2017/Bhadrapada, 1939 (Saka)*

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(2016-2017)**

**(SIXTEENTH LOK SABHA)**

**'WOMEN IN DETENTION AND ACCESS TO JUSTICE'**

*Presented to Hon'ble Speaker on 30.08.2017*

*Presented to Lok Sabha on 22.12.2017*

*Laid in Rajya Sabha on 22.12.2017*



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**LOK SABHA SECRETARIAT  
NEW DELHI**  
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E.W.C. No. 101

PRICE: Rs. \_\_\_\_\_

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Published under .....

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## **COMPOSITION OF THE COMMITTEE ON EMPOWERMENT OF WOMEN**

**(2014-2015)**

**Shrimati Bijoya Chakravarty - Chairperson**

### **Members**

#### **Lok Sabha**

2. Shrimati Anju Bala
3. Kum. Sushmita Dev
4. Shrimati Rama Devi
5. Shrimati Jyoti Dhurve
6. Shrimati Bhavana Gawali
- 7.@ Smt. Riti Pathak
8. Shrimati Rakshatai Khadse
9. Shrimati Poonamben Maadam
10. Ms. Mehbooba Mufti
11. Shrimati Anupriya Patel
12. Shrimati Jayshreeben Patel
13. Shrimati Butta Renuka
14. Shrimati Satabdi Roy
15. Shrimati Mala Rajyalakshmi Shah
16. Shrimati Rita Tarai
17. Shrimati P. K. Sreemathi Teacher
18. Shrimati Savitri Thakur
19. Shrimati R. Vanaroja
- 20.# Smt. Supriya Sule

#### **Rajya Sabha**

- 21.\* Shrimati Kanimozhi
22. Shrimati Jharna Das Baidya
23. Shrimati Vandana Chavan
24. Shrimati Mohsina Kidwai
25. Shri Anubhav Mohanty
26. Shrimati Kahkashan Perween
- 27.\$ Vacant
28. Shrimati Bimla Kashyap Sood
29. Shri A.V. Swamy
30. Shrimati Wansuk Syiem

@ Smt. Riti Pathak was nominated to the Committee w.e.f. 05.02.2015 *vice* Smt. Shobha Karandlaje upon her resignation w.e.f. 3.12.2014

# Smt. Supriya Sule was nominated to the Committee w.e.f. 05.02.2015

\* Shrimati Kanimozhi was nominated to the Committee w.e.f. 05.02.2015 *vice* Shrimati Jaya Bachchan upon her resignation w.e.f. 18.09.2014.

\$ Sh. G. N. Ratanpuri retired w.e.f. 15.02.2015

## **COMPOSITION OF THE COMMITTEE ON EMPOWERMENT OF WOMEN**

**(2015-2016)**

**Shrimati Bijoya Chakravarty - Chairperson**

### **Members**

#### **Lok Sabha**

2. Shrimati Anju Bala
3. Shrimati Renuka Butta
4. Km. Sushmita Dev
5. Shrimati Rama Devi
6. Shrimati Jyoti Dhurve
7. Shrimati Bhavana Gawali
8. Shrimati Raksha Khadse
9. Shrimati Poonamben Hematbhai Maadam
- 10.\$ vacant
- 11.# vacant
12. Shrimati Jayshreeben Patel
13. Shrimati Riti Pathak
14. Shrimati Satabdi Roy (Banerjee)
15. Shrimati Mala Rajya Laxmi Shah
16. Shrimati Supriya Sule
17. Shrimati Rita Tarai
18. Shrimati P. K. Sreemathi Teacher
19. Shrimati Savitri Thakur
20. Shrimati R. Vanaroja

#### **Rajya Sabha**

- 21\*. Shri Prabhat Jha
22. Shrimati Vandana Chavan
23. Shrimati Kanimozhi
- 24.% Vacant
25. Shri Anubhav Mohanty
26. Shrimati Kahkashan Perween
- 27.@ Vacant
- 28\*. Ms. Dola Sen
29. Shri A.V. Swamy
30. Shrimati Wansuk Syiem

\* Nominated to the Committee w.e.f. 20.06.2016

\$ Smt. Mehbooba Mufti, MP (LS) resigned w.e.f. 04.07.2016.

# Smt. Anupriya Patel appointed as Minister w.e.f. 05.07.2016

@ Smt. Kanak Lata Singh, retired w.e.f. 04.07.2016

% Smt. Mohsina Kidwai retired w.e.f. 29.06.2016

## **COMPOSITION OF THE COMMITTEE ON EMPOWERMENT OF WOMEN**

**(2016-2017)**

**Shrimati Bijoya Chakravarty - Chairperson**

### **Members**

#### **Lok Sabha**

2. Shrimati Anju Bala
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4. Km. Sushmita Dev
5. Shrimati Rama Devi
6. Shrimati Jyoti Dhurve
7. Shrimati Bhavana Gawali
8. Shrimati Darshanaben Jardosh
9. Shrimati Raksha Khadse
10. Shrimati Poonamben Hematbhai Maadam
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12. Shrimati Riti Pathak
13. Sadhvi Savitri Bai Phoole
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19. Shrimati Savitri Thakur
20. Shrimati R. Vanaroja

#### **Rajya Sabha**

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23. Shrimati Kanimozhi
24. Shri Anubhav Mohanty
25. Shrimati Rajani Patil
26. Shrimati Kahkashan Perween
27. Ms. Dola Sen
28. Shri A.V. Swamy
29. Shrimati Wansuk Syiem
- 30\*. Shrimati Jharna Das Baidya

\* Shrimati Jharna Das Baidya has been nominated to the Committee with effect from 16th December, 2016.

### **Secretariat**

- |    |                        |   |                     |
|----|------------------------|---|---------------------|
| 1. | Shri. N. C. Gupta      | - | Joint Secretary     |
| 2. | Shri. T. S. Rangarajan | - | Director            |
| 3. | Shri. Khakhai Zou      | - | Additional Director |
| 4. | Shri. Rajesh Mohan     | - | Committee Officer   |

(v)



## INTRODUCTION

I, the Chairperson, Committee on Empowerment of Women, having been authorised by the Committee to submit the Report on their behalf, present this Tenth Report on 'Women in Detention and Access to Justice'.

2. Realising the importance of various challenges faced by women in detention and in access to justice with the necessity to improve their conditions in prisons, the Committee on Empowerment of Women (2014-15) selected this subject for detailed examination and Report to Parliament during the year 2014-15, the subject was further reselected during 2015-16 and 2016-17 for detailed examination. In order to gain first hand knowledge on the subject, the Committee interacted with various jail authorities during the study visits. The Committee took oral evidence of the Ministry of Home Affairs on 27.10.2016. The Committee also undertook study visit on 13.07.2017 to Mumbai District Women's Prison, Byculla in the wake of the reported death of a female convict prisoner and rioting thereafter.

3. The Committee wish to express their thanks to the representatives of the Ministry of Home Affairs for appearing before the Committee for evidence and furnishing the information desired by the Committee in connection with the issues relating to the subject.

4. The Report was considered and adopted by the Committee at their sitting held on 29.08.2017.

5. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in Part II of the Report.

**NEW DELHI**  
**29 August, 2017**  
**7 Bhadrapada, 1939 (Saka)**

**BIJOYA CHAKRAVARTY,**  
**Chairperson,**  
**Committee on Empowerment of Women.**

# REPORT

## PART I

### NARRATION ANALYSIS

#### I. Introductory

"The arc of the moral universe is long, but it bends toward justice".

Martin Luther King, Jr.

The right of human beings to enjoy their liberty and security is one of the most sacred and inalienable human rights. It is axiomatic that without an efficient guarantee of the liberty and security of the human person, the protection of other individual rights becomes increasingly vulnerable and often illusory. Equality and Rule of Law are the two methods to ensure that justice prevails in the society of which family is the basic unit. The human society has its own set of problems and due to various factors, (both historical and contemporary) the women for various reasons have been at the receiving end both at their homes and outside. The system of administration of criminal justice in the country though does not differentiate between the genders, but has made women more vulnerable due to its slackness. This includes their treatment as an accused in a trial *i.e.*, as an Under Trial Prisoner (UTP) and later as a convict in case they are held guilty and sentenced to imprisonment.

There are myriad problems which women in the contemporary prison face connected to their lives prior to imprisonment, and also from their imprisonment itself. Women in prison have experienced victimization, unstable family life, school and work failure, substance abuse and mental health problems. Social factors also marginalize

their participation in mainstream society and contribute to the rising number of women in prison. The fact that the proportion of male prisoners has always been vastly larger than that of women in the prison system has resulted in a general disregard to the gender-specific needs of women, as well as denial of many services and opportunities accessible to male prisoners.

1.2 The justice system is frequently weakened by Long delays; prohibitive costs of using the system; lack of available and affordable legal representation, that is reliable and has integrity; abuse of authority and powers, resulting in unlawful searches, seizures, detention and imprisonment; and weak enforcement of laws and implementation of orders and decrees. Severe limitations prevail in existing remedies provided either by law or in practice. Most legal systems fail to provide remedies that are preventive, timely, non-discriminatory, adequate, just and deterrent. The various limitations pertain to gender bias and other barriers in the law and legal systems, inadequacies in existing laws effectively fail to protect women, children, poor and other disadvantaged people, including those with disabilities and low levels of literacy. Lack of de facto protection, especially for women, children, and men in prisons or centres of detention is prevalent alongwith lack of adequate information about what is supposed to exist under the law, what prevails in practice, and limited popular knowledge of rights. The system is also marked by lack of adequate legal aid systems, limited public participation in reform programmes, formalistic and expensive legal procedures, avoidance of the legal system due to economic reasons, fear, or a sense of futility of purpose.

1.3 It would be important in the above context to highlight the issue of custodial violence for understanding the challenge posed by administration of criminal justice to women. Custodial violence, which includes torture, death and other excesses in police custody or prison, is not a new phenomenon. It has been in the world for ages, but its severity defines the development of a society in a political democracy. The law enforcement agencies had been practicing this on prisoners, criminals and the wrongdoers reference of which can be found in different phases of history from Ancient to the Colonial era.

Our police system is same which was prevalent during British system. It was introduced by Britishers in the year 1861 primarily to enable their administration to have

at their disposal a force at a cheap cost to help them rule the country by suppressing anti governmental forces and guided by such an objective the police became the symbol of colonial repression and were for obvious reason feared by the masses. The “Prison Act”, which was passed in 1894, continues to be the foundational document in matter of prison governance and has also remained largely unchanged.

1.4 The legal framework in India both constitutional and statutory contains provisions relating to safeguards against arrest, detention, custodial torture and other crimes in custody. The substantive law (Indian Penal Code, 1861) provides punishment of a person causing injury, torture or death on the body of a person in custody. The procedural law (Criminal Procedural Code, 1973 and Indian Evidence Act, 1872) contains several provisions safeguarding the legal rights of a person in custody. The Constitutional and the relevant statutory provisions on the subject have been supplemented by the significant judicial pronouncements by the learned judges of various High Court and Supreme Court of India which has enriched the legal jurisprudence of our times. In addition, the legislations enacted for welfare of people *i.e.*, Protection of Human Rights Act, 1993 provides institutions of the National and State Human Rights Commissions as well as Human Rights Courts for better protection of human rights of a person in custody. India has acceded, ratified and signed the International Declarations, Covenants, Conventions and treaties such as Universal Declaration of Human Rights( UDHR), International Covenant on Civil and Political Rights ( ICCPR), International Covenant on Economic, Social and Cultural Right (ICESCR), International Convention on the Elimination of All forms of Racial Discrimination( ICERD), Convention on the Elimination of All Forms of Discrimination against Women( CEDAW), Convention on the Right of the Child (CRC), Convention against Torture and Other Cruel, inhuman or Degrading Treatment and Punishment (CAT), and the International Convention on the protection of the Rights of All persons against Enforced Disappearance (CPAED). This apart, the UN Declaration on Basic Principles of Justice for Victims of Crime and abuse of Power is relevant.

In view of the prevailing situation faced by women in detention and denial of access to justice, the related aspects of the problem have been analysed in the report.

## II. Policing related Issues

1.5 One of the important issues of compromise of rights during Detention accounts from Police behaviour during the detention period. In this context, the UP Police Commission 1970-71 have observed,

“An accused or suspect may be kept under Police custody for a maximum period of 24 hours as per law. In the meanwhile, a great deal of information remains to be elicited from the suspect especially in offences involving property, on recovery of which the success of prosecution greatly depends. Whenever the investigating officer finds it practicable, he records arrest after quite a few days of unrecorded and illegal detention. Thus the pressure of securing maximum information in the available time implies the investigating officer to use shortcut methods.”

## III. Overcrowding of Jails

1.6 On observing the fact that due to the criminal justice policies, rate of detention is on the rise over the years and overcrowding of jails is a serious resultant problem with women's jails having occupancy more than capacity, the Committee desired to know about the details of overcrowding. In response, the Ministry of Home Affairs, in a written reply provided the Committee with the details as per **Annexure II**.

1.7 Regarding coping-up with the problem of over-crowding of jails, especially with regard to women inmates as this has a direct bearing on the physical and mental health of women, the Ministry have stated in their reply that this is the most visible problem in Delhi. Tihar Jail, Delhi holds 602 prisoners against a stipulated capacity of 400. A total of 390 women convicts with their 457 children and 1,172 women undertrials with their 1,320 children were lodged in various prisons in the country at the end of 2014. The reasons for overcrowding in jail are many. Inordinate delays in trials result in many under trials having to be detained in jail for unduly long periods - in many cases extending to years. This, together with the routine new additions, literally clogs the system. In many cases, prisoners who are facing charges of grave, professional, violent crimes are outnumbered by others like suspected drug offenders, ticketless travelers, Railway alarm - chain

pullers, and a variety of others who have technically violated law. Many of them are in jail only because they are not in a position to pay the fines imposed on them by courts. Under these circumstances, the problem of overcrowding can be solved or at least reduced only by a variety of measures. Urgent solutions have to be found reducing delays in trials. There has to be a conscious policy not to overcrowd prisons by finding alternative methods of dealing with non-criminal offenders and petty criminals. As regards, the problem of overcrowding in jails and the problems of women inmates, the National Police Commission have pointed out that

"60% of all arrests were either unnecessary or unjustified. This has resulted in overcrowding and accounts for 43.20% of the expenditure of jails according to our study. Therefore, restraint by the police in resorting to unwarranted arrests by following the guidelines laid down by the Supreme Court would go a long way to reducing overcrowding in jails. The women prisoners are found to suffer from a variety of health problems in the custodial environment - gynaecological, obstetric, physical and mental. Care is needed in all these aspects as well as rehabilitation".

1.8 The Representatives of the Ministry during their oral evidence highlighted the issue of enormous overcrowding in the Indian jails as under:-

"There is enormous overcrowding in the Indian jails. We need much more space in jails for accommodating the prisoners as per the laid down norms. Even today, the overcrowding is (on an average) 115 per cent. Now this 115 per cent is not there in all jails. It is possible that in some jails there may be adequate space available and in some jails it may be 300 per cent overcrowding which means if one particular prisoner should be in that jail, but there may be three there. In some odd jails it may be that there may be three rooms available for one prisoner. But that number is not very large. Broadly speaking, our jails are overcrowded and they do need a lot of efforts for reformation. Difficulty is that jails are a State subject as we pointed out under the constitutional arrangement. All these States have enormous demand on the limited resources available with them. So, the subject of jails is not able to attract as much funding as it ought to. That is why the Central Government had intervened between 2004 and 2009 and introduced a scheme. We are now hoping that the phase II of the programme which could not

be sanctioned earlier may be sanctioned next year. We are in the process of examining the proposal and we will put it up. In case phase II gets sanctioned, then the additional money will be made available to the States for improving the jails, for increasing the capacity of the jails."

#### **IV. The Issue of Under Trials**

1.9 The committee desired to know the state of undertrials in the country and the reason as to why despite repeated Supreme Court orders on the rights of undertrials, the jails are filling ever faster with them and the mechanism to address this issue. The Ministry replied that the Total number of women prisoners who are under-trial is 12096 & the percentage of total under-trial prisoners is 4.3. ("Prison Statistics India 2014" NCRB Publication). A total of 390 women convicts with their 457 children and 1172 women undertrials with their 1320 children were lodged in various prisons in the country at the end of 2014. Care for these children is mandated as per the guidelines given by the Hon'ble Supreme Court in R.D. Upadhyaya v State of Andhra Pradesh which have been issued as an advisory dated 13<sup>th</sup> April 2006.

1.10 Explaining further on the issue of Under trials, the Ministry stated in the background note as under:-

"Supreme Court has given directions on release of eligible Undertrial prisoners under Section 436 A of Cr.P.C- Bhim Singh v. Union of India, Writ Petition (Criminal) No. 310 of 2005.

The Hon'ble Supreme Court has in its order dated 5<sup>th</sup> September 2014, directed that jurisdictional Magistrate/Chief Judicial Magistrate/Sessions Judge shall hold one sitting in a week in each jail/prison for two months commencing from 1st October, 2014 for the purposes of effective implementation of 436A of the Code of Criminal Procedure. In its sittings in jail, the above judicial officers shall identify the under-trial prisoners who have completed half period of the maximum period or maximum period of imprisonment provided for the said offence under the law and after complying with the procedure prescribed under Section 436A pass an

appropriate order in jail itself for release of such under-trial prisoners who fulfill the requirement of Section 436A for their release immediately.

Such jurisdictional Magistrate/Chief Judicial Magistrate/Sessions Judge shall submit the report of each of such sitting to the Registrar General of the High Court and at the end of two months, the Registrar General of each High Court shall submit the report to the Secretary General of this Court without any delay.

MHA had issued a letter to all States/UTs on 22nd September 2014 forwarding the Supreme Court order dated 5th September 2014 seeking compliance. As per the data received from the States/UTs, 749 undertrials during 1.10.2014 to 30.11.2014 and 308 undertrials during 1.12.2014 to 31.3.2015 have been released by the States/UTs under section 436A of Cr. PC, a total of 1057 UTPs till March 2015 which included women undertrial prisoners due to the sustained efforts.

Focused attention is being paid by MHA to the issue of overcrowding in jails through review of Under trial prisoners cases, and release of those under trial prisoners who are in prison for long period particularly vulnerable groups like women and who come within the ambit of Section 436 A of the Cr. P.C. "

## **V. Post-release Integration**

1.11 When the Committee desired to know whether the Ministry intend to extend support to Women as the major victims of post-release stigmatization, victimization and abandonment by their families and the manner in which support extended to them during that period, the Ministry in their written reply stated as under-:

"That "Prison" is a State subject under Entry No. 4 of List II of Schedule VII under the Constitution of India and the management and administration of the prisons lies within the domain of State Government/UT Administration. In most of the jails necessary Skill building programmes are organized for women jail inmates in order to help them for good future life."



## **VI. Gender Specific Health Care Needs**

1.12 The Committee, desired to know whether any study or assessment has been made on the common health problems among women prisoners and sought to know the details thereof and if not, the reasons therefore. The Ministry in their written reply stated as follows-:

"As per the details about the total number of doctors, specialists and gynecologists in the regular pay roll or the women's jails and their ratio with respect to total women prisoners, the Ministry stated that the total women prisoners in the country as on 31.12.2015 was 17,834 for which total women medical staff were 1866 showing 1 women medical staff for nearly 10 women prison. State/UT wise details are given in **Annexure III**".

"The Ministry further stated that Female doctors come for visits during the notified hours in the OPD. In case any specialized treatment is required they are referred to in the first instance to the District hospital as per procedure and if further treatment is required, they are referred to the State Health Department. Health care facilities by and large need improvement in jails in view of shortages of Doctors, para-medical staff and equipments."

1.13 However, when the Committee desired to know from the Ministry whether any study or assessment has been made on the common health problems among women prisoners, the Ministry in their written reply stated that "such information is not available with the Central Government". The Ministry have also informed in their written reply that details of cases of AIDS/HIV positive and substance abuse in various jails among women prisoners is not maintained centrally. Further, as per Prison Statistics India 2015, there are a total number of 347 cases of psychiatric ailments among female prisoners - (**Annexure IV**) and many jails do not have psychologist/psychiatrists (**Annexure V**).

## **VII. Security of Women Prisoners**

1.14 When the committee enquired from the Ministry regarding the state of Torture and abuse of women prisoners in custody, immediately after arrest, the Ministry in this regard apprised the committee as follows-:

"That Mechanisms to prevent, avoid and report such incidents are in place in prisons by way of segregation of guarding staff gender wise and grievance redressal mechanisms. No male is permitted to enter the female ward if any, at any time, unless he has a legitimate duty to attend therein. No adult male is allowed to enter it at all by night except in an emergency, and even then only along with the female warden/female officer.

He is required thereafter to record a clear report of his visit with the reasons for such visit, and the hour thereof, in his report book. Male warders and other male staff, acting as escort to lady visitors and officials, remain outside the enclosure. If at any time a male prison officer or warden or prisoner enters, or attempts to enter, any ward or portion of a prison reserved for female prisoners, without proper authority, it is reported to the Deputy Superintendent forthwith.

Jail manuals provide for strong feasibility segregation of female inmates with additional layers of guarding staff who are also mandatorily female as shift systems and backups to ensure that no such cases can occur. Whenever, such reports are received, investigations are carried out and action taken as per rules of the jail manuals. There is a detailed grievance mechanism in all the jails on various levels from the Superintendent, DIG and the Session Judge who have separate grievance redressal boxes. The regular jail visits by the Board of Visitors and Non Official Visitors are held and such cases can be brought to light by the inmates without fear of reprisal.

As regards cases of sexual abuse of women inmates which have come to the notice of prison authorities during the last three years, state-wise and the mechanism in place to deal with such allegations and justice to victims in such cases, the Ministry informed the committee that State/UT wise cases reported

under custodial rape(in police custody) during 2013-2015 has been given by the National Crime Records Bureau (NCRB) enclosed at **Annexure VI**".

1.15 When the Committee enquired about the incidents of Deaths of female Inmates in prisons during the last three year State-wise, and the reasons for such deaths, the Ministry provided the details State-UTs wise which is given in the **Annexure VII**.

The data on female inmates who committed suicides in jails during 2013 to 2015 is given below:

<b>Name of State</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Madhya Pradesh	0	0	1
Maharashtra	0	0	1
Uttar Pradesh	1	2	0
Delhi	1	0	0
Puducherry	0	0	1
<b>Total</b>	<b>2</b>	<b>2</b>	<b>3</b>

(Source: Prison Statistics India of NCRB)

The Ministry during their oral evidence also gave reply on the issue of Security of Women prisoners as follows-:

"All steps are taken to ensure that the safety of Women Prisoners is maintained. Occasionally one hears about reports of aberrations. when these come to our notice, my colleagues from the Jail departments will inform you that strict action is taken. Madam we will collect the data and provide it to you. There is no case in UP and Delhi which has been reported regarding the molestation of Women prisoner or a lady under trail by the jail Staff. I do not have the data for the other states. I will collect the data and send it to you."

In response to the reply given by the Ministry, the Committee responded as follows-;

"This is a very serious question. Her point is whether we can carry out reforms which can take place in Jail and whether we have a common monitoring system on the part of the Central government as per the recommendations of the Mulla Committee and Iyer Committee"

## **VIII. Modernisation of Jails**

1.16 The Committee enquired about the management of Prisons in the Country to which the Ministry has replied as under:-

"The management of prisons in the country is regulated by the Prisons Act, 1894, and Prison Manuals/Regulations prepared by various States. The major law relating to prisons is the Prisons Act, 1894. It has largely remained unchanged except for some amendments executed by the individual States from time to time to suit their local conditions. However, some States have now enacted a new Prison Statute, which is in consonance with the modern correctional philosophy and other states have now also started the process of enacting new Prison Acts to take care of the changing role of prison administration in India."

1.17 In this regard, the Committee have further been informed that the Government of India in its Draft National Policy on Prison Reforms and Correctional Administration 2008 had comprehensively covered various aspects of prison reforms. Each state has its own Prison Manual which specifies the rules and regulations for administration and management of prisons. Many states have revised their manuals to accord due emphasis on reformation and rehabilitation of offenders in society.

1.18 The Ministry have stated that the Bureau of Police Research & Development (BPR&D), Ministry of Home Affairs, Government of India, has prepared the Model Prison Manual in 2003 for the superintendence and management of prisons in India, as a standard reference document for use by the state Prison Departments with minor modifications to suit the State specific ground realities and it is based on modern day correctional philosophy. The objective of this manual is to bring basic uniformity in laws, rule and regulations governing the administration of prisons all over the country and to rationalize best prison practices to cater to the needs of all categories of prisoners. The implementation of Model Prison Manual has been an issue of serious concern.

1.19 As regards the questions as to the number of States that have prepared the jail manuals and have taken measures to ensure adherence to model rules proposed by the BPR&D, the Committee have been informed by the Ministry that the Model Prison Manual 2003 prepared by the BPR&D was circulated to the States/UTs for adoption. However, 5

States have adopted Model Prison Manual, 2003 viz. Arunachal Pradesh, Andaman & Nicobar Islands, Bihar, Goa and Sikkim have so far adopted the model prison manual, while Kerala have incorporated the guidelines in their existing manual. A committee to revise the jail manual based on the various directions of the court was formed and the Model Prison Manual, 2016 was approved by the Union Home Minister in January, 2016.

1.20 The Committee enquired about the management of Prisons in the Country to which the reply of the Ministry was as under:-

"In terms of the achievements of the Phase I of Reaffirmation Programme of improvement and upgradation of jails and the programmes envisaged under Phase II for modernization of jails, the Ministry of Home Affairs has provided the funds to the tune of Rs. 1800 Crore in the first Phase. (Centre: State ratio of 75:25) The breakup fund is as under:-

<b>Work Undertaken</b>	<b>Amount Spent</b>
Construction of new jails	Rs. 1034 Cr (57.6%)
Renovation of existing jails	Rs. 248 Cr (13.8%)
Construction of staff quarters	Rs. 465 Cr (25.9%)
Sanitation works	Rs. 48 Cr (2.7%)

Under the Scheme of Modernisation of Prisons, 128 new jails, 1579 additional barracks in the existing prisons and 8670 staff quarters for the prison personnel have so far been constructed by the State Governments.

The second phase of Scheme of Modernisation of Prisons was not launched due to paucity of funds. However, a consolidated Memorandum was submitted by the Ministry of Home Affairs to the 14<sup>th</sup> Finance Commission for consideration of the demands projected by the States/UTs amounting to Rs. 13,962.60 crore for prison reforms in the second phase of modernization of prisons. 14<sup>th</sup> Finance Commission in its report has observed that in view of the improved outlay for States now, there is appropriate fiscal space to provide for additional expenditure needs for their requirements. In view of the report of the 14<sup>th</sup> Finance Commission, the State Governments are expected to allocate more funds in their States/UTs for prison reforms from their own funds."

1.21 As regards collection of Data pertaining to prisoners and all aspects of prison management the Ministry in their written replies have further informed the committee that the present system of monitoring the functioning of prisons across the country is based upon the constitutional scheme that "Prison" is a State subject under Entry No. 4 of List II of Schedule VII under the Constitution of India and the management and administration of the prisons lies within the domain of the State Government/UT Administration. However, regular meetings take place in MHA for overall monitoring. Data pertaining to prisons and prison management is presently compiled in the form of "Prisons Statistics" only by NCRB. "Prison Statistics" documents comprehensive statistical data on prisons and the prison personnel and is an important policy document which is used by the Government of India for interventions for prison welfare. The Ministry have further stated that MHA is also planning to roll out an integrated prison software system throughout the country to be hosted on the cloud.

1.22 The Committee enquired from the Ministry about the specific problems in dealing with women prisoners who are foreign nationals to which the Ministry have informed in their written replies that Foreign women prisoners face problems of language, culture, lack of awareness of our laws and rules. Higher level of anxiety is due to remote access to their family and loved ones and lack of bonding with other inmates due to all or any one of the above reasons. Extra care is taken by the jail staff to ensure that they do not feel lonely and depressed.

## **IX. Welfare of Women Prisoners**

1.23 The Committee enquired from the Ministry regarding the provisions available for women detenues to be in contact with their family members. The Ministry in their written reply stated that regular contact with family members is one of the greatest stress busters for any inmate, more particularly, for women detenues and undertrial prisoners and they are allowed to meet their family members more often than the convict inmates.

The Ministry further stated that, there exists a Welfare officer in the prisons whose role and function are-

- (i) Coordinating the work of the welfare unit
- (ii) Helping inmates in overcoming problems of institutional adjustment
- (iii) Assisting inmates in dealing with problems faced by their families and dependents
- (iv) Connecting correctional needs of prisoners with the resources available within and outside the prison
- (v) Participating in the orientation, classification and reclassification programme
- (vi) Facilitating understanding between the inmate and administration
- (vii) Assisting prison authorities in maintaining prison security discipline
- (viii) Participating in the pre-release programme and helping the inmates establish contacts useful to him after release
- (ix) Identifying the resources for rehabilitation of prisoners.

"The Ministry also stated that there is a shortage of these officers and States need to fill up the vacancies".

## **X. NGOs Working in Prisons**

1.24 The Committee desired to know about the major NGOs working among the women prisoners in the country and the activities with regard to reformation and rehabilitation undertaken by them. In response to the question, the Ministry informed the committee in their written reply as follow:-

"A number of NGOs are working in the jails for the reformation and rehabilitation of prisoners. Such data in the entire country are not available, which may be collected. However, the following NGOs are working in Tihar Jail:

<b>S.No</b>	<b>NAME OF NGO</b>
01.	India Vision Foundation
02	Panchvati Yoga Ashram & Nature Care
03	Sanjeevani
04	Brahm Kumari
05	Art of Living
06	Gandhi Samiti

Certain NGO's assist Children of Prisoners, by admitting them in to their shelters and providing free accommodation, food and education, till they stand on their own.

The Head of the Institution of the prison ensures coordination between jail authorities and NGO's as per the Rules."

1.25 When the Committee enquired from the Ministry as to whether Government has any programme to help in resettlement of released prisoners, the Ministry in their written reply have stated that the specific information is not maintained. The total number of convicts who have been given financial assistance post release is 416 and number of convicts rehabilitated is 1286 (**Annexure VIII**).

## **SEXUAL HARASSMENT COMPLAINTS / GRIEVANCE REDRESSAL MECHANISM**

### **XI. Gender Sensitive Prison Management**

1.26 The Committee also enquired from the Ministry about Gender sensitive prison management, shortage of women officials in the management of prisons, training given to prison officials, special training accorded to manage women prisoners as they need more sensitive handling, to which the Ministry responded as follows-:

"So far participation of women in uniformed services has been low, however the same is being attempted to be replaced through special recruitment drives by various State Governments/UT Administrations. Shortage of women officials in the management of prison reflects in the staff being not having full access to their leave, backup duties and shift duties and management of women inmates is accordingly impacted.

Lack of adequate female prison staff impacts handling of women prisoners. However, the warder and the guarding staff is female as per rules.

The Institute of Correctional Administration, Chandigarh, Academy of Prison Administration Vellore and Regional Institute of Correctional Administration Kolkata conducts various induction/ orientation/ refresher training programmes for prison



officials of senior and middle level prison officers on various aspects. The Institutes also conduct various workshops, conferences, seminars for prison officers.

Prison officials are trained on themes related to Human Rights and Prison Management, security and Prison management, Personality Development, Emergency Medical Care for Prison Doctors and Prison Officers, Mental Health Issues in Prison Management, Reintegration of offenders, Counselling Techniques for Correction, Capacity Building for Prisoner's Welfare, Gender Sensitization, Contemporary Advances in Criminology and Correction, Best Practices in Prisons, Training of Trainers, Custody of Management of Undertrial Prisoners, Stress Management etc."

1.27 When the Committee desired to know the measures taken/proposed to be taken to bring more women into the management of prisons, the Ministry stated as under:-

"Each State should have at least one separate prison for women. There should be separate custodial facilities for convicts and undertrial prisoners. In a prison for convicted women prisoners there should be one post of a lady Superintendent. The woman's enclosures attached to the sub-prisons and district prisons should be in the charge of a lady Deputy/Assistant Superintendent. They will be assisted by a female Chief Head Warder, Head Warder and female Warders".

The following officials should be posted in every prison for women as per recruitment in accordance with the direction of State/UT Government.

- (i) Lady Superintendent,
- (ii) Deputy Superintendent,
- (iii) Assistant Superintendent,
- (iv) Chief Welfare Officer,
- (v) Welfare Officer,
- (vi) Law Officer,
- (vii) Probation Officer,
- (viii) Chief Head Warder,

- (ix) Head Warder,
- (x) Warder/Matrons,
- (xi) Teachers,
- (xii) Instructors,
- (xiii) Psychiatrist,
- (xiv) Lady Doctor, specially gynecologist,
- (xv) Clerks,
- (xvi) Aftercare Officer

## **XII. Challenges in Accessing Justice**

1.28 In view of the fact that Women face added disadvantage in accessing justice, the Committee desired to know about the system available in the country to extend free legal aid to them.

The Committee further enquired from the Ministry regarding non availability of surety bonds, especially the bond amount is a serious problem as far as women prisoners are concerned, details of awareness workshops conducted for inmates to bring transparency and educate inmates about their cases in various jails during the last three years.

In response to the query the Ministry informed the Committee as follows:

"Socio-legal counselling cells are set up in each institution to be managed by volunteers from a designated law school, school of social work, or a non-governmental voluntary agency. District Legal Service Authority volunteers provide legal aid to the inmates in each jails supervised by the NALSA. Model Prison Manual, 2003 has prescribed procedures to be followed, in keeping the prisoners informed about their case details, court schedules, Parole etc. The same are being followed. A history ticket is issued to each inmate on admission which is updated for each inmate with details of court production."

The Ministry further stated as follows:-

"The Government of India have already implemented provisions of Section 436A to give relief to such eligible under-trials. Number of such women prisoners is very few as the Supreme Court is monitoring such review of under-trials through district review meetings in PIL regarding Inhuman Conditions of inmates in 1382 jails in the country. These meetings are mandated to be held every quarter in each district and this aspect is being monitored through National Legal Services Authority (NALSA)."

1.29 When the Committee further desired to know about the District Legal Aid Societies, the Ministry informed as under:-

"District Legal Aid Societies are active in all the districts which provide legal aid, para legal assistance to all inmates particularly to indigent ones and the jail administration is responsible for making aware of the status of court cases and the inmates are also taken for court production accordingly. These details are also entered in their history tickets which are issued to each on admission and Government of India has now planned to electronically manage such data base so that inmates can have access to the approaching court productions. The system is bogged down by inadequate man power for such legal assistance to inmates. DLSAs need to focus more on providing extra legal resources for such inmates particularly where there are a number of undertrials as updation of case status of such undertrials is an important remit of such legal volunteers who help them with drafting of applications, filing of petitions/affidavits and sundry other legal procedures Legal Service facility is given through empanelled set of lawyers processed through DLSAs and monitored by NALSA."

1.30 It may be observed that the Ministry in their written reply were unable to furnish details regarding women lawyers in the Legal Services Authorities working among women prisoners across the country.

The ministry in terms of access to justice further stated as under:-

"Monthly stipend is provided to legal volunteers who work through DLSAs for such activities. Prison staff is regularly trained in such soft skills in addition to their core responsibility for custodial management and they ensure that these barriers of language and illiteracy are worked around in daily communications, while educational and vocational programme designed for inmates take care of their basic illiteracy levels for those who are unlettered on admission in case of provision of legal service through assistance of other inmates or prison staff wherever possible. In addition to welfare officers, counsellors are there to ensure that such prisoners do not feel isolated.

The Para-legal volunteers are trained by District Legal Service Authorities and they assist the co-prisoners in understanding the procedures, regarding appeals, writing petitions, awareness about various laws and authorities."

### **XIII. Study visit of the Committee to different prisons in the Country**

1.31 The Committee undertook study visits to the Attakulangara Women's Prison & Poojappura Open Prison in Kerela and had a detailed interaction with the women inmates. The Committee found that women prisoners are provided with hygienic living conditions in jails and they are given adequate living space as per the provisions of the rules. There was no over-crowding in those women's prisons. Further, during interaction with prison inmates in Parappara, Kerela it was found that NGOs are putting good efforts in augmenting the health services and prisons. Further, during the interaction with women prisoners at the Port Blair District Prison, the Committee observed that provisions have been made for better care and treatment of lodged prisoners and for achieving the goal of rehabilitation, reformation and re-socialization. There were provisions of crèche and free legal aid was also provided to the needy poor inmates. The Committee during the interaction with women inmates in the West Bengal Women Correctional Home, Alipore, Kolkata observed that out of the 376 female prisoners in the Women Correctional Home, 288 were undertrial prisoners. Further, total number of children accompanied in incarcerated mothers as on 14.05.2015 stood at 62. 48 women inmates were under treatment for various diseases including HIV, cancer, Hepatitis B, diabetes and hyper

tension. The Committee also inspected the facilities and amenities available to women prisoners like leather craft centre, library-playhouse-art- workshops, medical OPD, telephone booth, beauty parlour, dining hall, kitchen, computer and welfare section. The Committee also visited Mumbai Women's prison, Byculla in 2014 and 2017. (The observation of the Committee regarding various jail visits is given at Annexure –I.)

1.32 The Committee visited Mumbai Women's, Byculla Prison on 13.07.2017 to have a firsthand view/impressions on the condition prevailing in the Prison in the wake of reported death of convict prisoner on 23.06.2017 followed by incidents of Rioting and clashes between jail inmates and Prison staff. The Committee were informed that Women Commission of Maharashtra has already started enquiry into the matter, another committee for Jail Reforms in Maharashtra is also looking into the matter. Besides, the matter is also being investigated by the Mumbai Crime Branch. Members of the Committee also specifically requested the Jail authorities not to harass the prisoners after the departure of the Committee particularly in case of prisoners who ventilated their grievances before the Committee. The authorities apprised the Committee that the Preliminary Postmortem report does not suggest any internal injury on the Private parts of the victim who died in the Prison.

1.33 The Committee were apprised that the sanctioned capacity of the Women's Prison in Byculla stands at 262 Prisoners and the total present occupancy of prisoners as on 12.07.2017 is 288 female prisoners, along with 15 Children. The Committee were informed that Prisoners are allowed to meet their relatives and legal counsel referred to as mulaqaat. Interviews between the prisoners and the persons other than blood relatives are granted with a clearance letter duly affixed with a photo from a Police Officer not below the rank of a police sub-Inspector of the nearest Police Station. Children who are below age of 16 years are allowed to personally meet their parents who are lodged in Prison. There is an Out Patient Department (OPD) facility in the premises of this prison with a Dispensary for treatment and care of prisoners. HIV testing is done by the Mumbai District AIDS Control Society at the "Shakti Clinic" established within the premises. The seriously ill prisoners are sent to Sir J.J. Hospital, Byculla for further investigation. The Prison has a Library for use by inmates for reading and study. Besides, newspapers are supplied to Under Trail prisoners at their own expenses from their account. The diet

provided to the female Prisoners as per the rules laid down in the Maharashtra State Prison Manual and suggested by the state government. Additional diet is provided as per health requirement of sick prisoners: lactating mothers and children as prescribed by the Medical Officer. Both soap, washing soda and tooth powder are provided to each prisoner every month: hair oil and shampoo is provided every week. Sanitary napkins are provided as per their requirement and additional clothing are provided to the female prisoners. The ratio of prisoner: toilet both inside and outside of the barracks has been provided as per guidelines. Training of prisoners in various vocational skills in the prison to provide opportunities for the inmates to engage themselves in fruitful pursuits during their stay is imparted in this prison. There exists a proper grievance redressal mechanism, Complaint boxes have been placed under proper seal and lock for an effective grievance redressal system. Metropolitan Majistrates visit the Prison on a weekly basis and the District and Session judge, Mumbai inspects the prison once in a month. Prisoners Panchayats are organized on a monthly basis to look into the suggestions and complaints of inmates regarding food, hygiene, medical facilities and judicial matters. The prisoners are also encouraged to ventilate their grievances directly to the Superintendent during his weekly round of each barrack of the prison. As per Hon'ble High Court directions, Jail Courts are being held by the Hon'ble Metropolitan Majistrates, within the premises of the prison for speedy disposal of cases in their respective jurisdictions. Video Conferencing facility is available in this prison for production of under trial prisoners before the respective Hon'ble Magistrate/Courts on the respective date of hearing. Further, the committee were informed that free legal assistance scheme is available to the prisoners.

1.34 The Committee interacted with the female inmates about the incident and the general condition of living prevailing in the Prison. There were many complaints regarding quality of food served to the prisoners, unhygienic condition of toilets, difficulties faced in meeting of the prisoners with their relatives, inadequate water supply, processing of Bail applications, gathering of dust on dresses due to improper handling, poor quality and shortage of water inside the Jail, non-availability of newspapers, issue of delayed proceedings regarding under trial prisoners, lack of adequate availability of sanitary napkins, wrath and ill behaviour on the part of the Prison authorities to redress their genuine need was highlighted by the prison inmates.

## PART II

### OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

#### *Overcrowding of Jails and resolution through Jail adalats*

**2.1 The Committee note that Jails in India are highly overcrowded. As per information furnished to the Committee by Ministry of Home Affairs, the central and district jails are the most crowded in the country. As on 31.12.2015, against the authorized capacity of 1,59,158 inmates in the central Jails, 185182 inmates were lodged showing an occupancy rate of 116%. Similarly against the authorized capacity of 1,37,972 inmates of District Jails in the country, 180,893 inmates were lodged showing an occupancy rate of 131%. Further, there is a staggering 233.9% occupancy rate in Chattisgarh, 139.8% in Madhya Pradesh 177.9% Meghalaya , 166.8% in Uttar Pradesh and 226.9% in Delhi in 2015. The Committee are appalled to hear from the Ministry of Home Affairs that the problem of overcrowding may be as huge as 300% in some jails. The Ministry highlighted that there are enormous demand on the limited resources of the states available with them. In this backdrop, the Committee are of the opinion that Right to live in a dignified environment constitutes one of the basic rights which cannot be taken away for the mere reason that the individual is prisoner. The Committee are of the view that overcrowding in jails results in denial of basic facilities to the prisoners besides being instrumental in lack of sanitation, food and health care in jails. This gives rise to spread of diseases particularly skin infections, T.B., AIDS, etc.**

**The Committee have been further apprised that one of the key reasons for overcrowding is the growing number of under-trial prisoners in the country. The ministry have stated that prisoners facing grave, professional, violent crimes are outnumbered by others like suspected drug offenders, ticketless travellers, railway alarm chain pullers, and a variety of others who have technically violated law. The Committee have also been informed that many of them are in jail only because they are not in a position to pay the fines imposed on them by courts. The Committee**

**strongly recommend that the ministry must take urgent steps to solve the issue by a variety of measures and a conscious policy of not overcrowding prisons be evolved by finding alternative methods of dealing with non-criminal offenders and petty criminals. Further, the National Police Commission have also pointed out that 60% of all arrests were either unnecessary or unjustified which has resulted in overcrowding and account for 43.20% of the expenditure of jails according to their study. In this context, the Committee further recommend that the ministry must impress upon the police force to desist from unwarranted arrests. It may be seen that the Supreme Court vide its order dated 5 September, 2014 impressed upon a mandatory weekly sitting in each jail/prison for the purpose of effective implementation of Section 436 A of the Code of Criminal Procedure. Further, the issue of holding jail adalats in the context of release of prisoners has been amply highlighted. The Committee are constrained to see that the problem of overcrowding of jails has not been dealt with in a manner befitting the pressing nature of the problem. The Committee recommend that the Ministry of Home Affairs should coordinate with the various State Governments and ensure that the jail adalats be regularly held in various jails effectively. The Committee recommend that the Ministry in a time bound manner develop strategies to tackle the grave problem of overcrowding and submit a report to the Committee in this regard.**

*Custodial Rapes-Access to Justice through better surveillance in Jails and involvement of Civil Rights Activists*

**2.2 The Committee were informed by the ministry that in the state of Uttar Pradesh there were 189 cases of custodial rape in 2014 and 91 in 2015. It was also found that in most other states the data is nil. There is a stark difference in the data provided in various states of the country. The Committee are concerned about the occurrence of so many cases of custodial rapes in Uttar Pradesh. The Committee would like to be informed about the action taken in the cases against the offenders and steps taken to prevent custodial rapes. The Committee are of the view that police brutality during custody is one of the several forms of police misconduct**



which assumes grave proportions when it is perpetrated against the weaker and vulnerable sections of the society. The Committee are perturbed at the reported instances of custodial excesses (Cases of Rapes, Deaths in Custody) which compromises the basic rights of individual. The general absence of any attention on the part of concerned authorities to the necessity for keeping temper, being civil and respectful to the public, avoiding brutality or unnecessary harshness, are the factors which leads to violence. In this context, the Committee are reminded of the recommendations of the Gore Committee on Police Training 1972, which was of the view that one of the objectives of training should be to inculcate the right attitude towards the public which consists in never forgetting that the civil servant is the servant and not the master of the community.

The Committee are of the view that lack of proper training and internalisation of values of the police force result in such irresponsible behaviour on the part of the police personnel creating a serious compromise upon the rights of women in detention and access to justice. The Committee recommend that *better surveillance* and supervision through CCTV camera may be encouraged to ensure effective prison management and inspection of Police Stations by superior officers in real time. There should be a greater interface *with Civil Rights activists* and their access to people in custody must be facilitated.

### *Skill Building Programme*

2.3 The Committee note that in most of the jails necessary skill building programmes are organized for women prisoners in order to help them for brighter future after release. The Committee were also informed by the Ministry that women prisoners are generally trained in the work of stitching, pickle making, beauty parlour, candle making, making namkeen items. The Committee are glad to know that women prisoners are imparted training suited to their aptitude and background, making them economically self reliant. Further, vocational training in useful trades are also provided to women prisoners like computer training, beautician care course, tailoring course, painting and dance classes etc. While

appreciating the efforts of the various prison departments in terms of skill development of women prisoners, the Committee would like to remind that the task would only be complete with prudent strategies to deal with post-release stigmatization, victimization and abandonment by the families of women prisoners as they constitute one of the gravest challenges in access to justice by women. Further, the Committee direct the Ministry of Home Affairs to coordinate with the Ministry of Skill Development and explore suitable opportunities for development of skills of women prisoners and employment opportunities post-release leading to their integration with the society.

*Need to fill up shortage of women officials, Psychiatrists, counsellors, welfare officers etc leading to focussed care of women prisoners*

2.4 On the issue of focussed care of women prisoners, the Committee were informed by the Ministry of home affairs that there is a shortage of women officials in the management of prisons which has various implications like women officials in prisons not having full access to their leave, backup duties and shift duties leading to an adverse impact in management of women inmates as well. When the Committee desired to know the measures taken to bring more women in the management of prisons the ministry stated that direction has been given to state/UT government to recruit Chief Welfare officers, welfare officers, psychiatrists, after-care officers, Teachers, instructors, Law officers and other Officers. In this context, the Committee note that the Ministry have also admitted to the shortage of welfare officers in prisons across the country. The ministry in their reply to the Committee have admitted that women prisoners are more prone to suffering from anxiety due to incarceration which gets escalated when there is little or no social contact with their family members who give up due to social stigma and hence a focussed intervention by counsellors and psychiatrists is required. Despite the awareness of such interventions, the Committee are perturbed to find that most of the Jails in the country do not have Psychologists/Psychiatrist in them.

The Committee are of the view that women have to undergo emotional and psychological trauma which is more pronounced than that encountered by the male prisoners and there is an urgent need to cater to this concern. The Committee recommend filling up of various vacancies in the prisons across the country in a time bound manner and to ensure focused intervention by counselors, psychiatrists, welfare officers and others to allay the mental anxieties of women prisoners and ensure a more gender sensitive prison management. Further, in view of prevailing shortage of manpower and its adverse impact upon prison management, special recruitment drive must be initiated to fill up the shortage of prison officials.

*Need to ensure gender sensitive prison management through Training*

2.5 The Committee have been informed that that the Institute of Correctional Administration, Chandigarh, Academy of Prison Administration Vellore and Regional Institute of Correctional Administration Kolkata conduct various induction/ orientation/ refresher training programmes for prison officials of senior and middle level prison officers on various aspects. The Institutes also conduct various workshops, conferences, seminars for prison officers.

The Prison officials are trained on themes related to Human Rights and Prison Management, security and Prison management, Personality Development, Emergency Medical Care for Prison Doctors and Prison Officers, Mental Health Issues in Prison Management, Reintegration of offenders, Counselling Techniques for Correction, Capacity Building for Prisoner's Welfare, Gender Sensitization, Contemporary Advances in Criminology and Correction, Best Practices in Prisons, Training of Trainers, Custody of Management of undertrial Prisoners, Stress Management etc.

The Committee believe that integrity, self-control, self-awareness, empathy, compassion, tolerance and conscientiousness are the central values required for sensitive handling of the prisoners. The Committee are of the view that In order to ensure that the correctional philosophy regarding prison management become

reality it is important that the officers dealing with Jail Administration and those who handle with women prisoners are provided Emotional intelligence training, Specific Attitudinal change training for developing positive attitude towards women prisoners to meet their specific needs. Further, Training and workshops to ensure accountability and probity in Jail Administration must be strictly enforced. The Committee further recommend that these training apart from those already being given should be mandatory for every officer and impact assessment of such trainings in work culture in prisons must also be done at all India level. The Committee also desire that the impact assessment report be conveyed to the Committee. The Committee also recommend to evolve a system wherein different NGO's with their expertise work in tandem for the betterment of the inmates. The Committee would like to be apprised about the action taken in the matter.

#### *Gender specific Health Care Needs*

2.6 On the issue of health care needs of women prisoners the Committee desired to know from the ministry whether any study or assessment has been made on the common health problems among women prisoners. The Committee were further surprised at the reply of the ministry that the records of common health ailments prevalent among women prisoners are not available with the Ministry. *The Ministry have further informed the Committee that health care facilities by and large need improvement in jails in view of shortages of Doctors, para-medical staff and equipments.* The Committee also note diseases, like TB, HIV/AIDS, certain venereal ailments, contagious ailments, gynaecological illnesses arising out of poor menstrual hygiene etc show occurrences among women prisoners. Moreover, the Committee understand the critical health implications of nutritional deficiencies on the larger physical and mental well-being of women prisoners, especially for pregnant prisoners and for those in need of fortified diet for other health reasons. Thus, the Committee would like the Ministry to undertake an extensive survey across prisons in the country, in an effective collaboration with State Governments and NGOs, to compile data/information on health of women prisoners and the diseases they suffer the most. The Committee would

further like the Ministry to complete these tasks in a time-bound manner, guided by an advisory body created with experts in the field and finally put in place a robust mechanism to perform the tasks. *The Committee also recommend the ministry to maintain a central data bank of the various health related issues prevailing in different prisons across the country.* The Committee also feel that such an effort may go a long way to provide better health services to women inmates and cater to the healthcare needs of women prisoners much efficiently as such an array of data/information would come in handy to better comprehend their problems and chalk-out the policies most useful to them. *In view of the prevailing shortages of health care officials, the Committee recommend that such shortages must be filled up urgently in the larger interest of justice for women in prisons.* The Committee are concerned over the wide variance in ratio of women prisoners with respect to medical staff in various prisons of the country ranging from 0.5 in Arunachal Pradesh to 65.5 in West Bengal. *The Committee recommend to oversee this critical ratio to ensure that every prison in the country have ratio of medical staff to prisoners in conformity with laid down norms. The Committee would like to be informed of the action taken in the matter at the earliest.*

#### *Role of NGOs*

2.7 The Committee note that that a number of NGOs are working in the jails for the reformation and rehabilitation of the prisoners. The Committee are glad to know about the efforts of the NGOs in this regard. However, the Committee feel that there are important areas where there must be a greater interface between the government agency and NGOs like assistance to children of prisoners, assistance in seeking bail, counselling services, The Committee are at the same time, appalled to note that the data regarding the total number of NGOs working for welfare of women prisoners in the country is not available with the ministry. The Committee recommend that there should be regular visits of jails by NGOs and greater access and open communication with the prisoners be provided in the context of financial assistance, rehabilitation, legal aid etc.

**2.8 The Committee enquired from the Ministry as to whether any survey has been conducted to ascertain compliance rate of the Model Prison Manual of the Government of India for the superintendence and management of prisons. The Ministry in their reply stated that Prisons is a state subject and that the state governments are primarily responsible for formulating their own Prison Manual/ Rules / Regulations. The Committee feel that the reply of the ministry is silent on the efforts made by the Ministry to be proactive in ensuring that the State governments comply with the recommendations of the Central government. The Committee are of the view that the moral responsibilities of the Ministry does not end by mere circulation of the model prison manual to the State Governments. The Committee are further appalled to note that no notable steps were taken by the ministry to ensure the implementation of the manual since the reply of the ministry is silent upon the issue. The Model Prison Manuals were also circulated to the various States/UT for adoption but the Committee are unhappy to note that only few States have adopted Model Prison Manual till now. The Committee will like to highlight the provisions in the New Prison Manual 2016 in this regard highlighting Safety and reformation of women prisoners to be of utmost importance in prison administration. Health of women prisoners has also been recognised as a focus area warranting special attention, Sensitising the staff and imparting training relating to gender issues and sexual violence; Educating women about preventive health-care measures; Enabling proper counselling and treatment for those suffering from psychological disorders; Focussed after-care and rehabilitation measures to ease women's re-integration into society; Restrictions on certain kinds of punishments being awarded to women, for instance, punishment by close confinement should not be awarded to pregnant women, women with infants, counselling programmes etc.**

**The Committee recommend that the Ministry of Home Affairs to take all possible measures to translate the philosophy of Prison Reform as mandated in the national policy in action in a time bound approach. Further, the challenges which are being faced by the various State Governments in Administration of**

prisons must be sorted out by the Ministry of Home Affairs which act as the nodal Ministry for prison related matters in the country. Further, the growing clamour for protection of human rights, ensuring accountability and transparency in view of the RTI Act, 2005 must be seen as a window of opportunity for ensuring a humane prison management system for all convicts. The Committee are further appalled to know that despite the passage of 13 years since the implementation of the Model Prison Manual the Ministry have not conducted any impact assessment on the implementation of such an important policy document of the Government. The Committee strongly recommend that the Ministry must conduct an impact assessment on the Model Prison Manual 2003 and Model Prison Manual 2016 and inform the Committee of the findings. The Committee further recommend that steps may be taken to ensure that implementation of the Model Prison Manual 2016 does not suffer from the same follies and aberrations which crept in the earlier efforts towards dispensing justice to the prison population with special reference to women.

*Foreign Nationals: access to Justice*

2.9 The Committee enquired from the ministry about the various challenges being faced by foreigner Women prisoners in terms of access to justice. The Committee were informed by the ministry that foreign women prisoners face problems of language, culture, lack of awareness of our rules and laws. High level of anxiety is due to remote access to their family and loved ones and lack of bonding with other inmates due to all or any one of the above reasons. As per data provided by NCRB, the undertrial foreign women prisoners stand at 63.3% in 2015. The Committee are of the view that foreign prisoners are more vulnerable and at a disadvantage to access justice because of a lack of understanding of the court and the trial process of another country because of which they can be misled by vested interests. The Committee are further of the view that absence of good interpreters renders the prosecution and trial of a foreign prisoner hazardous. It furthers their isolation in an unknown country. Linguistic differences also prove to be a hindrance in accessing vocational and education programmes in Prisons.

The Committee in this light recommend that the religious, dietary, spiritual needs of a foreign prisoner must be addressed by prison authorities. The Committee further recommend that special cells/officials for dealing with foreign nationals in various custodial situations may be created so that foreigners in India do not face any hassle in dealing with law enforcement agencies on account of language, cultural, attitudinal and behavioural gaps.

### *Modernisation of Jails*

**2.10** The Committee were informed by the ministry that the management of prisons is regulated by Prisons Act, 1894 which has largely remained unchanged except for few amendments made by states to suit their local conditions. The Committee were also informed that in consonance with the correctional philosophy other states have now started the process of enacting new Prison acts to take care of changing prison administration. The Committee were further informed that second phase of Modernisation of prisons was not launched due to paucity of funds and the states are expected to allocate more funds in their States/UTs for prison reform from their own funds. The Ministry have further stated that MHA is also planning to roll out an integrated prison software system throughout the country to be hosted on cloud. In this context the Committee recommend that the ministry of home affairs must impress upon states to take up the issue of reforms in Prison law as per the local condition of states. Further, a detailed report may be submitted regarding the modernisation of jails in phase2. The Ministry must take proactive measures to support the state governments in the task of modernisation of jails and enabling digital governance of prisons across every prison in the country. The Committee also feel that such a step would ensure greater transparency and accountability in the management of prisons in the country.

### *Access to justice*

**2.11** The Committee were informed by the ministry that in the context of access to justice the District Legal Aid Societies(DLSAs) are active in all districts which provide legal aid and para-legal assistance to all inmates particularly the indigent



one. The ministry also informed the Committee that the Government of India has now planned to electronically manage such data base regarding status of court cases so that the inmates can have access to the approaching court productions. The Committee were perturbed to know that the system is again bogged down by inadequate manpower for such legal assistance to inmates . The Committee recommend that DLSAs must focus on providing legal resources for all classes of inmates and particularly undertrials. There must be a concerted effort to rope in legal volunteers for rendering various help like drafting of application, affidavits and other legal procedures. The Committee also desire that more women lawyers should be engaged with such DLSAs so that access to justice for women prisoners is facilitated.

*Study Visit to Mumbai District Women's Prison, Byculla*

2.12 On 13.07.2017, the Committee visited Mumbai Women District prison in Byculla in the aftermath of the reported death of a convict prisoner. The Committee interacted with the female prisoners about the incident and the general condition of living prevailing in the Prison. The Committee were informed of lathi charge by prison authorities in which some prisoners met injuries. Various complaints were made regarding quality of food, sanitation facilities, unhygienic toilets, availability of water, availability of newspapers, difficulties faced in meeting with the relatives of the prisoners. The Committee enquired about the grievances from the prison authorities. The authorities informed the Committee that due action has been taken against the inmates who indulged in rioting as well as the officials. In this regard the Committee are at the outset appalled to note that a prisoner has died in the custody. The Committee are of the view that police brutality during custody is one of the several forms of police misconduct which assumes grave proportions when it is perpetrated against the weaker and vulnerable sections of the society i.e. women. The Committee are perturbed at the prevalence of such instances which compromises the basic rights of individual. The Committee are of the view that the general absence of any attention on the part of concerned authorities to the necessity for keeping temper, being civil and respectful to the public, avoiding brutality or unnecessary harshness, are the factors which leads to violence. In this

context, the Committee are reminded of the recommendations of the Gore Committee on Police Training 1972, which was of the view that one of the objectives of training should be to inculcate the right attitude towards the public which consists in never forgetting that the civil servant is the servant and not the master of the community.

The Committee are of the view that lack of proper training and internalisation of values of the police force result in such irresponsible behaviour on the part of the police personnel creating a serious compromise upon the rights of women in detention and access to justice. The Committee recommend that *video surveillance* through CCTV camera may be encouraged to ensure effective supervision and inspection of prisons by superior officers in real time. There should be a greater interface with Civil Rights activists and their access to people in custody must be facilitated. The Committee recommend that prison authorities should not only be trained in matters pertaining to human rights and prison management but the real effect of such trainings should be measured. The Committee further recommend that the facility available at present in prison is not adequate in conformity with the numbers of women prisoners lodged in the prison. The Committee were informed that the enquiry Committee have been formed to look into the incident on all the issues pertaining to the incident. The Committee recommend that based on the outcome of inquiry responsibility should be fixed and strict action be taken against the guilty. Better skills should be imparted to the officials of the prison authorities so that they are able to deal effectively with the physical and psychological challenges being faced by prisoners.

The Prison authorities at every level must be exposed to Trainings which aim primarily at sensitization, emotional Intelligence, positive attitude towards the Prison inmates and practice of Self control so that the Correctional philosophy of Prison administration does not only remain a theoretical idea but is also translated in the actions of the employees. The death of a Convict prisoner has taken place inside the prison and further led to unruly incident has brought forth the fact that there are glitches and loopholes in the administrative mechanism. The Committee recommend that Prisoners are made aware of the various facilities available to

them and it must be ensured that no male Jailors/Officials are posted in Women Jails. There must be greater vigilance and compassion exercised in dealing with such issues. Though the institutions are in place, they must be geared up in such a manner so that the highest standards of Integrity, Objectivity, Tolerance and Compassion are upheld. The Ministry of Home Affairs must take serious steps in ensuring the philosophy of prison management which is based upon the Vision of the Father of the Nation" all Criminal should be treated as patients and Jails should be hospitals admitting this class of patients for treatment and cure...It (Crime) is a sign of a diseased mind. The causes of a particular disease should be investigated and removed. "

The Committee observe that there is a big deficit between legal system and social reality of women prisoners. The law talks about equality between genders. Thus, when a woman commits a crime she would be punished equally like men. The social reality on the other hand is full of inequality. Women in prison and the reason for which they are imprisoned are largely different from those of men. Existing prison facilities and programmes for women inmates have not been developed initially for them, but for the men, who have historically accounted for the majority of the prison population. It is therefore felt that a gender perspective must be considered while catering to the needs of women in criminal justice system, in general and prison in particular. It is clear from our deliberations that the necessities to be provided to women prisoners are often overlooked by all concerned authorities despite best of intentions. Therefore, the Committee recommend that some of the conditions laid down in the Prison Manual need to be revised in tune with women centric requirements and especially to take care of their children who accompany them to prison.

NEW DELHI  
29 August, 2017  
7 Bhadrapada, 1939 (Saka)

BIJOYA CHAKRAVARTY,  
Chairperson,  
Committee on Empowerment of Women.

**OBSERVATION OF THE COMMITTEE REGARDING STUDY VISITS TO VARIOUS PRISONS IN THE COUNTRY**

**Visit to Attakkulangara Women's Prison, Poojappura Open Prison for Women, Kerala and interaction with women inmates followed by informal discussion with prison authorities, the state prison department and the M/o Home Affairs on various aspects related to women prisoners in connection with the examination of the subject 'Women in detention and access to justice' on 11th November, 2014 at 14:30Hrs at Thiruvananthapuram**

**The main observations during the discussion are as under:**

- There are 4 women's prisons including an open women's prison situated in the State of Kerala. Women prisoners are mainly confined in women prisons. One women's prison and one open prison for women are located at Thiruvananthapuram. Another women's prison is at Thrissur District in central part of Kerala and one is at Kannur, the Northern part of the State.
- The average number of prisoners in the State of Kerala is 7250. Out of this, the strength of women prisoners comes to around 230.
- The number of convicted women prisoners is 63 only. Among the 63 convicted women prisoners, 35 are life-term prisoners. The number of children staying with women prisoners is 10 as on 31.10.2014.
- In the Women's prison, Attakulangara, Thiruvananthapuram, there are 59 prisoners out of which 16 are convicted prisoner and 43 are remand prisoners.
- In the Poojappura Women's Open Prison against a capacity of 20 prisoners, 11 convicted prisoners are lodged.
- All the staff except the Superintendent of the Women's Open Prison are re-deployed from other women's prisons. The post of Superintendent is created only for starting the Women's Open Prison.
- The total number of female guarding staff in various jails in the State comes to 131.
- Women prisoners are provided with hygienic living conditions in jails. They are given adequate living space as per the provisions of the rules. There is no over crowding in women's prisons. As far as possible they are segregated according to their nature of the crime, age and period of sentence.
- Proper health and medical care are also being provided to them. In women's prison, Thiruvananthapuram, the senior medical officer of the nearest Government hospital visit the jail once in a week for the treatment of the prisoners. Prisoners are also being sent to

Government Medical Colleges on the advice of the prison medical officer or on emergent occasions.

- In all women's prisons a tailoring and embroidery unit is functioning for imparting training to the women inmates. In the women's prison, Kannur, a weaving unit and a diary farm unit are functioning. Inmates of women's prison are also given training in soap making, phenol making, doll making, Flower making and artificial Jewelry making etc. with help of voluntary agencies.
- Legal aid clinics under the auspices of legal services authority are functioning in all women's prisons.
- Coin box telephone facility is provided to women prisoners. They are allowed interviews with their family members, friends and advocates very liberally.
- Ordinary parole for 60 days in a year is being given to those prisoners who are eligible for parole. As per the provisions of the rules, prison inmates are being given emergency leave on certain emergency grounds. Emergency leave can be availed up to 45 days on an occasion. Period of parole up to 90 days in a year are treated as sentence undergone.

The department has proposed to incorporate a provision in the Rules to enable to send the children of women prisoners to nearby Government Anganwadis.

- Women prisoners are given opportunity for entertainment. In door games materials are given to them. Facilities to watch television programmes are also made available to them. Yoga and meditation classes with the help of NGOs are being held occasionally.
- There are 5 life term prisoners who have completed 14 years of actual imprisonment in the State. Their cases have been examined by the Prison Advisory Board for the propriety to recommend their premature release. The decision of the Government in this regard is kept in abeyance in view of the Hon'ble Supreme Court's interim order in WP(C) 48/2014.
- Children of Women prisoners are allowed to stay with them upto 6 years. There are 10 children staying with women prisoners in various jails in the State as on 31.10.2014. However, at present there is no crèche or nursery school for children of women prisoners.

**Visit to Women's Prison, Parappana Agrahara, Bengaluru and interaction with the women inmates followed by informal discussion with prison authority, the state prison department and the M/o Home Affairs on various aspects related to women prisoners in connection with the examination of the subject 'Woment in detention and accessto justice' on 13th November, 2014 at 10:00Hrs at Bengaluru.**

**The main observations during the discussion are as under:**

- Karnataka State has 102 various types of prisons out of which there are 8 central prisons, one open jail and an exclusive prison for women at Tumkur. Total number of prisoners in Karnataka prisons is 14918 which includes 620 female prisoners both under trials and convicted.

- The Women's Jail at Parappana Agrahara in the Central Prison, Bangalore houses 131 women prisoners out of which 39 are convicts and 92 are under trials. There are 14 children below the age of 6 in this prison.
- Separate enclosures have been earmarked for female prisoners which has no access to male members and are guarded by female staff only. However, the Superintendent of this jail is a male officers. Jailors and sub jailors are women officials.
- The female prisoners are being served cooked nutritious food as per the scale prescribed in the Prison Manual and Rules. The children of women prisoners are being served food on the scale recommended by the Medical Officer depending upon their age. On festival days female prisoners are being served with special extra diet.
- Special Facilities are provided to Women prisoners and Children along with them. Crèches and Nurseries were established in all the jails of state for the children of Women inmates.
- The female prisoners have been provided with medical facilities and treatment with suitable medical diet to be served to the sick prisoners on the recommendation of the medical officer. The sick prisoners needing higher investigation, treatment and surgery are being referred to higher medical centers for specialized treatment
- Non Governmental organizations are doing yeoman service in augmenting the health services in prisons in recent years.
- Training in Knitting, Basket making ,Dress designing, agarbatti manufacturing, woolen knitting ,bag making ,bakery products making, leaf cup making etc., are given by the jail authorities in association with Non Governmental organizations. Sewing machines have been issued to jails under modernization of prison administration.
- Free legal aid camps were organized with the help of legal agencies and local NGOs for the legal awareness among the prisoners.
- Counseling is done by NGOs both individually and in groups, allowing prisoners to bring out their pent up feeling of anger and hatred, enable them to accept the realities of their present situation in life , giving them hope and courage to face the challenges of future.
- Periodical meditation courses, cultural programmes, recreation through TV/ Radio, etc., legal aid to the needy prisoners, better toilets, Hygiene facilities in the barracks, providing hot water, separate kitchen to cook their food., literacy programmes, crèches to the children of women prisoners in coordination with the NGO are some of the important reformative measures adopted by the Department for improving the living conditions of prisoners.

**Visit to Mumbai Women's Prison, Byculla and interaction with women inmates followed by informal discussion with the prison authorities, State Prison department and the M/o Home Affairs on various aspects related to women prisoners in connection with the examination of the subject 'Women in detention and access to justice'**

**The main observations during the discussion are as under:**

- There are 49 Prisons in the State of Maharashtra & one Borstal School. (Central Prisons- 9, District Prisons- 27, Women Prison- 1, Open Prisons-10, Special Prison-1, Open Colony-1). The capacity of Prisons in Maharashtra is 23036 convicts/under trials. However, generally 28,000 prisoners are housed in state prisons.
- As on 1<sup>st</sup> Nov. 2014 there were 380 women convicts and 968 undertrials in Maharashtra prisons. Generally, convict-under trial ratio of women prisoners is 20:80. There is only one separate Open Prison for women i.e. Yerwada Women Open Prison. Efforts are being made to start another Open Prison for women at Akola District.
- Mumbai District Women Prison at Byculla which was established on 2<sup>nd</sup> Oct 2003 with capacity of 262 prisoners. On an average 300 women prisoners are housed there. There are 8 barracks and 4 separate cells for women.
- Children less than 6 yrs of age are permitted to live with their mothers in the prison. As a result generally 20 children are housed with their mothers in Mumbai Women District Prison.
- An NGO runs a 'Balwadi' for the children of inmates.
- There are separate diet charts for pregnant women and children in Maharashtra prisons. All prisons provide meals as per the diet chart.
- Library facility and newspapers are available to women in the prison and books are also brought from the Corporation library. Literacy classes, skills development, craft work are also pursued.
- Video conferencing facility has been installed for communication between the Prison and Courts as many times Police escorts are not available.
- Free legal aid for women prisoners is extended through District legal Services committee/ State Legal Service Committee.

**Study Visit of the Committee to Mumbai District Women's Prison, Byculla , Mumbai on 13.07.2017**

- The present total population as on 12<sup>th</sup> July, 2017 in 288 female prisoners, alongwith 15 children. There are 28 female Bangladeshi, 14 other foreign female prisoners: 276 female under trial prisoners and 12 convicted prisoners.
- As per directions of Additional Director General of Police and Inspector General of Prisons and Correctional Services, Maharashtra, Pune the approved articles are available for sale in prison canteen.
- Prisoners are arranged to meet their relatives and legal counsel referred to as Mulaqaat. The duration of the interview is normally for 20 minutes. Interviews are granted on working days, except on Sundays and Jail Holidays from 9am to 5 pm and conducted in a separate Mulaqaat Rooms, separated by intercom Systems.

- Children who are below 16 years allowed to meet physically their parents who are lodged in prison.
- Medical treatment and care are extended through in out patient department (OPD) in the premises of the prison with Dispensary for treatment and care for prisoners. Since there is no indoor patient facility, the prisoners suffering from serious illness are referred to Sir J.J. Hospital, Byculla.
- HIV testing is conducted by the Mumbai District AIDS Control Society at 'Shakti Clinic' established within the premises.
- Medical camps are organized with the assistance of doctors of Sir J.J. Hospital, Byculla and also in association with NGOs for health check up and treatments.
- Computerisation of all prisoner's record already stalled with the help of prison software. With the help of this software prisoners related details accessed on one click.
- The prison also organizes with the assistance of NGOs and educational Institution, Literacy camps, distanced education is also available for prisoners who wish to pursue higher studies.
- Bath soap, Washing Soda and Tooth powder are provided to each female prisoner every month, hair oil and shampoo is provided every week. Sanitary napkins are provided as their requirement & additional clothing are provided to the female prisoners for maintenance as personal hygiene.

**Visit to Women's Correctional Home, Alipore, Kolkata and interaction with women inmates followed by informal discussion with the representatives of West Bengal Correctional Services/ Officials Of Alipore Correctional Home on Women in Detention and Access to Justice on 15 May, 2015 at 14:30 Hrs. at Kolkata .**

On the 15<sup>th</sup> of May 2015, the Committee on Empowerment of Women visited Women's correctional Home, Alipore, Kolkata and had interaction with women inmates and informal discussion with the representatives of West Bengal Correctional Services on the subject 'Women in Detention and Access to Justice'.

The main observations emerged during the discussion are as follows:-

- Alipore Women Correctional Home (WCH) is the second Women Correctional Home in the state of West Bengal and located over an area of 8.24 acres. It has 10 wards, a ward for new prisoners and an isolation ward. It has the accommodation for 300 inmates along with a wide range of facilities including arrangements for medical care, library, vocational training, recreational activities and cultural events, HIV Hospital etc.



- There are 376 female prisoners in WCH out of which 288 are under trial prisoners.
- At Alipore WCH, services of 2 whole time contractual Medical officers, 3 visiting specialists (Surgeon/Orthopedic/Dentist), 1 Staff Nurse are at present available.
- Apart from the above, a 8-bedded Hospital-cum-Admit ward and one ward for mentally ill patients are in use. The services of Psychologist and Counselors are made available by NGOs at Alipore WCH.
- There is no scarcity of drinking water, water for bathing and culinary purposes.
- Provision for supply of clothing to women prisoners who are inadequately clad or is unable to obtain clothing from outside have been made. There is provision to provide sanitary toilets which have been provided in the enclosures. The attending physician prescribes special diet to expectant, lactating and convalescing women prisoners.
- At Alipore WCH, legal aid is provided to prisoners through Legal Aid Clinics and complaints/representations received are redressed as far as possible within the framework of law.
- Women prisoners are provided with vocational training through NGOs. There are arrangements for training in various job oriented trades and computer.
- Total number of Children accompanying incarcerated mothers as on 14.05.2015 stands at 62 and three Under Trials among the inmates are pregnant.
- Total number of mentally-ill inmates as on 14.05.2015 are 09 and 48 inmates are under treatment for various diseases-including HIV, Cancer, Hepatitis B, Diabetes and Hypertension. Children of inmates under treatment as on 14.05.2015 are 02.
- Legal aid clinics under the auspices of legal services authority are functioning in all women's prisons.
- Custodial death at Alipore, WCH, in the year 2015 so far is 01.
- Study Group also visited schools run for the kids of inmates and handicraft centers during the visit.
- Research is also being carried out to ascertain the psychological and sociological analysis of the motives behind crimes committed by inmates.
- NGOs take care of the children of convicts till they attain the age of 09 years.
- After-care officers visit the person/NGO who have been given the custody of the child to ascertain the condition of the child.
- In order to protect the rights of prisoners, the department concerned strictly follows the guidelines laid down by Apex Court and the High Court with regard to prisoner rights in general and those which have special reference to women prisoners and their children in particular.

- There is a need to increase the number of fast track courts to reduce the number of undertrial prisoners .
- It is necessary to conduct psychological and sociological analysis of the prisoners to know the motives of crime.

During the visit, the Committee also inspected the facilities and amenities available to women prisoners like leather craft centre, library-playhouse-art-workshop, school run for the kids of inmates interview room, medical OPD, handicraft room, Vodafone booth, wards, beauty parlour, dining hall, kitchen, computer section, welfare section etc.

**Visit to District Jail and interaction with women prisoners and informal discussion with the representatives of the Prison Department of Andaman administration / Prison Authorities of the District Jail regarding Women in Detention and Access to Justice on 18 May, 2015 at 11:00 Hrs. at Port Blair.**

On the 18th of May 2015, the Committee on Empowerment of Women visited District Prison, A&N Islands and interacted with the women prisoners as well as had informal discussion with the prison authorities of District of Prison, Andaman & Nicobar Islands.

The main observations emerged during the interaction/discussion are as follows:-

- There are one District Prison and three sub-prisons at present in the Union Territory of Andaman & Nicobar Islands
- Out of these four prisons, only District Prison, Prothrapur has women inmates. As on 30.04.2015, only four women prisoners are in the District Prison.
- For providing better care and treatment of lodged prisoners and for achieving the goal of rehabilitation, reformation and resocialization, the prison department is extending all the facilities to the prisoners such as education, training, games, yoga and meditation etc.
- Adult Education classes have also been started inside the barracks and voluntary inmates are taking educational classes. All the educational items like books, pencils etc. are being provided by the department. In addition to this, a registered NGO i.e. Annaikkum Karangal Trust, Port Blair is also providing assistance by giving educational items to the prisoners.
- A library is functioning inside the Correctional Home and various types of magazines, newspapers in different languages and religious books are kept in the library for inmates.
- The Prison Authorities started a separate kitchen for the women prisoners. This restricts the entry of male prisoners into the female ward for distribution of food, the prison administration is also providing financial help to the school

going children of female prisoners in the form of supplying school books, school bags and school uniforms etc.

- The female inmates/pregnant women are examined by female staff nurse deployed in the Prison Hospital. They are sent to District Hospital for ascertaining the state of their health, duration of pregnancy, probable date of delivery etc. and a every possible parental and postnatal care is provided as per the advice of Medical Specialist of Government Hospital.
- As far as possible, arrangement for temporary release is made to enable a prisoner to deliver child outside the prison. If a child is born in prison, the same is not recorded as the place of birth and the address of the locality is mentioned.
- A child up to six years of age is allowed to stay with his mother in prison, if no other arrangements for keeping him with relatives or otherwise can be made, the children are kept under protective custody in a home of the Department of Social Welfare and are allowed to meet their mothers at least once a week.
- There is a crèche and a nursery attached to the prison for women where the children are looked after. One Anganwadi centre run by Social Welfare Department is functioning in the Correctional Home complex for the welfare of the inmates.
- Adequate/nutritious diet is provided to all women prisoners and special attention is given to pregnant nursing women and children of women prisoners.
- Prison Administration provides sufficient bedding and clothing to women prisoners and their children according to climate conditions. In addition to this, the women prisoners are provided sterilized sanitary pads as per their requirement.
- Women prisoners are taught tailoring, embroidery, stitching & gardening. Free legal aid/assistance of lady members of District, Legal Service Authority is also provided to the needy poor inmates.
- Recreational programmes like simple outdoor games, bhajans music, folk dance, dances, drama, TV, radio and film shows are organized for women prisoners. They are also provided with facilities for meditation and yoga.

## Annexure II

**Number of Jails, Capacity, Population and Occupancy Rate in the Country  
at the end of 2015**

Sl. No.	Type	Number of Jails	Capacity	Population of Inmates	Occupancy Rate
(1)	(2)	(3)	(4)	(5)	(6)
1	CENTRAL JAIL	134	159158	185182	116.4
2	DISTRICT JAIL	379	137972	180893	131.1
3	SUB-JAIL	741	46368	39989	86.2
4	WOMEN JAIL	18	4748	2985	62.9
5	BORSTAL SCHOOL	20	1830	1003	54.8
6	OPEN JAIL	63	5370	3789	70.6
7	SPECIAL JAIL	43	10915	5769	52.9
8	OTHERS	3	420	13	3.1
<b>9</b>	<b>TOTAL</b>	<b>1401</b>	<b>366781</b>	<b>419623</b>	<b>114.4</b>

**Number of Jails, Capacity, Population and Occupancy Rate in the Country  
at the end of 2014**

Sl. No.	Type	Number of Jails	Capacity	Population of Inmates	Occupancy Rate
(1)	(2)	(3)	(4)	(5)	(6)
1	CENTRAL JAIL	131	152312	184386	121.1
2	DISTRICT JAIL	364	135439	179695	132.7
3	SUB-JAIL	758	45564	40775	89.5
4	WOMEN JAIL	19	4837	3001	62.0
5	BORSTAL SCHOOL	20	2108	863	40.9
6	OPEN JAIL	54	5070	3799	74.9
7	SPECIAL JAIL	37	10766	5832	54.2
8	OTHERS	4	465	185	39.8
<b>9</b>	<b>TOTAL</b>	<b>1387</b>	<b>356561</b>	<b>418536</b>	<b>117.4</b>

**Number of jails, Capacity, Population and Occupancy rate in the Country  
at the end of 2013**

<b>Sl. No.</b>	<b>Type</b>	<b>Number of Jails</b>	<b>Capacity</b>	<b>Population of Inmates</b>	<b>Occupancy Rate</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>	<b>(6)</b>
1	CENTRAL JAIL	130	151421	183525	121.2
2	DISTRICT JAIL	346	126909	170979	134.7
3	SUB JAIL	780	46993	43281	92.1
4	WOMEN JAIL	19	4827	3396	70.4
5	BORSTAL SCHOOL	21	2438	1224	50.2
6	OPEN JAIL	53	4316	3027	70.1
7	SPECIAL JAIL	38	10490	6300	60.1
8	OTHERS	4	465	260	55.9
<b>9</b>	<b>TOTAL</b>	<b>1391</b>	<b>347859</b>	<b>411992</b>	<b>118.4</b>

## Annexure III

## State/UT wise details of the total medical staff posted in jails only.

Sl. No.	State/Uts	Total Medical Staff	Total Women Prisoners	Ratio Women Prisoners w.r.t. Medical Staff
1	ANDHRA PRADESH	39	416	10.7
2	ARUNACHAL PRADESH	8	4	0.5
3	ASSAM	66	317	4.8
4	BIHAR	319	891	2.8
5	CHHATTISGARH	50	908	18.2
6	GOA	3	30	10.0
7	GUJARAT	71	516	7.3
8	HARYANA	47	723	15.4
9	HIMACHAL PRADESH	15	67	4.5
10	JAMMU & KASHMIR	40	91	2.3
11	JHARKHAND	29	862	29.7
12	KARNATAKA	25	539	21.6
13	KERALA	22	219	10.0
14	MADHYA PRADESH	117	1322	11.3
15	MAHARASHTRA	62	1336	21.5
16	MANIPUR	32	40	1.3
17	MEGHALAYA	16	8	0.5
18	MIZORAM	10	93	9.3
19	NAGALAND	16	9	0.6
20	ODISHA	129	642	5.0
21	PUNJAB	80	1135	14.2
22	RAJASTHAN	39	677	17.4
23	SIKKIM	2	13	6.5
24	TAMIL NADU	86	627	7.3
25	TELANGANA	0	451	-
26	TRIPURA	27	42	1.6
27	UTTAR PRADESH	207	3533	17.1
28	UTTARAKHAND	11	186	16.9
29	WEST BENGAL	23	1506	65.5
30	A & N ISLANDS	5	6	1.2
31	CHANDIGARH	3	24	8.0
32	D & N HAVELI	0	13	-
33	DAMAN & DIU	0	3	-
34	DELHI	225	579	2.6
35	LAKSHADWEEP	0	0	-
36	PUDUCHERRY	2	6	3.0
	<b>TOTAL (ALL-INDIA)</b>	<b>1,866</b>	<b>17,834</b>	<b>9.5</b>

Note: Data on total number of doctors, specialists and gynecologists in women's jails is not available with the Bureau. Above figures refer to total medical staff posted in jails only.

## Annexure IV

## State/UT Wise total number of cases of psychiatric ailments amongst female prisoners

S. No.	State / UTs	Convicts	Undertrial	Detenues	Others	Total
1	ANDHRA	0	8	0	0	8
2	ARUNACHAL PRADESH	0	0	0	0	0
3	ASSAM	4	1	0	2	7
4	BIHAR	0	0	0	0	0
5	CHHATTISGARH	16	8	0	0	24
6	GOA	1	6	0	0	7
7	GUJARAT	11	29	0	0	40
8	HARYANA	24	6	0	0	30
9	HIMACHAL	0	0	0	0	0
10	JAMMU &	1	3	1	0	5
11	JHARKHAND	4	3	0	0	7
12	KARNATAKA	9	14	0	0	23
13	KERALA	7	8	0	0	15
14	MADHYA	11	3	0	0	14
15	MAHARASHTRA	0	2	0	0	2
16	MANIPUR	0	0	0	0	0
17	MEGHALAYA	0	0	0	0	0
18	MIZORAM	0	0	0	0	0
19	NAGALAND	0	0	0	0	0
20	ODISHA	15	18	0	0	33
21	PUNJAB	2	4	0	0	6
22	RAJASTHAN	8	4	0	0	12
23	SIKKIM	0	0	0	0	0
24	TAMIL NADU	0	0	0	0	0
25	TELANGANA	0	0	0	0	0
26	TRIPURA	0	1	0	0	1
27	UTTAR	18	36	0	0	54
28	UTTARAKHAND	3	1	0	0	4
29	WEST BENGAL	13	12	0	0	25
30	A & N ISLANDS	0	0	0	0	0
31	CHANDIGARH	0	0	0	0	0
32	D & N HAVELI	0	0	0	0	0
33	DAMAN & DIU	0	0	0	0	0
34	DELHI	1	29	0	0	30
35	LAKSHADWEEP	0	0	0	0	0
36	PUDUCHERRY	0	0	0	0	0
	<b>TOTAL</b>	<b>148</b>	<b>196</b>	<b>1</b>	<b>2</b>	<b>347</b>

Source: Prison Statistics India 2015

**Annexure V**

**State/UT Wise information of Probation Officers, Psychologists/Psychiatrists, Social Workers etc.**

<b>S. No.</b>	<b>State/UT</b>	<b>Probation Officer/ Welfare Officer</b>	<b>Psychologist/ Psychiatrist</b>	<b>Social Worker / Others</b>
1	ANDHRA PRADESH	0	0	0
2	ARUNACHAL PRADESH	0	0	0
3	ASSAM	0	0	0
4	BIHAR	79	0	2
5	CHHATTISGARH	6	0	47
6	GOA	0	0	0
7	GUJARAT	0	1	0
8	HARYANA	0	0	0
9	HIMACHAL PRADESH	3	0	0
10	JAMMU & KASHMIR	1	0	0
11	JHARKHAND	7	0	1
12	KARNATAKA	0	0	0
13	KERALA	18	0	0
14	MADHYA PRADESH	8	0	54
15	MAHARASHTRA	0	1	122
16	MANIPUR	0	0	0
17	MEGHALAYA	0	0	0
18	MIZORAM	0	0	1
19	NAGALAND	1	0	14
20	ODISHA	30	3	92
21	PUNJAB	0	0	0
22	RAJASTHAN	0	0	4
23	SIKKIM	0	0	0
24	TAMIL NADU	27	8	18
25	TELANGANA	0	0	0
26	TRIPURA	0	0	0
27	UTTAR PRADESH	1	0	0
28	UTTARAKHAND	0	0	0
29	WEST BENGAL	33	3	0
30	A & N ISLANDS	0	0	0
31	CHANDIGARH	1	0	0
32	D & N HAVELI	0	0	0
33	DAMAN & DIU	0	0	0



<b>S. No.</b>	<b>State/UT</b>	<b>Probation Officer/ Welfare Officer</b>	<b>Psychologist/ Psychiatrist</b>	<b>Social Worker / Others</b>
34	DELHI	9	2	0
35	LAKSHADWEEP	0	0	0
36	PUDUCHERRY	0	0	0
	<b>TOTAL</b>	<b>224</b>	<b>18</b>	<b>355</b>

Note: Data on correctional staff as given above in women prison is not available separately. Source: Prison Statistics India, 2015.

## Annexure VI

### State/UT wise cases reported under custodial rape (in police custody) during 2013-2015

Sl.No.	State/UT	2013	2014*	2015*
1	Andhra Pradesh	0	0	1
2	Arunachal Pradesh	0	4	0
3	Assam	0	0	0
4	Bihar	0	0	0
5	Chhattisgarh	0	0	0
6	Goa	0	0	0
7	Gujarat	0	0	0
8	Haryana	0	0	0
9	Himachal Pradesh	0	0	0
10	Jammu & Kashmir	0	0	0
11	Jharkhand	0	0	0
12	Karnataka	1	0	0
13	Kerala	0	0	0
14	Madhya Pradesh	0	0	0
15	Maharashtra	0	0	0
16	Manipur	0	0	0
17	Meghalaya	0	0	0
18	Mizoram	0	0	0
19	Nagaland	0	0	0
20	Odisha	0	0	0
21	Punjab	0	0	0
22	Rajasthan	0	3	0
23	Sikkim	0	0	0
24	Tamil Nadu	0	0	0
25	Telangana	-	0	0
26	Tripura	0	0	0
27	Uttar Pradesh	0	189	91
28	Uttarakhand	0	0	2
29	West Bengal	0	0	1
	<b>TOTAL STATE(S)</b>	<b>1</b>	<b>196</b>	<b>95</b>
30	A& N Islands	0	0	0
31	Chandigarh	0	0	
32	D&N Haveli	0	0	0
33	Daman & Diu	0	0	0
34	Delhi UT	0	0	0
35	Lakshadweep	0	0	0
36	Puducherry	0	1	0
	<b>TOTAL UT(S)</b>	<b>0</b>	<b>1</b>	<b>0</b>
	<b>TOTAL (ALL INDIA)</b>	<b>1</b>	<b>197</b>	<b>95</b>

Source : Crime in India

\*Custodial rapes include rapes in police custody, in jail, in judicial custody, in the custody of hospital, etc.

**State-UTs wise list of incidents of Deaths of female Inmates in prisons during the last three year**

<b>States/UTs</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Andhra Pradesh	99	1	0
Arunachal Pradesh	0	0	0
Assam	22	0	1
Bihar	83	3	2
Chhattisgarh	60	1	0
Goa	0	0	0
Gujarat	26	2	1
Haryana	39	2	0
Himachal Pradesh	3	0	0
Jammu & Kashmir	3	0	0
Jharkhand	48	2	0
Karnataka	73	2	1
Kerala	51	0	1
Madhya Pradesh	102	3	5
Maharashtra	85	7	5
Manipur	0	0	0
Meghalaya	1	0	0
Mizoram	1	0	0
Nagaland	1	0	0
Odisha	44	2	2
Punjab	160	5	6
Rajasthan	53	0	0
Sikkim	3	0	0
Tamil Nadu	64	0	1
Tripura	1	0	1
Telangana		0	0
Uttar Pradesh	340	9	10

<b>States/UTs</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Uttaranchal	6	0	1
West Bengal	85	4	8
A & N Island	1	0	0
Chandigarh	0	1	0
D & N Haveli	0	0	0
Daman & Diu	0	0	0
Delhi	28	2	5
Lakshadweep	0	0	0
Puducherry	0	0	1
<b>Total</b>	<b>1482</b>	<b>46</b>	<b>51</b>

(Source - Prison Statistics India)

## Annexure VIII

**Total number of convicts who have been given financial assistance and number of convicts rehabilitated**

Sl. No.	State/UT	No. of prisoners to whom financial assistance provided on release	No. of convicts rehabilitated
1	ANDHRA PRADESH	0	62
2	ARUNACHAL PRADESH	0	0
3	ASSAM	0	0
4	BIHAR	0	0
5	CHHATTISGARH	0	0
6	GOA	0	39
7	GUJARAT	92	115
8	HARYANA	0	75
9	HIMACHAL PRADESH	0	0
10	JAMMU & KASHMIR	1	65
11	JHARKHAND	0	21
12	KARNATAKA	0	0
13	KERALA	0	0
14	MADHYA PRADESH	0	0
15	MAHARASHTRA	13	0
16	MANIPUR	0	0
17	MEGHALAYA	120	6
18	MIZORAM	10	50
19	NAGALAND	0	0
20	ODISHA	10	98
21	PUNJAB	0	12
22	RAJASTHAN	0	0
23	SIKKIM	0	0
24	TAMIL NADU	8	561
25	TELANGANA	1	123
26	TRIPURA	0	0
27	UTTAR PRADESH	91	10
28	UTTARAKHAND	4	0
29	WEST BENGAL	58	2
30	A & N ISLANDS	0	0
31	CHANDIGARH	0	0
32	D & N HAVELI	0	0
33	DAMAN & DIU	0	0
34	DELHI	0	33
35	LAKSHADWEEP	0	0
36	PUDUCHERRY	8	14
	<b>TOTAL</b>	<b>416</b>	<b>1286</b>

Note: Prisoners include both male as well as female.

## **APPENDIX I**

### **COMMITTEE ON EMPOWERMENT OF WOMEN (2014-2015)**

#### **MINUTES OF THE FOURTH SITTING OF THE COMMITTEE HELD ON THURSDAY, THE 30<sup>th</sup> OCTOBER, 2014**

The Committee sat from 1500 hrs. to 1630 hrs. in Committee Room 'E', Parliament House Annexe, New Delhi.

#### **PRESENT**

Smt. Bijoya Chakravarty - Chairperson

#### **MEMBERS**

#### **LOK SABHA**

2. Smt. Anju Bala
3. Smt. Sushmita Dev
4. Smt. Rama Devi
5. Smt. Bhavana Gawali
6. Smt. Jayshreeben Patel
7. Smt. Butta Renuka
8. Smt. Satabdi Roy
9. Smt. Mala Rajyalakshmi Shah
10. Smt. Rita Tarai
11. Smt. P. K. Sreemathi Teacher
12. Smt. Savitri Thakur
13. Smt. R. Vanaroja

## **RAJYA SABHA**

14. Smt. Mohsina Kidwai
15. Sh. Anubhav Mohanty
16. Smt. Kahkashan Perween
17. Shri G. N. Ratanpuri
18. Smt. Bimla Kashyap Sood
19. Sh. A. V. Swamy
20. Smt. Wansuk Syiem

## **SECRETARIAT**

- |    |                           |   |                  |
|----|---------------------------|---|------------------|
| 1. | Smt. Anita Jain           | - | Joint Secretary  |
| 2. | Shri S.C. Chaudhary       | - | Director         |
| 3. | Smt. Reena Gopalakrishnan | - | Deputy Secretary |

## **Representatives of the Ministry of Home Affairs**

- |    |                       |   |  |
|----|-----------------------|---|--|
| 1. | Shri Anil Goswami     | - | Home Secretary   |
| 2. | Shri Rajan Gupta      | - | Director General, Bureau of Police<br>Research & Development |
| 3. | Shri Alok Kumar Verma | - | Director General, Tihar Central Jail                         |
| 4. | Shri Kumar Alok       | - | Joint Secretary (CS), MHA                                    |
| 5. | Shri R.R. Bhatnagar   | - | A.D.G.(Police) & I.G. Prisons, UP                            |
| 6. | Shri Mukesh Prasad    | - | D.I.G. (Prisons), Tihar Central Jail                         |
| 7. | Shri Sharad           | - | D.I. G. (Prisons), Lucknow, Jail                             |

2. At the outset, the Chairperson welcomed the members of the Committee to the sitting convened to have a briefing by the representatives of the Ministry of Home Affairs in connection with examination of the subject 'Women in Detention and Access to Justice'.

*[Witnesses were they called in]*

3. After welcoming the witnesses, the Chairperson read out Direction 55 (1) regarding confidentiality of the proceedings. The Chairperson, then highlighted the common issues faced by women prisoners like lack of proper amenities, inadequate medical facilities and physical abuse. The Chairperson also pointed out about the scarcity of good lawyers in

legal aid panels, lack of legal awareness among women prisoners and inadequacy of rehabilitation and after care programmes for women prisoners.

4. Thereafter, the representatives of the Ministry of Home Affairs gave a brief presentation highlighting the various steps taken by the Government to improve the condition of women prisoners and detailed the programmes and facilities designed for their wellbeing. The Members of the Committee raised various issues concerning women prisoners like the duration of stay of under trial prisoners, care given to children of women prisoners, diet of women prisoners in general and specially of pregnant and lactating prisoners, security of women prisoners, proper monitoring of jails, skill development programmes, legal aid, adequacy of space in barracks and cells, medical facilities, crèche for children of women prisoners, status of implementation of Mulla Committee and Krishna Iyer Committee recommendations and post release support programmes. The Committee also desired to know whether women prisoners who were involved in extremist activities are kept in close proximity with other prisoners or are kept separately and stressed on the need to evolve and institutionalized mechanism to collect data/information from prisons in all States. The issues raised by the Chairperson and the Members were replied to by the officers of the Ministry. However, on the queries on which the information was not readily available, the Ministry of Home Affairs was directed to furnish written replies to the Secretariat at the earliest.

*[The witnesses then withdrew]*

5. A verbatim record of the proceedings has been kept.



## **APPENDIX II**

### **COMMITTEE ON EMPOWERMENT OF WOMEN (2014-2015)**

#### **MINUTES OF THE SIXTH SITTING OF THE COMMITTEE HELD ON THURSDAY, THE 08<sup>th</sup> JANUARY, 2015**

The Committee sat from 1200 hrs. to 1630 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

#### **PRESENT**

Smt. Bijoya Chakravarty - Chairperson

#### **MEMBERS**

#### **LOK SABHA**

2. Smt. Anju Bala
3. Smt. Rama Devi
4. Smt. Bhavana Gawali
5. Smt. Anupriya Patel
6. Smt. Butta Renuka
7. Smt. Rita Tarai
8. Smt. Savitri Thakur
9. Smt. R. Vanaroja

#### **RAJYA SABHA**

10. Smt. Vandana Chavan
11. Smt. Mohsina Kidwai
12. Smt. Kahkashan Perween
13. Shri G. N. Ratanpuri

14. Smt. Bimla Kashyap Sood
15. Sh. A. V. Swamy

### **SECRETARIAT**

- |    |                           |   |                  |
|----|---------------------------|---|------------------|
| 1. | Smt. Anita Jain           | - | Joint Secretary  |
| 2. | Shri S.C. Chaudhary       | - | Director         |
| 3. | Smt. Reena Gopalakrishnan | - | Deputy Secretary |

### **Representatives of India Vision Foundation**

- |    |                   |   |                                      |
|----|-------------------|---|--------------------------------------|
| 1. | Dr. Kiran Bedi    | - | Chairperson, India Vision Foundation |
| 2. | Dr. Monica Dhawan | - | Director                             |
| 3. | Ms. Pearly Paul   | - | Project Manager                      |
| 4. | Ms. Tulika Kiran  | - | Project Manager                      |

### **Representatives of the NGO Prison Ministry India**

- |    |                     |   |  |
|----|---------------------|---|--|
| 1. | Shri K.S.. Menon    | - | Prisoners Welfare, Welfare<br>Campus Placements, Family<br>Outreach Programme, Prison<br>Entrepreneurship Programme,<br>& Rehabilitation |
| 2. | Rev. Sr. Archangel  | - | State Coordinator for PMI for Delhi  |
| 3. | Rev. Sr. Celine     | - | Education and Welfare for Prisoners  |
| 4. | Rev. Sr. Asha       | - | Free Legal aid for Prisoners.  |
| 5. | Rev. Sr. Annie Rose | - | Rehabilitation and Renewal Mission   |

2. At the outset, the Chairperson welcomed the Members of the Committee as well as representatives of India Vision Foundation to the sitting of the Committee convened in connection with the examination of the subject 'Women in Detention and Access to Justice'. The Chairperson, then urged the representatives of the India Vision Foundation to share their experience of working among women prisoners, the problems that are yet to be addressed within prisons from a humanitarian angle and the legal issues that come in the way of the genuine rights of women prisoners. The Committee also called for the suggestions of India Vision Foundation for the betterment of the lives of women prisoners.

3. The representatives of the India Vision Foundation, thereafter, made a detailed presentation before the Committee about the programmes and activities undertaken by them. While reiterating their commitment towards women prisoners, they expressed their concerns about the limitations they face and also gave detailed suggestion on each aspect pertaining to prison reforms, viz. training and counseling of prison staff, legal awareness, vocational skill training for inmates, health care requirements, after care services for the children of prison inmates, coordination amongst NGOs working for prison reforms, etc.

4. The Committee then dispersed for lunch and met again at 1430 hrs to interact with the representatives of another voluntary organisation 'Prison Ministry India' working among prisoners all over the country.

5. After welcoming the representatives of the Prison Ministry India to the sitting of the Committee, the Chairperson desired them to give the Committee a brief understanding about their work among the prisoners, especially the women prisoners and to enlighten the Committee about the real issues that are being faced by prisoners.

6. The representatives of the Prison Ministry India, thereafter dealt in detail about their rehabilitation and reform activities among prisoners and their families. They also threw light on the various concerns that need to be addressed urgently.

A verbatim recording of the proceedings of the Committee has been kept.

*The Committee then adjourned.*

### **APPENDIX III**

#### **COMMITTEE ON EMPOWERMENT OF WOMEN (2014-2015)**

#### **MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE HELD ON TUESDAY, THE 20<sup>th</sup> JANUARY, 2015**

The Committee sat from 1500 hrs. to 1700 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

#### **PRESENT**

Smt. Bijoya Chakravarty - **Chairperson**

#### **MEMBERS**

#### **LOK SABHA**

2. Smt. Anju Bala
3. Smt. Rama Devi
4. Smt. Jayshreeben Patel
5. Smt. Butta Renuka
6. Smt. Satabdi Roy
7. Smt. Mala Rajyalakshmi Shah
8. Smt. Rita Tarai
9. Smt. R. Vanaroja

#### **RAJYA SABHA**

10. Smt. Mohsina Kidwai
11. Smt. Kahkashan Perween
12. Shri G. N. Ratanpuri
13. Smt. Wansuk Syiem

## **SECRETARIAT**

- |    |                           |                    |
|----|---------------------------|--------------------|
| 1. | Smt. Anita Jain           | - Joint Secretary  |
| 2. | Shri S.C. Chaudhary       | - Director         |
| 3. | Smt. Reena Gopalakrishnan | - Deputy Secretary |

### **Representatives of the Delhi State Legal Services Authority**

- |    |                           |                           |
|----|---------------------------|---------------------------|
| 1. | Shri Dharmsh Sharma       | - Member Secretary, DSLSA |
| 2. | Shri Surinder Singh Rathi | - OSD, DSLSA              |
| 3. | Shri Purushottam Pathak   | - Secretary, DLSA         |

2. At the outset, the Chairperson welcomed the members of the Committee to the sitting convened to have a hearing by the representatives of the Delhi State Legal Services Authority in connection with examination of the subject 'Women in Detention and Access to Justice'.

*[Witnesses were then called in]*

3. After welcoming the witnesses, the Chairperson read out Direction 55, regarding confidentiality of the proceedings. In her initial remarks the Chairperson appreciated the fact that the DSLSA has been offering a wide range of legal services to various categories of persons eligible for free legal aid including women in prison and various beneficial schemes run by them for the weaker and vulnerable section of society. Thereafter, the representatives of DSLSA, through their power point presentation, briefed the Committee about their function and role towards women in detention and access to justice. They also touched upon their efforts towards spreading legal literacy and awareness amongst masses, organizing Lok Adalats as an alternative dispute resolution mechanism, welfare and well being of girls in children home, and counseling missing children. They also highlighted their individual endeavor towards ensuring justice to women in detention which included adoption of jails, legal services clinic, and regular visit

of jails by the advocates and access to prison management system enabling them to access the correct particulars of the women prisoners.

4. Then the Committee discussed about the empanelment of the lawyers under DSLSA, their criteria of selection, distribution of work and remuneration given to them. The other issues which emerged during the sitting were teeming capacity of jails where prisoners are outnumbered, availability of public de-addiction centers for women and their state of regulation and monitoring, human trafficking; sex rackets of small children, lack of notification on domestic workers were also deliberated upon. Thereafter, the representatives of DSLSA highlighted the various work undertaken by the organization and also the various measures initiated by them to improve its performance. Later, the Members raised various queries related to the subject which were addressed by the representatives of the DSLSA.

*[The witnesses then withdrew]*

5. A verbatim record of the proceedings has been kept.

*The Committee then adjourned.*

\*\*\*\*

## **APPENDIX IV**

### **COMMITTEE ON EMPOWERMENT OF WOMEN (2016-2017)**

#### **MINUTES OF THE SECOND SITTING OF THE COMMITTEE HELD ON THURSDAY, 27 OCTOBER, 2016**

The Committee sat from 1500 hrs. to 1600 hrs. in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

#### **PRESENT**

Smt. Bijoya Chakravarty - **Chairperson**

#### **MEMBERS**

#### **LOK SABHA**

2. Smt. Anju Bala
3. Smt. Rama Devi
4. Smt. Jyoti Dhurve
5. Smt. Darshanaben Jarodsh
6. Smt. Riti Pathak
7. Smt. Satabdi Roy (Banerjee)
8. Smt. Rita Tarai
9. Smt. P.K.Sreemathi Teacher

#### **RAJYA SABHA**

10. Smt. Rajani Patil
11. Smt. Kahkashan Perween
12. Shri A.V. Swamy

## **SECRETARIAT**

1. Shri N.C. Gupta. - Joint Secretary
2. Shri T.S. Rangarajan - Director

### **Representatives of Ministry of Home Affairs**

1. Sh. Susheel Kumar Secretary, Border Management, MHA
2. Sh. Jaideep Govind AS (LWE)
3. Sh. Dilip Kumar JS (CS), MHA
4. Sh. Sudhir Yadav DG (Prison), Tihar, Delhi
5. Mr. K. Moses Chalai JS, M/o Women and Child Development
6. Sh. Sharat DIG (Prisons), Uttar Pradesh

2. At the outset, the Chairperson welcomed the members of the Committee to the sitting convened to take oral evidence of the representatives of the Ministry of Home Affairs in connection with examination of the subject 'Women in Detention and Access to Justice'.

*[Witnesses were then called in]*

3. After welcoming the witnesses, the Chairperson read out Direction 55 regarding confidentiality of the proceedings. The Chairperson, in her initial remarks, touched upon several issues, such as, various problems faced by under-trials, overcrowding of jails, post integration of prisoners in society. She also referred to the practical difficulties faced by women in terms of accessing justice.

4. While elaborating upon the significance of prison administration as an important element of criminal justice system in India, the Ministry of Home Affairs highlighted about the release of the Model Prison Manual 2016 which represents best practices from across the country and strives to reflect the understanding behind Constitutional provisions,



Supreme Court directions on prison administration and international instruments. It was further highlighted that the Model Prison Manual also exclusively dealt with women prisoners containing all aspects of women prisoners like exclusion of males, training of staff for gender sensitivity, locks for female prisoners, women prisoners requiring mental healthcare, pregnancy, childbirth in prison, children of women prisoners, female prisoners' hygiene etc.

5. During the further course of discussion, the other issues that surfaced included the functioning of Legal Services Authority, cases of sexual exploitation of women in prison and the issue of custodial deaths of women prisoners, the need for more Fast Track Courts, issue of under-trials, psychological rehabilitation, issue of political prisoners, post release integration of the prisoner etc. The queries raised by Hon'ble Chairperson and other Members of the Committee were responded to by the representatives of the Ministry of Home Affairs.

*The witnesses then withdrew]*

*The Committee then adjourned.*

\*\*\*\*

## **COMMITTEE ON EMPOWERMENT OF WOMEN (2016-2017)**

### **MINUTES OF THE TWELFTH SITTING OF THE COMMITTEE HELD ON TUESDAY, 29 AUGUST, 2017**

The Committee sat from 1500 hrs. to 16.10 hrs. in Committee Room No. 'C', Ground Floor, Parliament House Annexe, New Delhi.

#### **PRESENT**

Smt. Bijoya Chakravarty - **Chairperson**

#### **MEMBERS**

##### **LOK SABHA**

2. Smt. Anju Bala
3. Km Sushmita Dev
4. Smt. Bhavana Gawali
5. Smt. Darshanaben Jardosh
6. Sadhvi Savitri Bai Phoole
7. Smt. Mala Rajya Laxmi Shah
8. Smt. R. Vanaroja
9. Smt. Satabdi Roy(Banerjee)

##### **RAJYA SABHA**

10. Sh Prabhat Jha
11. Sh A.V.Swamy
12. Smt Wansuk Syiem

##### **SECRETARIAT**

1. Shri N.C. Gupta. - Joint Secretary
2. Shri T.S. Rangarajan - Director
3. Shri Khakhai Zou - Additional Director

2. At the outset, the Chairperson welcomed the Members of the Committee to the sitting convened for consideration and adoption of draft Tenth Report of the Committee on the subject 'Women in Detention and Access to Justice'.

3. \*\*\*\*\*

4. \*\*\*\*\*

5. \*\*\*\*\*

6. Thereafter, the Committee took up for consideration the draft Report of the Committee on the subject, 'Women in Detention and Access to Justice'. After discussing the Draft Report in detail, the Committee adopted the same without any modification. The Committee also authorized the Chairperson to finalize the Draft Report and present the same to Hon'ble Speaker, Lok Sabha under Direction 71 A of the ' Directions by the Speaker, Lok Sabha'.

The Committee then adjourned.

\*\*\*\*