

**COMMITTEE ON EMPOWERMENT OF WOMEN (2001-2002)  
(THIRTEENTH LOK SABHA)**

**Women in Detention**

**Ministry of Home Affairs  
And  
Ministry of Human Resource Development  
(Department Of Women And Child Development)**

**Presented to Lok Sabha on 24<sup>th</sup> August, 2001  
Laid in Rajya Sabha on 24<sup>th</sup> August, 2001**

**LOK SABHA SECRETARIAT  
NEW DELHI  
24<sup>th</sup> August, 2001/Bhadrapada 2, 1923(Saka)**

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**COMPOSITION OF THE COMMITTEE ON EMPWOERMENT OF WOMEN**  
**(2001-2002)**

**CHAIRPERSON**                      **Smt. Margaret Alva**

**MEMBERS**

**LOK SABHA**

2. Dr. (Smt.) Anita Arya
3. Smt. Jayashree Banerjee
4. Smt. Renuka Chowdhury
5. Smt. Santosh Chowdhary
6. Dr. (Smt.) Beatrix D'Souza
7. Shri P.D. Elangovan
8. Kumari Bhavana Pundlikrao Gawali
9. Smt. Abha Mahto
10. Dr. Ashok Patel
11. Prof. (Smt)A.K. Premajam
12. \*Dr. (Smt.) V. Saroja
13. Smt. Kanti Singh
14. Smt. Shyama Singh
15. Smt. Jayaben B. Thakkar

16. Shri Prakash Mani Tripathi
17. Shri D. Venugopal
18. Smt. D.M. Vijaya Kumari
19. Dr. (Smt.) Sudha Yadav
20. Vacant

### **RAJYA SABHA**

21. Smt. Shabana Azmi
22. Smt. Chandresh Kumari
23. Dr. (Ms.) P. Selvie Das
24. Smt. Saroj Dubey
25. Smt. Jayaprada Nahata
26. Prof. (Smt.) Bharati Ray
27. Miss Mabel Rebello
28. Smt. Basanti Sarma
29. Smt Savita Sharda
30. Vacant

### **SECRETARIAT**

- |    |                    |   |                   |
|----|--------------------|---|-------------------|
| 1. | Shri P.D.T. Achary | - | Joint Secretary   |
| 2. | Shri Ashok Sarin   | - | Deputy Secretary  |
| 3. | Smt. Veena Sharma  | - | Under Secretary   |
| 4. | Shri H.R. Kamboj   | - | Committee Officer |

\* Nominated as a Member of the Committee w.e.f. 20<sup>th</sup> March, 2001 vice Shri P. H. Pandian resigned

## **INTRODUCTION**

I, the Chairperson of Committee on Empowerment of Women, having been authorised by the Committee to submit the Report on their behalf, present their Third Report on 'Women in Detention'.

2. This Report is based on the inputs including material received from the Ministry of Home Affairs, Ministry of Human Resource Development (Department of Women and Child Development) National Commission for Women and impressions gained during on-the-spot visits to jails in some of the States where women are confined.

3. The Sub-Committee of Committee on Empowerment of Women on 'Appraisal of Laws relating to Women (2001-2002)' heard the views of former IG (Prison) Tihar Jail; exchanged ideas with some NGOs on the subject on 16<sup>th</sup> April 2001 and took oral evidence of the representatives of Ministry of Home Affairs on 19<sup>th</sup> April 2001. The Committee on Empowerment of Women also took oral evidence of the representatives of Ministry of Home Affairs on 6<sup>th</sup> June 2001 in connection with examination of the subject. The Committee had also interacted with the Chairperson and Members of the National Commission for Women on 10<sup>th</sup> July 2001.

4. The Report was considered and adopted by the Committee on Empowerment of Women (2001-2002) at their sitting held on 22<sup>nd</sup> August 2001. The Minutes of the sittings form Part II of the Report.

5. The Committee wish to express their thanks to the Ministry of Home Affairs, Ministry of Human Resource Development (Department of Women and Child Development), former IG (Prison) Tihar Jail, Delhi, Chairperson and Members of the National Commission for Women and Non-Governmental Organisations etc. for placing before them material and information in connection with the examination of the Report and for giving evidence before them.

6. For facility of reference, the Observations and Recommendations of the Committee have been printed in thick type in the body of the Report.

New Delhi;

17<sup>th</sup> August, 2001

Sravana 26, 1923 (Saka)

**MARGARET ALVA,  
CHAIRPERSON,  
COMMITTEE ON EMPOWERMENT OF WOMEN**

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## REPORT

### INTRODUCTORY

The conditions in an average Indian prison present a very depressing picture. Overcrowded, unhygienic and hopeless, these prisons far from being any kind of correctional centres, often produce hardened criminals who truly become a menace to society. A mindless adherence to centuries old jail manuals leaves very little scope for any innovative approach in the matter of dealing with people who end up in prisons for various reasons and under various circumstances. The enlightened sections of society have often demanded jail reforms having been moved by the horrifying conditions of prison life. Attempts have also been made to improve conditions by amending rules, issuing new regulations or appointing Committees. But no significant change has taken place in the general conditions with in jails or in the attitude of the jail authorities.

Although women in detention constitute only around 3 per cent of the total prisoners in various jails in the country, their condition is pathetic in terms of the prison's environment, the treatment meted out to them in the jail and the social ostracism they suffer. Women prisoners suffer from greater disabilities than men. The psychological stress caused by separation from children, the unhelpful attitude of close relations, uncertainty about the future are all factors which make their life miserable in jail. The antiquated manuals and insensitive approach of the jail authorities add to their woes. During its study tour, the Committee visited several jails where women prisoners are lodged. We found the conditions inside the jails appalling. Over

80% of the women prisoners found there, are undertrials who have been there for years together. No one knows when the trial will take place or when they will be able to come out of the cold prison walls.

The slow moving judicial machinery, apathy on the part of the State and insensitivity of the jail authorities have made prison reforms almost impossible. There are, of course, some individual initiatives at reform, like in Tihar Jail. But firm initiatives on the part of the State are missing. A landmark report made by the Justice Krishna Iyer Commission on Women in Detention in 1987 is yet to receive serious attention of the Government.

As Parliamentarians we have a duty to highlight the problems of these unfortunate women who, in most cases, are victims of circumstances. We strongly feel that immediate steps need to be taken by the Union Government as well as the State Governments to reform the conditions in jails.

The Committee's findings and recommendations are contained in the succeeding paragraphs.

The question of ensuring custodial justice to women has been gone into by a number of Committees starting from the Indian Jail Committee in 1919-20, which had *inter-alia* recommended separate institutions for women prisoners in each province. The All India Jail Manual Committee of 1957-59 suggested a specialised approach towards care, treatment and rehabilitation of women offenders. The Committee gave emphasis to vocational training for women, while in custody. Another Committee, i.e. The All India Committee on Jail Reforms, (1980-83) also studied the problem in depth. The Committee observed that "women in prison as we have witnessed during our visits to various jails in different States and Union Territories suffer from unhealthy living conditions, exploitation, unnecessary prolonged severance from their families and lack of gainful and purposeful employment." The Committee laid emphasis on training of custodial staff in prisons to handle women prisoners with a reformatory attitude. Finally, the Expert Committee on 'Women Prisoners' constituted by the Government in 1986-87 under the Chairmanship of Mr. Justice V.R.Krishna Iyer made a number of very useful recommendations for women prisoners and suggested a National Policy for Custodial Justice for Women. It laid particular emphasis on the need for adoption of a specialised approach towards handling, treatment and rehabilitation of women prisoners.

1.2 It is generally a fact that the treatment of women in custody is not uniform throughout the country. There is a wide divergence in the situation in jails mainly because of the fact that the matters relating to prisons, reformatories, borstal institutions, etc., and persons detained therein are a State subject under the Constitution (Entry 4 of List II in the Seventh Schedule) and prison administration is governed by the State Governments under the provisions of Indian Prisons Act, 1894 and the Jail Manuals framed by various State Governments.

1.3 The provisions relating to custodial justice to women are incorporated not only in various laws passed by the Parliament or State Legislatures but also in various subordinate legislations made by Governments of different States. A good part of the relevant provisions have also spilled over to executive instructions, circulars, memoranda etc., compiled and consolidated in various manuals. Above all, there are a number of judicial decisions of the Supreme Court and High Courts which have set the pace for custodial justice. Amongst the notable judicial decisions of the Supreme Court, references can be made to the following:

Hussainara Khatoon AIR, 1979 S.C. 1360

Prem Shankar Shukla Vs. Delhi Admn. AIR, 1980 S.C. 1535

Upendra Baxi Vs. State of U.P. (Writ petition number (Crl.) 1990 of 1981, decided on 23.7.1986

Chinnamma Sivadas Vs. State of Delhi Admn. (Writ petition number 2526 of 1981, order dated 14.9.1981).

Nandini Satpathy case AIR 1978 S.C. 1205.

But the most important case is that of Sheela Barse vs. State of Maharashtra (AIR 1983 S.C.378) in which it has been held that it is absolutely essential that legal assistance is made available to prisoners, whether they be undertrial or convicted prisoners. The Supreme Court outlined seven guidelines to come to the aid of women in custody, viz., exclusive police lock-ups for female suspects, interrogation of women prisoners in the presence of a female police officer, arrestee being informed of the grounds of arrest immediately, provision for legal aid, surprise visits to police lock-ups, communication to the nearest relatives or friends of arrested women, immediately inquiry by the Magistrate about any torture meted out to the woman arrestee and her right to medical examination etc. All these have become a part of the law itself.

1.4 The Committee have been given to understand that in the realm of custodial justice, a reference first of all, must be made to the Indian Penal Code, which remedies the substantive provisions for crimes and sentences. While the ingredients of a substantive criminal offence may remain the same irrespective of gender, there is an urgent necessity to work our sentencing strategies appropriate to women. The I.P.C. demands a fresh approach in this light. Justice Krishna Iyer's Committee on Women Prisoners had also referred to this.

1.5 The Committee was informed that the Criminal Procedure Code has already posed a number of issues on which amendments have become incumbent. The amendments of the Cr.P.C. centres around matters of arrest, search, bail, interrogation, etc. Then, there is the Police Act of 1861 which is a Central Act defining powers and conduct of the police to make it an efficient instrument for the prevention and detection of crimes. Matters concerning women in relation to police have several provisions that need change. Appropriate amendments to reflect the special needs of women are urgently needed.

1.6 The Committee has noted that the legal issues on custodial justice are covered by the Prisons Act of 1894 which is also a Central Act providing for the regulation of prisons almost throughout India. This Act defines the duties of prison officers including medical officers, admission, removal and discharge of prisoners, food, clothing and bedding and different categories of prisoners as well as issues relating to their health and employment while in prison. Above all, there are also provisions defining prison offences and arrangements. Therefore, the Prison Act is an important piece of legislation that regulates situations in custody as well as treatment of jail inmates. Being a Colonial Act, it demands a fresh look to reflect the special needs of women.

1.7 The Ministry of Human Resource Development (Department of Women and Child Development) had set up an Expert Committee at the national level to identify the gaps and drawbacks of the existing facilities and services and suggest a more humane policy towards the women offenders. The Committee under the Chairmanship of Justice V.R.Krishna Iyer submitted its report in the year 1987. The report inter-alia states that "womenhood and childhood even in criminal wrappings and behavioral aberrations deserve to be nursed in dignity and restored to working normally, using all the material, moral and spiritual resources at the society's command". In his report, Justice Krishna Iyer had observed that the "existing malpractice

and the delinquencies in the various forms of custody tend to effect women more adversely than men. This is on account of the fact that the women are still a marginal group in the custodial population and tend to be less vocal, demanding and violent in demonstrating against custodial or other injustice. With this in mind, specific and specialised interventions are necessary to restore the existing imbalance in the criminal correctional justice system vis-à-vis women”. The recommendations that follow represent the essence of the Committee’s perceptions regarding a reform approach to dispensing custodial justice to women and to protecting her dignity and her person in custody. The proposed interventions are addressed to the policy making, reviewing, enforcement and organisational and infrastructural levels. The extracts of the major recommendations contained in the Report of the National Expert Committee on Women Prisoners headed by Justice Krishna Iyer are summarised in [Annexure 1](#).

1.8 The Committee on Empowerment of Women took up the subject 'Women in Detention' for detailed examination and report. Accordingly, the Department of Women and Child Development which had constituted the National Expert Committee on Women Prisoners headed by Justice Krishna Iyer, was requested to state the follow-up action taken on the recommendations contained in the Report. In reply, the Department of Women and Child Development has stated that they had received the report of the Committee. However, as per Allocation of Business Rules, 1961, the work relating to follow-up action on the Report of the National Expert Committee on Women Prisoners was transferred to the Ministry of Social Justice & Empowerment.

1.9 When the matter was taken up with the Ministry of Social Justice and Empowerment, they stated that the National Expert Committee on Women Prisoners headed by Justice Krishna Iyer was appointed by the Department of Women and Child Development in May, 1986. The Committee submitted its report to that Department in May, 1987. The report was examined by that Department who appointed a Working Group to implement its recommendations and also coordinated follow-up action. According to the Ministry of Social Justice and Empowerment their records indicate that all the relevant files were returned to the Department of Women and Child Development on 14<sup>th</sup> September, 1990 for taking further follow up action. The Ministry added that as per the Allocation of Business Rules, the Ministry of Social Justice & Empowerment deals with juvenile vagrancy, juvenile delinquency and offenders and not women in custody. Since the Department of Women & Child Development was concerned with the welfare of women and coordination of activities of other Ministries and Organisations on this subject, it is for the Department of Women & Child Development to take further follow-up action on the Report of the National Expert Group on Women Prisoners and submit reports on action so far taken in this regard.

1.10 The matter was again taken up with the Department of Women and Child Development. After prolonged correspondence, the Department of Women and Child Development stated that:

“The Department of Women and Child Development has checked its records. There is no record to prove that the Ministry of Social Justice & Empowerment returned the relevant files and records to this Department in September, 1990 as claimed by that Ministry.

However, in order to avoid further delay in the matter, this Department has, circulated the extracts of the recommendations contained in the Report of the National Expert Committee on Women Prisoners headed by Justice Krishna Iyer to all State Governments/Union Territory Administrations requesting them to send action taken reports on the recommendations. The subject ‘prison’ is a state subject as per the VIIth Schedule of the Constitution of India”.

1.11 Explaining the position in this regard, the Secretary, Department of Women and Child Development stated during evidence:

“the Department of Women and Child Development had appointed the Justice Krishna Iyer Committee in 1986. They gave the report in May, 1987. The Report was sent to the concerned Ministries and concerned State Governments. A Committee was formed to monitor the implementation. The Report was sent to the Law Minister under the signatures of the then State Minister for consideration of the recommendations by the Law Commission. He had made certain suggestions regarding Article 252 and he had the views of the Attorney-General annexed to the Report. There were still some doubts on the question whether the women prisoners can be tried under mobile courts within the jail. That recommendation was also sent to the Law Commission. xx xx

xx xx

They were mandated to consider all the recommendations. They considered the recommendations and sent their views to the Ministry of Home in May, 1994 on the Report of the Law Commission as well as on the Cr.P.C. In fact, they had appointed their own Committee under the Chairmanship of Justice Bhagwati. That Committee had considered the recommendations of the Law Commission and Justice Krishna Iyer’s Committee and made suggestions to NCW. On that basis the NCW sent its recommendations in May 1994 to the Ministry of Home. Subsequent to that, a legislation was introduced and it is still pending. The Law Commission has since then given its 154<sup>th</sup> Report where some of these views are subsumed. As far as the other recommendations of the Justice Krishna Iyer’s Committee are concerned xx xx xx one related to having National Authority on Custodial Justice. He suggested that all custodial matters, whether it be women in prison or whether it be women in mental hospital, should be considered by one authority, called the National Custodial Authority. xx xx

xx xx xx

As far as other set of recommendations were concerned, they relate to administrative matters with regard to the women; facilities of their better trials, their being able to contact their relatives, their living conditions, avoiding harassment to women and so on. These were also considered subsequently by the National Commission for Women. They organised seminars and had conference with IG prisons. All the recommendations which they made were sent to the concerned Ministry which is the Ministry of Home Affairs. We sent those recommendations to them and we got a response that since this is a State subject they had a certain limitation in implementing quite a few of those recommendations. However, as an advisor they issued a number of circulars to the State Governments for implementing many of these recommendations. xx xx xx xx

xx xx We must confess that after 1990 there was a certain dispute between the Department of Social Justice and the Department of Women and Child Development and though till then these recommendations were followed up, after that Justice Krishna Iyer’s recommendations were not followed up. As far as the question in general terms as to what steps the National Commission for Women had taken on these recommendations, they have a chapter on detention. But we must confess that these recommendations could not be considered. There was no follow up. xx xx xx

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Subsequently, after the Committee took up this matter again, we decided that instead of having inter-Ministerial disputes, we would take up this matter and would write to the State Governments. We wrote to them in January, 2001 for getting the updated position on the implementation of these

recommendations and the status on the conditions of jails. We have decided now to implement these recommendations and follow them up within our own Department. This is what we plan to do.”

1.12 When asked about the position regarding implementation of Justice Krishna Iyer Report on women prisoners from the representatives of Ministry of Home Affairs, during evidence, the Special Secretary, Ministry of Home Affairs stated:

“About the Justice Krishna Iyer Report, there were basically two sides. The report recommended wide-ranging changes in the justice administration system and there were also recommendations for reforming the jails. In the Home Ministry, this report was analysed and then this was forwarded to the Law Commission for their review. Now the Law Commission, in their 154<sup>th</sup> report, have incorporated most of the recommendations. We will certainly be taking the orders of the Cabinet for the wholesale change in the Criminal Procedure Code, which will incorporate most of the suggestions made in the Justice Krishna Iyer Report.”

He further added

“But we have made a note also as to which of the recommendations have been accepted by the Law Commission. Once the 154<sup>th</sup> Report is placed before the Parliament and the Criminal Procedure Code is amended, the legal aspect of Justice Krishna Iyer’s Report will be taken care of. So far as the reforms side is concerned, we have been issuing advisories to the States to implement the recommendations. As you know Madam, basically Prisons is a State subject. So, in number of cases such reforms are being attempted. Then, we have a centrally sponsored scheme for which we provide financial assistance also to the State Governments. During the current year we have a sum of Rs. 7 crore. We have already released Rs. 124 crore to the States. This amount is available for providing better prison amenities.”

1.13 When the Committee desired to know the extent of implementation by each State of the recommendations contained in the Report of Justice Krishna Iyer on women in detention, the Ministry of Home Affairs has stated that the State Governments have been asked to furnish the status of implementation of the recommendations of the Justice Krishna Iyer Committee’s Report. The Committee were informed that some of the States have implemented Justice Krishna Iyer recommendations. On being asked to state what important recommendations have been implemented by the States, the Special Secretary, Ministry of Home Affairs during evidence on 6<sup>th</sup> June, 2001 stated:

“we will compile that and we will send it to you. We would make a list of the States and the list of suggestions which have been implemented.”

However, this information is still awaited from the Ministry of Home Affairs.

1.14 The Committee desired to know from the Ministry of Home Affairs about their views on the situation prevailing in the various jails where women are confined. Responding, the Ministry have stated that ‘Prisons’ is a State subject under List-II of the Seventh Schedule to the Constitution and Prison Administration is governed by the State Governments under the provisions of Indian Prisons Act, 1894 and the Jail Manuals framed by various State Governments. The State Governments undertake legislation and make rules and regulations etc. on the subject. The detailed rules and regulations for management of prisons have been incorporated by the State Governments in the respective Jail Manuals which are updated from time to time. According to the Prisons statistics at the end of 1998, there were 1133 prisons including 16 women prisons in the country ([Annexure-II](#)). The State-wise details of women prisons is at [Annexure-III](#). The Ministry of Home Affairs has further stated that against the capacity of 217021, the actual number of

prisoners accommodated in these prisons is about 275605 ([Annexure-IV](#)). Out of the total prison population, the total number of under-trials is 202564 which is approximately 73.5% of the total prison population ([Annexure-V](#)).

1.15 The information as made available to the Committee by the Ministry of Home Affairs regarding total capacity, number of inmates, Indian as well as foreign women inmates, is at [Annexure – VI](#). The Age-wise information on convicts and undertrial women prisoners under various offences is at [Annexure-VII](#) and [Annexure VIII](#). The duration of detention of undertrials and period of sentence for convicted women prisoners are at [Annexure – IX](#) and [Annexure-X](#).

1.16 According to the Ministry of Home Affairs, in India, as in other countries, the strength of women prisoners incarcerated in prisons is comparatively much less than their male counterparts. Against 275605 inmates, the women prisoners were 8822, which constitute 3.2% of the total prison population at the end of 1998. Out of total 8822 women prisoners, the number of women undertrials were 6649 ([Annexure XI](#)). The total available capacity to lodge women prisoners was 11061. The statistics at [Annexure – IV](#) reveals that except in the States of Bihar, Haryana, Maharashtra, Punjab and Uttar Pradesh the authorised capacity for women prisoners is more than the actual prisoners kept in the jails. Against the authorised capacity of 11061 women prisoners, 8822 women prisoners were in detention at the end of 1998. Thus overcrowding is not a problem at the national level in so far as women prisoners are concerned. Some of the States have at least one or two exclusive prisons for women. Most States & Union Territories in India do not have exclusive women's prisons, but have separate enclosures for them. Such enclosures/wards are governed by female staff. In smaller jails as the District or Sub-jails, depending on the strength of the female prisoners, a separate Wing or Cells are allotted for them which is supervised by female staff. In such cases, the female staff are generally appointed on a temporary basis and they are also only at the lower level. According to the Ministry, separate women prisons exist in the States of Andhra Pradesh, Bihar, Kerala, Orissa, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal and the Union Territory of Delhi, where it has become functional from the year 2000.

1.17 The Ministry of Home Affairs have further stated that even as 'Prisons' is a State subject, keeping in mind the pressing need for improving prevailing conditions inside prisons, the Ministry of Home Affairs has been providing central assistance to the State Governments to supplement their efforts in improving the condition of prisons and prisoners under the scheme of Modernisation of Prison Administration since 1987. The funds are provided to the State Governments for strengthening security, communication and transport, repair and renovation of old prison buildings, facilities to women offenders, vocational training, modernisation of prison industries and training to prison personnel etc. An amount of Rs.124.81 crore was released to the State Governments under this scheme from 1987 to March, 2001. During the current financial year an amount of Rupees 07 crore is available under the scheme. The monitoring of the Scheme is done by this Ministry by asking the States to give utilisation certificates of funds released to them for the items covered under the Scheme. Which the State Governments have been furnishing the utilisation certificates in respect of the entire amount released to them, they are not, giving specific details. The State Governments have not also been sending their schemes on time for release of funds.

1.18 The Ministry of Home Affairs have added that in view of the status of women in family and society, their special needs/problems and their vulnerability while in prisons, special provisions have been made in the Prison Manual of States for the segregation, protection, care, treatment, training and rehabilitation of women prisoners which in prisons. Immediately after admission to prison, every women prisoner has to

undergo a thorough medical examination so as to ascertain whether she is pregnant or not. The result of such examination has to be recorded in the relevant records and her history ticket and such women prisoners are given special medical care either in the prison hospital or in outside hospitals to ensure better medical health both physically as well as mentally to them. They are taken to the local maternity hospital for the purpose of delivery. While registering the birth of a child of women prisoners the place of birth indicated is the name of the hospital only instead of indicating the name of the prison/institution in which they are confined. The pregnant and nursing women prisoners are being provided a prescribed special diet and exempted from unsuitable type of work in addition to their regular medical check-up as advised by a competent medical officer.

1.19 As regard the facilities provided to women inmates, the Ministry of Home Affairs have stated that taking into consideration, the development of the child, its attachment to the mother and other relevant factors, children up to the age of 4 to 6 years are allowed to accompany women prisoners. Creches are organised in many prisons for such children. Facilities like, the naming rites of children born in prison are being extended to them. The Prison Manual of States also provide for special diet for the children accompanying women prisoners, as prescribed by the medical officers from time to time and suitable clothing. Prisons have a system of classification for the segregation of various category of women prisoners like convicts, under-trials, habitual offenders, prostitutes, procuresses, etc. Women prisoners are provided the facilities of maintaining contacts with their families through letters, visits from relatives and leave. This apart, facilities like, radio, TV, cassette player etc. are also being provided to the women prisoners for their recreation in some prisons. Suitable clothing including sanitary pads are being provided to the women prisoners along with the adequate quantity of washing and toilet soaps in order to maintain proper cleanliness and hygiene while in prisons.

1.20 According to the Ministry of Home Affairs medical check up of female prisoners is generally done by Women Medical Officers and wherever necessary the women prisoners are referred to outside hospitals for treatment. The food is provided as per the scales provided in the respective jail manuals of the State Governments. Special diet is provided to the ailing/pregnant women prisoners on medical advice. Vocational training is provided to the convicted prisoners and also to the undertrial women prisoners in many jails. In most cases the vocational training is confined to the traditional jobs like sewing , knitting, embroidery, paper bags, garment making etc. Arrangements are also available at many jails to provide primary education and adult education with trained teachers. Legal aid is provided to the needy women prisoners through the legal aid societies. Some NGOs are also helping the prisoners in this regard.

1.21 The Ministry of Home Affairs has further stated that as desired by the Committee, they had deputed officers to some of the jails in the country so as to assess for themselves the conditions of women inmates there.

1.22 In a note furnished to the Committee in this regard the Ministry have stated that their officers found the various facilities in regard to accommodation, medical, food, training, recreation, counselling and legal aid exist in various jails of the country and the general conditions of women in jails as more or less satisfactory. The major complaint of the prisoners according to them is the delay in trial and delay in disposal of appeals. The other major complaint from the life convicts was regarding refusal to consider their

premature release. Some of the deficiencies noticed by the officials of Ministry of Home Affairs during their visits have been reproduced in [Annexure XIV](#).

1.23 In order to study the conditions of Women in Detention, the Committee undertook visits to the following jails:-

- i) Central Prison (Arthur road Jail), Mumbai
- ii) Tihar Jail, Delhi
- iii) Model Jail, Chandigarh
- iv) Central Prison, Orissa
- v) Presidency Jail, Kolkata
- vi) Nari Bandi Niketan and District Jail, Lucknow

1.24 The details regarding number of inmates, facilities provided to the women, problems etc in respect of each jail is given in [Annexure XV](#). Some of the impressions gathered by the Committee during their visits to these jails are as under:-

1. Most of the jails do not have exclusive women's prisons but only separate enclosures for women.
2. The majority of female detenues are undertrials. They languish in jails for offences for which sentences would have been far less if they had been convicted.
3. Special Courts/Lok Adalats were not being held in the jails for expeditious disposal of cases for undertrials and for petty offences.
4. In Arthur Road Jail, Mumbai, the women prisoners were for more than the authorised capacity leading to acute shortage of space and discomfort .
5. General conditions relating to food, lodging, clothing, recreation etc. were far below standard and needed considerable improvement.
6. In most of the jails, there was one common kitchen and no separate kitchen for women prisoners, Who desired that they should be allowed to cook food or alternatively a separate kitchen should be allotted to them.
7. In some jails, there was no whole time lady medical officer but only a part time lady medical officer who seemed to have appeared for our visit.
8. Most of the jails do not have counselling cells for women. There was urgent need for counselling centres especially for psychiatrist counselling in each prison.
9. There was an urgent need for simplification of bail procedures for women prisoners.

10. A need was felt to strengthen the free legal aid cell for women prisoners. It was felt that students from Law Colleges should be involved to render legal assistance to women prisoners.
11. Facilities for vocational training, elementary education, legal literacy, free legal aid, etc. were lacking at most of the places.
12. Women prisoners were finding it difficult to sustain their relation/contact with family members.
13. In some places NGOs were being associated by jail authorities for imparting educational, vocational training and counselling facilities.
14. A good proportion of women after their release from jails, face desertion by their families due to the social stigma attached to having been in jail.
15. Counselling, support and rehabilitation facilities for women after their release from jails, were almost negligible.
16. In some jails convicts and undertrials were lodged together.
17. Seriously ill patients and women with infectious diseases were not segregated.
18. There was no bailer to bail out some of the women inmates who had received bail.
19. The jail authorities were not taking the initiative for premature release of women prisoners.
20. The female jails/enclosures were not managed by women personnel but were staffed by male members.
21. In some jails foreign prisoners were given special facilities in regard to food, clothing, etc.
22. It was difficult to conduct surprise visits to jails to see the conditions prevailing there as prior permission from jail authorities was required.
23. In District Jail, Lucknow, the Committee noted that the accounts relating to wages paid to the women convicts were not maintained. There was no accountability. The women convicts were not informed about the total amount earned by them as no pass book/account was maintained.
24. The vacancies in the prison cadre especially of female staff were not filled-up.
25. At times the women prisoners were not aware of the grounds of their arrest.
26. Mentally ill patients were languishing in jails and many have breakdowns after coming to jail. They were locked up without any proper care/treatment/help.

27. There were also some cases of exploitation of young women prisoners by the jail staff for immoral purposes.

1.25 At the instance of the Committee, a two-day seminar was organised by the National Commission for Women in New Delhi on 17 and 18 May, 2001 for focused deliberations on women in prisons. Some of the measures suggested in the Seminar were the reiterations of Justice Krishna Iyer Report. Other fresh recommendations surfaced as a result of discussions in the seminar, which are listed below.

1. The women's physical, psychological and bodily needs are different. When in prison, women miss their families; had few visitors and often no news of their homes. This has a serious impact on destroying the spirit of jailed women.
2. It was important that the existing rules are implemented properly by the prison officers to uphold the right and dignity of women in prisons and in police stations. Instead of more and more laws, it was stressed that the existing laws should be implemented in letter and spirit.
3. The Centre and State Governments should properly monitor the utilisation of funds with regard to improvement of conditions, and training programmes in jails.
4. As a result of over crowding, mal-nutrition and inadequate medical facilities, the figures of custodial deaths is increasing. During the year 1995-96, 308 cases of death were reported in police/jail custody. In 1996-97 this figure rose to 900 and in 1998-99, there were 1114 such cases.
5. The children who are born in jails and those who accompany their mothers to jails are compelled to live behind bars without being offenders. There is no Act in the country to take care of these children. As crèche facilities are not available in every jail, they lack guidance and proper care/education.
6. An alternative mechanism of settlement of disputes at the local level should be developed and alternative sentencing such as community based service should be explored.
7. In view of the special needs of women, specific budget allocation for women in detention should be made.
8. There is an urgent need for networking and coordination amongst the different agencies working for women in detention. There should be greater involvement of NGOs.
9. The jails are meant for reform of not only the convicts but all the inmates. As such vocational training and meditation programmes like Vipasana should be introduced and all the inmates should be encouraged to participate either in work or in learning some skills.
10. Jail Adalats should be organised for expeditious disposal of cases, especially for undertrials and petty offences.

1.26 Dr. (Smt.) Kiran Bedi, Joint Commissioner of Police who had joined Tihar Jail, Delhi as I.G. (Prison) was instrumental in initiating several reforms affecting the women prisoners. These reforms were widely appreciated. The Committee, therefore, decided to hear the views of Dr. Bedi on her experience in bringing about reforms in one of the biggest jails in Asia. Accordingly, the Committee interacted with Dr. (Smt.) Kiran Bedi, Joint Commissioner of Police and the following suggestions emerged therefrom:-

1. There was an urgent need to start educational, literacy para, legal and vocational training programmes. for women in jails.
2. There should be separate schools for children of women prisoners.
3. Reliable NGOs and other voluntary organisations should be associated by jail administration in the rehabilitation and counselling of women inmates. Community entry would give prisoners an environment of social acceptance and understanding.
4. Counselling and legal aid centres should be opened .
5. There was need to set up exclusively jails for women.
6. There was urgent need for expeditious trials of cases of undertrials.
7. Convicted and undertrial women in jails should be segregated.
8. Custodial staff is the key element in bringing about custodial reforms. To achieve the objectives of prison reform, there is need for motivation and better promotional avenues for prison staff.
9. There was need for a separate prison cadre headed by an I.G.
10. Legal panchayats inside the prison should be held.
11. There was need for more Rehabilitation Centres/Half-Way Homes for women.
12. The Indian Prisons Acts, 1894 and the Police Act, 1861 should be thoroughly reviewed and amended.
13. There was lack of coordination between Central and the State Governments, and amongst State Governments themselves on matters affecting prison reforms.
14. Computers should be widely used in compilation of data and other details of prisoners including women inmates in the country so that there could be better networking in this regard.

1.27 The Committee also interacted with some of the NGOs who were closely involved with the National Commission for Women. They put forth their views/suggestions for improving the conditions of women in jails.

1.28 Consequent upon study visits of various jails by the Committee and deficiencies which came to light during the seminar specially held for the purpose, the Committee interacted with the representatives of the Ministry of Home Affairs and enquired from them as to what was being done to solve the problems faced by women in jails. The Ministry of Home Affairs stated in reply that overcrowding, and delay in trials were some of the problems being faced by all prisoners (both male and female). However, special problems faced by women prisoners relate to their psychological, physical and rehabilitative needs. The Ministry further stated that while the administration of prisons comes within the responsibility of State Governments, the Ministry of Home Affairs has been providing financial assistance to State Governments under the scheme for Modernization of Prison Administration, which includes the component for the specialized care of women prisoners. All prison Manuals formulated by State Governments have specific provisions for women

prisoners including their children in jails and as such they are being constantly pressured to adopt the Model Prison Manual with certain minimum standards for the care of women prisoners.

1.29 The Committee referred to inadequate facilities available to women in jails (e.g. absence of basic amenities, inadequate medical aid, training, lack of other facilities etc). To this the Ministry of Home Affairs replied that while the State Prison Manual spell out various facilities to be provided to women prisoners including basic amenities, the actual practices vary from State to State. All these provisions needed to be standardized in keeping with human dignity. The Ministry has further stated that in the Committee, which has been set up to formulate the Model Prison Manual, a nominee of the National Commission for Women is proposed to be associated. The Chairperson of NCW has already been requested to nominate one representative for the purpose.

1.30 The Committee desired to know the steps taken by the Ministry for expeditious trial of cases of women undertrials. In reply the Ministry has stated that the Chief Justice of India (CJI), vide his letter dated 19-11-1999 has impressed upon all the Chief Justices of High Courts that every Chief Metropolitan Magistrate or the Chief Judicial Magistrate of the area, in which a District jail falls, may hold his court once or twice in a month, depending upon the workload, in jail, to take up the cases of those undertrial prisoners who are involved in petty offences and are keen to confess their guilt. The CJI has further suggested that “Legal Aid Counsel” may be deputed in jails to help such prisoners and move applications on their behalf on the basis of which the Chief Metropolitan Magistrate or the Chief Judicial Magistrate may direct the investigating agency to expedite the filing of the police report. Further, the Ministry stated that in pursuance of the orders passed on 13-10-1999 and 7-12-1999 by the Supreme Court of India, the case –R.D Upadhyay Vs. State of Andhra Pradesh & others, the Central Government has also written to all the State governments and UT Administrations to take urgent necessary steps for expeditious disposal of cases of undertrials who are languishing in various jails in the country. Most of the State Governments have also appointed Special Judicial/Metropolitan Magistrates for the disposal of petty criminal cases, including traffic cases.

1.31 The Special Secretary, Ministry of Home Affairs added in this connection, during evidence:-

“The Supreme Court had issued some instructions in this regard, not specifically for women prisoners but for prisoners in general. But, perhaps, these are not being implemented and as you have rightly observed, if the Committee recommends, we could advise the States to set up special courts or *Lok Adalats* for offences which are not so serious in nature and which can be tried in the courts expeditiously and the cases of the undertrials could be disposed of. This would substantially reduce the crowd”.

1.32 The Ministry has further stated that the XI Finance Commission has provided a sum of rupees 502.90 cores for establishing 1734 additional courts to ensure speedy trial of under-trial prisoners. Out of 1734 additional courts (known as Fast Track Courts) proposed to be set up, 459 Fast Track Courts as on 1<sup>st</sup> July, 2001 have been set up in different States. The State-wise break up of Fast Track Courts sanctioned and actual number of such courts set up are given in [Annexures XII](#) and [XIII](#). It is hoped that the steps being taken at the Central and State levels will have a salutary effect on the reduction of the period of stay of women undertrials in jails. Elaborating further, the Ministry has stated that the Code of Criminal Procedure (Amendment) Bill, 1994, introduced in the Rajya Sabha on 9<sup>th</sup> May, 1994 has inter-alia the following proposal to enable expeditious trial of cases.

- (i) The proviso to Section 223 of the Code of Criminal Procedure, 1973 provides that the Magistrate on an application of the accused persons may direct their joint trial even if they do not fall in the categories specified, if he is satisfied that such persons would not be prejudicially affected thereby. In the interest of prompt disposal of cases, scope of this proviso is being widened to enable the Court of Session also to hold such trials.
- (ii) Under sub-section (I) of section 260 a Magistrate has a discretion to try offences specified therein either summarily or in a regular way. It is proposed to amend this sub-section to make summary trial of offences specified therein mandatory.
- (iii) It is also proposed to provide that the offence of theft and other cognate offences, namely, offences under sections 379, 380, 381, 411 and 414 of the Indian Penal Code may be tried summarily where the value of the property involved does not exceed two thousand rupees instead of two hundred rupees at present.

1.33 Explaining the position further in this regard, the representative of the Ministry of Home Affairs stated during evidence:

" the Government has asked the State Governments and the High Courts to institute fast track Courts. So some 1700 fast track Courts have been set up with effect from 1<sup>st</sup> April, 2001 and some are in the process of being set up".

1.34 On being asked whether some of these Courts were earmarked exclusively for women, the representative during evidence stated:

"This can be considered; they are supposed to take up old cases or the pending cases. So, a view could be taken by the Ministry of Law, Department of Justice. So, a couple of fast track courts could be dedicated to disposing of the women-related cases or women prisoners. There are going to be more than 1700 fast track courts and action plan has been finalised in consultation with the high courts of each and every State. So, it is not that the Government of India has done it. The Department of Justice will be concerned with it; the Eleventh Finance Commission was very kind and generous; apart from looking at that totality of the problem of investigation or of pendency of cases, they provided Rs. 500 crore for fast track court".

1.35 The Committee desired to know the measures that are being taken by the Government to bring about prison reforms in the country. The Ministry of Home Affairs has stated in reply that apart from the scheme for the modernisation of Prison Administration administered by the Ministry of Home Affairs, two important steps have recently been taken in the field of prison reforms. First, the Ministry of Home Affairs has circulated in September, 1999 a draft Model Prisons Management Bill among the State Governments for their views. The Model Prison Bill lays emphasis on a thorough reorganisation of the prison system to bring it in tune with the modern criminology and penological thinking and to effectively cater to the changed and changing environment of society in transition. It stresses upon the need for greater rights of prisoners including the right to human dignity, right to basic minimum needs, right to communication with family members and other authorised person, right to access to law and speedy trials. Side by side, it prescribes the duties of prisoners to maintain prison discipline, violation of which would render them liable to punishment.

It also emphasises differential handling and treatment of under-trials in jails. It seeks to have uniformity in the matters of leave, special leave, remission, premature release, etc. in order to remove multiplicity of systems prevailing in different State Jail Laws. Setting up of more open institutions, and organisational restructuring for prison personnel is also envisaged. Besides, it has undertaken the task of formulation of a Model Prison Manual so as to bring uniformity in the provisions of the State Prison Manuals.

1.36 On being asked as to how far the training and calibre of custodial staff was necessary to achieve the objectives of prison reform, the Ministry has stated that they have a high priority on the training of custodial staff in prison reforms. The Central Government has already set up a separate research and development Wing in the Bureau of Police Research and Development to deal with prison management and correctional administration. BPR&D is also conducting every year Vertical Interaction Courses for Prison Officers at the national level. Further in order to provide reorientation training to the prison officers, the Government of India have established an Institute of Correctional Administration at Chandigarh. A Regional Institute of Correctional Administration at Vellore has also been set up by Southern States which caters to the training needs of directly recruited and serving officers of the ranks of Assistant Jailors to Additional Superintendents, Probation Officers etc. Besides the training, these institutions are also providing necessary guidance in Prison Management and Correctional Administration. Besides, most of the States in the country have their own training institutes for conducting induction courses for newly appointed personnel as well as on-the-job-training for inservice personnel. The training includes, two components viz. out door training and indoor training. The outdoor training involves preparing the officer physically for the requirements of the correctional services. It includes training in parade, physical training, sword and lathi drills, arms drills, training in shooting, karate (unarmed combat), games etc. The indoor training is basically confined to the class rooms and it prepares the trainee mentally for the job requirements. The trainees are taught subjects such as Criminology, Penology, Sociology, Social Works, Laws and Juvenile Delinquency.

1.37 The Committee noted that Colonial Acts viz. the Prisons Act, 1894 and the Police Act, 1861 were still being followed in the country after more than five decades of Independence. Asked to state whether these Acts had been reviewed and revised to meet the requirement of fast changing times, the Ministry has stated that Prison Administration is governed by the State Governments under the provisions of Indian Prisons Act, 1894 and the Jail Manuals framed by various State Governments. The State Governments undertake legislation, and make rules and regulations etc. on the subject. The detailed rules and regulations for management of prisons have been incorporated by the State Governments in their respective Jail Manuals which are updated from time to time. As regards the review of the Prisons Act, 1894, the Ministry has stated that according to article 246(3), the Legislature of any State has the exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II of the Seventh Schedule of the Constitution. However, article 252 of the Constitution provides that two or more States may by resolution in their respective State Legislatures authorize Parliament to enact a Central legislation on the State subject. The Union of India can thus consider enactment of law relating to 'Prisons' only on receipt of requests from two or more States. The Ministry further stated that they have requested the State Governments to pass resolutions under article 252 of the Constitution for enactment of a new Prisons Act to replace the existing Prisons Act, 1894. However, having not received the requisite response from the State Governments, it circulated in September, 1999 a draft Model Prisons Management Bill among the State Governments for their views.

1.38 When the Committee desired to know the steps taken by the Ministry in regard to preparation of the Common Uniform Prison Manual applicable to all the States which was one of the recommendations made by the Justice Krishna Iyer Commission, the Special Secretary, Ministry of Home Affairs during evidence stated:

“we are preparing one such manual.”

1.39 In reply to a query about the likely time which the Ministry would take to circulate the draft manual, Special Secretary stated during evidence:

“six to eight months is the outer limit”.

1.40 When the Committee desired to know whether the women prisoners are entitled to free legal aid and counselling, the Ministry has stated that all women prisoners are entitled to free legal aid and legal cells are operative in all jails in States and Union Territories. In a few States social workers and psychiatrists have also been appointed to provide counselling to women prisoners. However, in reply to the question whether counselling cells exist in every prison for the benefit of women inmates, the Ministry has stated that counselling cells are not uniformly available to women prisoners all over the Country.

1.41 On being asked about the status of computerisation in regard to compilation of data and other details on prisoners including women in various jails of the Country and networking amongst all the prisons, the Ministry has stated that most of the prisons in the Country are yet to be computerised so as to develop networking amongst them.

1.42 When asked to state the role being played by the jail administration to rehabilitate the women in society after their release from jails and other places of custody, the Ministry has stated that vocational training is provided to the convicted prisoners and also to the undertrial women prisoners in many jails. In most cases the vocational training is given in jobs like sewing, knitting, embroidery, paper bags, garment making etc. After release, the skill acquired by them can be gainfully utilised by them for their rehabilitation. Arrangements are also available at many jails to provide primary education and adult education with trained teachers. The jail administration in several states has established linkages with social welfare agencies and NGOs for the purposes of rehabilitation of women after release from jails. In some states rehabilitation assistance is also provided to prisoners including women prisoners on a selective basis. There is however, a definite need for evolving a definite policy in this regard.

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### **Observations/Recommendations**

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**1.43 The inequality between the socio-economic status of men and women reinforces the vulnerability of the latter, which makes them more susceptible to social maladjustment, abuse and exploitation. It is this process of victimization of women and their induction into criminality that makes them the subject of custodial and correctional welfare. It is pertinent to note in this regard that the All India Committee on Jail Reforms (1980-83) had pointed out that although women constituted a**

fragment of the total number of prisoners in the country (estimated at 2.6%), the figure was steadily growing. This percentage has gradually increased over the years and as per the Ministry of Home Affairs, it is at present 3.6%. More than 8000 women are lodged in prisons. The steady increase in the number of women prisoners requires greater effort on the part of the authorities to ensure custodial justice.

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

1.45 There are also a series of judicial decisions of the Supreme Court to guide the Government and the concerned authorities in this regard. The Law Commission of India have dealt with the legislative aspects of the subject. Further, the National Commission for Women have also made from time to time recommendations to the Government on a wide range of matters relating to custodial justice. The Committee are, however, constrained to point out that despite all these recommendations there is still a serious shortfall in the delivery of requisite services to women who are in jails.

1.46 The Committee note that the Ministry of Human Resource Development (Department of Women and Child Development) had set up in May, 1986 an Expert Committee at the National level to identify the gaps and drawbacks in the existing facilities and services and suggest a more humane policy towards women prisoners. The National Expert Committee on Women Prisoners headed by Justice V.R.Krishna Iyer had gone into the conditions of women in the penal and correctional system and submitted their Report in May, 1987 to the Department of Women and Child Development. For almost thirteen years the Government remained silent on the implementation of the Report till the Committee on Empowerment of Women took up this subject for detailed examination. Even when a reference was made to the Department of Women and Child Development regarding the action taken on the recommendations of the Report, the Department of Women and Child Development indicated that the Ministry of Social Justice and Empowerment were to take action on the Report. On a reference having been made to the Ministry of Social Justice and Empowerment they stated that the National Expert Committee on Women Prisoners headed by Justice Krishna Iyer was appointed by the Department of Women and Child Development in May, 1986 and the report was also submitted to them. The Ministry of Social Justice and Empowerment also indicated that all the relevant files were returned to the Department of Women and Child Development in September 1990. The Secretary, Department of Women and Child Development conceded during evidence that after 1990, there was a certain dispute between the Ministry of Social Justice and Empowerment and Department of Women and Child Development and till 1990 these recommendations were followed up.

1.47 The Committee deplore the attitude and inaction on the part of the Ministries in not taking seriously the recommendations of such an important Committee which had made a number of important suggestions to solve the problems being faced by women prisoners. The very purpose of setting up of such powerful Committees is defeated if the reports are shelved and are simply ignored by the appointing authorities. The Committee hope that Government would be more careful in future and take the reports of such Committees with all the seriousness and urgency that they deserve.

1.48 The Ministry of Home Affairs and Department of Women and Child Development have now assured the Committee that steps would be taken to implement the recommendations of the Justice Krishna Iyer Report. The Committee would urge upon them to impress upon all the State Governments and Union Territory Administrations to immediately act upon the findings of the Report. The Committee desire that a Status Paper on the implementation of recommendations contained in the aforesaid Report, both by Central and State Governments, be compiled and forwarded to the Committee within three months of the presentation of the Report.

1.49 Soon after the selection of this subject, the Committee had interaction with representatives of the National Commission for Women, Department of Women & Child Development, Ministry of Home Affairs, former I.G. (Prisons), Tihar Jail and NGOs with a view to ascertain the problems being faced by women prisoners and the remedial measures that should be taken by the Government to alleviate their sufferings. In this connection, the Committee had also visited a number of jails in the country viz. Arthur Road Jail, Mumbai, Tihar Jail, Delhi, Model Jail, Chandigarh, Central Prison, Orissa, Presidency Jail, Kolkata, Nari Bandi Niketan and District Jail, Lucknow. The Committee have come to the conclusion that there is total neglect on the part of the concerned authorities in providing basic needs to women prisoners. There is overcrowding, mal-nutrition, lack of medical care, educational, vocational and legal facilities in almost all the jails. The general condition relating to food, clothing, recreation, hygiene is not proper and needed considerable improvement. Further, very few counsellors visit jails to give much needed advice to the inmates. The status of women even in custody requires attention, recognition and protection which have not been forthcoming in an adequate manner. The majority of the female population in jails consist of undertrials ( 6649 out of 8822 ) and they languish in jails for offences for which sentences would have been far less if they had been convicted. What is more pathetic is the fact that the women inmates who obtained bail were still languishing in jails for want of surety. The Committee, therefore, strongly feel that the remedial measures must be taken expeditiously by the Centre and State Governments, to bring about perceptible improvement in the conditions of women in custody. These have been discussed in succeeding paragraphs.

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

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

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

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

1.54. The Committee are informed that at the end of the 1998 Open Jails existed in Andhra Pradesh, Assam, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal. The system has proved that it is not only far cheaper to control and run Open Institutions, but that they also have a definite rehabilitative value in that they restored the dignity of the individual and give him/her self-reliance and self-confidence besides instilling a sense of social responsibility which is necessary for community living. While appreciating the establishment of such Open Jails, the Committee desire

that a review of their working and results achieved so far be undertaken by the concerned State Government with a view to evaluating further their efficacy, utility and necessity. Based on the results of such a study, necessary changes, if required, may be carried out while opening new jails.

1.55 The women are sent to prisons either as undertrials or convicted prisoners. The Supreme Court of India had issued instructions, not specifically for women prisoners but for prisoners in general, to all the State Governments and Union Territory Administrations to take urgent steps for expeditious disposal of cases of undertrials who are languishing in jails. However, it has come to the notice of the Committee that suitable steps are not being taken by the concerned authorities to dispose of expeditiously the cases of the undertrials. The Committee strongly recommend that Jail Adalats should be held frequently in all the jails so as to ensure early disposal of the cases of the undertrials.

1.56 The Committee also note that the XI Finance Commission has provided a sum of Rs. 502.90 crores for establishing 1734 additional Courts to ensure speedy trial of undertrials. The Government of India has advised the State Governments and the High Courts to institute Fast Track Courts. The Committee have been informed that as on 1<sup>st</sup> July, 2001, 459 Fast Track Courts have been set up in different States and the remaining courts are in the process of being set up. The year 2001 being the year of Empowerment of Women, special efforts are needed for women in detention. The Committee recommend that out of the 1734 Fast Track Courts proposed to be set up in States, ten percent of these Courts should be exclusively earmarked for disposing of the cases of women undertrials.

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

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

1.59 The Committee note that Colonial Acts viz. The Prisons Act, 1894 and the Police Act, 1861 are still being followed in the country. Even after more than five decades of independence, these Acts have not been comprehensively revised. The Prisons Act, 1894 was enacted during British Rule and

obviously the policies of that period were reflected in the Act, like the provision for better food and facilities for foreigners in jails. These policies have now not only become outdated but they have also been obstructing proper development and working of prison administration. The Committee also note that the All India Committee on Jail Reforms (1980-83) had recommended updating, revision and consolidation of prison laws so as to meet the requirements of changing times. The Supreme Court of India had also stressed the need for the revision of prison laws. The Ministry of Home Affairs have informed the Committee that the Central Government had requested the State Governments to pass resolutions under Article 252 of the Constitution for enactment of a new Prisons Act to replace the existing Prisons Act, 1894. However, having not received the desired response from the State Governments, it circulated in September, 1999 a draft Model Prisons Management Bill among the State Governments for their views. The Committee, therefore, recommends that the Ministry of Home Affairs take the initiative and work in close association with State Governments so that the proposed draft Prisons Management Bill could be finalised early and the objectives of uniformity in prison administration could be achieved.

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

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

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

- (e) The prison administration should associate the students of Law Colleges to render legal assistance to women, follow-up cases for bail and other procedures to get relief from the courts.
- (f) Counselling by psychologists and psychiatrists must be provided for inmates, particularly for women who live away from their children and other dependents and may suffer mental breakdowns. Prompt remedial action need to be taken by the jail authorities to provide necessary care/treatment/health to the women prisoners who become mentally ill while languishing in the jails.
- (g) The quality and quantity of food supplied to women inmates needs to be improved and there should not be any discrimination in this regard. Use of aluminium utensils should be discontinued, both for cooking and for serving food, as these constitute a health hazard. Instead, stainless steel utensils should be used. There should be a separate kitchen for women prisoners and they should be allowed to cook their own food.
- (h) Sanitary napkins should be supplied to women inmates as a part of their 'essential' personal needs.
- (i) Occupational therapy and meditation programmes are of utmost importance for their mental and physical health. The vocational training programmes as well as meditation programmes like Vipasana and Art of Living have a tremendous effect on the psyche of the prisoners. As the jails are meant to reform not only the convicts, but all the inmates, the undertrials should also be encouraged to participate in work and to learn some skills.
- (j) There should be a uniform wage structure for the women convicts in all the jails. The prisoners should be aware of the amount earned by them and proper accounts should be maintained by the prison staff. They should have bank accounts where the amount earned by them during the conviction period could be deposited and they should be provided pass book of their bank accounts.
- (k) The children who are born in jails and those who accompany their mothers to jails are compelled to live behind bars without being offenders. There is no Act in the country to take care of these children. As creche facilities are not available in every jail, they lack guidance and proper care. Infant care facilities like creches and ICDS project should be established/run in each prison for proper care and development of children accompanying the women inmates.
- (l) For recreation and pastime, indoor games facilities should be provided such as Carrom, Ludo and access to light reading/books, magazines, etc as these are essential facilities for the mental health of inmates.
- (m) The Committee would like the Government to consider sympathetically the request from women inmates for a change in the colour of their sarees from white to an

appropriate colour as also the freedom to wear the salwar kameez, if they so desire - as is done in the case of foreign detenues.

- (n) The jail visitors committee should comprise members of the judiciary, social workers, journalists and others with powers to visit prisons and interact with inmates and represent their grievances. One-third of the members of the jail visitors Committee should be women
- (o) Sophisticated gender sensitive training in human rights and human handling skills need to be imparted to jail officials urgently and continuously.
- (p) To encourage and motivate the prison staff to discharge their assigned duties towards prisoners in a caring and sympathetic manner, there should be better working conditions and promotional avenues available to them. For this purpose a separate prison cadre headed by an I.G may be created in each State. The vacancies in the prison cadre especially of female officers/staff should be filled up by appointing female officers/staff only. A special recruitment process should be initiated expeditiously by the concerned State Government.
- (q) In view of the special circumstances of women whose custody in jails not only leads to their social segregation but also to complete disruption of the family life, the rules of premature release should be liberally applied in their case, because they do not pose a social risk. Cases for pre-mature release of 'eligible' women convicts should be taken up by jail authorities suo-moto at the earliest.
- (r) A well-laid policy for rehabilitation during the post-release period for women should be drawn up in collaboration with the Social Welfare Departments of the State Government and NGOs. Special attention is needed in case of mentally broken down women prisoners released after languishing in jails for long period.
- (s) The National Commission for Women and the State Commissions for Women, whenever mandated, have the right to enter and inspect any place(s) where women are kept in custody. To ensure transparency, the Committee recommend that Women Members of Parliament, and Legislative Assemblies, Chairpersons of the National Commission for Women and the respective State Commissions for Women, women lawyers and representatives of the NGOs associated with the jail should be given permission to enter the women's jails without prior notice.
- (t) The jail authorities should be instructed to generously follow the principle of releasing the women prisoners on parole.
- (u) Considering the general overcrowding of prisons, unnecessary arrests for trivial offences should be avoided; the constable, at the cutting edge level, who primarily makes the arrest, should be suitably sensitized.

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

**1.62** The year 2001 is being observed as the year of Empowerment of Women. The Committee, therefore, recommend that premature release/remission of sentences of the following categories of women prisoners be considered after weighing the gravity of their crime:

**I) those suffering from serious ailments like Cancer, AIDS, TB, mental breakdown and depression.**

**II) Those above 60 years of age who have served major part of their sentence.**

The Committee would also recommend urgent steps for the disposal of cases of women undertrials languishing in jails.

**MARGRET ALVA**

**NEW DELHI**

**CHAIRPERSON**

**17<sup>th</sup> AUGUST, 2001**

**COMMITTEE ON EMPOWERMENT OF WOMEN**

**Sharvana 26, 1923 (Saka)**

SOME OF THE MAJOR RECOMMENDATIONS CONTAINED IN  
JUSTICE KRISHNA IYER REPORT ON WOMEN PRISONERS –  
SUMMARY THEREOF

**I POLICY MAKING AND MONITORING**

**Policy Guidelines**

A set of concrete guidelines to meet the special needs and disabilities of women in the criminal correctional process, will enable the functionaries of the system (police, prosecution, courts, prison and correctional personnel) to reorganise their approaches and procedures in a functionally meaningful manner to serve gender justice.

Policy guidelines should be developed, among others, on the arrest, interrogations, search and detention of women, bail and sentencing, pre-sentence investigations, use of socio-legal counselling, psychiatric services and scientific classification in the pre-trial and conviction process, presence of legal aid cells for women in every police district, diversion of women offenders to separate and specialized trial processes and to non-institutional correctional options, association of volunteers and voluntary agencies working in the field of women's development in the investigation and trial of offences and watching over custodial conditions, etc.

**National Policy on Custodial Justice to Women**

The Committee wishes to recommend the formulation and adoption of *National Policy on Custodial Justice to Women*. It is urged that the draft be debated widely by the various components of the criminal justice systems as well as women's groups, legal aid, social welfare, mental health and other interested groups. It should then be endorsed and adopted for enforcement *nationally*.

**National Authority on Custodial Justice to Women.**

No policy is effective unless it has an enforcing mechanism. In order to assist the process of national concerted action, and to specifically overview the implementation of the proposed policy, the Committee recommends the creation of a statutory autonomous body to be designated as the *National Authority on Custodial Justice to Women (NACJW)*

NACJW should have the representation of every component of the criminal justice system namely the judiciary, law, legal aid, police, prisons, probation and aftercare, and social welfare and mental health custodial institutions. It should also include representatives of medicine, psychiatry law schools, schools of social work, women's groups, human rights and civil rights groups, the media, professional research and training bodies in criminology and social defence, etc.

The apex body (NACJW), as one of its main functions, will be responsible for the compilation of an annual state of the art report to be presented yearly to the Parliament and disseminated widely.

**II ENFORCEMENT**

At the operational level, certain specialised structure are envisaged which embrace various component of the criminal justice system as follows:

**A. JUDICIAL**

### **Family Court versus separate Courts for Women**

Keeping in view the pendency of cases and noting that this tends to affect women more adversely than men, the Committee feels that specialized courts must be set up to dispense justice separately and speedily to women.

Under the Family Court Act 1984, a mechanism is already available to dispense justice to women. Moreover, the Act has an inbuilt provision for expanding the jurisdiction of the Family Court *vide* Section 7 (2) (b). With appropriate additional provisions regulating the presence of lawyers and witnesses etc. the Family Court's jurisdiction can be enlarged to include all cases pertaining to offender and non-offender women.

As an alternative, the Committee has considered the modality of creating special courts for women or Mahila Nyayalayas which also have their merit and demerits. These exclusive courts can serve the purpose of rendering criminal justice to the women better than the normal courts do, and certainly with greater speed and sensitivity.

### **Nari Bandigriha Adalats (Women Prison Courts)**

In addition to the separate Women's Courts or Family Courts it is recommended that Nari Bandigriha Adalats be held in the nature of mobile judicial camps as an immediate modality for rendering speedy redress to women in custody. Such camps and courts should be held urgently and routinely in social welfare and mental health custodial institutions also to clear the backlog of pending cases, and to render speedy justice. The mobile adalats should be conducted on a district-wise or cluster basis so as to cover all prisons and non-prisons custodial institutions. Its objectives should be to provide speedy justice.

### **Supportive Measures**

There should be legislative and administrative arrangements which should help in the enforcement of fair custodial procedures and practices.

### **B. LEGISLATIVE**

On the legislative side, the main recommendations were:-

- i) Prison should be brought into the concurrent Lists of the Seventh Schedule of the Indian Constitution in order to strengthen the process of standardized and uniform national approaches to reform of custodial conditions.
- ii) There is need to have a *Comprehensive Prison and Prisoners Act* which can bring together in a single Act the provisions presently dispersed in several Acts.
- iii) A comprehensive code to cover the administration of all custodial institutions and the treatment of inmates of such institutions, with special provisions for the treatment and handling of women.
- iv) A critical assessment of the efficacy and relevance of various legislations bearing on women's status in custody and their criminality should be undertaken by the Law Commission.

- v) On an immediate basis, appropriate amendments and additional provisions should be introduced in the IPC and Cr. PC as well as in the Prisons Act, 1894 and Police Act, 1861 to reflect the special needs of women in custody.
- vi) With regard to the Police Act, 1861, the Committee had recommended to replace the existing outmoded Act with a new Act.
- vii) The right of dependent children of custodialized women also need to be clearly outlined in the present legislation.
- viii) The Committee would like the new Mental Health Bill to reflect the specific recommendations made by the Committee in respect of the custody and treatment of non-criminal and criminal lunatic women and mentally distressed women in custody.

### **C. ADMINISTRATIVE**

On the administrative side, the Committee had recommended :-

#### **Prisons.**

- (i) A cadre of prison service should be set up with recruitment and promotion from within the cadre. There should be enhanced and protected representation of women in the prison cadre with appropriate recruitment, training, deployment and promotion provisions.
- (ii) Apart from female staff in women's jails, there should be women D.I.G. in the state Headquarters preferably from the prison services, particularly to look after the work relating to women prisons, women prison staff and women prisoners.
- (iii) There should be permanent wardens and matrons in institutions and it should be mandatory to recruit them rather than to rely on make shift substitute arrangements.
- (iv) Prisoners' Councils or Bandi Sabhas should be set up in every prison to enable prisoners to interface meaningfully with other prisoners and with prison staff.
- (v) Released Prisoners' Aid Societies should operate in every district which can provide a single-window assistance toward the habilitation and mainstreaming of the released prisoners.
- (vi) The States must agree to enforce a uniform prison manual. Prison amenities for women and for their children, and the rights and duties of women prisoners should be clearly indentified preferably in a separate volume of the prison manual.

#### **Police**

- (i) A cadre of women police should be set up with much greater representation of women in the national police than their current strength. There should be appropriate recruitment, training, deployment and promotion provisions governing this cadre.
- (ii) Separate police lock-ups should be established in consultation with State IGs of Police. It should be mandatory for each police station to provide enclosed space for holding all arrestees and separated space for female arrestees. Separate Women's police stations where they exist should be suitably reinforced with adequate training and tools of the trade.

(iii) A model police manual should be compiled on the lines of the model prison manual and it should be strictly and uniformly enforced by all States. The manual should carry indicative standards of minimum space and other facilities and procedures applicable to women when in police custody. The police should be widely consulted in the preparation of the manual.

(iv) A special unit known as women's Assistance Police Unit (WAPU) should be created which should be combined cadre of men and women police, to deal specifically with crime preventive work and assistance to women at the time of arrest and in custody.

**Participatory Structure:**

(i) People's participation is necessary to achieve the objectives of custodial and correctional process.

(ii) Voluntary organisations should be involved and should have access to custodial institutions with full rights to inspect institutional records and interview inmates in confidence. The absence of such entitlements has undermined the successful functioning of legal aid.

(iii) The visitors to the custodial institutions should assist the authorities to deal more constructively with the inmates.

(iv) Appropriate linkages should be established between custodial authorities and voluntary groups/individuals in protecting the rights and dignity of women not only in custody but also outside.

(v) Counselling cells should be attached to every custodial centre and such cells should encompass the custodial staff.

(vi) People's participation should motivate those who operate the system to manage the system better. The successful implementation of the approach should be given due recognition and wide publicity.

**ANNEXURE - II**

NUMBER OF JAILS, CAPACITY, POPULATION AND OCCUPANCY RATE  
AT THE END OF 1998

SR. NO.	TYPE	NUMBER	CAPACITY	POPULATION OF INMATES	OCCUPANCY RATE
1.	CENTRAL JAIL	90	83950	94427	112.5
2.	DISTRICT JAIL	266	64737	93431	144.3
3.	SUB-JAIL	677	28851	33861	117.4
4.	WOMEN JAIL	16	1632	1232	75.5
5.	BORSTAL SCHOOL	30	2150	1244	57.9
6.	OPEN JAIL	24	4009	1767	44.1
7.	SPECIAL JAIL	20	4038	3344	82.8
8.	OTHERS	10	1518	494	32.6
9.	TOTAL	1133	217021	275605	127.0



1.	ANDHRA PRADESH	9029	818	9847	13637	590	14227	151.0	72.1
2.	ARUNACHAL PRADESH*	-	-	-	-	-	-	-	-
3.	ASSAM	5671	370	6041	6141	133	6274	108.3	35.9
4.	BIHAR	25446	692	26138	44752	1053	45805	175.9	162.2
5.	GOA	306	25	331	392	8	400	128.1	32.0
6.	GUJARAT	5036	227	5263	7901	236	8137	156.9	104.0
7.	HARYANA	3694	81	377	8164	358	8522	221.0	442.0
8.	HIMACHAL PRADESH	552	44	596	601	23	624	108.9	52.3
9.	JAMMU & KASHMIR	1713	116	1829	1503	18	1521	87.7	15.5
10.	KARNATAKA	7296	422	7718	7826	257	8083	107.3	60.9
11.	KERALA	5218	441	5659	4804	200	5004	92.1	45.4
12.	MADHYA PRADESH	17658	1392	19050	34303	862	35165	194.3	61.9
13.	MAHARASHTRA	16006	590	16596	20396	784	21180	127.4	132.9
14.	MANIPUR	1220	27	1247	466	17	483	38.2	63.0
15.	MEGHALAYA	455	36	491	705	10	715	154.9	27.8
16.	MIZORAM	762	191	953	848	116	964	111.3	60.7
17.	NAGALAND	1080	80	1160	823	8	831	76.2	10.0
18.	ORISSA	6984	529	7513	10313	263	10576	147.7	49.7
19.	PUNJAB	9252	317	9569	9460	438	9898	102.2	138.2
20.	RAJASTHAN	14774	879	15653	9269	277	9548	62.7	31.5
21.	SIKKIM	75	50	125	76	2	78	101.3	4.0
22.	TAMIL NADU	16762	1373	18135	15388	930	16318	91.8	67.7
23.	TRIPURA	695	48	743	765	11	776	110.1	22.9
24.	UTTAR PRADESH	33033	824	33857	47172	1071	48243	142.8	130.0
25.	WEST BENGAL	18427	1240	19667	10749	743	11492	58.3	59.9
	TOTAL (STATES)	201144	10812	211956	256454	8408	264862	2856.6	1872.4
26.	A & N ISLANDS	229	40	269	319	4	323	139.3	10.0
27.	CHANDIGARH	980	20	1000	272	16	288	27.8	80.0
28.	D & N HAVELI	40	10	50	231	1	232	577.5	10.0
29.	DAMAN & DIU	60	20	80	10	0	10	16.7	0.0
30.	DELHI	3117	120	3237	9311	373	9684	298.7	310.0
31.	LAKSHDWEEP	0	0	124	0	0	0	0.0	0.0
32.	PONDICHERRY	266	39	305	186	20	206	69.9	51.3
	TOTAL (UTs)	4692	249	5065	10329	414	10743	1129.9	462.1
	TOTAL (ALL INDIA)	205836	11061	217021	266783	8822	275605	3986.3	2334.6

NA- DATA NOT AVAILABLE

## ANNEXURE – V

### DISTRIBUTION OF UNDERTRIALS IN JAILS –STATE/UT-WISE AT THE END OF 1998

SL. NO.	STATE/UT	CENTRAL JAIL	DIST. JAIL	SUB JAIL	WOMAN JAIL	BORSTAL SCHOOL	OPEN JAIL	SPECIAL JAIL	OTHERS	TOTAL
1	ANDHRA PRADESH	3683	2500	3756	121	0	0	0	0	10060
2.	ARUNACHAL PRADESH	-		-	-	-	-	-	-	-
3.	ASSAM	0	4504	0	0	0	0	78	24	4606
4.	BIHAR	NA	NA	NA	NA	NA	NA	NA	NA	NA
5.	GOA	43	0	133	0	0	0	0	114	290
6.	GUJARAT	1264	1770	1818	0	0	0	225	0	5097
7.	HARYANA	1721	3442	372	0	119	0	0	0	5654
8.	HIMACHAL PRADESH	17	153	190	0	0	28	0	0	388
9.	JAMMU & KASHMIR	551	412	124	0	0	0	0	0	1087
10.	KARNATAKA	3603	929	1993	0	0	0	96	0	6621
11.	KERALA	712	297	1993	13	0	0	115	0	3130
12.	MADHYA PRADESH	4090	8662	7682	0	0	0	0	0	20424
13.	MAHARASHTRA	9136	5230	0	0	0	0	177	0	14543
14.	MANIPUR	390	8	4	0	0	0	0	0	402
15.	MEGHALAYA	0	636	0	0	0	0	0	0	636
16.	MIZORAM	589	82	64	0	0	0	0	0	735
17.	NAGALAND	303	250	192	0	0	0	0	0	745
18.	ORISSA	0	3245	3672	2	188	0	796	0	7903
19.	PUNJAB	4143	1843	450	132	397	0	59	0	7024
20.	RAJASTHAN	1995	2876	1613	30	0	0	0	0	6514
21.	SIKKIM	46	0	0	0	0	0	0	0	46
22.	TAMIL NADU	5084	0	3657	169	0	0	539	0	9449
23.	TRIPURA	124	147	252	2	0	0	0	0	525
24.	UTTAR PRADESH	1452	38939	1123	0	0	0	0	0	41514
25.	WEST BENGAL	2167	1822	2819	7	0	0	408	0	7223
	TOTAL (States)	41113	77747	31907	476	704	28	2493	138	193702
26.	A & N ISLANDS	0	162	0	0	0	0	0	4	166
27.	CHANDIGARH	0	0	0	0	0	0	0	197	197
28.	D & N HAVELI	0	0	215	0	0	0	0	0	215
29.	DAMAN & DIU	0	0	5	0	0	0	0	0	5
30.	DELHI	8187	0	0	0	0	0	0	0	8187
31.	LAKSHDWEEP	0	0	0	0	0	0	0	0	0
32.	PONDICHERRY	77	11	4	0	0	0	0	0	92
	TOTAL (UTs)	8264	173	224	0	0	0	0	201	8862
	TOTAL (ALL INDIA)	49377	77920	32131	476	704	28	2493	339	202564

## ANNEXURE-VI

### DETAILS OF WOMEN PRISONERS IN INDIA AS ON 31-12-1998

SL. NO.	STATE/UT	CAPACITY	ACTUAL NO OF IMATES	INDIAN PRISONERS	FOREIGN PRISONERS
1.	ANDHRA PRADESH	818	590	590	0
2.	ARUNACHAL PRADESH	-	-	-	-
3.	ASSAM	370	133	133	0
4.	BIHAR	NA	NA	NA	NA

5.	GOA	25	8	6	2
6.	GUJARAT	227	236	236	0
7.	HARYANA	81	358	358	0
8.	HIMACHAL PRADESH	44	23	23	0
9.	JAMMU & KASHMIR	116	18	17	1
10.	KARNATAKA	422	257	257	0
11.	KERALA	441	200	200	0
12.	MADHYA PRADESH	1392	862	862	0
13.	MAHARASHTRA	590	784	693	91
14.	MAINIPUR	27	17	17	0
15.	MEGHALAYA	NA	NA	NA	NA
16.	MIZORAM	191	116	115	1
17.	NAGALAND	80	8	8	0
18.	ORISSA	529	263	263	0
19.	PUNJAB	317	438	431	7
20.	RAJASTHAN	878	277	277	0
21.	SIKKIM	50	2	2	0
22.	TAMILNADU	1373	930	924	6
23.	TRIPURA	48	11	11	0
24.	UTTAR PRADESH	824	1071	1071	0
25.	WEST BENGAL	1240	743	743	0
	TOTAL (STATES)	10084	7345	7237	108
26.	A&N ISLANDS	40	4	4	0
27.	CHANDIGARH	20	16	16	0
28.	D&N HAVELI	10	1	1	0
29.	DAMAN & DIU	20	0	0	0
30.	DELHI	120	373	359	14
31.	LAKSHADWEEP	0	0	0	0
32.	PONDICHERY	39	20	20	0
	TOTAL (UTs)	249	414	400	14
	TOTAL (ALL INDIA)	10333	7759	7637	122

- NOTE : 1. FIGURES ARE PROVISIONAL  
2. NA STANDS FOR DATA NOT AVAILABLE  
3. NO JAILS IN THE STATE OF ARUNACHAL PRADESH  
4. IN CASE OF UTTAR PRADESH, BREAKUP OF FOREIGN INMATES IS NOT AVAILABLE.  
5. 315 FEMALE INMATES (MENTALLY ILL, DETENUES, OTHERS ARE ALSO INCLUDED IN THE ABOVE TOTAL OF INMATES.

## **ANNEXURE - VII**

### ***FEMALE PRISONERS CONVICTED UNDER DIFFERENT OFFENCES AS ON 31-12-1998***

SL. NO.	OFFENCE	BELOW 16 YEARS	16-18 YEARS	18-30 YEARS	30-50 YEARS	ABOVE 50 YEARS	TOTAL
1.	MURDER	0	2	316	359	124	801
2.	ATTEMPT TO COMMIT MURDER	0	0	7	35	9	51
3.	C.H. NOT AMOUNTING TO MURDER	0	1	28	46	23	98
4.	RAPE	0	0	0	0	1	1
5.	KIDNAPPING AND ABDUCTION	0	0	19	14	1	34
6.	DACOITY	0	0	4	15	0	19
7.	PREP. AND ASSEMBLY FOR	0	0	0	0	0	0

	DACOITY						
8.	ROBBERY	0	0	0	5	0	5
9.	BURGALRY	0	0	1	12	0	13
10.	THEFTS	0	5	33	34	8	80
11.	RIOTS	0	0	1	0	0	1
12.	CRIMINAL BREACH OF TRUST	0	0	0	0	0	0
13.	CHEATING	0	0	53	13	0	66
14.	COUNTER FEITING	0	0	0	0	0	0
15.	OTHER IPC CRIMES	0	0	90	48	25	163
16.	TOTAL IPC	0	8	552	581	191	1332
17.	ARMS ACT	0	0	5	5	0	10
18.	N.D.P.S ACT	0	0	24	49	20	93
19.	GAMBLING ACT	0	0	0	0	0	0
20.	EXCISE ACT	0	0	2	14	7	23
21.	PROHIBITION ACT	0	0	13	8	6	27
22.	EXPLOSIVE AND EXPLOSIVE SUBST. ACT	0	0	13	4	0	17
23.	IMMORAL TRAFFIC (PREVENTION)ACT	0	1	23	12	8	44
24.	INDIAN RAILWAYS ACT	0	0	15	3	3	21
25.	REGISTRATION OF FOREIGNERS ACT	0	0	9	2	1	12
26.	PROTECTION OF CIVIL RIGHTS ACT	0	0	0	0	0	0
27.	INDIAN PASSPORT ACT	0	0	4	2	0	6
28.	ESSENTIAL COMMODITIES ACT	0	0	0	0	0	0
29.	ANTIQUITIES AND ART TREASURE ACT	0	0	0	0	0	0
30.	DOWRY PROHIBITION ACT	0	0	8	12	12	32
31.	FOREIGN EXCHANGE REGULATION ACT	0	0	5	5	0	10
32.	OFFICIAL SECRETS ACT – 1923	0	0	0	0	0	0
33.	PREVENTION OF CORRUPTION ACT-1998	0	0	0	0	0	0
34.	CONSER. OF FORGN.EXCH.& PREV. OF S.A. ACT	0	0	5	0	1	6
35.	NATIONAL SECURITY ACT	0	0	0	0	0	0
36.	OTHER SLL OFFENCE	0	0	10	32	2	44
37.	TOTAL SLL	0	1	136	148	60	345
38.	CIVIL AND OTHER CASES	0	0	0	0	0	0
39.	TOTAL (16+37+38)	0	9	688	729	251	1677

- NOTE:
1. FIGURES ARE PROVISIONAL
  2. THE ABOVE DATA EXCLUDES DATA FOR THE STATES OF BIHAR AND MEGHALAYA
  3. NO JAILS IN THE STATE OF ARUNACHAL PRADESH
  4. BREAK UP OF 75 WOMEN INMATES IN UTTAR PRADESH IS NOT AVAILABLE

### ANNEXURE - VIII

#### *FEMALE UNDERTRIAL PRISONERS UNDER DIFFERENT OFFENCES AS ON 31-12-1998*

SL.	OFFENCE	BELOW	16-18	18-30	30-50	ABOVE	TOTAL
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NO.		16 YEARS	YEARS	YEARS	YEARS	50 YEARS	
1.	MURDER	0	12	516	458	106	1092
2.	ATTEMPT TO COMMIT MURDER	0	3	124	119	20	266
3.	C.H. NOT AMOUNTING TO MURDER	0	0	58	82	30	170
4.	RAPE	0	0	33	9	0	42
5.	KIDNAPPING AND ABDUCTION	0	0	39	32	3	74
6.	DACOITY	0	0	13	11	0	24
7.	PREP. AND ASSEMBLY FOR DACOITY	0	2	7	8	0	17
8.	ROBBERY	0	3	53	20	2	78
9.	BURGLARY	0	0	42	23	2	67
10.	THEFTS	0	16	402	283	81	782
11.	RIOTS	0	1	9	19	0	29
12.	CRIMINAL BREACH OF TRUST	0	7	2	2	4	15
13.	CHEATING	0	3	38	30	6	77
14.	COUNTER FEITING	0	0	0	0	0	0
15.	OTHER IPC CRIMES	0	0	204	228	58	490
16.	TOTAL IPC	0	47	1540	1324	312	3223
17.	ARMS ACT	0	0	55	14	0	69
18.	N.D.P.S ACT	0	4	129	143	26	302
19.	GAMBLING ACT	0	0	7	1	0	8
20.	EXCISE ACT	0	2	39	70	10	121
21.	PROHIBITION ACT	0	4	80	120	44	248
22.	EXPLOSIVE AND EXPLOSIVE SUBST. ACT	0	0	26	12	0	38
23.	IMMORAL TRAFFIC (PREVENTION)ACT	0	9	68	33	3	113
24.	INDIAN RAILWAYS ACT	0	0	9	30	0	39
25.	REGISTRATION OF FOREIGNERS ACT	0	0	71	0	0	71
26.	PROTECTION OF CIVIL RIGHTS ACT	0	0	0	0	0	0
27.	INDIAN PASSPORT ACT	0	0	0	7	0	7
28.	ESSENTIAL COMMODITIES ACT	0	0	1	0	0	1
29.	ANTIQUITIES AND ART TREASURE ACT	0	0	3	0	0	3
30.	DOWRY PROHIBITION ACT	0	1	56	132	34	223
31.	FOREIGN EXCHANGE REGULATION ACT	0	0	0	2	0	2
32.	OFFICIAL SECRETS ACT – 1923	0	0	0	0	0	0
33.	PREVENTION OF CORRUPTION ACT-1998	0	0	0	0	0	0
34.	CONSER. OF FORGN.EXCH.& PREV. OF S.A. ACT	0	0	0	0	0	0
35.	NATIONAL SECURITY ACT	0	0	2	10	3	15
36.	OTHER SLL OFFENCE	0	1	102	92	16	211
37.	TOTAL SLL	0	21	648	666	136	1471
38.	CIVIL AND OTHER CASES	0	0	0	1	1	2
39.	TOTAL (16+37+38)	0	68	2188	1991	449	4696

- NOTE: 1. FIGURES ARE PROVISIONAL  
 2. THE ABOVE DATA EXCLUDE DATA FOR THE STATES OF BIHAR AND MEGHALAYA.  
 3. NO JAILS IN THE STATE OF ARUNACHAL PRADESH  
 4. BREAK UP OF 996 WOMEN INMATES IN UTTAR PRADESH IS NOT AVAILABLE.

**ANNEXURE – IX**

**DETENTION OF WOMEN UNDERTRIALS AS ON 31-12-1998**

SL. NO.	STATE/UT	UPTO 3 MONTHS	3-6 MONTHS	6-12 MONTHS	1-2 YEARS	2-3 YEARS	3-5 YEARS	ABOVE 5 YEARS	TOTAL
1.	ANDHRA PRADESH	356	71	25	8	4	6	0	470
2.	ARUNACHAL PRADESH*	-	-	-	-	-	-	-	-
3.	ASSAM	53	16	13	6	0	0	0	88
4.	BIHAR	NA	NA	NA	NA	NA	NA	NA	NA
5.	GOA	2	3	0	0	0	0	0	5
6.	GUJARAT	77	21	34	12	2	2	0	148
7.	HARYANA	83	86	64	16	1	1	0	251
8.	HIMACHAL PRADESH	9	4	0	0	0	0	0	13
9.	JAMMU & KASHMIR	0	7	3	4	4	0	0	18
10.	KARNATAKA	98	58	32	12	10	12	0	222
11.	KERALA	38	65	13	3	0	0	0	119
12.	MADHYA PRADESH	207	115	71	56	12	4	0	465
13.	MAHARASHTRA	309	96	66	91	14	16	0	592
14.	MANIPUR	6	5	2	1	0	0	0	14
15.	MEGHALAYA	NA	NA	NA	NA	NA	NA	NA	NA
16.	MIZORAM	59	18	0	0	0	0	0	77
17.	NAGALAND	3	4	0	0	0	0	0	7
18.	ORISSA	0	148	40	24	6	4	0	222
19.	PUNJAB	165	78	75	44	5	0	0	367
20.	RAJASTHAN	99	40	28	23	7	2	0	199
21.	SIKKIM	0	0	0	2	0	0	0	2
22.	TAMIL NADU	506	31	5	3	0	0	0	545
23.	TRIPURA	4	1	0	0	0	0	0	5
24.	UTTAR PRADESH	450	321	147	51	23	4	0	996
25.	WEST BENGAL	398	68	59	5	5	0	0	535
	TOTAL (STATES)	2922	1256	677	361	93	51	0	5360
26.	A & N ISLANDS	0	0	0	0	0	0	0	0
27.	CHANDIGARH	5	3	3	1	1	0	0	13
28.	D & N HAVELI	1	0	0	0	0	0	0	1
29.	DAMAN & DIU	0	0	0	0	0	0	0	0
30.	DELHI	100	73	65	34	26	9	0	307
31.	LAKSHDWEEP	0	0	0	0	0	0	0	0
32.	PONDICHERRY	11	0	0	0	0	0	0	11
	(TOTAL UTs)	117	78	68	35	27	9	0	332
	TOTAL (ALL INDIA)	3039	1332	745	396	120	60	60	5692

- NOTE: 1. FIGURES ARE PROVISIONAL  
 2. THE ABOVE DATA EXCLUDE DATA FOR THE STATES OF BIHAR AND MEGHALAYA.  
 3. NO JAILS IN THE STATE OF ARUNACHAL PRADESH

**ANNEXURE-X**

**FEMALE PRISONERS CONVICTED AGE-WISE AS ON 31-12-1998**

SL. NO.	TYPES OF SENTENCES	BELOW 16 YEARS	16-18 YEARS	18-30 YEARS	30-50 YEARS	ABOVE 50 YEARS	TOTAL
1.	Capital Punishment	0	0	0	0	0	0
2.	Life Imprisonment	0	4	286	345	137	772
3.	10-13 plus years	0	0	52	87	38	177
4.	7-9 Plus years	0	0	34	76	21	131
5.	5-6 Plus years	0	0	18	43	15	76
6.	2-4 Plus years	0	0	20	45	12	77
7.	1 less than 2 years	0	2	16	30	8	56
8.	6 Months less than 1 yrs.	0	4	29	26	8	67
9.	3 less than 6 months	0	1	63	67	16	147
10.	Less than 3 months	0	11	86	70	7	174
11.	Total	0	22	604	789	262	1677

- NOTE:
1. FIGURES ARE PROVISIONAL
  2. NA STANDS FOR DATA NOT AVAILABLE
  3. NO JAILS IN THE STATE OF ARUNACHAL PRADESH
  4. BREAK UP OF 75 WOMEN INMATES IN UTTAR PRADESH IS NOT AVAILABLE

**ANNEXURE – XI**

**ANNEXURE –XII**

**ANNEXURE – XIII**

**ANNEXURE XIV**

**Some of the deficiencies pointed out by the officials of the Ministry of Home Affairs during their visits to the following jails:-**

**Old Central Jail (Bangalore)**

- (i) The total capacity of the jail is 700 against which about 3000 prisoners have been lodged in this jail.
- (ii) There is no creche for the children.
- (iii) Enough space is not there in any of the barracks to enable the prisoners to move around freely.

**New Central Prison (Bangalore)**

The hospital has at present only one doctor. However, there is no lady doctor.

**Central Jail (Mysore)**

- (i) All the barracks are too congested to enable the prisoners to move around freely.

- (ii) No separate kitchen for female.

### **Rajasthan Jails (Ajmer, Jailpur & Sanganer Jails)**

- (i) There is overcrowding in Jaipur Jail.
- (ii) Ajmer Jail is lacking medical facilities although the Doctor is there.

### **Tamil Nadu Jail (Madras Central Jail, Vellore and a Trichy Jails)**

*The women prisoners face problems mainly in the following areas:-*

- (i) Care of their children
- (ii) Legal counseling
- (iii) Education
- (iv) Production of prisoners before court
- (v) Disposal of their cases
- (vi) Psychological problem
- (vii) Illiteracy
- (viii) After care programme.

### **Women Enclosure in Gauhati Jail (Assam)**

- (i) Medical facilities are available but no lady doctor is there. The jail authorities informed that due to financial stringency, they do face the problem of supplying medicine to the patients. The medical inspection rooms needs to be done up;
- (ii) No voluntary organisations are presently involved in any work for the women prisoners;
- (iii) The jail premises remain water-logged leading to health and hygienic problems;
- (iv) The main complaint of the inmates has been the delayed trials;
- (v) No creche for children of women prisoners;

### **Women Section of the Yerawada Central Jail, Pune**

The authorised capacity is 126 against which the number of inmates were 241 – 157 convicts and 84 undertrials on 10<sup>th</sup> May, 2001. The jail remains over crowded almost all the time, since convicted prisoners serving long sentences and/or prisoners whose cases have been committed to the sessions are transferred to this women's section from other parts of Maharashtra.

### **Problems**

Number of latrines inside the barracks is 13, number for daytime use outside barracks is 11. Due to overcrowding number of latrines is insufficient. Moreover, the bathrooms are in the form of a hall for use of female prisoners, which is meant for use by more than one female prisoners at a time, which is not considered a proper arrangement. There are no ceiling fans in the barracks. The main complaint of the inmates is with reference to the delayed court trials.

### **Women Enclosure, Kalyan jail (Maharashtra)**

Number of inmates - 72 (one  
11.05.2001)

Number of children: - 19

**Problems**

- (i) The bathroom is not proper. It is not even closed from all sides;
- (ii) No ceiling fan is there in the barracks;
- (iii) There is no generator to take care of power failure;
- (iv) As per Maharashtra jail manual, there is no provision for cotton bluses and petticoats, which are part and parcel of a women dress, neither is there a provision for a comb. A Committee headed by the IG (Prisons), Maharashtra, recently submitted a report to the Government of Maharashtra to amend these provisions of the jail manual.
- (v) Delayed trial is the main complaint of the prisoners.

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**Women Enclosure, Mumbai Central Prison**

Authorised capacity	23
Inmates on 11.05.2001	131
Children	19

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**Problems**

- (i) The main problem is of overcrowding.
- (ii) The bathroom needs to be properly made – presently it is in the form of a hall for more than one women to take bath at a time.
- (iii) There is no generator set to take care of situation due to power failure;
- (iv) There is no creche for children
- (v) Though there is a lady doctor for the women section, there is no proper arrangement for examination of the patients.
- (vi) There are no ceiling fans except for one inmate who got it fixed through a court order.
- (vii) There are only five night and four day toilets, which is insufficient.
- (viii) The complaint of delayed trial is there from the prisoners.

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**Women Jail Hyderabad Andhra Pradesh**

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**Problems/Grievance of prisoners**

The main problem/grievances of female prisoners are that there is lengthy trial and the arrests are made merely on the basis of FIR without judging their authenticity and the investigation follows the arrest whereas arrest should follow the investigation.

**Central Prison Viyyur, Thrissur**

- (i) Since the building is about 100 years old, there is urgent need to rewire all the blocks and cells. A proposal for upgradation of 'A' & 'F' blocks of the prison

was pending with the State Government which would help to lessen overcrowding in the cells.

- (ii) A new prisoners' hospital was required instead of the one dispensary as at present which has got only one Medical Officer. At present, there is no Medical Officer on night duty.
- (iii) There is only one Welfare Officer for 551 inmates although the scale for Welfare Officers prescribed was one Welfare Officer for 200 prisoners.
- (iv) There is an urgent need for a separate isolation block for hardened criminals.
- (v) Funds are required for maintenance blocks and cells since the building is very old.

-

#### **Ludhiana Women Prison**

- (i) The CJM does not visit this jail as in the case of Central Jail. However, the petty offences undertrials requiring production before the CJM are produced during his visit to Central Jail.
- (ii) No regular education facilities appear to be there in the jail except that classes are taken by the educated prisoners. However, the prisoners requiring facilities for higher education are provided the same.
- (iii) The jail has only one pharmacist and no doctor. A doctor (male) from the adjoining Borstal jail have a round twice a day in the morning as well as in the evening.
- (iv) A gynecologist from Government Hospital visits once a week.
- (v) There is no system of supply of hot water during winter.
- (vi) No NGO is working in this jail. However, whenever, the jail Superintendent feels that the services of some NGO are required for some specific purpose.
- (vii) The vocational training is imparted only in tailoring.
- (viii) There is no system to check whether any prisoner after being released from jail has been rehabilitated outside. However, there is no problem in Punjab of the lady prisoners being not adopted by their family members after release.
- (ix) There is no system to know about the family members of the prisoners. There a lifer who is there for the last 2 years. She has three children. The youngest aged 3 years is with her. She only knows that her two children are in some Ashram and where, she has no idea. No efforts have ever been made by the jail authorities to know about such details from the prisoners which are only 160 in number.
- (x) The jail has a number of vacancies. There is one post each of Dy. Superintendent and Asstt. Superintendent which is lying vacant. Out of 30 posts of Matron, 5 are vacant and out of 10 posts of Head Matron, five are vacant.

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#### **Central Jail, Jalandhar**

- (i) The jail is 100 years old. The building is not in a good condition. The Public Works Department had reportedly told jail people that they were staying in the

building on their own risk. Even in the office room of Jail Superintendent, temporary arrangement was made with the help of a cloth to ensure that the plaster from the ceiling does not fall on the table of the Superintendent. There does not appear to be any regular maintenance of the building.

- (ii) There is one kitchen where food for both the males and females is cooked. The food meant for women prisoners is delivered at the door of the women cell from where it is taken by the women prisoners and distributed amongst themselves.
- (iii) There is a 25 bed hospital but because of space shortage, it has been converted into a barrack.
- (iv) There are about 100 addicts but no facility for their treatment.
- (v) The factory has no shed to save one from sun or rain. There is just like an open air factory with small rooms without any fan etc.
- (vi) Women prisoners are given training only in tailoring.
- (vii) No NGOs are working in the jail on permanent basis. The Lions/Rotaries and some other local NGOs render help once or twice a year on the request of the jail Superintendent. They organise yoga camp, medical camps etc.

#### ANNEXURE-XV

#### The details about the number of inmates in jails, facilities etc. provided to them and the gist of tour impressions in respect of various jails visited by the Committee.

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#### MUMBAI CENTRAL PRISON(ARTHUR ROAD JAIL), MUMBAI

At the outset, the Committee were briefed about the prison administration in the State and the various measures being taken by the State Government for the women prisoners in the State.

#### Break up of total number of prisoners in Maharashtra

The total authorised capacity of the prisons in Maharashtra is 16516. However, on an average approximately 22,000 prisoners are lodged in these prisons. The total authorised accommodation of women prisoners in Maharashtra is 596 as on 15-08-2000 and the total strength of women prisoners is 818. Therefore, the strength of women prisoners is in excess of authorised accommodation by 39 %. Out of 818 women prisoners, as many as 573 are undertrials the rest of them are convicts. 61% of the convicts are for violence due to domestic disharmony. 24% of the convicts are involved in Narcotics offences and majority of them are foreigners. The nursing women prisoners are allowed to keep the children upto the age of 4 years alongwith them in the prisons and on an average 60 children are there with such women prisoners all over the state.

The information regarding the number of prisoners, various facilities extended to them and other details regarding the Central Prison Mumbai are briefly as under:

1. As against the authorised accommodation for 23 female prisoners, there are 106 female prisoners out of which – 97 are undertrials, 6 are convicted and 3 are detenues.

2. There are 16 foreign prisoners. The Country-wise break-up of foreign female prisoners is as under:
 

1.	Nigeria	06	
2.	Yeman		04
3.	Ghana	01	
4.	Uganda	02	
5.	Burundi	02	
6.	Somaliya	01	
  
3. There is a lady medical officer, four matrons and one dentist sponsored by Hope Foundation, who attends to patients thrice a week.
  
4. Medical Health Camps are organised during the year on the following topics:
  1. General health Check-up
  2. AIDS awareness camp
  3. Leprosy detection camps
  
5. Duty Counsel from free Legal Aid Committee visits female section of the prison once a month.

**The following are the other Activities held in the prison:-**

1. The Tailoring classes started by PRAYAS an NGOs.
2. Adult education programme started by State Education Department for female prisoners.
3. The Law Students from Government Law College are rendering legal assistance to the women..
4. Family problems of female prisoners are solved by social workers and other NGOs.
5. Diet and other meals are provided to the women prisoners as per the prescribed norms.
6. Other facilities which include personal needs of women viz. clothing, bedding, carroms and rings, blankets etc. are provided to the women prisoners.

**Observations of the Committee**

1. The number of women prisoners lodged in the jail was far in excess of the authorised capacity leading to acute shortage of space.
2. Majority of the women prisoners were undertrials.
3. Due to overcrowding in cells, the conditions of women inmates were pathetic. There was not enough space for them to sleep; they could not move freely, and were facing other problems which were due to shortage of space.
4. There was no separate bathroom. The bathroom was in the form of a hall for more than one women to take bath at a time. The condition of the hall was also poor and needed extensive repair.
5. There was no creche for the children of women prisoners.
6. There was a lady doctor in the jail but there was no arrangement for examination of the patients.
7. There were no ceiling fans.

8. The numbers of toilets were insufficient.
9. Counselling facilities for women prisoners were lacking.
10. The women prisoners were facing difficulty in getting bail as there was no bailer for them.
11. Vocational training by NGOs was imparted in tailoring, knitting only.
12. There were no rehabilitation facilities for women so that they could earn once they were released from jails.
13. The quality of food supplied to the inmates was very poor. The foreign prisoners were supplied better quality and quantity of food.

### **TIHAR JAIL, DELHI**

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The Director General (Prisons), Central jail, Tihar briefed the Committee about the Tihar jail and gave detailed information about the women prisoners, facilities being extended to them and the steps being taken by the jail authorities for expeditious trial of cases of undertrials. The Committee were informed that Tihar Jail complex in New Delhi is one of the largest prison complexes in the world and the biggest prison in South-East Asia. As on July 31, 2000 against the sanctioned capacity of 3637 inmates, there were 11,422 inmates which comprised 9564 undertrials, 1813 convicts and 45 detenues including 526 women and 329 foreign nationals. There were 69 children of 0-6 years who were also lodged with their mothers.

#### **Womens Prison**

A new central women's prison exclusively for women became functional on June, 3, 2000. Though it was contemplated for 400 women prisoners, yet presently more than 500 women prisoners alongwith about 70 children are lodged

#### **Welfare of Inmates' Children**

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Creches/Balwari are being operated for children in association with NGOs. The main objective of the Balwari is to give them pre-nursery education and all round development through plays, rhymes, games etc. Apart from meals, kids are provided one fruit and 750 gms. of milk daily.

#### **Systemic Reforms**

Under the rehabilitation approach, prison is regarded as a Correctional Institutions which should treat the prisoners as human beings worthy of respect and impart to them useful employment and self-improvement skills alongwith law-abiding values. Tihar Prisons have a history of reformation programmes and correctional Education have been going on in Tihar Jail. In the last six years the process has accelerated and received world wide attention. The reformation package tried out by the Delhi Prison Administration is popularly known as 'New Delhi Correctional Model', the basic characteristic of which are:

- a) Bringing the community into the prison,
- b) Formation of a self-sufficient community of prisoners.
- c) Participate management.

### **Bringing the community into the prison**

As a part of community participation a large number of respectable members of non-governmental organisations, have been conducting various activities in the Prisons. NGOs participation is mainly concentrated in the field of education vocation and counselling.

### **Yoga and Meditation**

For cleansing and disciplining mind, Yoga and meditation classes are held in a big way with the help of various voluntary organisation.

### **Participate management**

Prisoners are encouraged to participate in the management of their welfare activities. Prisoners bodies called Panchayats are constituted in every Prison to help prison administration in the field of education, vocational education, legal counselling, kitchen, public works etc.

## **EDUCATIONAL FACILITIES**

### **IGNOU/NOS Study Centre:**

The concept of 'Reformation Through Education' in Tihar which was sown in the year 1993 bore fruits in the year 1994 with the establishment of Indira Gandhi National Open University (IGNOU)/National Open School (NOS) Centre.

### **Primary Education**

Primary Literacy Programme is organised in all prisons with the help of educated inmates and visiting retired NGO teachers. Literacy and primary education classes are held in all the jails from 08.00 A.M. to 10.00 A.M. every day. Study material is being provided to the learners free of cost.

### **VOCATIONAL TRAINING**

Vocational Training in computer, Typing Commercial Arts, Tailoring, Screen Printing, Plumbing, Shoe-making, Bakery, Carpentry, Weaving, Paper Making, Soap Making, Pottery, Agarbatti Making, Oil Extraction & Phenyl Making were being imparted so that the inmates can acquire skills for their rehabilitation, once they were freed from the prison.

### **RATES OF WAGES/GRATUITY PAID TO JAIL FACTORY WORKERS PER DAY**

	<b>Skilled</b>	<b>Semi-skilled</b>	<b>Unskilled</b>
Prior to 01-08-2000	Rs. 12/-	Rs.10/-	Rs. 08/-
(Revised) From 01-08-2000	Rs. 16/-	Rs. 12/-	Rs. 10/-

## **HOSPITAL AND MEDICAL FACILITES**

A total of 85 doctors and 151 para medical staff has been deployed for round the clock medical and para medical support in dispensaries and hospital of Tihar prison. Specialists in various disciplines visit jail dispensary for prisoners requiring specialist's treatment. Those who are not managed at OPD level or in M.I. Room are referred to Central Jail Hospital

## **LEGAL AID**

Legal Aid Cells exist in every Jail with facilities for drafting, typing and dealing with bail applications, misc. applications, appeals, revision etc. on behalf of the jail inmates.

There is legal Panchayat system in all the jail, where the educated and law professionals cater to the legal aid requirements of their fellow prisoners in drafting petitions, revision and appeal applications.

Students of Faculty of Law, University of Delhi periodically visit the Tihar jails and interact with prisoners and help them in preparation and filing of their appeals, petitions etc.

## **SPECIAL COURTS/ LOK ADALAT**

Special Lok Adalats were organized in the Jail complex, in pursuance to the letter of Hon'ble Chief Justice of India. These courts are serving very useful purpose as they save the prisoners who are willing to confess to their guilt from the ordeal of long pendency of the case and also reduce the pressure of cases on the judiciary.

## **NEW PRISON ACT AND JAIL MANUAL**

A new Prison Act and revised Jail Manual are under the process of Notification by the Government.

## **VENTILATION OF GRIEVANCES**

A prisoner grievance cell is working effectively under the charge of Petition Officer and immediate remedial steps are taken on the complaint/grievances of the prisoners.

## **SYSTEM OF INTERVIEWS**

- a) Each prisoner is allowed to hold two interviews per week with his relations/friends. The duration of each interview is of 30 minutes).
- b) A prisoner is entitled to receive interviews from his legal advisor on working days. Three interviews are allowed during the evening hours in the room of Dy. Superintendent.

## **TRAINING OF PRISON STAFF**

Tihar jail has the unique distinction of being the first jail in the country to have trained 100% of its staff in "human Rights and Prison Management". Most of the staff was also put to Stress Management and Anger Management for four days which was specially organised by four prominent NGOs in the prison to reduce the stress level of the staff.

## **Observations of the Committee**

1. The major complaint of the women prisoners was on account of delay in trial and delay in disposal of appeals.
2. In dowry cases all the family members of groom's side are arrested on the complaint lodged by the bride's side. No member is left outside to follow their cases.

3. There was need for a separate block for hardened criminals.

During interaction with the women inmates, the Committee found that they were more or less satisfied with the conditions with the conditions prevailing in the jail.

### **MODAL JAIL, CHANDIGARH**

The Home Secretary and other officials of the UT Administration explained to the Committee about the establishment of the jail and about the conditions of women in jail, facilities about medical education, training, legal aid etc. being provided to the women prisoners. There is a separate block for women prisoners with a capacity of 40 inmates and there are 5 women prisoners and 18 undertrials. The children below the age of 4 years are permitted to stay with their mother.

The Committee was informed that the Model Jail, Burail was initially started as a sub-jail in 1972 and was upgraded to a model jail in 1989. The jail building has been constructed in 13 acres of land and the residential complex occupies 3 acres. Further, the jail can accommodate 300 regular prisoners and 700 agitationists for a short period.

Some of the important observations noted by the Committee were as under:-

1. There was a separate block for women prisoners with a capacity of 40 inmates out of which 18 were undertrials. Children below four years of age were permitted to stay with their mothers. There were four wardens to look after the women prisoners and no male employee or prisoner was allowed to enter the female ward.
2. The Committee noticed that the accommodation in the jail for the women inmates was quite spacious. The dining room, sleeping room, toilet and bath rooms were also spacious and were not congested.
3. Two meals were provided to the inmates everyday. In addition, they were given tea twice a day with roasted chana.
4. There was a part-time doctor and one lady doctor in the jail dispensary. The specialist from different departments of the general hospital also visited the jail every week. AIDS Awareness Camps had also been organised by the Red Cross Society in the jail.
5. Educational and vocational training was being imparted to the inmates.
6. Tailoring and Canning of chairs was usually undertaken by the women prisoners and an unskilled worker was paid Rs.7, the semi-skilled Rs.9 and skilled worker Rs.11 per day. Half of the wages earned by the prisoners was deposited in their accounts and the rest was given to them in the form of coupons which they could use as pocket money. The DIG, Prisons agreed with the suggestion of the Committee to take up the matter with the concerned authorities to ensure the increase of wages especially of the skilled workers. As for recreational facilities for the inmates, one TV set and one radio was provided in every barrack. Books and magazines were also available to them.
7. The DIG, Prisons informed that social workers and NGOs visited the jail regularly and hear the grievances of the inmates. Free legal aid was also provided to the needy women prisoners.

## Observations of the Committee

- During interaction with the women inmates, the Committee noticed that they were more or less satisfied with the conditions prevailing in the Jail regarding food and other facilities. The only grievance they had was that there was no speedy trial of their cases and they had to stay in the jail for a longer period. They desired that special courts should be set up for women so that their cases could be settled expeditiously.

### CENTRAL PRISON : BHUBANESHWAR

- The Jail Superintendent and other officials of the Central Prison, Bhubaneswar informed the Committee about the conditions of women prisoners in the jails of Orissa. The Committee were informed that there are 68 jails/sub-jails including one female jail 'Naribandi Niketan' at Sambalpur, The total capacity of female prisoners is 523 against which female prisoners is 332 as on 30-04-2001. Out of these, 49 are convicts and 283 are undertrial prisoners.

The information relating to Central Prison Bhubaneswar is summarised as under:-

#### 1. Accommodation

For accommodation of female prisoners, two Wards have been constructed in separate enclosure inside the jail. The two Wards are having scheduled accommodation for 18 prisoners and the actual strength of women prisoners is 25.

#### 2. *Security measure*

For security and safety of the female prisoners, two female warders have been deployed inside the female enclosure for guarding. One female Sub-Assistant Jailor has been discharging the duty of Supervisory Officer for the female block only.

#### 3. Present female prison population

Most of female prisoners confined in this jail are Undertrials and are charged mostly under Dowry (Prohibition) Act. Ceiling fans have been installed recently in the female Wards to save them from excess heat during the summer season.

#### 4. Diet

Non-labouring diet is being supplied to each female prisoner as per scale prescribed in the Orissa Jail Manual after being cooked in the general kitchen by the male prisoners which includes 1 breakfast and 2 meals per day. Medical diet is also being supplied to the female inmates in case of necessity as per report of the Jail Medical Officer.

5. **Clothing & bedding**

Each under trial female prisoner is supplied with one prison durry (due to non-availability of Jute mats), two prison blankets, one mosquito net, one Aluminium plate and two Aluminum cups. In case of poor female prisoners, who have no clothing to wear, sarees and blouse etc. are supplied by the voluntary Organisations and by the Jail authorities.

6. **Sanitation**

- One 'Lifebuoy' soap per month, 29 gms. Coconut oil once a week and are metre R.P. cloth is supplied to each female prisoner for use. Bleaching powder and 'Phenyl' are issued to the wards for use in the latrines and bath rooms.

7. **Treatment**

Due health care through the Jail Medical Officer is ensured to all female prisoners as and when required. In case of necessity, female prisoners are referred to the Capital Hospital, Bhubaneswar, for specialised treatment and advice.

8. **Entertainment programme**

One portable black and white T.V. set is available in each female ward. 'Ludo' sets are also supplied to the female prisoners for recreation.

9. **Vocational training**

The N.G.O. like Inner Wheel Club, Bhubaneswar, supply quilt-making materials for training female prisoners. Also, one 'Sewing Machine' is provided to the female prisoners to learn stitching and stitch their clothes. They are also given training in candle making and to carpet making.

10. **Involvement of N.G.Os.**

i) From the year 1999, NGOs have taken active part for bringing a radical change in the behaviour of female prisoners as well as juvenile offenders.

ii) Vital medicines have been donated by N.G.Os for use by the female prisoners as advised by the Doctor of the Inner Wheel Club. Spectacles have also been donated for the female prisoners after cataract operation in the Capital Hospital, Bhubaneswar.

iii) Psychological counselling is being offered to female prisoners through the Inner Wheel Club from 16.09.99.

11. **Legal Aid**

Legal aid is extended to indigent female prisoners.

**Observations of the Committee**

The Committee made the following observations/suggestions during their visit to the jail:-

1. Some of the inmates were illiterate and could not do even stitching and knitting. The Committee suggested that they should be involved in some manual labour otherwise sitting idle would make them depressed psychologically or they would learn the new tactics from co-prisoners. To avert such a situation, they should be kept occupied. The jail authorities assured to look into the matter and stated that they would contact the Department of Women and Child Development to arrange some vocational courses for the women prisoners.
2. A women inmates who was refused bail developed psychiatric problem. The Committee suggested that she should be referred to a specialist to know whether it was a neurologic or psychiatric case and then should be got treated.
3. The Committee also suggested that forward and backward linkages should be there especially for carpet weavers so that they could get attractive price of their work.
4. The Committee further suggested that the DG(Prison) should find out a mechanism to get the women undertrials released on bail.
5. Appropriate medical facilities for women were lacking in the jail. There was no lady doctor to render medical assistance to the women inmates.
6. The training facilities for women were inadequate.
7. There was no trained Counsellor and counselling was given by NGOs.
8. The jail authorities suo-moto were not taking the initiatives for premature release of women prisoners.
9. The jail administration was facing difficulties in upgrading the facilities in the jail due to shortage of funds.
10. The Women inmates were facing difficulty in arranging bailers for them who could bail them out.
11. The jail Manual of the State was outdated and no efforts have been made to review the Manual.
12. The Committee were of the view that the State Commission for women should prepare a list of lawyers and alongwith them, should pay the jail to see the conditions of women prisoners.
13. There was common kitchen both for men and women. The Committee desired that a separate kitchen should be set up for women prisoners so that they could cook their food for fellow prisoners.

#### **PRESIDENCY JAIL, KOLKATA**

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At the outset, the Jail Superintendent briefed the Committee about the number of jails in West Bengal and the conditions of women in jails. He informed that there are 53 jails in the State of West Bengal with a total capacity for 19666 prisoners. The total number of women prisoners as on 31.3.2001 is 475 against total capacity of 1222. The Government has also set up an exclusive jail for women prisoners in the district of Purulia with a capacity for 100 women prisoners. This unique experiment was introduced in the year 1995. A senior lady superintendent heads the jail, and the entire staff consists of

women warders and the management is also with them. However, outside wall guarding is done by the male warders.

The other information relating to the Presidency jail is summarised as under:

1. A new Prison Act has come into force from April, 2000 and the revised Jail Manual is under active consideration of the Government.
2. The Act aims to convert jails into Correctional Homes and jails have been renamed accordingly. The new Act has tried to adjust to the gender-specific needs of the women inmates.
3. Medical facilities are provided and there are lady doctors in the jail.
4. Undertrial women prisoners are given all facilities provided to the convicts. In case they wish to work, they are given the same wages as other convicts.
5. Vocational training is provided to women through NGOs. in sewing, wool knitting, embroidery, paper bags making and garment making etc. Computer training is going to be introduced shortly.
6. A 'creche' exist in the Presidency Central Correctional Home. Recreational facilities are provided to them in the form of children's playground.
7. Legal aid is provided to them through Legal Aid Committee. Lady Probation Officers have been appointed who are using the provisions of 'Probation of Offenders Act 1958 to look after the welfare of the female prisoners.
8. Complaints/representations received are redressed as far as possible within the framework of law.
9. General complaint from life convicts was regarding their premature release. The Committee were informed that cases of such premature release were considered by Judicial Department. There is also a committee headed by Home Secretary, Home Department which looks into these cases.
10. Undertrial prisoners complain regarding delay in their trials. Such complaints are being forwarded to the appropriate authorities.
11. Number of NGOs like Satyam Seva Kendra, Kirthika and others were actively involved in the welfare activities in the jails and they are render all necessary help for this purpose. They were also involved in imparting vocational training like embroidery, knitting and candle making besides Yoga training. In Presidency Jail an I.C.D.S. programme has been running successfully for welfare of the children of women prisoners. There are also Lady welfare officers who attend to different problems of the women prisoners.
12. There is no congestion in the jails as the capacity far exceeds the total number of prisoners.
13. The Government has revised upwards the wages of the prisoners. As per the revised rates the prisoners are paid Rs. 13/-, 16/- & 18/- for unskilled, semi skilled and skilled labour irrespective of gender.
14. The Committee were informed that Section 98 of the West Bengal Correctional Services Act 1992, which came into force in 2000, provides for setting up of Panchayats in the jails. The Panchayats have been empowered to inter-alia look after the cooking of prisoner's food, sanitary and hygienic conditions as well as the privileges and amenities admissible to the prisoners under the Act.
15. There is provision for flush toilets within the enclosure. Electric fans, electric lights have been provided in their enclosures.

### **Observations of the Committee**

1. The women prisoners were facing difficulty in arranging bailer for them.
2. Majority of the Women were undertrial prisoners.
3. There was no separate kitchen for women.
4. The surrounding areas near the hospital was not clean and there was more attention required to maintain cleanliness in the hospital.
5. Counselling was given to women prisoners but these was no trained/professional Counsellor. The Committee desired that lady psychiatric be arranged for female prisoners.
6. The recreational facilities for women prisoners needed upgradation.
7. Free legal aid was given to the women prisoners was inadequate. The students from law college were not being associated by the prison administration for rendering legal assistance to women.
8. There was need to hold jail Adalats more frequently in the jail for expeditious trial of cases of undertrials..
9. There was need to involve more NGOs for the benefit of women prisoners to give education, vocational and legal literacy facilities.
10. Vocational training was imparted only in stitching, sewing embroidery.
11. The women prisoners were facing difficulties in sustaining relations with their family members.
12. There was need for setting up more half-way Homes Rehabilitation Homes.
13. The Committee desired that the State Government/Jail authorities should take the initiatives in prematurely releasing women prisoners who were above the age of 60 years.

### **NARI BANDI NIKETAN AND DISTRICT JAIL, LUCKNOW**

The Home Secretary Government of Uttar Pradesh informed that the State of U.P. has been a pioneer state in prison administration and multifarious reformatory activities such as establishing training school for the prison officers, starting open prison camps for the prisoners and utilisation of services of prisoners for the construction of irrigation projects like Dams, Canals, Bridges. In this process welfare of women prisoners was so considered and it was felt that there should be a separate women prison for convicted women prisoners. With this view a separate women prison was established in the year 1954 known as Nari Bandi Niketan. Approximately 49,000 prisoners are lodged in U.P. Out of which 963 are undertrials and 104 are convicted female prisoners lodged in U.P. jails on 31<sup>st</sup> May, 2001. Normally undertrial female prisoners are lodged in district jails of their district of residence and female convicts sentenced to more than three months imprisonment are transferred to Nari Bandi Niketan (Model Jail), Lucknow. Most of the prisoners are of 20 to 50 years of age. Two of them are of 50-60 years of age.

He further informed that in the State there are 54 separate female enclosures in district jail including 3 separate jails for women prisoners at Faizabad, Lucknow and Aligarh. All female prisoners are lodged in separate jails and are supervised by female staff comprising of female warders and head warders. In the Nari Bandi Nikethan, there were 76 women convicts, Out of which 49 women were serving life sentence.

**Nari Bandi Niketan and District Jail, Lucknow**

1. There was no overcrowding in the jail. Adequate air and floor space with sufficient lighting and ventilation was provided.
2. Night toilet facilities inside the barracks and day toilet/bathroom facilities outside the barracks within the enclosures were available.
3. The female prisoners were provided prescribed diet and scheduled clothing and bedding. The diet scheduled for the female prisoners was the same as for other prisoners. In district jails the food was cooked in the common kitchen but at Nari Bandi Niketan, a kitchen equipped with L.P.G gas was run by female prisoners. On Sundays they received special diet.
4. The pregnant women prisoners and nursing mothers were provided with extra diet. The children with their mothers were also provided milk and fruits for better nourishment. The diet prescribed by the Medical Officer on medical grounds was provided to needy women prisoners.
5. There was a hospital for women prisoners with 2 lady doctors and 3 nurses. The expert medical advice and visit of lady medical experts were arranged from district hospital.
6. The women prisoners were provided with sterilized cotton to use as sanitary napkins.
7. Educational programmes were conducted in the jail with the involvement of NGOs. NGOs were also associated and were giving vocational training to women prisoners in tailoring, embroidery, knitting, food-preservations etc.
8. A creche with two trained nurses exist in the jail to look after the children of women prisoners
9. Television sets, magazines, indoor games facilities were provided to women prisoners and programmes of songs, drama and other entertainment activities were also organised from time to time.
10. In the office of D.G. (Prisons) one lady officer had been posted as women welfare officer who looked into the problems and welfare of women prisoners.
11. Probation officers and NGOs were allowed to visit and interact with female inmates in order to solve their legal, psychological, social and family problems.
12. Lok Adalats were conducted in district jails for all inmates including women prisoners to facilitate the disposal of cases of undertrial prisoners.
13. Undertrial prisoners were allowed to have one interviews with their family members every week. The convicts were allowed one interview every month.

### ***Observations of the Committee***

1. During the visit of the jail, the Committee noted that sick and women with infectious diseases were not segregated.
2. Medical facilities for women prisoners in the jail hospital was not adequate and needed considerable improvement. The bed sheets, bed covers etc. was in unhygienic conditions.
3. There was no ambulance in the jail for shifting of women prisoners to district hospital, in case of emergency.
4. During the visit, the Committee came to know that there were two cases of custodial death. Two women convicts committed suicide – one in March, 2001 and another in April, 2001. During discussion with the Committee, the Home Secretary, Government of Uttar Pradesh informed the Committee that the

Government had already requested the Human Rights Organisation to enquire into those cases and send the report to the Government.

5. The Committee noted that the Nari Bandi Niketan, an exclusive women jail was not managed by female personnel but was staffed by male persons. There was however on female Deputy Jailor.
6. Legal aid was given to the women convicts. However, no counselling facilities were available to the women as there were no trained counsellors. The Committee were informed that counselling was done by social workers.
7. The Committee were of the opinion that free legal aid given by the Government needs coordination and better results could be achieved if law students were involved in imparting legal aid to women convicts.
8. The officials of the State Government informed the Committee that from January to June, 2001, 187 Lok Adalats were held in all the jails of the State and petitions of 1800 prisoners (1798 men and 2 women) were heard. As regards the number of prisoners released by the Lok Adalats, the State Government has informed that out of 1798 men, 1211 men and out of 2 women 1 were released.
9. The Committee were informed that the wages per day @ Rs. 10/-, Rs. 14/- and Rs. 18/- were paid to unskilled, semi-skilled and skilled workers respectively.
10. The Committee noted that the accounts relating to wages paid to the women convicts were not maintained. There was no accountability and the women convicts were not informed about the total amount earned by them as no pass books/account was maintained.
11. Yoga classes and other meditation programmes were not being organised in the jail.
12. In the jail Visitorial Committee, there was no female representative.
13. It was difficult to conduct surprise visit to the jail as prior permission from jail authorities was required.
14. No regular education on facilities were available to the women prisoners.

## ANNEXURE-XVI

### SUMMARY OF RECOMMENDATIONS/OBSERVATIONS

S.L No.	Para No	Recommendations/Observations	Ministry/ Department
1	1.43	The inequality between the socio-economic status of men and women reinforces the vulnerability of the latter, which makes them more susceptible to social maladjustment, abuse and exploitation. It is this process of victimization of women and their induction into criminality that makes them the subject of custodial and correctional welfare. It is pertinent to note in this regard that the All India Committee on Jail Reforms (1980-83) had pointed out that although women constituted a fragment of the total number of prisoners in the country (estimated at 2.6%), the figure was steadily growing. This percentage has gradually increased over the years and as per the Ministry of Home Affairs, it is at present 3.6%. More than 8000 women are lodged in prisons. The steady increase in the	i) Ministry of Home Affairs ii) Ministry of Human Resource Development (Department of Women and Child Development)

number of women prisoners requires greater effort on the part of the authorities to ensure custodial justice.

2. 1.44 Considering the importance of the custodial conditions in the country, the All India Jail Reforms Committee (1980-83) had gone into this aspect and made significant recommendations. The National Expert Committee on 'Women Prisoners' (1987) had also made a thorough study of the subject and outlined a number of recommendations of far reaching consequences in their Report. This Report considered to be a landmark on the subject had inter-alia mentioned that "womenhood and childhood even in criminal wrappings and behavioral aberrations deserve to be nursed in dignity and restored to working normally using all the material, moral and spiritual resources at the society's command".
3. 1.45 There are also a series of judicial decisions of the Supreme Court to guide the Government and the concerned authorities in this regard. The Law Commission of India have dealt with the legislative aspects of the subject. Further, the National Commission for Women have also made from time to time recommendations to the Government on a wide range of matters relating to custodial justice. The Committee are, however, constrained to point out that despite all these recommendations there is still a serious shortfall in the delivery of requisite services to women who are in jails.
4. 1.46 The Committee note that the Ministry of Human Resource Development (Department of Women and Child Development) had set up in May, 1986 an Expert Committee at the National level to identify the gaps and drawbacks in the existing facilities and services and suggest a more humane policy towards women prisoners. The National Expert Committee on Women Prisoners headed by Justice V.R.Krishna Iyer had gone into the conditions of women in the penal and correctional system and submitted their Report in May, 1987 to the Department of Women and Child Development. For almost thirteen years the Government remained silent on the implementation of the Report till the Committee on Empowerment of Women took up this subject for detailed examination. Even when a reference was made to the Department of Women and Child Development regarding the action taken on the recommendations of the Report, the Department of Women and Child Development indicated that the Ministry of Social Justice and Empowerment were to take action on the Report. On a reference having been made to the Ministry of Social Justice and Empowerment they stated that the National Expert Committee on Women Prisoners headed by Justice Krishna Iyer was appointed by the Department of Women and Child Development in May, 1986 and the report was also submitted to them. The Ministry of Social Justice and Empowerment also indicated that all the relevant files were returned to the Department of Women and Child Development in
- i)Ministry of Home Affairs  
ii)Ministry of Human Resource Development (Department of Women and Child Development)
- i)Ministry of Home Affairs  
ii)Ministry of Human Resource Development (Department of Women and Child Development)
- i)Ministry of Home Affairs  
ii)Ministry of Human Resource Development (Department of Women and Child Development)

September 1990. The Secretary, Department of Women and Child Development conceded during evidence that after 1990, there was a certain dispute between the Ministry of Social Justice and Empowerment and Department of Women and Child Development and till 1990 these recommendations were followed up.

- 5            1.47        The Committee deplore the attitude and inaction on the part of the Ministries in not taking seriously the recommendations of such an important Committee which had made a number of important suggestions to solve the problems being faced by women prisoners. The very purpose of setting up of such powerful Committees is defeated if the reports are shelved and are simply ignored by the appointing authorities. The Committee hope that Government would be more careful in future and take the reports of such Committees with all the seriousness and urgency that they deserve.
- i)Ministry of Home Affairs  
ii)Ministry of Human Resource Development (Department of Women and Child Development)

1.48            The Ministry of Home Affairs and Department of Women and Child Development have now assured the Committee that steps would be taken to implement the recommendations of the Justice Krishna Iyer Report. The Committee would urge upon them to impress upon all the State Governments and Union Territory Administrations to immediately act upon the findings of the Report. The Committee desire that a Status Paper on the implementation of recommendations contained in the aforesaid Report, both by Central and State Governments, be compiled and forwarded to the Committee within three months of the presentation of the Report.

- 6            1.49        Soon after the selection of this subject, the Committee had interaction with representatives of the National Commission for Women, Department of Women & Child Development, Ministry of Home Affairs, former I.G. (Prisons), Tihar Jail and NGOs with a view to ascertain the problems being faced by women prisoners and the remedial measures that should be taken by the Government to alleviate their sufferings. In this connection, the Committee had also visited a number of jails in the country viz. Arthur Road Jail, Mumbai, Tihar Jail, Delhi, Model Jail, Chandigarh, Central Prison, Orissa, Presidency Jail, Kolkata, Nari Bandi Niketan and District Jail, Lucknow. The Committee have come to the conclusion that there is total neglect on the part of the concerned authorities in providing basic needs to women prisoners. There is overcrowding, mal-nutrition, lack of medical care, educational, vocational and legal facilities in almost all the jails. The general condition relating to food, clothing, recreation, hygiene is not proper and needed considerable improvement. Further, very few counsellors visit jails to give much needed advice to the inmates. The status of women even in custody requires attention, recognition and protection which have not been forthcoming in an adequate manner. The majority of the female population in jails consist of undertrials ( 6649 out
- i)Ministry of Home Affairs  
ii)Ministry of Human Resource Development (Department of Women and Child Development)

of 8822 ) and they languish in jails for offences for which sentences would have been far less if they had been convicted. What is more pathetic is the fact that the women inmates who obtained bail were still languishing in jails for want of surety. The Committee, therefore, strongly feel that the remedial measures must be taken expeditiously by the Centre and State Governments, to bring about perceptible improvement in the conditions of women in custody. These have been discussed in succeeding paragraphs.

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| 7 | 1.50 | <p>The Committee understand that the status of women in custody is not uniform throughout the country. There is a wide difference in the facilities provided to women inmates in different jails. This is mainly because of the fact that the matters relating to prisons, reformatories, borstal institutions, etc., and persons detained therein are a State subject. But the recommended measures for upgradation of custodial justice involve functions to be performed by the Centre also. The Central Government, therefore, cannot absolve themselves from the responsibility of ensuring proper custodial justice for the women detained in the various jails of the country.</p>  | <p>i)Ministry of Home Affairs</p> <p>ii)Ministry of Human Resource Development (Department of Women and Child Development)</p> |
| 8 | 1.51 | <p>The Committee find that the Ministry of Home Affairs have released Rs. 124 crores to the States from 1987 to March, 2001 for strengthening security, communication and transport, repair and renovation of old prison buildings , facilities to women offenders, vocational training, modernisation of prison industries and training to prison personnel. However, this does not appear to have brought about the desired results. Not only is the Ministry of Home Affairs responsible to ensure proper and optimum utilisation of the funds sanctioned in this regard, but there should be frequent visits by the officials of the Ministry of Home Affairs to the various jails and there ought to be consultations and coordination at the appropriate level with the concerned State Government officials to ensure that basic needs of the women prisoners are properly met by the jail officials.</p> | <p>Ministry of Home Affairs</p>  |
| 9 | 1.52 | <p>The Committee feel that prisons should have a remedial, rehabilitative and reformatory approach where avenues should be built for advancement of basic skills, activities, wages, scope for moral and intellectual growth, leisure and recreation. In this connection, a vital role is to be played by the custodial staff which is the key element in bringing about custodial reforms. The prison officers should act in a way that upholds the rights and dignity of women in prisons, in police stations and other custodial institutions. An attitudinal change is required on the part of prison officials to keep pace with theoretical laws. The jail officials should look upon their duty as a developmental function and jail as a place of reforms and persuasive deterrence rather than intimidation and conformity. Motivation and ensuring sustained level of involvement of</p>               | <p>Ministry of Home Affairs</p>  |

the prison staff in the process of correctional reform in the institutional settings are of prime importance. The Jail Superintendents must appreciate the problems of women prisoners and deal with a variety of issues keeping in view their background and differing needs. It is, therefore, of paramount importance that Prison staff are specially selected given training on these lines and they are sensitised to womens issues and their needs.

- 10            1.53        As per the information furnished by the Ministry of Home Affairs, there are only 16 women prisons against the total number of 1133 prisons in the country. Most of the States do not have exclusive women prisons but only have separate enclosures for women. There is need for more separate women's jails managed by female staff in every State in accordance with the size, population and number of women convicts in each State. They should have every facility to serve as correctional and rehabilitative institutions and all women convicts in the State should be transferred there. It has come to the notice of the Committee that when women prisoners are shifted to a women's prison, out of their district, their families stop visiting them because it becomes expensive for them. The Committee hope that with the opening of more separate women's jails, it would be possible to shift the women prisoners to a women prison nearest to their district.            Ministry of Home Affairs
11.            1.54.        The Committee are informed that at the end of the 1998 Open Jails existed in Andhra Pradesh, Assam, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal. The system of open institutions has established that it is not only far cheaper to control and run Open Institutions than the closed prisons, but that the system of Open Institution has also a definite rehabilitative value; it restored dignity of the individual and gives him/her self-reliance and self-confidence besides instilling in him/her a sense of social responsibility which is necessary for an effective and useful community living. While appreciating the establishment of such Open Jails, the Committee desire that a review of their working and results achieved so far from this experiment should be undertaken by the concerned State Government with a view to evaluating their efficacy, utility and necessity. Based on the results of such a study, the necessary changes, if required, may be carried out while opening more such Institutions.            Ministry of Home Affairs
- 12            1.55        The women are sent to prisons either as undertrials or convicted prisoners. The Supreme Court of India had issued instructions, not specifically for women prisoners but for prisoners in general, to all the State Governments and Union Territory Administrations to take urgent steps for expeditious disposal of cases of undertrials who are languishing in jails. However, it has come to the notice of the Committee that suitable steps are not being taken by the concerned authorities to dispose of expeditiously the cases of the undertrials. The Committee            Ministry of Home Affairs

strongly recommend that Jail Adalats should be held frequently in all the jails so as to ensure early disposal of the cases of the undertrials.

13. 1.56 The Committee also note that the XI Finance Commission has provided a sum of Rs. 502.90 crores for establishing 1734 additional Courts to ensure speedy trial of undertrials. The Government of India has advised the State Governments and the High Courts to institute Fast Track Courts. The Committee have been informed that as on 1<sup>st</sup> July, 2001, 459 Fast Track Courts have been set up in different States and the remaining courts are in the process of being set up. The year 2001 being the year of Empowerment of Women, special efforts are needed for women in detention. The Committee recommend that out of the 1734 Fast Track Courts proposed to be set up in States, ten percent of these Courts should be exclusively earmarked for disposing of the cases of women undertrials. Ministry of Home Affairs
14. 1.57 The Committee find that at times the undertrials get bail but they still languish in jails for want of persons who can bail them out. The Committee strongly recommend that the undertrials who are unable to furnish surety should be released on personal bonds and where this is not possible jail authorities should explore alternative measures through NGOs. Ministry of Home Affairs
15. 1.58 **Most of the ills that beset our legal system are due to antiquity of our laws such as the Indian Penal Code, 1860, the Indian Evidence Act, 1872. Due to changes in the socio-economic conditions, there is urgent need to have a fresh approach in dealing with offences against women. Taking cognizance of contemporary changes in the type and nature of offences, a holistic view should be taken and a comprehensive review of all the three statutes namely, the Indian Penal Code, Criminal Procedure Code and Indian Evidence Act should be undertaken and appropriate amendments and additional provisions, if any, introduced to reflect the special needs of women in custody. The assessment and relevance of various legislations bearing on women's status in custody should be undertaken by the Law Commission in consultation with the National Commission for Women and their findings should form the basis for prison reform.** i)Ministry of Home Affairs  
ii)Ministry of Human Resource Development (Department of Women and Child Development)
16. 1.59 The Committee note that Colonial Acts viz. The Prisons Act, 1894 and the Police Act, 1861 are still being followed in the country. Even after more than five decades of independence, these Acts have not been comprehensively revised. The Prisons Act, 1894 was enacted during British Rule and obviously the policies of that period were reflected in the Act, like the provision for better food and facilities for foreigners in jails. These policies have now not only become outdated but they have also been obstructing proper development and working of prison administration. The Committee also note that the All India Ministry of Home Affairs

Committee on Jail Reforms (1980-83) had recommended updating, revision and consolidation of prison laws so as to meet the requirements of changing times. The Supreme Court of India had also stressed the need for the revision of prison laws. The Ministry of Home Affairs have informed the Committee that the Central Government had requested the State Governments to pass resolutions under Article 252 of the Constitution for enactment of a new Prisons Act to replace the existing Prisons Act, 1894. However, having not received the desired response from the State Governments, it circulated in September, 1999 a draft Model Prisons Management Bill among the State Governments for their views. The Committee, therefore, recommends that the Ministry of Home Affairs take the initiative and work in close association with State Governments so that the proposed draft Prisons Management Bill could be finalised early and the objectives of uniformity in prison administration could be achieved.

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| 17. | 1.60 | <p>The rules and regulations governing management and treatment of prisoners are embodied in the Jail Manuals framed by various State Governments. During visits to some of the jails in States, the Committee found that there were wide variations in prison rules in various States and concerted measures were urgently needed to establish minimum standards, uniform practices regarding management and administration of prisons and treatment of offenders through revision of jail manuals. A comprehensive review of jail manuals should be undertaken by the respective State Governments to ensure uniformity in administration of prison and treatment of women prisoners. The Ministry of Home Affairs should prepare a draft model Jail Manual and circulate the same to all the State Governments/UT Administrations for their guidance.</p>     | <p>i)Ministry of Home Affairs</p> <p>ii)Ministry of Human Resource Development (Department of Women and Child Development)</p> |
| 18. | 1.61 | <p>The Committee had noticed a number of shortcomings/deficiencies during their visits to various jails and would like the Government to consider and implement the following suggestions in consultation and coordination with the respective State Governments, so as to improve the conditions of the women lodged in various jails to ensure proper custodial justice:-</p> <p>(a) The hardened criminals should not be clubbed with other inmates, particularly the Juveniles.</p> <p>(b) Women arrested for vagrancy, loitering, begging, destitution etc. should not be sent to jails but to appropriate protection homes.</p> <p>(c) On being brought to the prison, the arrested women must be informed of the grounds of arrest immediately and a communication in that respect should also be sent to the nearest relatives(s) of arrested women.</p> | <p>i)Ministry of Home Affairs</p> <p>ii)Ministry of Human Resource Development (Department of Women and Child)</p>             |

- (d) Literacy programmes, vocational training and treatment of women prisoners is largely neglected. In most jails, satisfactory facilities for appropriate vocational training, elementary education, medical care, free legal aid, etc are lacking and suitable corrective measures need to be taken.
- (e) The prison administration should associate the students of Law Colleges to render legal assistance to women, follow-up cases for bail and other procedures to get relief from the courts.
- (f) Counselling by psychologists and psychiatrists must be provided for inmates, particularly for women who live away from their children and other dependents and may suffer mental breakdowns. Prompt remedial action need to be taken by the jail authorities to provide necessary care/treatment/health to the women prisoners who become mentally ill while languishing in the jails.
- (g) The quality and quantity of food supplied to women inmates needs to be improved and there should not be any discrimination in this regard. Use of aluminium utensils should be discontinued, both for cooking and for serving food, as these constitute a health hazard. Instead, stainless steel utensils should be used. There should be a separate kitchen for women prisoners and they should be allowed to cook their own food.
- (h) Sanitary napkins should be supplied to women inmates as a part of their 'essential' personal needs.
- (i) Occupational therapy and meditation programmes are of utmost importance for their mental and physical health. The vocational training programmes as well as meditation programmes like Vipasana and Art of Living have a tremendous effect on the psyche of the prisoners. As the jails are meant to reform not only the convicts, but all the inmates, the undertrials should also be encouraged to participate in work and to learn some skills.
- (j) There should be a uniform wage structure for the women convicts in all the jails. The prisoners should be aware of the amount earned by them and proper accounts should

be maintained by the prison staff. They should have bank accounts where the amount earned by them during the conviction period could be deposited and they should be provided pass book of their bank accounts.

- (k) The children who are born in jails and those who accompany their mothers to jails are compelled to live behind bars without being offenders. There is no Act in the country to take care of these children. As creche facilities are not available in every jail, they lack guidance and proper care. Infant care facilities like creches and ICDS project should be established/run in each prison for proper care and development of children accompanying the women inmates.
- (l) For recreation and pastime, indoor games facilities should be provided such as Carrom, Ludo and access to light reading/books, magazines, etc as these are essential facilities for the mental health of inmates.
- (m) The Committee would like the Government to consider sympathetically the request from women inmates for a change in the colour of their sarees from white to an appropriate colour as also the freedom to wear the Salwar Kameez, if they so desire - as is done in the case of foreign detainees.
- (n) The jail visitors committee should comprise members of the judiciary, social workers, journalists and others with powers to visit prisons and interact with inmates and represent their grievances. One-third of the members of the jail visitors Committee should be women
- (o) Sophisticated gender sensitive training in human rights and human handling skills need to be imparted to jail officials urgently and continuously.
- (p) To encourage and motivate the prison staff to discharge their assigned duties towards prisoners in a caring and sympathetic manner, there should be better working conditions and promotional avenues available to them. For this purpose a separate prison cadre headed by an I.G may be created in each State. The vacancies in the prison cadre especially of female officers/staff should be filled up by

appointing female officers/staff only. A special recruitment process should be initiated expeditiously by the concerned State Government.

- (q) In view of the special circumstances of women whose custody in jails not only leads to their social segregation but also to complete disruption of the family life, the rules of premature release should be liberally applied in their case, because they do not pose a social risk. Cases for premature release of 'eligible' women convicts should be taken up by jail authorities suo-moto at the earliest.
- (r) A well-laid policy for rehabilitation during the post-release period for women should be drawn up in collaboration with the Social Welfare Departments of the State Government and NGOs. Special attention is needed in case of mentally broken down women prisoners released after languishing in jails for long period.
- (s) The National Commission for Women and the State Commissions for Women, whenever mandated, have the right to enter and inspect any place(s) where women are kept in custody. To ensure transparency, the Committee recommend that Women Members of Parliament, and Legislative Assemblies, Chairpersons of the National Commission for Women and the respective State Commissions for Women, women lawyers and representatives of the NGOs associated with the jail should be given permission to enter the women's jails without prior notice.
- (t) The jail authorities should be instructed to generously follow the principle of releasing the women prisoners on parole.
- (u) Considering the general overcrowding of prisons, unnecessary arrests for trivial offences should be avoided; the constable, at the cutting edge level, who primarily makes the arrest, should be suitably sensitized.

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

premature release of women above the age of 65 years and those women suffering from serious ailment such as Cancer and AIDS mental breakdown or depression should receive special attention. It would be an appropriate gesture if their cases are sympathetically considered for premature release.