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Women Prisoners in India: A Critical Study of Rights, Prison Conditions, Legal Protections, and Reform Measures

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ABSTRACT

This paper examines the condition of women prisoners in India, tracing the gap between the constitutional promises of equality and dignity and the realities of prison life. Drawing on national data, state prison manuals, and significant judicial rulings, it analyses the daily challenges faced by female inmates, including severe overcrowding, an overwhelming proportion of undertrials, inadequate healthcare, poor sanitation, and the often-overlooked needs of children growing up inside prison walls. The study adopts a regional classification of states, spanning the North (Punjab, Uttar Pradesh, and Delhi), the South (Kerala and Andhra Pradesh), the East (Bihar, Odisha, and West Bengal), the West (Madhya Pradesh and Rajasthan), and the Northeast (Assam), chosen to present a representative cross-section of India's carceral landscape. By setting examples of innovation, such as Kerala's open prisons and Delhi's childcare initiatives, against the pressing concerns of states such as Bihar and Rajasthan, the study identifies where India falls short and where it shows promise. Landmark judicial interventions, from Supreme Court guidance on prison reform to High Court rulings on reproductive rights and dignity, are analysed to show how law can be an instrument of transformation. The paper argues for a rights-based overhaul of state prison manuals, urging amendments that prioritise gender-sensitive care, children's well-being, and meaningful rehabilitation. Aligning with international standards such as the Bangkok Rules, its recommendations seek to ensure that women in custody are not stripped of their humanity but afforded the dignity, protection, and opportunities they deserve.

Keywords: women prisoners, India, prison reform, constitutional rights, overcrowding, undertrials, children in prison, judicial interventions, state prison manuals, Bangkok Rules, gender-responsive care, rehabilitation

I. INTRODUCTION

Prisons reflect the State's commitment to justice, equality, and human rights. In India, despite the constitutional guarantees of equality before the law, the prohibition of discrimination on the

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ground of sex, and the right to life and personal liberty, the lived realities of women prisoners reveal persistent structural discrimination and a neglect of gender-specific needs.¹ International standards, particularly the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), stress gender-sensitive approaches to incarceration.² Indian prisons, however, remain largely designed for male inmates, thereby marginalising women's concerns.

The vulnerabilities of women in custody are intersectional, shaped by gender, social exclusion, and motherhood. In *Sheela Barse v. State of Maharashtra*, the Supreme Court recognised the mistreatment of women prisoners as a violation of Article 21 and issued guidelines to ensure their separation from male prisoners, access to legal aid, and regular judicial monitoring.³ Similarly, in *R.D. Upadhyay v. State of A.P.*, the Court mandated the provision of adequate health care for pregnant women, proper facilities for children living in prisons, and separate staffing for women's prisons.⁴ Despite these interventions, systemic challenges persist. Women constitute a small share of the total prison population, yet they disproportionately suffer from overcrowding, inadequate medical and psychiatric care, a lack of childcare facilities, and limited vocational opportunities.⁵

The situation of incarcerated mothers and their children remains particularly concerning, with deficiencies in nutrition, educational access, and creche facilities undermining both maternal and child rights. This paper undertakes a regional analysis of women's prisons across India, comparing states such as Uttar Pradesh, Bihar, and West Bengal, which are marked by overcrowding and undertrial delays, with states such as Delhi, Kerala, and Andhra Pradesh, which have adopted relatively progressive practices such as childcare centres, digital education, and vocational rehabilitation programmes. By analysing constitutional provisions, statutory frameworks, judicial decisions, state prison manuals, and international standards, the study underscores the urgent need for reforms that are both gender-sensitive and rights-based.

A. Research questions

The study is guided by two questions. First, how effectively do India's state-specific prison laws and administrative practices protect the rights and address the unique challenges of women

¹ INDIA CONST. arts. 14, 15(3), 17, 21, 23, 39A.

² G.A. Res. 65/229, annex, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (Dec. 21, 2010).

³ *Sheela Barse v. State of Maharashtra*, (1983) 2 SCC 96.

⁴ *R.D. Upadhyay v. State of A.P.*, (2007) 15 SCC 337.

⁵ NATIONAL CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, Prison Statistics India 2022 (2023).

prisoners? Second, what reforms are necessary to align national standards with constitutional and international human rights benchmarks?

B. Research objectives

The study seeks to trace the historical evolution of prison administration for women in India, from its colonial origins to modern reform efforts; to analyse the constitutional and international legal framework governing the rights and protections of women in prison; to assess the current state of women's prisons in India using key demographic data and statistics from official sources; to conduct a comparative regional analysis of prison conditions, best practices, and judicial interventions across a representative selection of states; to identify the gaps between codified legal provisions and their actual implementation, with a particular focus on the needs of mothers and their children; and to recommend specific, actionable amendments to state prison manuals along with policy reforms grounded in successful models and legal precedent.

C. Limitations of the study

This study is based on secondary sources, including government reports, prison manuals, judicial decisions, academic literature, policy documents, and other publicly available materials. The findings are limited to the information available in these sources at the time of writing. All statistical data cited has been drawn from publicly available reports, government publications, and institutional documents, and is used solely for academic, research, and non-commercial purposes, with due acknowledgment of the original sources wherever applicable.

II. EVOLUTION OF WOMEN'S PRISON HISTORY

The history of prison administration in India is a complex narrative rooted in colonial-era policies. By conventional account, the contemporary penal system was first shaped in the 1830s, and the Prison Discipline Committee, formed in 1836, recommended a system of punishment based on rigour of treatment that largely rejected humanitarian concerns. The foundational Prisons Act, 1894, which remains the basis for jail management, brought a degree of uniformity but did little to address the specific needs of women.⁶

In this colonial system, women were largely invisible. Female criminality was treated as a negligible portion of the total crime rate, leading to a historiographical silence and a general lack of scholarly or administrative focus on the unique circumstances of women prisoners. While some penal reforms made ritual acknowledgements of women, they centred primarily on the need to separate them from male prisoners. This administrative diffidence towards gender

⁶ The Prisons Act, 1894, No. 9 of 1894.

issues meant that facilities and programmes were designed for men, leaving women with disproportionately high-security placements and limited access to relevant training and reformatory programmes.

A major shift began after independence with the Indian Jail Committee of 1919-20, which for the first time made reform and rehabilitation part of prison objectives. The transfer of prisons to provincial control under the Government of India Act, 1935, further complicated matters by creating a lack of uniformity in policy across the country. The post-independence era nonetheless saw an increased focus on the constitutional rights of prisoners. A pivotal moment was the appointment of the National Expert Committee on Women Prisoners in 1986-87, chaired by Justice V.R. Krishna Iyer, which submitted its report in February 1988 and was the first body dedicated to studying the situation of women prisoners. Its recommendations, including the establishment of separate prisons for women and the need for gender-sensitisation training for prison staff, laid the groundwork for modern reform efforts.⁷ This lineage of reform also drew on the earlier work of the All India Committee on Jail Reforms chaired by Justice A.N. Mulla.⁸ Subsequent efforts produced instruments such as the Model Prison Manuals of 1960 and 2016 and the Model Prisons and Correctional Services Act, 2023, aimed at a more humane and uniform approach to prison management.^{9,10}

III. THE CONSTITUTIONAL MANDATE FOR HUMANE INCARCERATION

The treatment of women prisoners in India is governed by a framework of constitutional principles, international standards, and a patchwork of state-level rules. At its core, the Constitution provides the bedrock for a rights-based approach to incarceration. Article 14 guarantees equality before the law and the equal protection of the laws, while Article 15 forbids discrimination on the ground of sex and empowers the State to make special provisions for women and children. This provision is crucial, for it forms the constitutional basis for a gender-responsive approach to prison administration, recognising that equal treatment does not always mean identical treatment and that the unique needs of women must be addressed.¹¹

The protection of life and personal liberty under Article 21 has been expansively interpreted by the judiciary to encompass the right to live with human dignity, even for those deprived of their

⁷ GOV'T OF INDIA, Report of the National Expert Committee on Women Prisoners (1987-88) (Justice V.R. Krishna Iyer, chair).

⁸ GOV'T OF INDIA, Report of the All India Committee on Jail Reforms (1980-83) (Justice A.N. Mulla, chair) (1983).

⁹ MINISTRY OF HOME AFFAIRS, GOV'T OF INDIA, Model Prison Manual 2016 (2016).

¹⁰ MINISTRY OF HOME AFFAIRS, GOV'T OF INDIA, Model Prisons and Correctional Services Act, 2023 (circulated to States/UTs, May 10, 2023).

¹¹ INDIA CONST. arts. 14, 15(3), 21.

liberty. This right extends to humane living conditions, medical care, and protection from abuse. Article 23's prohibition of forced labour has further been invoked by the Supreme Court to strike down discriminatory manual provisions that assigned so-called menial tasks on the basis of caste, a principle that applies to all prisoners, including women.¹² The judiciary has a long history of intervention in this field, with the landmark decision in *Sheela Barse v. State of Maharashtra* remaining a key precedent that first emphasised the need for humane conditions and protection from custodial violence for women prisoners.

A. International benchmarks: the Bangkok Rules

Internationally, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, known as the Bangkok Rules, provide a crucial normative benchmark. These rules do not replace the existing Standard Minimum Rules for the Treatment of Prisoners, the Nelson Mandela Rules; they supplement them by providing specific guidance for women.¹³ Key provisions of the Bangkok Rules emphasise gender-specific healthcare, including trauma-informed mental health care that addresses issues such as post-traumatic stress disorder and suicide risk (Rules 10-18).

The rules also provide detailed procedures for personal searches, mandating that these be carried out only by female staff with professionalism and sensitivity (Rules 19-21). They prohibit the use of restraints on women during labour, birth, and immediately after birth (Rule 24), and stress the importance of non-custodial measures for pregnant women and primary caregivers (Rules 58 and 64). The Bangkok Rules further assert that children living with their mothers in prison should never be treated as prisoners (Rule 49) and advocate specialised after-care programmes to aid social reintegration. The degree to which India's state manuals fall short of these benchmarks highlights a significant gap between international aspirations and national realities.

B. Rationale for state selection

The selection of states for this analysis is a deliberate effort to create a representative cross-section of India's diverse carceral landscape. The states chosen represent a spectrum of challenges, administrative approaches, and judicial climates.

In the North, Uttar Pradesh, with its high female inmate population and an occupancy rate of 128.2 per cent even in women-only jails, provides a case study of systemic infrastructural and administrative failure. Delhi, by contrast, with its modern and comprehensive prison manual,

¹² *Sukanya Shantha v. Union of India*, 2024 INSC 753.

¹³ G.A. Res. 70/175, annex, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (Dec. 17, 2015).

offers a model for best practices, particularly in specialised care and the rights of transgender inmates. Punjab is included for its distinctive blend of administrative gaps and progressive policies, notably its provision for conjugal visits, which presents a model for fostering family ties.

In the South, Kerala and Andhra Pradesh illustrate different models of correctional administration. Kerala is recognised for its low overcrowding in women's jails and its rights-based approach, including open prisons. Andhra Pradesh is notable for its high per-inmate spending and its focus on technology-driven reforms such as e-health services, demonstrating a resource-intensive approach to prison management.

In the East, Bihar, Odisha, and West Bengal represent states with deeply rooted systemic problems. Bihar's high female occupancy rate and the large number of children living in prison with their mothers highlight the inter-generational impact of the undertrial crisis. Odisha has faced recent judicial scrutiny concerning the mental health of its single female inmates, revealing a failure to address the psychological effects of isolation. West Bengal has been the subject of a major Supreme Court proceeding concerning pregnant women in its jails, which exposed a critical failure of oversight and of the protection of reproductive rights.

In the West, Madhya Pradesh and Rajasthan are included for their innovative and rights-based administrative actions. Both states are notable for progressive welfare and reformatory programmes, with Rajasthan's parole policies for pregnant women and its all-female staff in women's facilities serving as examples of proactive, gender-sensitive governance.

In the Northeast, Assam is a critical inclusion because it highlights a distinctive regional challenge: the incarceration of women under the Foreigners Act. This situation involves a complex legal and political context in which judicial intervention is essential to protect the fundamental rights of women caught in a legal and social limbo.

IV. NATIONAL STATUS: A STATISTICAL AND CRITICAL OVERVIEW

A. Prison demographics and the overcrowding crisis

According to the Prison Statistics India 2022 report of the National Crime Records Bureau (NCRB), the total number of female inmates across the country was 23,772.¹⁴ The data reveals a significant imbalance in where these women are housed. Only a small fraction are confined in dedicated women-only jails, while the vast majority are lodged in other jails. This distribution is critical to understanding the real conditions faced by women. The figures for women-only

¹⁴ NATIONAL CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, Prison Statistics India 2022 (2023).

jails vary slightly between the report's tables and derived estimates, and the occupancy splits are best read as indicative rather than exact.

The occupancy rate in women-only jails is reported to be lower than that in the general facilities where most women are held. This difference is not a sign of sufficient capacity but rather a symptom of a systemic failure to provide dedicated facilities. The combined capacity of all women-only jails in India is grossly inadequate for the total population of female inmates, forcing the great majority of women prisoners to be housed in general prison enclosures. This common practice runs contrary to the segregation mandates of the Model Prison Manual and the Bangkok Rules, exposing women to heightened risks of exploitation and abuse.¹⁵ The lower reported occupancy rate in women's jails may thus be misleading: instead of indicating a surplus of space, it more accurately reflects a profound lack of appropriate infrastructure that leaves most female inmates in unsuitably crowded, general prison environments. A closer look at the national numbers reveals stark disparities in prison infrastructure and inmate population.

B. The undertrial crisis: a gendered perspective

The national prison population is dominated by undertrials, who constitute the large majority of all prisoners. This problem, while widespread, has a particularly acute and gendered impact. The statistics from Bihar exemplify the crisis, where 2,675 of 2,938 female inmates are undertrials rather than convicts.¹⁶ The vast majority of women in prison are therefore still awaiting the completion of their trial.

This situation has a tragic consequence for children. In Bihar, 300 women prisoners live in jail with their 331 children, and most of these women are undertrials. A large number of innocent children are thus effectively incarcerated not because their mothers were found guilty, but because of a slow and inefficient judicial process. This systemic delay has a devastating impact on the physical, psychological, and social development of these children, turning a judicial backlog into inter-generational trauma. Central guidelines circulated to the states following the Supreme Court's directions on children of women prisoners underscore the entitlements these children are owed.¹⁷ The data from Bihar is a powerful illustration of how the national undertrial crisis disproportionately affects women and children, and it highlights the urgent need for judicial and administrative reforms to ensure timely justice and the protection of children's rights.

¹⁵ MINISTRY OF HOME AFFAIRS, GOV'T OF INDIA, Model Prison Manual 2016 (2016).

¹⁶ NATIONAL CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, Prison Statistics India 2022 (2023).

¹⁷ MINISTRY OF HOME AFFAIRS, GOV'T OF INDIA, Guidelines regarding Children of Women Prisoners, Circular No. V-17013/9/2006-PR (May 15, 2006).

V. REGIONAL ANALYSIS: CASE STUDIES ON CONDITIONS, RULES, AND JUDICIAL OVERSIGHT

A. North: a region of contrasts

i. Uttar Pradesh

Uttar Pradesh faces one of the most severe crises in female prison management. The total female inmate population is 4,809, yet the state has only two women's jails, with a combined capacity of 540. This results in a staggering occupancy rate of 128.2 per cent in these facilities.¹⁸ Such overcrowding is not a temporary difficulty but a systemic problem that makes dignified living conditions impossible, as documented by reports on jails in eastern Uttar Pradesh where barracks designed for thirty women reportedly house nearly a hundred.

Although the Uttar Pradesh Jail Manual was updated in 2022, containing a dedicated chapter with provisions for seclusion, separation, and special protocols for female prisoners, a significant implementation gap persists.¹⁹ The problem is not an absence of rules but a profound failure of implementation, stemming from administrative apathy and a lack of resources, which renders the detailed manual provisions largely inert. In its 2024 decision the Supreme Court directly addressed this systemic failure, mandating a revision of the prison manual and striking down provisions that perpetuated caste-based division of labour. The Court held that such rules violated Articles 14, 15, 17, 21, and 23 of the Constitution, marking a fundamental critique of colonial-era, discriminatory rules still in effect.²⁰

The most significant problem in Uttar Pradesh's prison administration is this failure of implementation, which produces systemic overcrowding and inadequate basic facilities such as food and sanitation. The manual, despite being updated, contained discriminatory rules that assigned menial tasks on the basis of caste. The Supreme Court specifically directed the state to revise its manual within three months to remove all caste-based discriminatory provisions and to delete the caste columns from prisoner registers.

Despite these challenges, Uttar Pradesh has implemented several reformatory practices. The state facilitates education for inmates through open institutions such as the Indira Gandhi National Open University and the National Institute of Open Schooling, and it offers vocational

¹⁸ NATIONAL CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, Prison Statistics India 2022 (2023).

¹⁹ U.P. Jail Manual, 2022, Notification No. 103/2022/1275/22-4-2022-80(2)/2000 (Aug. 17, 2022).

²⁰ *Sukanya Shantha v. Union of India*, 2024 INSC 753.

training in computer skills, dairy farming, weaving, and beautician courses, all of which are important for rehabilitation.²¹

Data Overview: Uttar Pradesh

Category	Number
Total Female Prisoners	3,673
Female Jail Capacity	720
Female Inmate Population in Women Jail	312
Female Inmate Population in Other Jails	3,361
Distribution of Female Prisoners (All Jails)	
– Convicts	629
– Undertrials	3,040
– Detainees	4
Distribution in Women's Jails	
– Convicts	67
– Undertrials	245
– Detainees	0
Women's Jails in Uttar Pradesh	2
Women Prisoners with Children	186
Children with Women Prisoners	210

Source: Prison Statistics India, 2022.

ii. Delhi

Delhi's prison system, and Tihar Jail in particular, is often seen as a model for progressive reform. The Delhi Prison Rules, 2018, are considered comprehensive, addressing most of the needs and rights of women prisoners.²² Areas for further improvement nonetheless remain if the rules are to align fully with international best practices. These include adding specific rules for the placement of transgender women on the basis of their self-identified gender, mandating lactation rooms and access to breast pumps for new mothers, and detailing food quantities and types for children of different age groups. The Delhi High Court has also played an active role in scrutinising prison conditions, with past judgments addressing issues such as the exclusion of women from open jails and the proper segregation of juveniles.

²¹ BUREAU OF POLICE RESEARCH & DEVELOPMENT, MINISTRY OF HOME AFFAIRS, *Best Practices of Prisons in States/UTs* (2025).

²² Delhi Prison Rules, 2018 (notified under the Delhi Prisons Act, 2000, No. 2 of 2002 (Delhi); w.e.f. Oct. 1, 2018).

While Delhi's manual is largely comprehensive, specific gaps must be addressed to meet international standards. The manual lacks explicit rules for the placement of transgender women on the basis of their self-identified gender, and it needs protocols for safety assessments and access to gender-affirming care. The rules should also be amended to mandate lactation rooms and access to breast pumps for new mothers. The current dietary rules should be elaborated to specify exact quantities and types of food for children of different age groups.²³

Delhi's prison administration is a model for best practices in several areas. The prisons provide well-equipped creches and play schools for children of inmates and offer education for children above the age of three in collaboration with a special educator. Vocational training is provided in tailoring, weaving, pottery, and candle-making, with products sold through outlets such as Tihar Emporia. A modern radio station and public address system, together with the Parivartan-Prison to Pride sports initiative run in collaboration with the Indian Oil Corporation, support positive engagement and talent development among inmates. A sanitary-pad factory in Tihar provides training while also meeting the in-house hygiene needs of inmates.²⁴

Data Overview: Delhi

Category	Number
Total Female Prisoners	501
Female Jail Capacity	400
Female Inmate Population in Women Jail	310
Female Inmate Population in Other Jails	191
Distribution of Female Prisoners (All Jails)	
– Convicts	78
– Undertrials	423
– Detainees	0
Distribution in Women's Jails	
– Convicts	42
– Undertrials	268
– Detainees	0
Women's Jails in Delhi	1 (Tihar Women's Jail)
Women Prisoners with Children	21
Children with Women Prisoners	24

Source: Prison Statistics India, 2022.

²³ Delhi Prison Rules, 2018 (notified under the Delhi Prisons Act, 2000, No. 2 of 2002 (Delhi); w.e.f. Oct. 1, 2018).

²⁴ BUREAU OF POLICE RESEARCH & DEVELOPMENT, MINISTRY OF HOME AFFAIRS, Best Practices of Prisons in States/UTs (2025).

iii. Punjab

Punjab's prison system includes two women-only jails with a combined capacity of 608 inmates; as of late 2022, 43 women were housed with 44 children.²⁵ The state's Prison Rules, 2022, contain a dedicated chapter for female prisoners and children.²⁶ Significant gaps in these rules remain, and Punjab could usefully adopt best practices from Delhi's manual, including round-the-clock female staff, compulsory medical examination by a lady doctor upon admission, and codified standards for creches and paediatric checks for children in alignment with the Bangkok Rules.

A significant legal and administrative development in Punjab relates to conjugal rights. While the Prisons Act, 1894, mandates segregation of the sexes, the Punjab and Haryana High Court has held that the right to procreation and conjugal life falls within the protection of Article 21, subject to reasonable regulation.²⁷ The state's practice of permitting conjugal rooms is a noteworthy measure that could serve as a model for other states, since it helps maintain family ties and reduce the psychological strain of imprisonment. For this to be a truly rights-based provision, however, it should be cross-referenced with the chapter on women prisoners to ensure that it includes health screening and pregnancy counselling.

The Punjab Prison Rules, 2022, while containing a dedicated chapter for women, still exhibit notable gaps. The rules should be amended to mandate round-the-clock female staff in women's enclosures, with night inspection rounds recorded; to codify standards for creches, nurseries, and children's nutrition in alignment with the Bangkok Rules; and to cross-reference the existing policy on conjugal visits with the women's chapter so that it includes health screening and pregnancy counselling.

Punjab's practice of permitting conjugal rooms is a significant progressive step towards maintaining family ties. The state has also implemented a Prison Inmates Calling System in all its prisons, allowing inmates to make audio calls to five pre-sanctioned numbers for ten minutes daily. It is investing in modern security, with equipment such as full-body scanners, body-worn cameras, and AI-based alarms to prevent prohibited activities and enhance inmate safety, and it runs Outpatient Opioid Assisted Treatment centres in fifteen jails to address drug dependency.²⁸

Data Overview: Punjab

²⁵ NATIONAL CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, Prison Statistics India 2022 (2023).

²⁶ The Punjab Prison Rules, 2022.

²⁷ *Jasvir Singh v. State of Punjab*, 2015 Cri LJ 2282 (P&H) (CWP No. 5429 of 2010, decided May 29, 2014).

²⁸ BUREAU OF POLICE RESEARCH & DEVELOPMENT, MINISTRY OF HOME AFFAIRS, Best Practices of Prisons in States/UTs (2025).

Category	Number
Total Female Prisoners	559
Female Jail Capacity	200
Female Inmate Population in Women Jail	132
Female Inmate Population in Other Jails	427
Distribution of Female Prisoners (All Jails)	
– Convicts	145
– Undertrials	414
– Detainees	0
Distribution in Women's Jails	
– Convicts	18
– Undertrials	114
– Detainees	0
Women's Jails in Punjab	1
Women Prisoners with Children	24
Children with Women Prisoners	28

Source: Prison Statistics India, 2022.

B. South: models of progress and legal precedent

i. Kerala

Kerala's prison system is notable for its effective capacity management, with very low reported overcrowding in its three women-only jails. Its current prison rules, framed under the Kerala Prisons and Correctional Services (Management) Act, 2010, contain provisions for female prisoners; the earlier Kerala Prisons Rules of 1958, which had a dedicated chapter for women, have since been repealed and superseded.²⁹ Recommendations for further reform focus on enhancing existing facilities: recruiting more female staff, strengthening mental health programmes, and boosting post-release support to help women reintegrate into society. A news report from mid-2025 recorded a government order for the premature release of an inmate, Sherin Karanavar, from Kannur Women's Prison on the recommendation of a Jail Advisory Committee. That case illustrates how administrative discretion can be used to facilitate early release; it also brought to light the inmate's history of disciplinary issues, including an assault that had led to her transfer from two other prisons, a reminder that such discretion must be applied with careful consideration of the prisoner's conduct and reform.

²⁹ Kerala Prisons and Correctional Services (Management) Rules, 2014 (framed under the Kerala Prisons and Correctional Services (Management) Act, 2010).

While Kerala's facilities are well managed, reforms are still needed to enhance existing provision. The state is recommended to expand and equip women's prisons with better health, counselling, and recreational facilities, particularly dedicated mother-child units, and to recruit more female staff while strengthening mental health and post-release support programmes.

Kerala is recognised for its low overcrowding in women's jails and its rights-based approach, including the presence of an open prison for women. A distinctive initiative is the establishment of petroleum retail outlets in partnership with the Indian Oil Corporation, which employ reformed prisoners. Inmates are provided vocational training in a range of skills, including precision farming, mechanised farming, and beauty courses. The state has also installed video-conferencing systems connecting courts and all jails to facilitate virtual production of inmates, and it has implemented a green protocol in its jails, with some receiving 'A' grade certificates.

Data Overview: Kerala

Category	Number
Total Female Prisoners	302
Female Jail Capacity	60
Female Inmate Population in Women Jail	34
Female Inmate Population in Other Jails	268
Distribution of Female Prisoners (All Jails)	
– Convicts	72
– Undertrials	230
– Detainees	0
Distribution in Women's Jails	
– Convicts	8
– Undertrials	26
– Detainees	0
Women Jails in Kerala	1
Women Prisoners with Children	15
Children with Women Prisoners	17

Source: Prison Statistics India, 2022.

ii. Andhra Pradesh

Andhra Pradesh has two women-only jails with a combined capacity of 280. The state's manual outlines detailed provisions for female prisoners, including special care for pregnant and nursing inmates. Andhra Pradesh is distinguished by its high per-inmate spending, which supports facilities such as computer laboratories and medical camps, and it is a leader in

adopting technology to enhance accountability and transparency, with programmes such as e-courts, e-mulakat, and digital health clinics, as well as vocational training centres for trades such as plumbing, welding, and beautician courses. A pivotal precedent for the rights of women and children in Indian prisons originated in a Supreme Court proceeding concerning Andhra Pradesh. The decision in *R.D. Upadhyay v. State of A.P.* established foundational guidelines for the care of children of female prisoners, which all states were directed to implement, mandating special dietary scales, creches and nurseries (preferably located outside prison premises), regular medical examination, and a focus on the speedy disposal of cases involving mothers with children.³⁰

Although Andhra Pradesh records high per-inmate spending, a study noted that in some jails children of women prisoners were not given extra meals or specialised medical facilities, and that the same food and facilities were often provided to all women regardless of whether they had children. A key change is to amend the manual to codify and implement the guidelines from *R.D. Upadhyay*, including special dietary scales and creches for children. The state also needs to increase the number and capacity of dedicated women's prisons, recruit more female staff, and develop structured rehabilitation programmes.

Andhra Pradesh is notable for its high per-inmate spending and extensive use of technology to enhance prison operations, including e-courts for remote proceedings and e-mulakat for digital communication with families. It has reported technology-enabled clinics with attending technicians, reflecting the state's focus on digital health services. Vocational training is provided in a wide range of trades, including plumbing, welding, and beautician courses, with certificates issued to inmates upon completion to aid future employment.³¹

Data Overview: Andhra Pradesh

Category	Number
Total Female Prisoners	633
Female Jail Capacity	280
Female Inmate Population in Women Jail	20
Female Inmate Population in Other Jails	613
Distribution of Female Prisoners (AllJails)	
– Convicts	167
– Undertrials	466
– Detainees	0

³⁰ *R.D. Upadhyay v. State of A.P.*, (2007) 15 SCC 337.

³¹ BUREAU OF POLICE RESEARCH & DEVELOPMENT, MINISTRY OF HOME AFFAIRS, Best Practices of Prisons in States/UTs (2025).

Category	Number
Distribution in Women's Jails	
– Convicts	0
– Undertrials	20
– Detainees	0
Women's Jails in Andhra Pradesh	2
Women Prisoners with Children	20
Children with Women Prisoners	23

Source: Prison Statistics India, 2022.

C. East: persistent challenges and judicial scrutiny

i. Bihar

Bihar's prison system is marked by a profound crisis of overcrowding and delayed justice. The state has one of the highest female prison occupancy rates, and with 2,938 female inmates it has the second-highest population of women prisoners in the country, a situation compounded by the fact that 2,675 of these women are undertrials.³² This high undertrial population has a severe social consequence: 300 women live in jail with their 331 children, the second-highest such figure in the nation. A large number of innocent children are effectively incarcerated not because their mothers were found guilty, but because of a slow and inefficient judicial process, turning a judicial backlog into inter-generational trauma.³³

Despite these grave challenges, Bihar's prison administration has demonstrated notable innovation in correctional policy. Programmes such as Jail Radio broadcast reformatory and educational content to inmates, while the MUKTI brand sells products made by prisoners, providing them with skills and a source of income.³⁴ The administration has also collaborated with the National Institute of Mental Health and Neurosciences (NIMHANS), Bengaluru, to train prison staff in mental health counselling and organises monthly mental health camps for inmates. This presents a duality: on one hand the state struggles with fundamental problems of overcrowding and judicial delay, and on the other it implements sophisticated, modern programmes that are models for the country. The existence of these programmes does not,

³² NATIONAL CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, Prison Statistics India 2022 (2023).

³³ MINISTRY OF HOME AFFAIRS, GOV'T OF INDIA, Guidelines regarding Children of Women Prisoners, Circular No. V-17013/9/2006-PR (May 15, 2006).

³⁴ Chief Minister Nitish Kumar Unveiled the Brand 'MUKTI' of Bihar Prison Industry, DRISHTI IAS (2024), <https://www.drishtiiias.com/state-pcs-current-affairs/chief-minister-nitish-kumar-unveiled-the-brand-mukti-of-bihar-prison-industry>.

however, mitigate the underlying crisis; progressive policy at the institutional level is no substitute for addressing the root causes of mass incarceration.

Bihar's primary problems are persistent and severe overcrowding and a high number of undertrial women prisoners, which directly affects their children. The state's high-powered committee on COVID-19 highlighted the need to reduce the overcrowded jail population. To address this, the state needs judicial and administrative reforms that ensure timely justice for undertrial prisoners and protect the rights of children in prison.

Bihar has implemented several innovative correctional programmes that can serve as models for other states. It runs a Jail Radio broadcasting reformatory content in its 42 jails, including women's jails. The MUKTI brand markets goods made by inmates, providing them with skills and a source of income; these products are sold through dedicated outlets. Bihar's administration has collaborated with NIMHANS to train 480 prison staff as counsellors to improve the mental well-being of inmates, and it provides education through NIOS and IGNOU programmes, with smart classrooms available in 28 jails.

Data Overview: Bihar

Category	Number
Total Female Prisoners	2,919
Occupancy Rate (female prisoners)	146.8%
Shares among Female Prisoners	
– Convicts	263
– Undertrials	2,675
Women Prisoners in Women Jails	
– Convicts	81
– Undertrials	141
– Detainees	0
Women Prisoners with Children	300
Children with Women Prisoners	331
Capacity of Women Jails	202

Source: Prison Statistics India, 2022.

Data Overview: Bihar

Category	Number
Current Inmate Population in Women Jails	223
Female Inmate Population in Other Jails	2,696

Category	Number
Dedicated Women Jails in Bihar	Women District Jail, Bhagalpur; Open Jail, Buxar

Source: Prison Statistics India, 2022.

ii. Odisha

Odisha has one women-only jail with a low occupancy rate. This statistic, however, masks a deeper issue concerning the mental well-being of single female inmates. In a suo motu order of April 2022, the Orissa High Court took up a matter concerning the plight of single women inmates in eight of the state's sub-jails, noting that in eleven sub-jails there were two or fewer female undertrial prisoners. To address the mental health impact of this isolation, the Court directed the Director General, Prisons, either to shift these women to facilities with other female inmates or, more radically, to consider their conditional release.³⁵

This intervention is a powerful example of a court proactively addressing the psychological dimensions of incarceration and the right to dignity behind bars. A key problem in Odisha is thus the mental health of single female inmates housed in isolated sub-jails. The Orissa High Court, acting suo motu, found the situation unacceptable and directed the Director General, Prisons, to address it, recommending that the inmates either be transferred to a facility with more women or be considered for conditional release. The Court also issued a directive to ensure that all jails maintain cleanliness and provide food of the best possible standard, with the correct calorific value.

Odisha has implemented several vocational training programmes in its jails, including skill development in trades such as beautician and hairstyling for female inmates in collaboration with external organisations and the Odisha Skill Development Authority. The state has also set up a community radio station at the Special Jail, Bhubaneswar, to train inmates and empower them with new skills, and the prisons offer skill development in making phenyl, sabai-grass furniture, and other crafts.³⁶

Data Overview: Odisha

Category	Number / Rate
Total Female Prisoners	673
Female Jail Capacity	55

³⁵ *Krushna Prasad Sahoo v. State of Orissa*, W.P.(C) No. 6610 of 2006 (Orissa H.C. Apr. 11, 2022) (order).

³⁶ *Bhubaneswar: Jharpada Jail Gets In-House Radio Station, Inmates to Play RJ*, ODISHATV, <https://odishatv.in/news/odisha/bhubaneswar-jharpada-jail-gets-in-house-radio-station-inmates-to-play-rj-192103>.

Category	Number / Rate
Female Inmate Population in Women Jail	21
Female Inmate Population in Other Jails	300
Occupancy Rate (Women-specific Jail)	38.2%
Distribution of Female Prisoners	
– Convicts	152
– Undertrials	159
– Detainees	0
Women's Jails in Odisha	1 (Bhubaneswar)
– Convicts in Women's Jail	6
– Undertrials in Women's Jail	5
– Detainees in Women's Jail	0
Women Prisoners with Children	6
Children with Women Prisoners	6

Source: Prison Statistics India, 2022.

iii. West Bengal

West Bengal has one women-only jail with a capacity of 314, operating at a high occupancy rate. Recently, the state's prisons have come under intense judicial scrutiny. Before the Supreme Court, an amicus curiae reported an alarming number of pregnancies in state prisons, stating that 62 babies were born in West Bengal jails over a four-year period, with many women either pregnant on admission or becoming so while on parole.³⁷ In response, the Court ordered the formation of a committee to assess security and conditions in women's jails, mandating the inclusion of the senior-most woman judicial officer from each district. This directive is a critical step towards enhancing oversight and protecting the reproductive rights of inmates, as it highlights a direct failure of prison administration to prevent abuse and ensure safe conditions. The proceedings are a stark reminder that even in facilities with all-female staff and CCTV surveillance, as reported by the West Bengal government, vulnerabilities exist that require robust, independent oversight.

A major issue brought to light by the Supreme Court proceedings is the high number of pregnancies in West Bengal jails. The amicus curiae reported that 62 babies were born in the state's jails over four years, with many women becoming pregnant either before or during parole. In response, the Court ordered the formation of a committee to conduct a security audit and assess conditions in women's jails. That committee is mandated to include the senior-most

³⁷ *In Re: Inhuman Conditions in 1382 Prisons*, W.P.(C) No. 406 of 2013 (S.C.) (orders of Feb. 2024).

woman judicial officer from each district, the senior-most lady police officer, and a member of the Child Welfare Committee, and its role is to assess security measures, staff sufficiency, and the provision of regular health check-ups for women prisoners.

The West Bengal government has stated that its correctional homes for women have all-female staff and are monitored by CCTV cameras, which can be a model for other states seeking better security. The state also provides post-release support to inmates to help them overcome social stigma and access benefits under various government schemes, and it assists released prisoners in finding employment or starting small businesses, from laundry services to mobile vegetable shops, with financial assistance from local government bodies and non-governmental organisations.

Data Overview: West Bengal

Category	Number
Total Female Prisoners	1,129
Female Jail Capacity	200
Female Inmate Population in Women Jail	178
Female Inmate Population in Other Jails	951
Distribution of Female Prisoners (All Jails)	
– Convicts	210
– Undertrials	916
– Detainees	3
Distribution in Women's Jails	
– Convicts	22
– Undertrials	156
– Detainees	0
Women's Jails in West Bengal	1
Women Prisoners with Children	47
Children with Women Prisoners	52

Source: Prison Statistics India, 2022.

D. West: reformation and rights-based administration

i. Madhya Pradesh

Madhya Pradesh has a high number of female inmates, 1,911, but lacks a dedicated women-only jail, with a high overall occupancy rate of 164.4 per cent.³⁸ Despite these infrastructural

³⁸ NATIONAL CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, Prison Statistics India 2022 (2023).

challenges, the state has pioneered several innovative welfare and reformatory programmes. These include an initiative that allows children to meet their incarcerated parents in a compassionate setting, and a jail cafe that provides a clean and welcoming space for family visits. A video-conferencing programme allows inmates to voice their concerns directly to senior officials, fostering administrative responsiveness. A research study observed that during the COVID-19 lockdown the number of telephone calls made by women inmates in the Bhopal Central Jail increased, indicating the importance of these communication lifelines. A 2021 news report, however, recorded a serious security lapse in which two prison guards were arrested on allegations of raping an inmate's wife, underscoring that even innovative programmes cannot substitute for sound staff oversight and security.

Madhya Pradesh has a high overall occupancy rate but no dedicated women-only jail, which can hinder the implementation of gender-specific programmes. A serious security and oversight problem was reported in 2021, when two prison guards were arrested on allegations of raping an inmate's wife. In its 2024 decision on caste-based discrimination in prison manuals, the Supreme Court directed Madhya Pradesh, among other states, to revise its prison manual to remove caste-based discriminatory provisions within three months, such rules having been found to violate constitutional rights.

Madhya Pradesh has a number of innovative programmes focused on the welfare and reformation of inmates, including one that facilitates compassionate meetings between children and their incarcerated parents and a jail cafe, run by inmates, that provides a clean environment for family visits. A video-conferencing programme enables inmates to communicate directly with senior officials, providing a platform for their grievances. The state has also implemented vocational training in trades including weaving, handloom, and carpentry.³⁹

Data Overview: Madhya Pradesh

Category	Number
Total Female Prisoners	1,911
Female Jail Capacity	0
Female Inmate Population in Women Jail	0
Female Inmate Population in Other Jails	1,911
Distribution of Female Prisoners (All Jails)	
– Convicts	917
– Undertrials	993

³⁹ BUREAU OF POLICE RESEARCH & DEVELOPMENT, MINISTRY OF HOME AFFAIRS, *Best Practices of Prisons in States/UTs* (2025).

Category	Number
– Detainees	0
Distribution in Women's Jail	
– Convicts	0
– Undertrials	0
– Detainees	0
Women's Jails in Madhya Pradesh	0
Women Prisoners with Children	123
Children with Women Prisoners	133

Source: Prison Statistics India, 2022.

ii. Rajasthan

Rajasthan has taken a proactive approach to women's incarceration, establishing seven separate women-only reformatories. These facilities, located in major cities, are staffed entirely by women officers and provide a range of correctional services, with a manageable occupancy rate. Best practices in these reformatories include vocational training in trades such as weaving and soft-toy making, along with elementary and higher education. Children of inmates are allowed to stay up to four years, and creches and primary-school facilities are provided for their care. In a progressive measure, Rajasthan's parole rules include a specific provision for 45 days of parole for pregnant women convicts for childbirth. The Rajasthan High Court has directed timely decisions on parole applications, particularly for urgent humanitarian reasons such as a spouse's impending delivery, relying on Rule 11(1)(v) of the Rajasthan Prisoners Release on Parole Rules, 2021.⁴⁰

A notable problem in Rajasthan, highlighted by a campaigner for prisoner rights, is the absence of open jails for women despite the existence of a number of such facilities for men, which reflects a gap in gender-specific reformatory options. The Rajasthan High Court has also had to direct prison authorities to ensure the timely processing of parole applications, especially for urgent humanitarian reasons, indicating a need for greater administrative efficiency.

Rajasthan is a leader in gender-sensitive prison administration, having established seven women-only reformatories staffed entirely by women officers. The state's parole rules are progressive, including a specific provision for 45 days of parole for pregnant women convicts for childbirth. These reformatories offer vocational training in trades such as weaving and soft-toy making and provide creches and primary-school facilities for the children of inmates. A

⁴⁰ Rajasthan Prisoners Release on Parole Rules, 2021, r. 11(1)(v).

distinctive initiative is the establishment of a jail orchestra and brass band, which serve as recreational outlets for inmates, and the state has also set up a petrol pump that provides employment to open-farm prisoners.

Data Overview: Rajasthan

Category	Number
Total Female Prisoners	694
Female Jail Capacity	998
Female Inmate Population in Women Jail	476
Female Inmate Population in Other Jails	522
Distribution of Female Prisoners (All Jails)	
– Convicts	141
– Undertrials	553
– Detainees	0
Distribution in Women's Jails	
– Convicts	88
– Undertrials	387
– Detainees	0
Women's Jails in Rajasthan	7
Women Prisoners with Children	53
Children with Women Prisoners	58

Source: Prison Statistics India, 2022.

E. Northeast

i. Assam

Assam has no women-only jails, and its overall occupancy rate is high. A distinctive and particularly vulnerable group of prisoners in Assam comprises women incarcerated under the Foreigners Act.⁴¹ The Supreme Court has repeatedly intervened to protect these women from deportation. In a recent case, the Court granted interim relief to a woman, Jaynab Bibi, who had been declared a foreigner by a tribunal, staying her deportation and issuing notice to the state and central governments.⁴² The Court expressed concern over the arbitrary and opaque manner in which individuals are suspected of being foreigners, and reiterated that mere suspicion is not a sufficient ground for initiating proceedings under the Foreigners Act. The incarceration of these women is not for a traditional criminal offence but for a disputed identity, a situation

⁴¹ The Foreigners Act, 1946, No. 31 of 1946.

⁴² *Jaynab Bibi v. Union of India*, order dated June 24, 2025 (S.C.).

that demands a distinct and more sensitive legal and administrative approach and highlights a critical area for judicial oversight.

The primary issue in Assam's prison system is thus the absence of women-only jails and the distinctive challenge of detaining women under the Foreigners Act. The Supreme Court's intervention in the case of Jaynab Bibi highlighted the arbitrary and opaque manner in which such cases are handled, and its stay of her deportation suggests the need for a more sensitive and rights-based approach.

Despite these challenges, Assam is taking steps towards inmate rehabilitation. The state launched the Karagar Se Karigar scheme, which provides skill training to inmates in fields such as the manufacture of cane and bamboo items, with inmates engaged in such craft as part of the scheme.⁴³ The initiative, run under the Assam Skill Development Mission, aims to help inmates become self-reliant on release. The state has also established a music school in the Central Jail, Guwahati, which offers cultural engagement for inmates.

Data Overview: Assam

Category	Number
Total Female Prisoners	533
Female Jail Capacity	0
Female Inmate Population in Women Jail	0
Female Inmate Population in Other Jails	533
Distribution of Female Prisoners (All Jails)	
– Convicts	76
– Undertrials	413
– Detainees	0
Distribution in Women's Jails	
– Convicts	0
– Undertrials	0
– Detainees	0
Women's Jails in Assam	0
Women Prisoners with Children	53
Children with Women Prisoners	77

Source: Prison Statistics India, 2022.

⁴³ ASSAM PRISONS, Best Practices: 'Karagar Se Karigar' Scheme, Assam Skill Development Mission (launched Aug. 15, 2024), <https://prisons.assam.gov.in/portlets/best-practices>.

VI. JUDICIAL INTERVENTIONS: A HISTORY OF LANDMARK JUDGMENTS

Indian jurisprudence on prison reform has been driven by a series of landmark cases that have consistently expanded the scope of a prisoner's fundamental rights. The judiciary has transformed a colonial, punitive system by interpreting constitutional guarantees in the context of incarceration.

A. The foundation of prisoners' rights

A pivotal shift in judicial philosophy was established in *Sunil Batra v. Delhi Administration*, where the Supreme Court held that a prisoner's fundamental rights do not flee the person as he enters the prison gates, though they may suffer a shrinkage necessitated by incarceration.⁴⁴ This principle, reaffirmed in numerous cases since, became the legal basis for courts to protect a broad range of prisoner rights, viewing prisoners as protected citizens within the constitutional framework. The decision in *Sheela Barse v. State of Maharashtra* was another foundational case, specifically for women prisoners, that emphasised the need for humane treatment and protection against custodial violence.

B. Protecting mothers and children

The rights of children living with incarcerated mothers were comprehensively addressed in the Supreme Court's decision in *R.D. Upadhyay v. State of A.P.*⁴⁵ The Court issued a detailed set of guidelines, which all states were directed to implement, to ensure the proper bio-psycho-social development of these children. The guidelines mandate special dietary scales for children, prepared by institutions such as the National Institute of Nutrition, that account for their specific calorific needs; direct that creches and nurseries be attached to prisons, preferably outside the premises, for children up to six years of age; require regular medical examination and timely vaccination for children; emphasise that cases involving women prisoners with children be disposed of expeditiously; and prohibit the housing of women with small children in overcrowded barracks alongside violent offenders, as harmful to a child's development.

C. Right to reproductive choice and family life

⁴⁴ *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494.

⁴⁵ *R.D. Upadhyay v. State of A.P.*, (2007) 15 SCC 337.

The right to make reproductive choices has been recognised as a dimension of personal liberty under Article 21. The Bombay High Court, in *High Court on its Own Motion v. State of Maharashtra*, directed that all women prisoners of reproductive age be offered a urine pregnancy test upon admission.⁴⁶ If a woman is found to be pregnant and wishes to terminate the pregnancy, the Court held that she should be immediately referred to a hospital and provided all necessary assistance under the Medical Termination of Pregnancy Act.⁴⁷

The right to family life has also been a subject of judicial scrutiny. In a case concerning a couple's right to conjugal life, the Punjab and Haryana High Court held that the right to procreation is a component of the right to live with dignity under Article 21, subject to reasonable regulation.⁴⁸ High courts have also addressed the exclusion of women prisoners from the benefits of open and semi-open jails, which are designed to assist social reintegration.

D. Proactive and suo motu oversight

The judiciary has increasingly adopted a proactive stance, taking suo motu cognisance of serious systemic issues. On caste-based discrimination, in October 2024 the Supreme Court held that provisions in various state prison manuals, including that of Uttar Pradesh, which mandated caste-based segregation and the allocation of menial jobs, violated fundamental rights, including Articles 14, 15, 17, 21, and 23 of the Constitution.⁴⁹ It directed the Union and state governments to revise their manuals within three months and to remove all references to caste, and further directed that the columns for recording caste in prisoner registers be deleted.

On pregnancies in jails, in response to an amicus curiae report revealing a high number of pregnancies in West Bengal's prisons, the Supreme Court directed the formation of a committee, including the senior-most woman judicial officer and a member of the Child Welfare Committee, to conduct security audits and assess conditions in women's jails.⁵⁰ On mental health and isolation, the Orissa High Court issued a suo motu order in April 2022 to address the plight of single women inmates suffering from isolation in sub-jails, directing prison authorities to consider either transferring these women to facilities with other female inmates or granting them conditional release.⁵¹ On Foreigners Act detainees, the Supreme Court has repeatedly intervened in Assam to protect the rights of women incarcerated under the Foreigners Act,

⁴⁶ *High Court on its Own Motion v. State of Maharashtra*, 2016 SCC OnLine Bom 8426 (Sept. 19, 2016).

⁴⁷ ~~The Medical Termination of Pregnancy Act, 1971, No. 34 of 1971.~~

⁴⁸ *Jasvir Singh v. State of Punjab*, 2015 Cri LJ 2282 (P&H) (CWP No. 5429 of 2010, decided May 29, 2014).

⁴⁹ *Sukanya Shantha v. Union of India*, 2024 INSC 753.

⁵⁰ *In Re: Inhuman Conditions in 1382 Prisons*, W.P.(C) No. 406 of 2013 (S.C.) (orders of Feb. 2024).

⁵¹ *Krushna Prasad Sahoo v. State of Orissa*, W.P.(C) No. 6610 of 2006 (Orissa H.C. Apr. 11, 2022) (order).

staying the deportation of individuals declared foreigners by tribunals and expressing concern over the arbitrary and opaque manner of such proceedings.⁵²

VII. RIGHTS, BEST PRACTICES, AND CORRECTIONAL REFORMS: A COMPARATIVE SYNTHESIS

Drawing on the analysis of diverse state practices, a synthesis of best practices and a model for comprehensive correctional reform emerges. These practices, in combination, can form a blueprint for a rights-based, gender-sensitive, and rehabilitative approach to prison administration.

A. Modernising infrastructure and security

A primary recommendation is to align security protocols with the Model Prison Manual, 2016, and the Bangkok Rules. The approach of Delhi and Punjab in mandating round-the-clock female staff in women's enclosures is a crucial step towards preventing exploitation. Hi-tech security measures, such as double-locks and alarm bells, and technologies such as body-worn cameras and non-linear junction detectors, as implemented in Punjab, can significantly enhance inmate safety and staff accountability. To support reintegration, after-care units with women probation officers and non-governmental coordination, as suggested for Punjab on the Delhi model, are essential for a continuum of care post-release.

B. Holistic health and well-being

The well-being of women prisoners, and of mothers and children in particular, requires a holistic approach. It is vital to codify and implement the guidelines set out in *R.D. Upadhyay v. State of A.P.*. These guidelines, which are also aligned with the Bangkok Rules, mandate the establishment of creches and nurseries (preferably outside prison premises), regular health check-ups for children, and the provision of separate, nutritionally appropriate food. For women themselves, manuals should mandate a compulsory medical examination by a lady doctor upon admission, guarantee the supply of menstrual hygiene products, and provide specialised psychological support for survivors of domestic or sexual violence, a practice suggested for Punjab and already in place in states such as Andhra Pradesh and Gujarat. The Bangkok Rules' prohibition of restraints on pregnant women during labour and childbirth should also be explicitly incorporated into all state manuals.

C. Empowerment through education and livelihood

⁵² *Jaynab Bibi v. Union of India*, order dated June 24, 2025 (S.C.).

Rehabilitation is most effective when it leads to economic independence. States should replicate and scale up successful vocational and educational programmes. Initiatives such as Assam's Karagar Se Karigar and Bihar's MUKTI brand, which provide marketable skills and a brand identity for prisoner-made goods, are excellent models. Rajasthan's training in weaving and soft-toy making and Andhra Pradesh's focus on trades such as welding and beautician courses offer diverse pathways to employment. Promoting access to distance education through institutions such as IGNOU and NIOS, a common practice in states such as Uttar Pradesh, Haryana, and Delhi, is crucial for helping inmates gain formal qualifications and improve their long-term prospects.

D. Fostering family and community ties

The emotional and psychological toll of imprisonment is immense, and maintaining family ties is a critical component of successful rehabilitation. The practice of permitting conjugal visits, as seen in Punjab, is a progressive step that other states should consider. Such provisions must include clear guidelines for health screening and counselling to ensure a rights-based approach. Adopting gender-sensitive parole and premature-release policies is likewise crucial. States such as Delhi and Rajasthan have models that consider a woman's role as a sole breadwinner or caregiver, recognising the social context of female offenders and easing their transition back into society.

VIII. RECOMMENDATIONS FOR AMENDING STATE PRISON MANUALS

A. Overhauling outdated, discriminatory rules

The Supreme Court's 2024 decision on caste-based discrimination in prison manuals represents a watershed in prison reform. This is not merely about removing a few outdated rules; it is a directive to shift fundamentally the philosophy of prison administration from a colonial, punitive, and hierarchical model to a modern, correctional, and rights-based one. The ruling, which specifically cited rules in the Uttar Pradesh manual, found that such provisions violated Articles 14, 15, 17, 21, and 23 of the Constitution.⁵³ States must therefore undertake a comprehensive, rights-based review of their manuals to abolish all provisions that perpetuate caste-based division of labour or discriminate against any community. The amendment process should not be a superficial edit but a holistic re-evaluation guided by constitutional principles.

B. Implementing a gender-responsive framework

⁵³ *Sukanya Shantha v. Union of India*, 2024 INSC 753.

State manuals must be amended to address explicitly the unique needs of women prisoners. This includes incorporating explicit rules for the placement of transgender women on the basis of their self-identified gender, coupled with safety assessments and access to gender-affirming care, as suggested for the Delhi manual. In terms of reproductive health, manuals must mandate access to pregnancy test kits, comprehensive prenatal and postnatal care, and information on abortion services to the extent permitted by law. The use of instruments of restraint on pregnant women during labour and childbirth, a practice explicitly prohibited by the Bangkok Rules, must be banned without exception. In its recent orders the Supreme Court directed each state government and union territory to constitute a committee of government functionaries and issued notice to include the senior-most lady judicial officer in the district, and a woman jail superintendent wherever possible, to give a fair assessment of the available security measures, hygiene, health-care infrastructure, welfare of women prisoners, and facilities for children lodged with their mothers in each district.⁵⁴

C. Strengthening accountability and oversight

To ensure that progressive rules are not rendered meaningless by an implementation gap, robust mechanisms for accountability must be established. States should empower the committees directed by the Supreme Court, including the senior-most woman judicial officer and a member of the Child Welfare Committee, to conduct regular and unannounced inspections of women's jails.⁵⁵ This independent oversight is vital for verifying that legal and manual provisions are followed. In addition, a standardised and disaggregated data-collection system is needed to track not only the number of female inmates but also their undertrial status, the number of children with them, and their access to health and rehabilitation programmes. Such data will provide the evidence base for informed policy-making and will ensure that systemic problems are not hidden behind misleading statistics.

D. Right to abortion in prison

⁵⁴ CENTRE FOR RESEARCH & PLANNING, SUPREME COURT OF INDIA, Prisons in India: Mapping Prison Manuals and Measures for Reformation and Decongestion (2024).

⁵⁵ *In Re: Inhuman Conditions in 1382 Prisons*, W.P.(C) No. 406 of 2013 (S.C.) (orders of Feb. 2024).

The right to reproductive choice, including abortion, is part of the right to life under Article 21. Women in custody have the same rights as free women, but stigma, lack of awareness, and delay by prison authorities often force unsafe practices. Courts have intervened in cases of denial or delay. In *Hallo Bi v. State of Madhya Pradesh*, an undertrial forced into prostitution was initially denied abortion by a Chief Judicial Magistrate, and the High Court later allowed it.⁵⁶ In *High Court on its Own Motion v. State of Maharashtra*, the Bombay High Court directed an urgent medical response, holding that prisoners cannot be treated differently under the Medical Termination of Pregnancy Act and mandating pregnancy tests for all women inmates, timely medical counselling, and direct access to government hospitals without awaiting judicial orders where covered under sections 3 or 5 of the Act.⁵⁷ State jail manuals, including the Model Prison Manual, 2016, nonetheless remain silent on reproductive rights. Regular sensitisation of prison staff and the judiciary is essential to uphold women prisoners' dignity and autonomy.

E. After-care in the Indian correctional system

To assess after-care programmes, prison departments across states and union territories were asked about rehabilitation provisions, follow-up mechanisms, databases on released prisoners, challenges faced, and the role of non-governmental organisations.⁵⁸ Most prisons engage inmates in industries such as carpentry, tailoring, smithery, looms, agriculture, horticulture, sanitary-napkin manufacturing, computer training, and bakery; vocational and skill-development programmes prepare prisoners for employment or self-employment after release. In Goa, the Central Jail, Colvale, has a full industrial block, including carpentry, tailoring, handicrafts, and bakery. In Andhra Pradesh and Maharashtra, certificates are issued for completed courses. In Delhi, courses include housekeeping, catering, and hospitality, delivered in collaboration with external partners, as well as fashion training. In Odisha, training is offered in bedside medical care, and a community radio station in Bhubaneswar provides radio-jockey training.

IX. CONCLUSION: CHARTING A PATH TOWARDS HUMANE AND RIGHTS-BASED INCARCERATION

The analysis of India's carceral landscape for women reveals a complex and often contradictory reality. On one hand, there are systemic, deep-seated crises of overcrowding, inadequate resources, and an alarmingly high proportion of undertrials, which perpetuate a cycle of inter-

⁵⁶ *Hallo Bi v. State of Madhya Pradesh*, 2013 SCC OnLine MP 445.

⁵⁷ *High Court on its Own Motion v. State of Maharashtra*, 2016 SCC OnLine Bom 8426 (Sept. 19, 2016).

⁵⁸ CENTRE FOR RESEARCH & PLANNING, SUPREME COURT OF INDIA, Prisons in India: Mapping Prison Manuals and Measures for Reformation and Decongestion (2024).