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Public Opinion on the Problems Faced by Women Prisoners

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ABSTRACT

Women in India hold a very respectful position in society since the Vedic age. In India, women have been given equal rights as to men. But the scene is not the same with woman prisoners in India. Women prisoners are 'criminals' but they have some human rights and we can't violate them. Women prisoners face many challenges like lack of sanitation and improper hygiene and custodial rapes and sexual abuse and what not in the prison. There is a need to address all these problems faced by women prisoners. This research paper talks about various problems faced by women prisoners and according to a survey done by me, what is the public's opinion about these problems. Hence the research is mostly based on empirical research.

I. INTRODUCTION

Prison is a building in which the wrongdoers are kept. These wrongdoers are the people who perform any act against the law of the land and then come to prison for their punishments. Women prisoners in India have to face many problems in jail in comparison to men prisoners. Since they are women they need some extra care in sanitation and hygiene. There are numerous problems faced by women prisoners. According to a research, there are approximately 4 lakh people in the jail and women share 4.3 % of these statics which means that currently, more than 17000 women in India are in prison. Women prisoners have to face physical, mental, and emotional problems in the jail. A common problem among these is the problem of sanitation. Sanitation means the promotion of hygiene and prevention of diseases by the maintenance of sanitary conditions such as removal of trash, etc. There should be good drinkable water for women prisoners and disposal of wastes from time to time. Sanitation is important for all of us as it affects our health. Not maintaining hygiene can lead to many health diseases. In our home, we take care of sanitation and hygiene but it is difficult in prison as prisoners are not in authority and the authority doesn't focus much on the sanitation in prisons. Sanitation is a problem which is not only faced by women prisoners but by men prisoners too. A reason behind this problem

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can be a lack of funds and that's why the authority doesn't focus on the issue of sanitation. Women prisoners should also be provided with sanitary pads and other important menstruation products whenever needed. Besides sanitation, there are many other problems faced by women prisoners in India like overcrowding in the prison cells, custodial rapes, poor management, and fewer female police officers. Women prisoners have to face all these problems at the same time. Although women prisoners do have certain rights, these rights do not come from any statute but from judicial precedents. Courts have interpreted some rights for the women prisoners. **The purpose of a prison is deterrence (punishments), retribution, and rehabilitation. All the problems which are faced by women prisoners are not the part of the purpose of prison. Then why should they face such problems?** If a woman prisoner is pregnant then she should be given extra care such as providing maternity clothes or should be given bail. Women prisoners should be allowed to meet their children from time to time. There are high chances of sexual abuse of women in prison. Not much attention is given to women prisoners as they face more problems than men. There should be gender-specific treatment for woman prisoners.

II. SANITATION PROBLEM FACED BY WOMEN PRISONERS

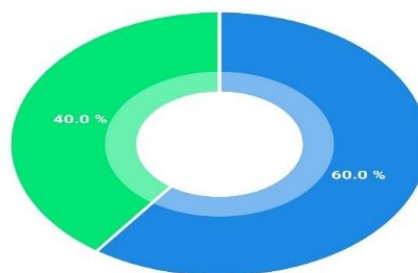
Lack of sanitation is one of the major problems faced by women prisoners. A survey was done by me in order to know that how women prisoners should deal with this problem. 60% of people said that government should release more funds so that the responsible authorities can assure proper hygiene and proper sanitation to women prisoners. There are not many funds given for women prisoners in India. The other 40% were of the view that there should be a limited number of women prisoners in a prison cell. In this way, the prisons will be less filthy. Sometimes due to the over number of women prisoners in a prison cell, there is a lack of sanitation and hygiene. Personally, I am of this view. I think that there is no need of releasing more funds for women prisoners but instead of this, there can be more prison cells for women prisoners. Sometimes in the worst-case scenario, there are 17 or more women prisoners in one prison cell. There should be a limited number of women prisoners i.e. 2 to 4 women prisoners in each prison cell. By keeping limited women prisoners in prison cells we will not only improve the sanitation and hygiene for women prisoners but we can also reduce number of fights which took place among the prisoners. It is not good for a prison's environment and it can be avoided by keeping a limited number of women prisoners in each prison cells. This method can be very useful in the contemporary time. As there is a breakdown of a pandemic it is preferred that there should be a limited number of prisoners in each prison cell avoiding overcrowding as it may lead to the spread of covid 19. Lack of sanitation and improper hygiene

can be deal by this method. The other method i.e. increase in the funds for women prisoners might not be possible as the government has to give funds for many things and increasing it for women prisoners might not be one of the top priorities for the government. The other thing is that responsible authorities should make sure that the workers in a prison are maintaining good hygiene and proper sanitation as they get paid for it. Women prisoners have more health problems compared to male prisoners and that's why they require a proper sanitation and hygiene. They need gender-specific treatment for them. Most of the women prisoners come from a rural background and that's why they don't know the importance of proper sanitation and that's why they don't demand for it. But even if they don't demand for it the government and responsible authorities should think about it as it is the matter of public health. But it is highly unlikely of the government as they don't even think about the lack of sanitation in one's colony then how can we expect from them to think about the lack of sanitation faced by women prisoners in a prison.

4. Lack of sanitation and proper hygiene are some common problems faced by almost every women prisoners. What should be done to overcome this problem?

PIE CHART

■ The government should increase funds so th...
 ■ There should be a limited number of women ...



III. CUSTODIAL RAPES AND SEXUAL ABUSE OF WOMEN PRISONERS

Women prisoners do face custodial rapes and sexual abuse in prison which is not moral and legal. A person is in custody when he/she is under the care, supervision, and control of another person or institution called a custodian. The custodian has an absolute or high degree of control over the individual including his/her mobility, food, and water, liberty, and such.² When women prisoners are in prison they sometimes do get raped by police officers, jailers, or by the

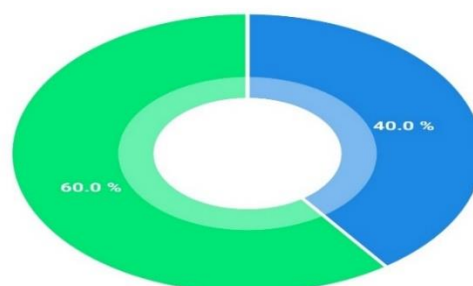
² What is custodial rape and why we need to discussing it, by Sahar Bhog

prison staff. It is one of the major problems faced by women prisoners. A survey was done by me in order to know that what can be done to stop these custodial rapes and sexual abuse of women prisoners. 60% of people said that hiring more women police officers, constables, and doctors can reduce these custodial rapes but usually, we don't see many women taking interest in this line due to lack of interest and family support. Yes, it may reduce the custodial rapes and the government should encourage women to become the police officer or a constable. As there will be more women police officers in prison it will result in the decrease of male officers in prison which will directly result in the reduction of custodial rapes. Other 40% of people said that just like juvenile homes there should be a separate prison for women prisoners. Now, this can also reduce the numbers of custodial rapes but I don't support this option because building a separate prison for women prisoners, it will require more funding from the government, more government land, and more. This will only decrease the number of male prisoners and we are talking about custodial rapes which are not done by male prisoners but by the persons in authority. Even if there is a separate prison for women prisoners there is a high possibility that there may be male police officers and constables. There are many famous case laws which tell us that how much heinous crime is custodial rape. One of the famous case laws is the Rameeza Bee rape case. In this case, the plaintiff was returning to her house with her husband after watching a movie and was stopped by three police officers. Rameeza's husband went home to take money whereas Rameeza was in the custody of those police officers and those police officers raped her and killed her husband when he tries to stop them. Later on, the court held those police officers guilty of custodial rape. Now the situation will be totally different if those three police officers were also women and that's why I think that government should hire more women police officers and constables to reduce custodial rapes.

2. what should be done to stop sexual abuse of women prisoners and custodial rapes?

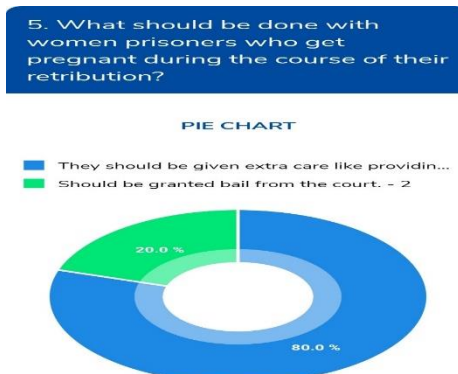
PIE CHART

■ Hiring more women police officers, constabl...
 ■ Just like juvenile homes, a separate prison sh...



IV. WOMEN PRISONERS AND PREGNANCIES

Sometimes women prisoners have to face pregnancies during their time in prison. It is one of the most challenging problems faced by women prisoners as the prison environment might not be good for the pregnant woman prisoner and her child. As per the National Prison Manual, a special diet should be given to women prisoners. A survey was done by me in order to know that how a pregnant woman prisoner should be treated during the course of her retribution. 80% of the people are of the view that pregnant women prisoners should be given extra care like providing maternity clothes, giving healthy diet and less deterrence. I also support this option. Also, there are very few cases where a pregnant woman prisoner gets bail. I think woman prisoner should get more better medical facilities. Other 20% are of the view that pregnant woman prisoners should be given bail on the ground of pregnancy. I don't support this option because that woman is in the prison due to some heinous crime committed by her and just a pregnancy should not be a ground to grant bail to any woman prisoner. That pregnant woman prisoner should be given some extra care in prison. Many women prisoner gives birth to their child in the prison. Over the last 10 years, 39-woman prisoners have given birth to their children in Delhi's Tihar jail. But the problem does not end with the pregnancy of that woman prisoner but it continues after the birth of her child in the prison. The child of that woman prisoner can stay with her in prison for a certain time. The problem here is that whether that child will or will not get a good environment. Whether that child will get a good education or not. That child can stay with her prisoner mother till he turned 6 years old. After that, he can live with any of his relatives or in a hostel or in an orphanage. The real challenge after the pregnancy is the upbringing of that child as her mother is in prison and that child has to spend most of his childhood in prison. The best thing here that can be done is that the government should come up with some policies for these children. That policy might lower the burden from the prisoner's mother's shoulders. I think that in bailable offenses women prisoners should be given bail to take care of their child but in non-bailable offenses, a bail should not be given on the ground of pregnancy but extra care should be given to that pregnant woman prisoner.



V. WOMAN PRISONERS' RIGHTS

You all might know that woman prisoners do not have any rights in the form of statutes or in the form of a written law. Although they do have some natural rights which I will discuss later on. Women prisoners need some legal rights to ensure that they are not treated unwell. In the contemporary world, issues related to women's prisoner's rights are dealt by judicial precedents. A survey was done by me in order to know that what will suffice the purpose a statute or a judicial precedent. 70% of the people are of the view that women prisoners should get some legal rights in the form of the statute. Women prisoners are molested and discriminated in prison and this can be stopped by making some laws for them. But making some laws will not be enough, those women prisoners should be aware of their rights as the majority of the women prisoners come from a rural background and they are not aware of their rights. I support this option because I believe that there is a need to bring some statutory laws for women prisoners. Other 30% people were of the view that judicial precedents will suffice the purpose. I don't support this option because I think that women prisoners face many day to day problems which have not been addressed by the courts yet and if there will be some written laws giving some legal rights to women prisoner than there are chances in the reduction of those day to day problems faced by women prisoners. Apart from all these there are some rights enjoyed by women prisoners although these rights are not in the form of any statutes. These rights are as follows:

1. Right to legal aid.
2. Right to a speedy trial.
3. Right to have an interview with a friend, relative, or a lawyer.
4. Right to live with human dignity.
5. Right to livelihood.
6. Right to inmates of protective homes. ³

VI. CONCLUSION

In last, we can conclude that there are many problems/challenges faced by women prisoners. Although these problems can be dealt by the attention of the government. We all can agree that lack of sanitation is one of the major problems that is faced by women prisoners. Lack of

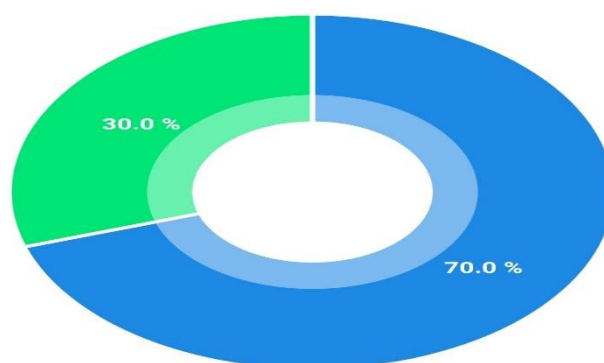
³ A Legal Analysis of Rights of Female Prisoners Under Constitution of India, Aditi Prabhune

sanitation can lead to many health problems and since they are women they need gender-specific treatment too. To avoid this problem, I think that there should be a limited number of women prisoners in each prison cell. This will also help in other problems and that's why this

3. Can establishing women prisoner rights help in changing the current scenario?

PIE CHART

- Yes, it should be in the form of statutes. - 7
- No, judicial precedents will suffice the purpo...



is the best possible solution for women prisoners. Women prisoners are as guilty as men prisoners but we can provide basic facilities that should be available to women prisoners as a basic human right. Besides some rights from judicial precedent women prisoners also enjoy some universal human rights which protect them from being treated poorly. After being exculpated or acquitted many women prisoners face some social stigmas and they struggle to a fresh beginning. In this case, I think that government should normalize it and spread awareness about it to the general public. Apart from these custodial rapes are the most heinous crimes done against women prisoners and many women prisoners do not raise their voice against this crime because they don't understand the nature of that crime. Some woman prisoners also face pregnancies during their time in prison and I think that it should be treated with extra care. In some bailable offenses, bail should also be given to a woman prisoner so that she can give the right environment to her child. Women prisoners face many difficulties in the prison and I think that by giving them some statutory rights we can make an effort to lower their difficulties. A prison should not affect their mental and physical health as it might not have good consequences for that woman prisoner. Sometimes the environment of the prison and the behavior of prison authorities are not good towards these women prisoners. They have

some human rights and we all should respect their rights. They are as guilty as the male prisoners but they should be given the gender-specific treatment too. We all just can't deny the fact that women prisoners are treated poorly in prisons. I myself went to a prison in my city for my just to have a better understanding for my research. Although at that time there were not many women prisoners in that prison but I do observe that how they are being treated by prison staff. I do notice a lack of sanitation and most of the washrooms were filthy and not hygienic. I believe that government should pay attention to this problem as not only the prison I visited but most of the prisons in India lack sanitation and treats women prisoners poorly. Government should also take the responsibility to make proper living arrangements for the children of women prisoners. Those children might not have a good future because they do not have their mothers to look after them so the government should take the responsibility to make good living arrangements for them. We all don't know what these women prisoners are going through each and every day but we should have empathy for them and once they have finished their prison terms we all should treat them with respect and we should not judge them for being a prisoner!

We have never seen any print media or electronic media talking about these problems faced by women prisoners. No articles in newspapers and no news anchor talking about it. Then how the government is going to pay attention to these problems? We all can at least raise our concerns about these problems on social media as nowadays it also plays an important role in addressing the issues. There are not many NGOs in India which are specifically working for women prisoners. In last, I think that the government should work on these problems as soon as possible.
