

WOMEN BEHIND BARS: RIGHTS, REFORMS AND REALITIES

AUTHOR – MONIKA PRIYA, RESEARCH SCHOLAR, JRF AWARDEE

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ABSTRACT

This paper deals with prisoners and especially female prisoner their conditions, reform and realities. In today's world, prisons are seen more of a centers for reforming criminals and not merely as a means of punishment. In the past few decades, the prison population has increased significantly, leading to numerous challenges such as security concern, inadequate healthcare, poor hygiene and overcrowding. Problems with amelioration are becoming more apparent in the context of female prisoners. The comparative analysis of male and female criminal history, which leads to an unfavorable situation for the female prisoner. Female prisoners often face problems with prison infrastructure and the administrative system that largely ignores their gender-specific needs. How women have adapted the men's prison as gathering prisons tends to not meet the needs of female prisoners and thus the effect on women in the manner of cannabiz. Few international agreements have been ratified in need of urgent improvement like the UN General Assembly adopted the Bangkok Rules in 2011, Nelson Mandela Rules etc. This paper is all about the nature of problem faced by women residing in jail, to examine various laws and convention that protects the rights of women prisoners. The role of judiciary and various apex court of countries.

INTRODUCTION

"It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones"

Over the centuries, imprisonment as the method of punishment has evolved. In India, and most of the world today, prisons are not just means of punishment but also seen as place where reformation of prisoners took place. Prison establishments in different States/Union Territories of India comprise several tiers of jails – central jails, district jails, sub jails as well as women jails, borstal schools, open jails and special jails.

In the past few decades, there is drastically increase in population of prisoners, which leads to create a number of challenges such health & hygiene, overcrowding, sanitation, security etc. The problems related to prison become even more specific in the context of women prisoner. Prison systems are basically designed to cater

to men and are not well designed to address the particular needs of women in prison. Women as per latest data available from the end of 2015, Indian prisons were home to 17,834 women. Only 17% of these women live in exclusively female prisons, while the majority are housed in female enclosures of general prisons. The main problem faced by female inmates are related to administrative and infrastructure structure of prison which are mainly because of their gender specific need like lack of security, poor hygienic, abusive environment, shortage of female staffs, lack of educational/ vocational training and many more.

Various International agreement after seeing the condition of prison and especially women prisoners have been ratified to improve the condition of prison as improvement was urgent in order to secure basic human dignity in prison. The UN General Assembly adopted the Bangkok Rules in 2011⁷⁰³, which bought some rules for the treatment of women in prison and prescribe

⁷⁰³ United Nation Office on Drugs and Crime

certain non-custodial measures for women offenders. The Nelson Mandela Rules in 2015⁷⁰⁴ were adopted by the UN General Assembly, which prescribed the international minimum standard for the treatment of prisoners including women.

Likewise, judiciary as an institution in globe aimed to be the protector of human right and guardian, time to time pronounce judgement in the welfare of prisoners and protect their interest and also in his guidelines provide adequate requirement for women prisoner. In the matter of protection of human right Supreme court of Indian is one of the most active courts. Despite several laws made by Indian legislature in regard to right of prisoners in prison but being a venerable class they are always exploited. What's written in laws is totally different with what we see things in reality. In real scenario women in prison are facing way more difficulties which one can apprehend. The Supreme Court of India on different occasions through its various judgments speaks about this issue and lays down different guideline to protect the rights of this earthen class, which show the mirror that inspite of all laws and provision the implication and execution of law in at ground level is zero and need review.

The Supreme Court affirmed the basic rights of prisoners, as "there can be several factors that push a prisoner to commit a crime, but nevertheless the prisoner must be treated as a human being deserving of all basic human rights, human dignity, human rights and sympathy." The main reason behind the lack of facilities and poor condition of female prisoners is that there has always been a large proportion of male prisoners than female prisoners which leads to denial of services, opportunities and gender specific need in prison.

In India, only a few studies have been done on the lives of female criminals in prison. This paper attempts to identify the main issues of the problem faced by female prisoners in prison and gather information and ideas on ways in

which these issues can be addressed in order to improve them. Moreover, the aim is to understand the legislative framework at the national and international levels to improve the situation of female prisoners. The paper also discusses the role of the judiciary in improving the miserable and vulnerable conditions of female prisoners.

CRIMINALITY BY WOMEN

Women indulging in all kinds of crime has a long history similar as to men from simple crime like assault, forgery & theft to dangerous human and society threatening crime like dacoity robbery, murder, human trafficking and even drug related offence. But the study related women criminals and women prisoners has always been of least interest by the scholars, academicians and the Government officials.

One of the major reason behind this ignorance is the number of female criminals in compare to male criminals which has always been significantly less. The other reason behind this neglect is that the male criminality has been that threatening in the society but when it comes to female criminality it is seen as less threatening and sometimes it is so in hidden form that dangerous threatening offense done by female is overshadowed in the name of male supervisor like terrorist attack where women deal up with some head member of group in order to carry out massive terrorist activities. The comparative history of male and female criminality suggests that male criminality profoundly destabilizes the order of law and immensely affects the societal peace and tranquility whereas female criminality visibly possess less danger to the society in comparison to the male offenders.

This still clearly disproportionate nature of female delinquency compared to their male counterparts was a strong reason for the brutal disregard for the proper study and research of the various aspects of female delinquency and its corrective aspects, which inturn led to an excessive violation of their human rights and

⁷⁰⁴ www.undoc.org

aggravated suffering within the four walls of the prison, because the issue has not been paid the attention that it deserves.

This is not to say that it is proposing to increase female delinquency female in order to minimize the suffering of women in the prisons, we merely tend to point to the pathetic attitude of the Governments which have been blatantly ignores the specific care and treatments that the female prisoners earn just because , they were a lower percentage.

But, unfortunately, the general line of defense of the Governments remain that it is not possible to set up separate prison on each level for few female criminals, due to scarce resources. This situation is indeed extremely paradoxical if women's suffering is not reduced because their crime rate is comparatively very low compared to that of male offender. Women continue to make up a very small proportion of the general prison population worldwide.

Problems Faced by Women Prisoners

Although there are many laws, agreements and declarations protecting the rights of female prisoners, the situation of female prisoners is pathetic and fragile. When we try to imagine a typical prison in our country, the image that comes to mind is not entirely magical. News reports often highlight the ingenious behavior of the police with the prison, poor food, and inadequate medical facilities, which are some of the basic problems that prisoners face.

In many countries, women make up a minority of the prison population: usually 2% and 8%. Prison systems and prison systems are almost invariably designed for the majority of the male prison population ranging from prison architecture, to security procedures, to health care facilities, family contact, work and training. Female prisoners are prison adaptations for men. As a result, prisons tend not to cater to female prisoners, and female prisoners are affected by prison in a particularly harsh way. The human rights and fundamental dignity of women in prisons are systematically violated.

The crime and imprisonment of women are closely related to women's poverty. Women are particularly vulnerable to detention due to their inability to pay fines for minor offenses and/or pay bail. Female criminals are usually from socially and economically backward segments of society. They are young people who are unemployed, have a low income, a low level of education, and have dependent children. Many of them have a history of alcohol and drug abuse. At the same time, there is a tendency to stigma attached to women's imprisonment more than men. Women who have been in prison may be ostracized by their families and communities

ere are a number of provisions in the form of laws, rules and guidelines that protect women from exploitation in prison and guarantee them basic services. However, the implementation of these provisions has been found to be largely imperfect and women face a variety of problems during their stay in prison

- There is an acute shortage of female employees, including guards, officers, doctors, nurses, counsellors, etc. Accommodation arrangements are often inadequate, which is exacerbated by severe overcrowding in most prisons. There is an insufficient number of toilets, showers and other basic conditions for sanitation and hygiene. Inadequate provision of water and hygiene products during menstruation is a major concern.
- There is a shortage of medical staff and facilities that aim to cover the physical, sexual, reproductive and mental health needs of female prisoners. Nutrition, which is closely linked to health, is a concern particularly for pregnant and lactating women and children in prison. While they are to be given a special diet, this is not always followed.
- Women are entitled to receive education while in prison, but with the exception of basic literacy provisions, educational facilities are largely missing. Skills and vocational training are also an important part of the reform, and each prison aims to provide these services.

Efforts in this regard are largely eye-washing, with most courses imparting skills that are unmarketable and financially useless and thus of little benefit to women after their release.

- All prisoners have the right to legal aid, for which there should be legal aid cells in every prison to assist with cases of complaints, trials under trial, appeal, etc. These are not found in all prisons, nor are there links with the state and county office of legal affairs that service powers could be improved.
- Physical and sexual violence is a common scenario in prisons, and inmates face it at the hands of the authorities and other prisoners. Provisions to ensure the safety of women in prison must be followed and their complaints addressed rigorously, which is not currently the case.
- Prisons are an isolated world, and it is especially important for women to maintain contact with their social network outside of prison to ensure a smooth transition after their release. While limiting the number of letters, phone calls and visits has been relaxed in the case of women, more needs to be done to help them maintain contact and overcome the social stigma attached to female prisoners.
- Many women live in prison with their children (under 6 years old) in cases where no other suitable arrangements can be made for their care. Spending their formative years in prison can have a significant negative impact on children and therefore special care must be taken to ensure their physical and mental health, education and entertainment. The health of pregnant women and mothers should also be taken care of.
- Social reintegration is a challenge for many female prisoners, as they face severe social stigma, loss of family and work ties, lack of economic independence etc. after release. Steps must be taken to ensure that women have access to all basic services while in prison, that they are protected from violence and that they are supported after their release to take an

active place in society.

THE CONSTITUTIONAL AND LEGAL PROVISIONS

The Constitution of India guarantees equality between men and women and various laws have been enacted to protect and empower women. Certain women have certainly benefited from these legal provisions; However, the majority of poor and illiterate women still struggled in a traditional male-dominated society. The pathetic situation of female prisoners, admittedly ill-treated, is not surprising. The concept of human rights is completely unknown to these women. The needs of female prisoners often differ from those of their male counterparts. Women need gender-specific health care facilities, help with childbirth, care for their children in prison, receive counseling to protect against potential rape and sexual assault, and to maintain contact with their dependents outside of prison.

Constitutional Provisions

Constitution of India does not provide specific guarantee to the women prisoners. However, the Indian Constitution gives the status of equality to the women. The Founding Fathers of the Indian Constitution gave serious thought to protect and promote the rights of Women and Children. This is amply reflected in the Preamble which contains *"the ideals and aspirations of the people of India"*. One of the golden ideals is *"the equality of status and of opportunity"*.

Article 14⁷⁰⁵ of Constitution contemplates that men and women should be treated alike, and also the concept of reasonable classification. This article is very useful guide and basis for the prison authorities to determine various categories of prisoners and their classifications with the object of reformation. Moreover, Constitution of India provides various other provisions though cannot directly be called as prisoner's rights but may be relevant. Among them are Article 20 (1) & (2), Article 21, and Article 22 (4) to (7) are very important.

⁷⁰⁵ Art 14 The Constitution of India

Right to life and personal liberty have been guaranteed under the Article 21⁷⁰⁶. It's the most important right, hence it has been guaranteed by all most all their countries under the respective constitutions. Right to life and personal liberty have larger connotations. Even a prisoner, which ever they are, even they are deprived from their certain rights and liberties they should have certain rights.

The Constitution guarantees a speedy trial an important safeguard to prevent unjustified and oppressive pretrial confinement. The concept deals with the quick adjudication of cases, which makes the judiciary more effective and conveys justice as quickly as possible, which says that justice delay is justice denial. Through judicial activity it became an integral part of Article 21 and thus became a fundamental right. Moreover, the trial must be fair and reasonable.

Free Legal Aid Article 39a of the Indian Constitution guarantees free legal aid to the poor and vulnerable in order to maintain the rule of law which is essential to an organized society. Unless the poor and the illiterate are legally assisted, he is denied equal opportunity in the pursuit of justice. So as a step towards making the legal service serve the poor and disadvantaged, the judiciary has taken an effective interest in providing legal aid to the needy in the recent past.

3.1 Legislative framework and committees

At the national level there are number of legislations touching directly or indirectly the administration of the prisons and reformation of prisoners. Some of the important legislations are as under:

The Prisons Act 1894 is the first legislation to regulate prisons in India. This law is based to a large extent on the principles of deterrence, which mainly reflect British policy on the subject. Lawmakers have made little effort to look at the other side of the problem. They were more concerned with prison work than the treatment of prisoners. This prison code has remained

unchanged for over a hundred years except for very minor changes. The process of reviewing prison problems in the country continued even after the enactment of the Prisons Act 1894. The first ever comprehensive study on the subject was launched with the appointment of the All Indian Prison Commission (1919-1920). It is indeed a major milestone in the history of prison reforms in India and aptly called the cornerstone of modern prison reforms in the country. For the first time in the history of the prison administration, reform and rehabilitation of criminals was identified as one of the goals of the prison administration.³

After independence various committees were constituted made so as to improve the conditions of prison in India. The Pakwasa Committee in 1949 accepted the system of utilizing prisoners as labour for road work without any intensive supervision over them. It was from that time onwards that the system of payment of wages to inmates for their labour was introduced.

In 1957 All India Jail Manual Committee was appointed by Government of India to prepare the Prison Manual. A report was submitted for formulation of a uniform policy of prison and adoption of latest method in jail administration, probation, remand homes, protective homes etc. The report suggested the amendments in the Prison Acts 1894 to provide a legal base for correctional work.⁴

In 1980, the Government of India set up committee on Jail Reforms under the chairmanship of Justice A.N. Mulla. The main objectives of the committee were to review the laws, rules and regulations and overall objectives of protecting society and rehabilitation for offenders.

In 1987, the Government of India appointed the Justice Krishna Iyer committee to undertake a study on the situation of women prisoners in India. This was the first committee established for reformation of the women prisoners' condition. It has recommended induction of more women in the police force in view of their

⁷⁰⁶ Art 21 The Constitution of India

special role in tackling women and child offenders.⁵ In 2001-02, the Committee on Empowerment of women (2001-2002), of the Lok Sabha analyzed the situation of Women in Detention. This Committee also examined the recommendations made by an Expert Committee on 'Women Prisoners'.

International Conventions governing the Rights of Women Prisoners

Several international conventions have been passed to protect the human rights of the individual. Human rights are those basic standards without which people cannot live in dignity. To violate someone's human rights is to treat that person as if they weren't human. All persons deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person. This includes minimum standards regarding housing, personal hygiene, clothing, bedding, food, exercise, access to newspapers, books, religious counselors, communication with the outside world, and medical services. But in reality, human rights prisoners are being assaulted every second. International human rights instruments and mechanisms provide broad guidance for improving the conditions in which women prisoners are forced to live. For most of the world, and increasingly in the United States, the human rights framework is an automatic starting point for addressing the appropriate treatment of women prisoners.

Some of the notable conventions related to the rights of prisoners are the Geneva Conventions, the International Covenant on Civil and Political Rights, the United Nations Standard Minimum Rules for the Treatment of Prisoners, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment. Human rights prisoners are attacked every second. International human rights instruments and mechanisms (31) provide general guidance for improving the conditions in which female prisoners are forced to live. For most of the world, and increasingly in the United States, the human rights framework is an automatic

starting point for addressing the appropriate treatment or punishment of female prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and Fundamental Principles for the Treatment of Prisoners⁶. The Standard Minimum Rules adopted by U.N. Economic and Social Council in 1957 are one of the most comprehensive sets of guidelines determining the rights of prisoners. There are some special provisions for women prisons like there should be special accommodation for all necessary pre-natal and post-natal care and treatment and where nursing infants are allowed to remain in prison with their mothers.

The first set of specific UN rules relating to female offenders and their children is the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) 2010. The rules cover the areas of admission, health care and treatment of women and children who accompany their mothers to prison. Adopted in December 2010, it is relatively unknown among national and international policy makers in the institution with their mothers, provision should be made for a nursery staffed by qualified persons. The principles and recommendations in the Kyiv Declaration on Women's Health in Prison are also important steps towards improving health systems and addressing the health needs of women participating in the criminal justice system.

ROLE OF JUDICIARY

A fundamental principle of international human rights law is that nothing can set a human being beyond the reach of human rights protection. Some people may be less deserving than others. Some may lose many of their rights by being imprisoned through appropriate legal procedures. But basic rights such as the right to life, health, due process, justice, humane treatment, dignity. The Role played by the judiciary in making the need for prison reforms has come into focus during the last three to four decades. The Supreme Court and the High

Courts have commented upon the deplorable conditions prevailing inside the prisons, resulting in violation of prisoner's rights. Prisoners' rights have become an important item in the agenda for prison reforms. The Supreme Court has been active in responding to human rights abuses in Indian prisons, and in the process, it has recognized a number of prisoners' rights by interpreting Articles 21, 19, 22, 32, 37 and 39a of the Constitution in a positive and humane manner and security from abuse Or torture lingers. There are minimum standards for the way the state treats people, whoever they are. ⁷

The Supreme Court of India by interpreting Article 21 of the Constitution has developed the jurisprudence of human rights in order to preserve and protect the right of the prisoner to human dignity. Although it is clearly indicated that the denial of Article 21 is justified in accordance with the procedures established by law, this procedure cannot be arbitrary, unfair or unreasonable. Despite the shortcomings of the legislation, the judiciary in its creative spirit has contributed greatly to the management of prisons, thus ensuring the basic human rights of prisoners. International human rights law has recognized many of these rights.

Prisoners' rights are a matter of concern under Article 21 of the Constitution. The Supreme Court has recognized a large number of rights under Article 21 through the right to life and personal liberty. In 1950, when the question of interpretation of Article 21 was brought before the Court in A.K. Gopalan case⁷⁰⁷, the court held that if the arrest is in accordance with the procedure established by the law in which he is being held, then such arrest is valid. The court will also not find the procedure fair or unfair. But in Kharak Singh case⁷⁰⁸

Court reconsidered its earlier view & held that rules, regulations and policies made by executive would be covered under the procedure established by law because these are also the part of law.

In Maneka Gandhi vs Union of India⁷⁰⁹, The Supreme Court gave a new dimension to Article 21 when the question of the interpretation of the "procedure provided by law" was brought before the Court. The Court decided that a procedure whether enacted by the legislature or framed by the executive must be just, just and reasonable. It must be in accordance with the principle of natural justice. Thus the concept of due process was incorporated into Article 21 and the scope was expanded. The impact of the expansion of Article 21 on criminal jurisprudence, mismanagement of prisons and the rights of prisoners in general.

In the case of Vakil Prasad Singh v. Bihar State⁷¹⁰, the court held that prompt justice is a sine qua non of Article 21. The issue of speedy trial was raised and considered in the Hussainara Khatun case⁷¹¹ where it was determined that the delay in conducting the trial is a violation of Article 21. The court emphasized however, this is implied in the comprehensive survey and the content of the article 21. A fair trial means a speedy trial. The Supreme Court of India, in one of its landmark rulings in Sunil Batra vs. Administration of Delhi⁷¹², ruled that: "In our constitutional system, it is self-evident that laws do not swallow up the fundamental rights of those who are not legally free and as life guards, the courts will maintain liberty behind bars, It is tempered, of course, by environmental realism but does not tolerate torture by the executive levels. The politics of law cannot be bought by despots who explicitly invoke the "dangerousness" of inmates and peace in prisons.

Thus, the Supreme Court of India has made it clear that the imprisonment of a prisoner is not culminated in the suspension of every fundamental right of the prisoner. Protecting these basic rights in the case of women prisoners has become an issue of vital importance because more women than their male counterparts are prisoners of the same sex

⁷⁰⁷ AIR 1950 SC 27

⁷⁰⁸ 1962

⁷⁰⁹ AIR 1978 SC 597

⁷¹⁰ 2009 1 S.C.R 517

⁷¹¹ AIR 1979

⁷¹² AIR 1979

and have special problems that men do not face due to the inherent biological differences between them. In this case the Supreme Court has also laid down three principles:

1. A person in prison doesn't become non-person when he or she is in prison.
2. All human rights within limit of imprisonment is the right of the person in prison.
3. There is no justification for exacerbating the suffering already inherent in incarceration.

These three principles ensure that despite the incarceration the prisoners are entitled to basic human rights that are very much part of their existence.

Sheila Pierce v Rajasthan, the case relates to violence in custody against female prisoners who were deceived in the police prison in Bombay. A prisoner was assaulted and tortured by the police in police custody. The Supreme Court issued following guidelines:

1. Police lock-ups where only female suspect are to be kept, they should be guarded by female police.
2. Female should not kept in prison where male prisoners are staying.
3. Interrogation should be carried out only in the presence of female police officers.
4. Whenever a person is arrested immediately informed to the nearest legal aid committee in order to give a legal assistance.
5. The person should be informed about the grounds of arrest and right of bail. Immediately after the arrest of person, it should be informed to the friends and relatives of person who is arrested.

In 2006, the Supreme Court of India, through the landmark ruling in the R.D. State of AP and Ors., Center and States are taking various steps to care for pregnant inmates and dependent children who are placed with mothers in prisons around the Country. The Supreme Court has issued many directives and directives covering

all kinds of cases related to incarcerated mothers and their children. It was established that a child imprisoned with his mother has the right to food, shelter, medical care, clothing, education and recreational facilities as a right. According to the ruling, the prison manual and/or other relevant rules, regulations, instructions, etc. were to be appropriately modified within three months in order to comply with the directives issued.

Judge Krishna Iyer is strongly of the opinion that people's participation should motivate those who run the system to run the system better. The successful implementation of the approach must receive due recognition and wide publicity. However, some important steps are being taken by the central government at the direction of the Supreme Court. On April 13, 2006, the Supreme Court issued a set of guidelines to protect the rights of women prisoner and their children in prison are calling on the center and state governments to amend and incorporate the new directives within three months. Among the important guidelines, the Supreme Court directed the authorities that pregnant women under trial should be transferred to hospitals outside the prison premises for childbirth, and that a child's birth certificate should not mention prison as the place of birth. To ensure that children of female prisoners are not convicted, a judicial panel composed of Chief Justice Y. K. Sabharwal and Judge C.K. Thacker and Judge P.K. Balasubramaniyan. It is not violated when they live with their mother on trial or convicted in prison. The role of the judiciary is valued in this aspect but the courts cannot always be available everywhere. However, it is unfortunate that frequent incidents are reported. Although the Court has provided relief in the reported cases, it will not be sufficient in the way of achieving the constitutional objective because the Constitution speaks not only of the reported incidents, but also of every citizen and every human being. Every human life is precious so it must be protected. Every human deserves the right to live with dignity. Living with the right to

live with dignity is the realization of leading such a life that presents before man some broad aspects of his life development.

CONCLUSION AND SUGGESTIONS

For most female offenders, societal penalties and non-custodial sentences are much more appropriate response from confinement, some countries identify alternative schemes. When women are detained, it is essential to apply international standards while keeping in mind their specific needs. The growing number of women prisoners in many countries brings urgency to address the serious problems they face the reasons for their detention, their treatment in custody, and the challenges that await their release. The researcher would like to suggest some measures that would improve the conditions of female prisoners.

- Adequate implementation of the current provisions will go a long way in improving the prison system. The 2016 National Guide to Prisons is a progressive document that outlines basic entitlements for female inmates and must be adopted by all states, followed by full implementation.
- A National Commission for Prisons, as recommended by the Mulla Committee should be established to provide a national perspective on prisons and should be a central body responsible for these.
- Also, regular and thorough prison inspections are an effective way to ensure that the rules are followed. This should be practiced in all prisons, with inspections being conducted in an independent spirit and the sharing of reports across many government agencies.
- A robust grievance redress mechanism should be put in place in all prisons to ensure that prisoners' rights are not violated and that their concerns are heard impartially. There must be internal and external mechanisms for prisoners to represent their grievances.
- Special procedures should be defined at time of arrest of women to ensure their best interest as well as that of their children. Since

searches at time of admission and throughout prison life can be an experience where women inmates face humiliation and violence, these should be strictly regulated by defined SOPs.

- Appropriate arrangements shall be made for pregnancy and childbirth in prison including medical, nutritional and accommodation improvements. Children of prisoners, both those who live with them and those who live outside, should never be treated as prisoners themselves.
- Physical and mental health needs must be adequately and regularly met. Women prisoners should have access to doctors and psychologists when needed. Educational facilities must be provided according to the capabilities of the prisoners.
- Vocational training and rehabilitation facilities in prison should also be developed as they can improve the daily lives of prisoners and give them economic support after their release.
- Living condition of women inmates should be improved in terms of bedding, adequate lighting, sufficient number of toilets, options of clothing as per culture etc.
- Provisions of legal aid should be implemented with linkages with District and State Legal Service Authority. All rights and entitlements should be explained to women in a language they can understand.
- The number of prisoners on trial in India is enormous. Steps should be taken to facilitate their early release under Section 436A of the Consumer Protection Act. As well as in cases where guarantees cannot be paid upon release. Moreover, preference should be given to non-custodial measures like community service, shelter housing etc., in the case of female offenders.
- A comprehensive aftercare program can prevent recidivism and help a woman's smooth transition into society after her release. This should include support for various aspects of life after imprisonment including housing, employment, marriage, child custody,

prevention of harassment by the local police, etc.

The change in the prison population's composition has highlighted the shortcomings of nearly all prison systems in meeting the specific needs of female prisoners. Any modern approach to providing a criminal justice policy that is more acceptable to women must pay closer attention to their problems. In particular, there is a need to pay attention to the situation of women and children in prison and to apply a gender perspective to their policies and programmes. Women have different physical, psychological, nutritional, social, occupational and health needs and should be managed accordingly. It is not just a matter of women receiving equal treatment with men in the prison system, where equality is everywhere mixed with uniformity; Women are treated like men. Equity differs conceptually from "equality" and emphasizes the importance of equivalence rather than symmetry. Female offenders should have access to opportunities, programs, and services that are equivalent, but not identical, to those available to male offenders.

Penitentiary institutions, government policy makers, and the international community often ignore the needs of women prisoners, and consideration must be given to every aspect of women's prison systems as well as reasons for increasing the number of women prisoners to ensure this. That their rights, as defined by international law, have been fulfilled.

Finally, there is a sense of the need for a change in some of the conditions set forth in a prison manual designed specifically to keep male prisoners in mind. There is a need for reform as there are no laws covering many aspects of the imprisonment of women and children and there should be an adequate mechanism to ensure that the basic, legal or human rights of the female prisoner or her family are not compromised at any time