

The background of the journal cover features a top-down view of a wooden desk. On the desk, there is an open notebook with a silver pen resting on it. To the right of the notebook is a wristwatch with a black leather strap and a silver face. In the top left corner, a pair of black leather brogue shoes is visible. The text is overlaid on a semi-transparent white rectangular area in the center of the image.

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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

PROBLEMS AND ENTITLEMENTS RELATED TO WOMEN PRISONERS: A STUDY

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Abstract

God created the Woman, and she needs a great deal of care. The separation of male and female prisoners is one of many laws in the Indian prison system that deals with protecting women³. However, despite all of these rules and legislation, female prisoners face a lot of issues. The NCRB⁴ states that jails in India are overcrowded. The main issue is this. Even the convicts lack adequate facilities for their fundamental needs. Women still represent a "unaddressed entity" in criminal history. Criminologists have also neglected to study the criminality of women. Only one provision pertaining to women, Section 27, of the British-made "Prison Act" of 1894, which is still in effect, separates female prisoners from male prisoners. There may be a variety of causes for this neglect, including the patriarchal study methodology that views women as a secondary concern rather than the main object of inquiry. Fewer women commit crimes, so they are frequently disregarded. Women prisoners are in appalling conditions as a result of this neglect. In the suggested study, we'll try to identify the factors that, despite women inmates' unique requirements, prevent the law from making particular accommodations for them. This essay makes an attempt to critically evaluate current legislative and judicial initiatives and their results. Finally, it suggests changing the Prison Act to make it more equitable, gender-sensitive, and inclusive.

Keywords- Women Prisoners, NCRB, Prisoners Act.

Introduction

Prison is a challenging topic to research and study. The Oxford English Dictionary defines Prison as, "A place properly arranged and equipped for the reception of persons who by legal process are committed to it for safe custody while awaiting trial or for punishments."⁵ The term "safe custody" is highlighted in the definition as one of the fundamental purposes of a jail. On the other

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³ <https://www.legalbites.in/topics/articles/problems-faced-by-female-accused-in-prisons-895398>

⁴ NCBR- National Crime Record Bureau

⁵ <http://oxforddictionaries.com/definition/prison>

hand, jail serves a variety of different purposes, such as punishment, retaliation, penitence, neutralization, vindication, deterrence, general deterrence, and particular deterrence, banishment from society, rehabilitation, and re-socialization.⁶ The committee headed by Mullah has clearly mentioned that the rights for the prisoners including the right to human dignity, the right to the most necessities like drinking water, hygiene, medical care, clothing, and bedding, the right to contact the outside world, the right to access the legal system, the right to meaningful and profitable employment, and more. Every state is required to have a manual outlining prisoners' rights and responsibilities, which must be given to new convicts when they are admitted to the facility.

At the jail, the same list must be shown and explained to the prisoner in a language she can comprehend. There is a rising need to comprehend women's rights and effectively meet their needs in the setting of a primarily male-centric jail system as more women are housed in Indian prisons. The specific issues that women in jail experience are described in this chapter.

2016 Of National model prison manual clearly stated that there should be at least 1 guarding staff for every 6 prisoners to watch and take care of them and as per the manual each prisoner have the right to have this thing in jail such as medical, welfare, education-related, staff to take care, other thing related to them which required for the functioning. As of 2021, the total number of women staff Related to jail officers and other staff was 11461 Sanctioned but at present 9052⁷ in Uttar Pradesh. As seeing that female officers in jail at the supervisor level are in short supply. To oversee women's prisoners, employees, and Intimates. In the state, the National Prison manual recommended the appointment of a single female DIG who is affiliated to the prison headquarters to watch each and every aspect Related to the women prisoners Where? Ever required to make changes as per the situation for their benefit of them.

2.1.2 2017 in the case of *In Human condition of 1382 prison*⁸, supreme court noted that the there is a huge shortage of jail in every state of the country. Further on hearing the court directed all government of State and Union territory to Take a step of this urgent basis and fill vacant post in jail Apart from this issue, there is also a need for increasing women only jails competent female prison guards, full time female to take care of all things and for proper care need doctor and pediatricians etc.

⁶ Datir, R.N.; "Prison as a Social System";

⁷ <https://ncrb.gov.in/sites/default/files/PSI-2021/Tables-2021.htm>

⁸ <https://ohrh.law.ox.ac.uk/re-inhuman-conditions-in-1382-prisons-development-in-indian-prisoners-rights/>

Due to a paucity of employees, male staff members frequently take on the responsibility of looking after female detainees, which is not ideal. Gender-specific services must be offered because there are female prisoners.

by women employees. Priority should be given to hiring female inmates for prison jobs. To ensure that female inmates have access to these essential services, prison administrations may temporarily consider connecting prisons with female doctors, gynecologists, ANMs, teachers, psychologists, socio-legal counsellors, NGOs, etc. in the neighborhood.

Actual Strength of Women Jail Officers/Staff as on 31st December, 2021⁹

Sl. No	State/UT	Officers			Jail Cadre Staff			Correctional Staff		
		DG/Addl. DG/IG/Addl. IG /DIG/ Supdt.	Dy.SP/ Jailor/Dy. Jailor/Asst. Jailor/Asst. Supdt.	Other Officers	Head Warder / Head Matron	Warder & Matron	Other Jail Cadre Staff	Probation Officer/ Welfare Officer	Psychologist/ Psychiatrist	Social Worker & Others
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	UTTAR PRADESH	3	30	0	106	593	26	0	0	5

ACCOMMODATION IN JAIL TO THE PRISON

As it is mentioned in national prison manual that prisoners should have specified size, cell, and barracks. And it is also said as well mentioned tattoo. Barracks have only 20 prisoners and dormitories, which means that only 4 to 6 prisoners in each. Further on it also stated that prisoners are required personal space for the purpose of the study. Moreover, segregated cells may be used to house convicts due to worries about violence or contagious disease. It also suggested that the barracks must be proper adequate heating and cooling systems as well as restroom and laundry facilities. however, when we see in reality what's going on in the jail in the case of accommodation or else related things in the jail, one of the major issues is the overcrowding of the prisoners in the jail. the national Available States with the worst occupancy for female prisoners are **Uttarakhand (156.5%), Uttar Pradesh (140.6%), Chhattisgarh (136.5%), Maharashtra (105.8%), J&K (104.1%), and Jharkhand (102.6%)¹⁰.**

⁹ <https://ncrb.gov.in/sites/default/files/PSI-2021/TABLE%2011.4%20-%202021.pdf>

¹⁰ <https://timesofindia.indiatimes.com/city/mumbai/maha-among-six-states-where-women-in-jails-exceed-capacity/articleshow/90767523.cms#:~:text=States%20with%20the%20worst%20occupancy%20for%20female%20prisoners,have%20one%20or%20none%20at%20all%20%28see%20table%29.>

Due to this reason is stated in data overcrowding clearly state in data the lack of space for prisoners and increasing pressure on the already limited facility which is very difficult to survive because in the cell 20 to 30 member live where capacities are 5 to 10 living person.

The impacts of overcrowding often become even more evident in the case of women, as they are usually constrained to a smaller perimeter of the jail due to a lack of sufficient facilities for them. When people are crowded together, hygiene issues and health issues can get worse, and even minor infections can spread swiftly. The situation is made worse by the disproportionately low number of bathrooms and restrooms. Prisoners forced to share such close quarters with one another suffer grave psychological impacts from overcrowding.

According to the National Prison Manual, in cases of overcrowding, extra prisoners must be moved to another facility or camp. Transferring convicts, especially female detainees, to nearby women's prisons or to other prisons with the capacity for additional female inmates should be prioritized. Everyone should adhere to this.

SANITATION & HYGIENE RELATED TO PRISONS

As we aware of the fact that the Basic sanitation and hygiene amenities are typically poor in prisons. One restroom and one shower cubicle should be provided for every ten offenders, which very difficult to handle and because of the there is also a huge chance of spreading disease in contact withone another according to the Prison Handbook, however, this is rarely the case in practice. Toilets and restrooms are typically in short supply due to the disproportionately large jail population. Women's restrooms ought to be in secure places away from the ale influence and have secure access, however this is not always the case. The likelihood of sexual harassment and abuse of female convicts might rise due to improper toilet location and bathroom design.

Every state's jail handbook state that women convicts must get a minimum amount of clothing and undergarments in accordance with the weather and basic hygienic requirements. The case gets unique when the prisoner is a woman. Even at home, women in Indian society face danger. When a prisoner's freedom and mobility are restricted, they become more vulnerable. To be referred to be a prisoner, they put aside their gender roles. Because females cannot bear to be apart from their family and loved ones, they experience more agony and trauma than male convicts.

The treatment of male and female convicts should not be the same since Aristotle views equality among unequal as inequity. Due to their biological needs, female detainees need different treatment than male inmates and necessitate extra consideration. In addition to the usual torture they undergo, there have been instances of sexual assault and rapes committed while they were in custody.

In addition to the usual torture they undergo, there have been instances of sexual assault and rape committed while they were in custody. Overcrowding, unsanitary conditions, a lack of sanitary napkins, a lack of educational opportunities for the children of prisoners, and other issues exist. In her book "It's Always Possible," Kiran Bedi describes the Tihar Jail and how the most humiliating experiences there deprived the women prisoners of what little dignity and self-respect they had before entering the prison. The fact that these women were able to maintain their sanity in the face of such overwhelming obstacles must be regarded as some type of miracle.¹¹

HEALTH AND CONDITION OF THE PRISON

The right to health involves the provision of affordable, appropriate, and high-quality healthcare.¹² Every prison is required by the National Prison Manual to have a hospital with separate wards for men and women. Moreover, it mandates thorough health screenings for female convicts, including exams to check for the presence of blood- or sexually-transmitted infections, mental health issues, drug use, etc. Now of entry, all inmates must receive a vaccination. Prisoners who are old or who have drug addictions require special attention.

The prison administration should be aware that many women enter jail with pre-existing physical conditions due to a lack of awareness and funding for women's health issues in society at large. While there is a need to recruit full-time female physicians, prison administration can establish connections with local government doctors, gynecologists, psychiatrists, ANMs, etc. in situations where there is a paucity of medical personnel. In order to properly handle emergencies and minor concerns, jail personnel must also complete necessary training in gender-specific needs of women, first aid, and basic medical. This can at least guarantee that the temporary requirements of women in jail are satisfied.

¹¹ Bedi, Kiran; "Its Always Possible"; Sterling Publishers Pvt.Ltd.; p.88

¹² <https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health#:~:text=The%20WHO%20Constitution%20%281946%29%20envisages%20%E2%80%9C%E2%80%A6the%20highest%20attainable,access%20to%20timely%2C%20acceptable%2C%20and%20affordable%20health%20care>

CUSTODIAL RAPE AND TORTURE

The government and jail staff place the highest importance on ensuring the safety of women while they are incarcerated. The law has given the female accused some protection from prejudice, torture, etc. However, it's very usual in our nation for a woman to be mistreated while incarcerated.¹³

In the 1990 case of **State of Maharashtra v. C. K. Jain**, the Sub Inspector raped a victim while the victim was in police custody. The prosecutrix was in her late teens or early twenties. The accused SI was given a 5 year sentence in this case by the Sessions Court, along with a 1000 rupee fine. The High Court, however, overturned his conviction and declared him innocent. The case was heard by the Supreme Court, which upheld the decision made by the Sessions Court and sentenced the defendant to five years in jail and a \$1,000 fine. The Supreme Court has also observed that there was no room for leniency if the crime was committed by a person.

Conclusion

“The female prison community has been overlooked: it merits study as does any other complex organization, in order to add to the growing body of theory on group behavior.”

Giallombardo¹⁴

Indian society displays a strong gender dichotomy. The most obvious features of this dichotomy are seen when talking about female offenders and convicts. Women who commit crimes are viewed as patients with various biological and psychological conditions. The main issue is the dearth of female staff members and inmates. The law mandates that only female prisoners should house female offenders. Women must be kept apart from male inmates in male prisons and separated areas to prevent verbal or physical harassment.¹⁵

¹³ <https://www.legalbites.in/topics/articles/problems-faced-by-female-accused-in-prisons-895398>

¹⁴ Howe, Adrian (2001); “Punish And Critique- Towards a Feminist Analysis of Penalty”; Routledge Taylor and Francis Group; New York; p.123

¹⁵ <https://www.legalbites.in/topics/articles/problems-faced-by-female-accused-in-prisons-895398>