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A STUDY ON PROTECTION OF RIGHTS OF WOMEN IN PRISONS WITH SPECIAL REFERENCE TO COVID-19 IN NATIONAL CAPITAL.

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In India there are so many things which we can discuss but in today's scenario there is a very big problem of covid 19. We all are fighting against covid 19 but in this period some people are facing more problems some are less in this paper I am focusing on the women prisoners and her condition in covid period. If we talk about women prisoners so we know there are so many problems in prison but in this pandemic what problems they are facing and how we will reduce these problems. Is there any law to protect the women prisoners in this pandemic time or what we have laws to protect them. In the first wave in 2020, younger people are also being seriously impacted and succumbing to the virus in 2021 in Delhi there are 3 jails and in the jails so many overcrowding and other health issues. Women's are so many issues in jails and in day to day life we are saying that women are devi, maa, wife, daughter, and so many roles they have in the society. In jails they are not getting normal life they faced so many problems and in this pandemic they can't meet with their family members.

Paper

India is the world's largest democracy in more than name. It has free elections, a multi-party parliamentary system, a diverse and outspoken free press, an independent judiciary and the country abounds with non-governmental organizations that take pride in their independence and that help to make up a lively civil society. Yet if the checks and balances of democracy are supposed to curb government lawlessness, something has gone wrong in India. At least, so it seems from an examination that we recently conducted of imprisonment and police detention in India. In some major cities of the country that we visited, and probably

elsewhere as well, anyone unlucky enough to be arrested faces a far greater likelihood of torture, or worse, at the hands of the police than in many countries entirely lacking in the protections for civil liberties available in India. Though we had some inkling in advance that we would find extensive police abuse of detainees, we were not prepared for what we discovered about prisons and jails¹ to which detainees are sent after the police are done with them. We knew they would be bad, if only because life is hard for most Indians outside the prisons. It stands to reason, therefore, that if incarceration is meant to punish, life inside the prisons should be worse. What took us by surprise, however, is the manner in which it is worse for the great majority of prisoners and, more surprising, the fact that imprisonment is somewhat less harsh than we had anticipated for some prisoners. Though prisons are supposed to be leveling institutions in which the variables that affect the conditions of confinement are expected to be the criminal records of their inmates and their behavior in prison, other factors play a part in many countries.¹

Delhi is the capital of India. Delhi has always remained one of the most crowded prison spaces. Even in the pre-corona virus period, Delhi prisons had occupancy of around 174.9 %, according to the data of the National Crime Records Bureau, 2019. The situation now has only got worse Delhi has three prison complexes, of them Tihar has nine prisons, another one is in Rohini, and Mandoli prison complex has another six jails. These jails have a total capacity of 10,026 prisoners. But according to several news reports, over 20,000 prisoners have been crammed into space, leading to a very dangerous situation.

Women prisoners

Introduction

Punishing the wrongdoers is the main function of all civil societies. Penitentiaries are known to have existed throughout the history. Existence of prisons can be traced back to the prehistoric period. It was believed that rigorous segregation and custodial measures would reform the offenders. Experience, however, belied this expectation and often imprisonment had the reverse effect. The prisoners are

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deprived of freedom and personal contacts with family and friends. The utility of prison as an institution for rehabilitation of lawbreakers and preparing them for normal life is very difficult process. With the growth of behavioural sciences, it began to federalize that reformation of offenders was not possible by detention alone[2]. The main focus of prison system is to reform them into honest and law enduring citizens by training in them a revulsion for crime and criminality. But in real practice, the prison authorities try to bring out reformation about prisoners by use of force and compulsive methods².

Custodial justice has become important because of the changing economic and social scenario enhance women's involvement in crimes and increase rapidly ³The fact is that women in prisons are facing a number of problems in covid period Even her basic human rights are being ignored despite of a number of instructions from the Supreme Court, High Courts and by recommendations of different Committees. It generates difficulties to them in the prison which requires a special care and needs to be removed. The main purpose of this paper is to discuss the problems of the women prisoners, their rights,also the conditions in women jails, and to suggest the necessary changes. Custodial horror is a daily occurrence for women prisoners in India. What can a woman do when her 'custodians' become her violators? The question is very intimidating and frightening but this is actually happening to women in India⁴.

the condition of women in Delhi prisons. Prison no. 6 in Tihar, which is meant for women and has a capacity of 400 prisoners, had over 440 women prisoners jailed currently. Among them at least 40 have tested positive, and one dead.

"The spread of COVID-19 is largely aggravated by structural and systemic issues in the prison including hygiene, cleanliness, social distancing and exposure to common surfaces," the letter states. It further adds that just because women are lodged in some prisons, it doesn't mean that special considerations are made to accommodate them.

Dr. Pratiksha Baxi, one of the signatories of the letter, has argued in one of the academic papers, 'Gendering the Pandemic in the Prison', that: "Women inmates

² Prison reforms in India, by team, (Aug 18,2017), <https://www.2thepoint.in/prison-reforms-in-india/>http://shodhganga.inflibnet.ac.in/jspui/bitstream/10603/149011/9/09_chapter%201.pdf.

³ Dr.Jayasree Lakkaraju, Women prisoners in custody, (Kaveri Books, 2008).

⁴ *Supra* note 2

in male-defined prisons governed by male rules of incarceration experience specific forms of discrimination, deprivation and violence.”

The shared sanitation and hygienic facilities in women’s prisons, especially washrooms with inadequate facilities to manage menstrual needs poses a greater risk of exposure to the COVID-19 virus in female-only prisons,” the domain experts have stated in the letter.⁵

The situation for women in prison is even more acute and very much wide. Women much more need additional support for reproductive health issues and Others things, including menstruation, pregnancy, pre and postnatal care, and menopause.⁶ They may also have increased health needs and physical needs because of their backgrounds and other reason like Family, Financial. which can include drug use or sex work and other things. In terms of healthcare, mental care the Bangkok Rules are clear that prisons must provide incarcerated women with equivalent healthcare to that of the wider community, including access to gender-specific care.⁷ There is A state in united states of America some of the Women’s Prison has taken hard measures to contain the coronavirus. Many inmates in the women prisonHad spent lengthy periods locked in the jail — which have no Washrooms, running water, medical facility air conditioning or hygiene—etc with limited opportunities for relief.⁸ Climate rise over the summer months,as well as winter the temperature goes very much down. Legal Persons and those with loved ones inside certain housing units, known as the cottages, worry about the

⁵ <https://thewire.in/health/as-covid-19-cases-rise-activists-appeal-for-the-release-of-prisoners-from-delhi-jails>

⁶UN Standard Minimum Rules for the Treatment of Prisoners, adopted by the UN GA 70/175 on 17 December 2015. Eight substantive areas were revised in 2015: Respect for prisoners’ inherent dignity; medical and health services; disciplinary measures and sanctions; investigations of deaths and torture in custody; the protection of vulnerable groups; access to legal representation;

⁷https://www.euro.who.int/__data/assets/pdf_file/0004/76513/E92347.pdf

⁸Rattiram v. State of M.P., (2012) 4 SCC 516.

Temperature and long periods of confinement. They fear it could cause Health problems and other kind of problems for the inmates, and say that the treatment not give properly to cruel and unusual and Different punishment.

We need to work on the complaints given by the Prisoners and work on that things complaints and independent inspection of prisons and the training of staff. deaths and torture in custody;so many thing which is done by the Prisoners to the Prisoner or the staff members with prisoners. the protection of vulnerable groups; access to legal representation; Many more Things which we have to Discuss in the Paper or in the Period of Covid-19 situation of the Prisoners. We need to work on complaints and independent inspection of prisons and the training of staff. And day by day there is so many problems faced by women prisoners like they cant meat with their children, family and they cannot explain her issues to anybody and they are living in jail like anything they will not get there proper rights and other things also

. **RESEARCH METHODOLOGY;** The given research is doctrinal research and empirical based on the data collection. Various books and judgments and questionnaires other data to develop a better understanding of the above said and after that a conclusion viewpoint is formulated about new scope and new idea through different method of study.

Research Methodology-Content Analysis- Researcher has referred various manuals and reports regarding understanding prison functioning in terms of its environment, Conditions of the prisoners, facilities provided to prisoners both male and female.

Conclusion and suggestion

It can be said that the goal or aim behind awarding the punishment to the women offenders should be the reformation and the rehabilitation of women prisoners and for reaching this aim the jail manuals should be prepared in consideration with

minimum standard of human rights. The condition of women prisoners is pathetic and abhorrent in this covid period. Women are suffering through sexual harassment during their custody and other problems also medical issues, over crowding and they can't meet with her families. The conditions are so inhuman that sensitive people feel a sense of shock and shame since die-hard resistance to reverence of the women sector defeats humanism, softness, compassion, feelings, love and affection which mankind owes to its sisterly half. This custodial violence is cancer and very harmful to our Society. It is therefore asserted that a gender perspective and the situation like covid 19 Pandemic must be considered while catering to the requirement of women in criminal justice system in widespread and prison in particular. It is clear from the brief discussion above that the needs of women prisoners are often overlooked by penal institutions, by governmental policy makers, and by the international community and that consideration needs to be given to every aspect of women's prison regimes as well as to the reasons for the increasing female prison population to ensure that their rights, as defined in international law, are met. There is a need for a reform in covid-19 period as there are no laws that cover many aspects of imprisonment of women and children in the Pandemic period and a proper mechanism and control must be there to their support.