

## WOMEN IN DETENTION <sup>1</sup>

In India, prison administration is a State subject falling in List II of the Seventh Schedule of the Constitution of India. Prisons, reformatories, borstal and other detention facilities come under the jurisdiction of the States and are governed by the Prisons Act, 1894 and the Prison Manuals of the respective State governments. Like the Police Act, the rules are inappropriate and archaic, written by an administration that cared little for the value of Indian life. Given the evidence of very poor living conditions and the high levels of human rights abuse, unsurprisingly, there have been repeated calls for reforms. However as with other countries, political will for reform of penal institutions is limited. The very high levels of abuse in Indian Jails points to the need for wholesale reform as piecemeal reforms of the Indian Penal system is unlikely to change an archaic, abusive and resource starved system.

While prison reforms have been much talked about in India, there has been little change and no transformation. There has been no dearth of committees set up by the government either at the national or state level to look at the issues of prison reforms, yet no radical changes have taken place. A most comprehensive set of 658 recommendations on prison reforms came when the Government of India constituted an All-India Committee on Jail Reforms in 1980 under the Chairmanship of Justice Mulla, which submitted its report in 1983. Structural and policy changes suggested have yet to take place. Do we still need another committee to tell us what is wrong with our prisons? In fact, a feeling of déjà vu overcomes one when one reads about constituting of another committee on prison reforms by the Punjab and Haryana High Court to look into the issue. Two, three-member committees were set up both for Punjab and Haryana on the basis of the PIL filed in 2010. What were the recommendations made and what was the implementation? Too many committees and little action reflect the dichotomy of rhetoric to reform and implementation. The question arises what needs to be prioritized in terms of prison reforms. For dealing with prison reforms it is essential to tackle the elephant in the room.<sup>2</sup>

Gender equality has been guaranteed to women under the Constitution of India as well as under various other laws. But despite these provisions, the condition of women prisoners languishing in jails across the country is quite pathetic. The problem of under trial women

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<sup>2</sup> R.D.Sharma, "Stuck in Jail without Bail", The Statesman, 02 July, 2015

prisoners is even more serious. The concept of human rights is totally unknown to such women detainees. Non-availability of separate prisons for women leads to serious incidences of exploitation of women prisoners which needs immediate attention of the authorities.

Prison systems are primarily designed and run by men for the incarceration of men. All over the world, women are a small minority of those incarcerated as a result they find themselves held in facilities and under conditions that are poorly adapted for them. Prison systems and prison regimes are almost invariably designed for the majority male prison population from architecture of prisons to security procedures, to facilities for health care, family contact, work and training. As a result, the prisons do not meet the needs of women prisoners and women in prisons are affected by the imprisonment in a particularly harsh way resulting in violation of their basic dignity and human rights. The needs of women prisoners are different from their male counterparts. Women prisoners are in need of gender specific facilities for health care, gynecological and obstetric care, counseling to guard against the possibility of rape and sexual assault, to maintain contact with their dependents outside the prisons and to seek advice for mental and emotional problems.<sup>3</sup>

Women in detention, especially mothers, have particular physical, vocational, social, legal, and psychological needs different from those of men. Because so many women detainees come from impoverished backgrounds, they are likely to suffer from a variety of health conditions when they enter prison. They may have been unable to pay for diagnosis or treatment, or they may have experienced discrimination and barriers in accessing healthcare services because of their gender. Consequently, female prisoners often have greater primary healthcare needs in comparison to men.

Women have specific health and hygiene needs related to reproductive health, which vary according to a woman's age and situation. These include, for example, sanitary and washing facilities, safe disposal arrangements for blood-stained articles, as well as provision of hygiene items, such as sanitary towels, all of which they should be able to access without embarrassment. Women may also experience psychological and physical difficulties related to menopause and require specific medical services.<sup>4</sup>

Pregnant women detainees have specific health needs and are entitled to adequate ante- and post-natal care. Pregnant and lactating mothers also have additional dietary requirements, a matter often not considered or catered for by prison authorities. As a result, the food provided may be insufficient to cover the nutritional requirements of pregnant and nursing mothers. In low-income countries, the delivery of babies may be carried out in prisons in unhygienic

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<sup>3</sup> V.Nivedha and Neelam Pandey, Protection of Women Prisoner Rights in India – An Overview p15 available at [sshi.in/Protection of Women Prisoner Rights in India.pdf](http://sshi.in/Protection%20of%20Women%20Prisoner%20Rights%20in%20India.pdf)

<sup>4</sup> Tomris Atabay, Handbook for Prison Managers and Policymakers on Women and Imprisonment, United Nations Office on Drugs and Crime, 2008, p. 57, available at <http://www.unodc.org/documents/justiceand-prison-reform/women-and-imprisonment.pdf>

conditions by staff with inadequate medical expertise, resulting in health complications for mother and baby. In some countries, body restraints such as shackles are used on pregnant women during transfers to hospitals, gynaecological examinations, and birth, even though this practice violates international standards.<sup>5</sup> Pregnant women who are victims of ill-treatment or held in inhumane conditions face the additional threat of miscarriage or permanent injury to themselves and their unborn child. Often, detaining authorities not only ignore their special needs but take advantage of their vulnerability to inflict severe physical and emotional pain on them.<sup>6</sup> Women have much higher levels of mental healthcare needs than men on entry to prison, often as a result of domestic violence, and physical and sexual abuse. Once in detention, proportionately more female prisoners suffer psychological distress than their male counterparts. They are more likely to experience rejection by their families and by society in general. Women's mental health is likely to deteriorate in prisons that are overcrowded, where appropriate classification and placement systems are not implemented, and where prisoner programmes are either non-existent or inadequate to address the specific needs of women.<sup>7</sup> These factors may help explain why the level of self-harm and suicide among women detainees is much higher than for men. Studies of prisoner suicides have indicated that long-term sentences, single cell use, mental disabilities, substance abuse, and a history of suicidal tendencies are all associated with a higher suicide risk.<sup>8</sup>

Women who enter prison usually come from underprivileged backgrounds and are often characterized by histories of violence, physical and sexual abuses.<sup>9</sup> Majority of the women prisoners are from rural backgrounds, illiterate, shy and do not have courage to communicate their needs and grievances to the prison staff in jails. They also cannot ventilate their sufferings and transmit the same to higher authorities.<sup>10</sup>

Women's imprisonment is closely related to poverty, both as the reason for the offence and because women often cannot afford legal services or payment of fines. Where women are unable to pay for a lawyer, or where legal processes are extremely slow, they may spend longer in pre-trial detention than the penalty for the crime itself. Women detained for 'crimes of honour' or who are in custody for their own protection may remain in prison for long and indefinite periods. Women may also be held for crimes of which they are the victims, such as rape. Sometimes 'protective custody' is a misnomer for the arbitrary detention of victims of particular crimes<sup>11</sup>

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<sup>5</sup> *Ibid*, note 3, p. 19-20.

<sup>6</sup> Charlotte Lindsey, *Women Facing War*, ICRC, Geneva, 2001, p. 162, available at <http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/p798>

<sup>7</sup> *Ibid.*, p.10

<sup>8</sup> *Ibid.*, p. 55

<sup>9</sup> *Ibid*, note2, p15.

<sup>10</sup> *Ibid*, note2, p18

<sup>11</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), 'Dignity and Justice for Detainees Week: information note no. 5', Geneva, 2008, p. 2, available at [http://www.ohchr.org/EN/UDHR/Documents/60UDHR/detention\\_infonote\\_5.pdf](http://www.ohchr.org/EN/UDHR/Documents/60UDHR/detention_infonote_5.pdf)

A significant percentage of women prisoners are infected with sexually transmitted diseases, including HIV.<sup>12</sup> Women in prison are at particular risk of HIV infection, in part due to their vulnerability to sexual exploitation, and to receiving inadequate treatment if infected with HIV or suffering from AIDS'.<sup>13</sup>

Rape of women in detention can be either the deliberate policy of a repressive government or the result of indifference and failure to take sufficient preventive measures.<sup>14</sup> Rape or transactional sex may take place in the form of sexual services that women prisoners are forced to provide to male prisoners and male staff in return for access to goods and privileges. Sexual abuse of women by male prisoners may take place with the complicity of prison guards. Women who have been charged with or convicted of crimes against morality, as well as lesbian, bisexual, or transgender women, are at particular risk.<sup>15</sup> Rape and transactional sex leave psychological scars and increase the risk of sexual exploitation, unwanted pregnancy, HIV, and other sexually transmissible diseases.<sup>16</sup>

Many women in detention are mothers of children under 18 years of age and are more frequently than men the heads of single-parent families. The effects of even a short period of custody can be particularly devastating for any woman, particularly those who are sole carers for their children.<sup>17</sup> There is a high risk of losing accommodation and employment upon prison entry. When mothers are imprisoned and the family breaks up, alternative carers need to be found, often at short notice. Extended families perhaps most commonly fulfil this role, and also state institutions including foster care and institutional placement. This leads to large numbers of children being institutionalized.

The children of imprisoned parents are at greater risk of future incarceration. A woman whose children have been placed in the care of the state or another person usually cannot reclaim custody unless she has accommodation and the means to support her family. This can result in extended or permanent dislocation of families. Detaining and sentencing authorities

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<sup>12</sup> Megan Bastick and Laurel Townhead, *Women in Prison: A Commentary on the UN Standard Minimum Rules for the Treatment of Prisoners*, Quaker United Nations Office, Geneva, June 2008, p. 66, available at <http://www.quno.org/geneva/pdf/humanrights/women-in-prison/WiP-CommentarySMRs200806-English.pdf>

<sup>13</sup> Quaker United Nations Office, 'Submission to Committee on the Elimination of Discrimination Against Women: eliminating discrimination against women in prison', Geneva, 4 January 2005, p. 11, available at <http://www.quno.org/geneva/pdf/20050104CEDAW.pdf>

<sup>14</sup> Joan Fitzpatrick, 'The use of international human rights norms to combat violence against women', in Rebecca J. Cook (ed.), *Human Rights of Women: National and International Perspectives*, University of Pennsylvania Press, Philadelphia, 1994, p. 544, as quoted by Julie Ashdown and Mel James in 'Women in detention' in *International Review of the Red Cross* Vol 92 No 877 March 2010.

<sup>15</sup> *Ibid.*, note 3, p. 14.

<sup>16</sup> Julie Ashdown and Mel James in 'Women in detention' in *International Review of the Red Cross* Vol 92 No 877 March 2010 available at <https://www.icrc.org/eng/assets/files/other/irrc-877-ashdown-james.pdf>

<sup>17</sup> Laurel Townhead, *Pre-trial Detention of Women and its Impact on their Children*, Quaker United Nations Office, Geneva, February 2007, available at <http://www.quno.org/geneva/pdf/humanrights/women-in-prison/WiP-pretrial-detention200702-English.pdf>; Oliver Robertson, *Children Imprisoned by Circumstance*, Quaker United Nations Office, Geneva, April 2008, available at <http://www.quno.org/geneva/pdf/humanrights/women-in-prison/200804childrenImprisonedByCircumstancenglish.pdf>

rarely take the rights and needs of dependent children into account. Children in prison are unlikely to be able to mix with children outside prison or have access to community facilities such as shops, markets, animals, and open spaces. Moreover, health services in prison are usually not geared towards children's healthcare needs, and education and play materials are generally limited. The restricted and often harsh, punitive environment of prisons can permanently damage the psychological and mental wellbeing of children there. Male detainees are often offered a wider variety of recreational and educational programmes and income-generating projects than women and have more opportunities to go outside the prison for external work programmes. This reflects a more general trend whereby, because female prison populations are smaller, there is a lack of programmes designed or adapted specifically for women. The accelerated growth of the female prison population has led to a corresponding decrease in female prisoners' access to educational and other rehabilitative programmes.

It is important to look into the findings of the Justice Iyer committee which looked into the living conditions of children of women prisoners. The Committee observed that children of women prisoners were callously placed in prisons in general except in a few Central jails for women. Female wards in prisons are mostly overcrowded. Adequate clothing and toilet facilities are not made available. The general health care of the women prisoners in prisons is not up to the mark. The facilities for education, vocational training and recreational facilities are also very limited. Imprisonment far away from home also adds to difficulties in their resettlement after release.

In the vast majority of prisons worldwide, the same classification system is used for women as for men. Screening processes tend to take too little account of specific issues affecting a large proportion of female prisoners – such as a history of domestic violence, sexual abuse, parental responsibility – and of the actual security risk that women present, all of which should influence their placement within the prison system. Consequently, women are routinely over-classified in terms of the requisite level of security, and insufficient programmes and services appropriate for their needs are provided. Over-classification can often restrict access to available programmes until late in the sentence, potentially reducing their chances of successful re-entry into society.

Every detainee has the right to be presumed innocent until proven guilty and to be represented by a lawyer of their choice, at public expense if necessary, and to have adequate time, facilities, and privacy to communicate with their lawyer.<sup>18</sup> Despite this, the reality is that publicly funded legal aid is frequently limited or non-existent. Women detainees often lack the resources to pay for legal representation, or there may not be lawyers available. However, many women do not have the possibility of bail: they then face trial.

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<sup>18</sup> Standard Minimum Rules, Art. 93; Body of Principles, Principle 18; International Covenant on Civil and Political Rights (ICCPR), Art. 14(3)(b), available at <http://www2.ohchr.org/english/law/ccpr.htm>

Generally, the small number of women prisoners, is the factor responsible for neglect of their fate. On the contrary, it should be possible for the authorities to give specialized treatment to this small segment of prisoners. The situation is described by the All India Committee on Jail Reforms (1980- '83) thus:

*“It is the small number of women in prisons, which in our view, is responsible for their needs a being neglected. The position of these women, scattered in small clusters in jails, is highly vulnerable. Establishing separate institutions at every district or sub divisional headquarters for two to five women offenders is financially prohibitive and administratively difficult. On the other hand any attempt to concentrate women offenders of a state at any one place, so as to give them systematic and sustained correctional treatment, would be open to criticism on the ground that women are being removed from their home districts and placed far away from their kith and kin. A balance has to be struck between these two alternatives.”*

The committee recommended that women prisoners should be lodged in separate institutions/ annexes meant exclusively for them. It was also recommended that all annexes for women must be staffed by women personnel only. No male staff should enter the women's jail, unless accompanied by a female staff member. Another recommendation was that convicted women must have adequate work programmes in jail, and, in organizing such programmes due consideration should be given to their occupational background and to the prospects of their rehabilitation on discharge from the jail.

The National Expert Committee on Women Prisoners was set up by the Government of India in 1986 under the Chairmanship of Mr. Justice V.R. Krishna Iyer to identify the drawbacks of existing procedures and practices and to evolve a more humane policy towards women offenders. The committee submitted its report in 1987 and mooted for adoption of a policy statement for custodial justice to women. The committee suggested that in view of the unique role of a women in family, community based treatment should be encouraged and custodialization should be resorted to only in unavoidable circumstances.<sup>19</sup> It suggested separate custodial facilities for convict and under trial women. Setting up of Women's Courts to try women offenders was also mooted. The committee was of the view that courts should take continuing interest in the welfare of women in custody and ensure that they receive proper treatment, including, psychiatric and rehabilitative services.

Within the criminal justice system too, notwithstanding progressive court judgments and elevating manual backed indicative standards, the reality at the ground level is sordid and colorless, with the rights of those in custody callously set aside by persons and procedures that refuse to wake up to their custodial obligations to human and gender justice.

Female criminality has failed to attract special attention of criminologist till recently. Women in custody have remained forgotten offenders. The plight of the incarcerated women has remained neglected generally due to their small number as compared to male offenders and

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<sup>19</sup> Government of India, Report of National Expert Committee on Women Prisoners 321 (1987)

non-adoption of the agitational approach to attract attention to their problems as the male prisoners often do. Women's roles are becoming more varied and pronounced in the present day complex and competitive society, and consequently, there is an increase in the number of women criminals with great diversity in the nature of crimes committed by them. But the correctional needs of female offenders have by and large, been ignored by those invested with the custodial authority.

Under international law, the sexual assault of prisoners can amount to torture when it is carried out by a public official. Although torture is employed against both men and women, some forms of custodial violence and torture are clearly gender-specific. Violence perpetrated by the state against women is, in many cases, indistinguishable from that which is perpetrated by the state against men, states often use gender-specific forms of violence, most notably rape and other forms of sexual violence, to persecute women. The most particularized element in custodial violence against women is the sexualization of torture. Although the sexual anatomy of men as well as women is targeted in the physical stages of torture, rape and the threat of rape, as well as other forms of sexual violence such as sexual harassment, forced impregnation, virginity testing, forced abortion, forced prostitution and forced miscarriage, are perpetrated more consistently against women detainees.<sup>20</sup> Sexually abusive behavior of police officers towards the prisoners is a matter of deep concern. Prison officials treat prisoners as their pawn. They think that prisoners are the domestic servants and female prisoners are subject to satisfy their physical desire, therefore for accomplishment of this purpose they are sent to brothels. At times when they deny to perform these tasks then the real picture of sexual harassment could be easily seen on the stage of reality.

In prisons and jails, the state's failure to comply with international standards regarding the gender composition of the guard population and of the prisoner population is a significant factor in the prevalence of custodial sexual assault. Generally, guard populations are predominately male and therefore, the complete control that these guards have over prisoners and the need for reduced privacy creates opportunities for them to abuse, assault or harass female prisoners. According to the United Nations Standard Minimum Rules for the Treatment of Prisoners, male staff are prohibited from supervising women's prisons unless accompanied by a woman officer.<sup>21</sup> However, many countries do not comply with this standard.

In addition to the threat of sexual abuse, the mere presence of male guards in female housing facilities can re-traumatize prisoners who have been sexually assaulted before their incarceration. This is especially relevant in light of the fact that female prisoners are more likely than the general population to have been sexually abused. Female prisoners who have

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<sup>20</sup> Radhika Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences, Alternative Approaches and Ways and Means within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms, U.N. Doc. E/CN.4/1998/54 (Jan. 26, 1998).

<sup>21</sup> First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 1955, Standard Minimum Rules for the Treatment of Prisoners (May 13, 1977).

been sexually abused by men before incarceration may not be able to avoid the presence of men where they eat, sleep, shower, and undress, creating high risks for re-traumatization.

Custodial situations place women in relationships of dependency, allowing persons in positions of power to threaten to withhold benefits to which prisoners may be entitled (mail, etc.) unless the women consent to sexual relationships. According to Amnesty International, the female inmates are totally dependent on correctional officers in all aspects, including for basic necessities. They are also subject to the guards' abilities to withhold privileges. Some women are thus coerced into sex for favors such as extra food or personal hygiene products, or to avoid punishment.<sup>22</sup>

Custodial rape is a form of rape which takes place while the victim is in custody and constrained from leaving, and the rapist or rapists are an agent of the power that is keeping the victim in custody. While some definitions of custodial rape define it as taking place in a state-owned institution, and perpetrated by a state agent, the term more generally refers to any situation where the power of a state agent is used to enable rape; thus, when prisoner-on-prisoner rape happens as a result of neglect by the prison authorities, it may be considered custodial rape. Rape is a common form of torture. The failure of corrections officials to take appropriate steps to prevent and address prisoner rape amounts to state acquiescence in this type of abuse.<sup>23</sup> Rape of women in prisons, police custody or other detention facilities not only is perpetrated as a crime of opportunity but also is used as a method of torture. Additionally, if carried out by the State, other forms of sexual abuse, such as the deliberate use of intimate searches, groping, or inappropriate threats, amounts to torture under international law. In its report to the seventh session of the UN Human Rights Council (3- 28 March 2008), the UN Special Rapporteur on Torture addressed torture of women at length. The Special Rapporteur held that:

*"Custodial violence against women very often includes rape and other forms of sexual violence such as threats of rape, touching, virginity testing, being stripped naked, invasive body searches, insults and humiliations of a sexual nature, etc. It is widely recognized, including by former Special Rapporteurs on torture and by regional jurisprudence that rape constitutes torture when it is carried out by or at the instigation of or with the consent or acquiescence of public officials."* [file:///C:/Users/Admin/Downloads/VII Custodial Violence & - ftn6](file:///C:/Users/Admin/Downloads/VII%20Custodial%20Violence%20&ftn6)

The anguish expressed in *Gauri Shanker Sharma v State of U.P.*,<sup>24</sup> *Bhagwan Singh v State of Punjab*,<sup>25</sup> *Nilabati Behera v State of Orissa*,<sup>26</sup> *Pratul Kumar Sinha v State of Bihar*,<sup>27</sup>

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<sup>22</sup> Amnesty International, "Abuse of Women in Custody: Sexual Misconduct and Shackling of Pregnant Women" (Mar. 2001).

<sup>23</sup> Retrieved from [http://www.justdetention.org/en/factsheets/Prisoner\\_Rape\\_is\\_Torture.pdf](http://www.justdetention.org/en/factsheets/Prisoner_Rape_is_Torture.pdf).

<sup>24</sup> *Gauri Shanker Sharma v. State of U.P.*, AIR 1990 SC 709

<sup>25</sup> *Bhagwan Singh v. State of Punjab*, 1999(5) SC 3 72.

<sup>26</sup> *Nilabati Behera v. State of Orissa*, AIR 1970 SC 1969.

<sup>27</sup> *Pratul Kumar Sinha v. State of Bihar*, 1994 Supp (3) SCC 100

Kewal Pati v State of U.P.,<sup>28</sup> Inder Singh v State of Punjab,<sup>29</sup> State of MP v Shyamsunder Trivedi<sup>30</sup> seems not even to have caused any softening of attitude in the inhuman approach in dealing with persons in custody.

In a male dominated, largely patriarchal social system, combined with issues of poverty, deprivation and the frustrations of existence, the vulnerability to victimization at home and in the society - may sometimes push a woman to commit an offense or adopt criminal behaviour, which is punishable by law. The punishment entails confinement, where the conditions of living are barely basic, but much worse is the loss of the right to live a life of dignity. Shunned by society, often ignored by relatives, contemptuously treated by authorities, these women live behind bars – lives withered, wasted and wrecked by worthlessness. Their pitiable state, their morose demeanour, the constant worries about their children and family, the uncertainties of punishment or otherwise, sap their energies and almost make them bitter. There are moments of anguish, visible shades of remorse, but never a trace of excitement, enthusiasm, expectation or joie de vivre, that once was but never will be theirs again.

The disquieting effects and the consequences of imprisonment – from dealing with the deviant act itself at the mental and social levels, to the uncertainty or certainty of punishment, the incessant worries about the plight of her children and family left behind, and the stigma she will now carry - are some of the issues that confront a woman when she finds herself in detention.

Just as the social systems in the society was not geared to include women in the work force, the Jails, too, did not have specific arrangements for women offenders and their special needs. The present situation now needs to address certain important issues and adopt a different, more pragmatic attitude towards women in detention. The working group on prisons (1972) and the Mulla committee under the chairmanship of Justice A. N. Mulla (1980) have given recommendations for prison policy and reformation. The Mulla committee recommended that:

- A separate place with proper toilet facilities should be provided on court premises for women prisoners availing premise before presiding magistrate.
- Bail should be liberally granted to women under trial prisoners, and those not able to furnish surety might be released on personal recognizance.
- The probation of offenders act should be extensively used for the benefit of women offenders.
- Women prisoners should be lodged in separate institution meant exclusively for them.

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<sup>28</sup> Kewal Pati v. State of U.P., 1995(2) Crimes304(SC)

<sup>29</sup> Inder Singh v. State of Punjab, 1997(6) SCALE 442

<sup>30</sup> State of M.P. v. Shyamsunder Trivedi, 1995(3) SC 343

- Enclosures for women in common prisons should be so renovated as to ensure that women prisoners do not come in view of male prisoners. Their enclosures should have a proper double lock system.
- All general duties with regard to women offenders should be performed by women staff only.
- Newly admitted women prisoners should be medically examined for pregnancy.
- Pregnant women prisoners should be transferred to local maternity hospital for purposes of delivery.
- Pregnant and nursing women prisoners should be prescribed special diet and exempted from certain types of work.
- There should be a separate women ward in prison hospitals.
- Women prisoners should be permitted to retain their Mangal Sutra, glass or plastic bangles.
- Women prisoners should be given adequate and proper clothing and facilities for personal hygiene and personal maintenance according to their customs.
- Woman prisoners should be given the facility for maintaining contacts with their families through letters, visits from relations and leave.
- Children (up to the age of 5 years) accompanying women prisoners may be allowed to be kept with them in specially organized crèches outside the main prison building.
- State government should encourage and support voluntary women organizations in looking after women offenders.

For the first time the situation of women in prisons was looked into by the Justice Krishna Iyer committee appointed in 1987 which recommended induction of more women in the police force in view of their special role in tackling women and child offenders. The main findings of the Justice Iyer report are as follows:

- Separate prisons for women are a more satisfactory custodial option.
- In existing prisons where women are in sufficient numbers, a proper classification system must operate which should include medical, criminological and social assessment of the inmates and serve as basis for specialized and segregated case, treatment, employment, training, education and rehabilitation of the inmates.
- Medical diagnostic and care facility must be available to inmates routinely and by a female doctor and where full or part time women medical staffs are ill afforded local

female doctors from government health facilities must be inducted to serve the prisoners on a visiting consultant basis.

- Diet, clothing and basic living facility (bath, toilet, personal and environmental hygiene) are due to every prisoner. Whatever adjustments within the prison procedures are possible should be made to help remove minor irritants.
- The physical state of most prison buildings is known and recognized to be bad. In certain states and below the level of central prisons especially, the situation is accepted.
- Immediate provisions must be made for upgrading structures, adding to them and replacing them as necessary and feasible. In setting up new structures, keeping in view the lesser security risk posed by women offenders, and to suit their psychological needs better, it may be advisable to consider cottage type, medium security provision which can provide less formal and more common type custodial experience.

The time is now ripe to implement the recommendations of the Justice A. N. Mulla committee and Justice Krishna Iyer committee for bringing about a reform in the conditions of women in detention centers in India.

