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## WOMEN IN PRISONS: NEED FOR GENDER-SENSITIVE REFORMS AND REHABILITATION POLICIES

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Keywords	Abstract
<i>Women Prisoners, Rights, Prison Conditions, Prison Reforms, Rehabilitation.</i>	This paper examines the condition of women in prisons in India and the need for better rules and support for them. The main research question is whether the present prison system is able to meet the needs and protect the rights of women prisoners. Even though the number of women prisoners is less, they face many problems because prisons are mostly designed for men. This study uses simple research methods based on books, laws, court decisions, and government reports. It looks at laws like the constitution of India and the Prisons Act, 1894 to understand the rights of women prisoners and how these laws are used in real life. The paper argues that women in prison face many difficulties such as poor medical care, lack of cleanliness, safety issues, mental stress, and problems during pregnancy and childcare. It also highlights that even when facilities like CCTV are present, there is a lack of proper monitoring and accountability. Women often do not report problems due to fear, lack of awareness, and absence of a safe complaint system. There is also a shortage of female staff and proper support services. The paper suggests solutions such as independent monitoring of prisons, a safe and confidential complaint system, more female staff, regular



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	inspections, better healthcare, mental support, and skill training. It concludes that prison reforms should focus not only on punishment but also on improving conditions and helping women rebuild their lives with dignity.
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## INTRODUCTION

Prisons are meant not only to punish people but also to help them improve and return to society.<sup>1</sup> In India, the condition of women in prisons is a serious issue that is often ignored. Women prisoners are fewer in number compared to men, but they face many unique problems. Most prisons are designed for men, so women do not get proper facilities and care. A study reviewing prison conditions in Punjab reveals serious concerns regarding the treatment of inmates. It notes that, in order to access basic necessities such as food supplements or blankets during winter, Class C prisoners are often compelled to serve convict officers by performing tasks like fanning them, massaging their legs, and, in some cases, even providing sexual favours. The situation is particularly severe for newly admitted prisoners are frequently subjected to teasing, harassment, abuse, and even torture as part of an informal process of “breaking them in”. Such practices clearly reflect the unsafe and exploitative environment within prisons, raising serious concerns about the protection and dignity of inmates, especially women. In Indian tradition, justice is always linked with fairness and humanity. The condition of women prisoners in India can also be understood with the help of Hindu stories, where even divine women went through suffering and confinement. For example, Devaki, as mentioned in the Bhagavata Purana, was kept in prison by her brother Kamsa along with her husband Vasudeva.<sup>2</sup> She not only suffered in prison but also went through deep pain when her children were killed. This shows that women in prison suffer not just physically but also emotionally. In the same way, another example is Sita from the Ramayana, who was kept in Ashoka Vatika by Ravana.<sup>3</sup> She was not in a jail, but she was not free and had to live in fear and sadness. Still, she stayed strong and kept her dignity. These stories show that women have faced unfair confinement for a long time, but they also show strength and patience. So, today’s prisons should not only punish but also take care of women, respect their dignity, and help them improve their lives. Women prisoners need special attention because their physical, emotional, and social needs are different.<sup>4</sup> Issues like safety, health, pregnancy, and childcare make their situation more difficult. This paper focuses on the problems faced by women in prisons and explains why there is a need for better and more sensitive reforms that follow both legal principles and basic human values.

<sup>1</sup> N.V. Paranjape, Criminology and penology (central law publications).

<sup>2</sup> Ravi M. Gupta and Kenneth R. Valpey, The Bhagavata purana, November 2016

<sup>3</sup> Shamika Shabnam, “Gender, religion and partition: The shifting Sita in Chandra Prakash Dwivedi’s Pinjar” (2018) Volume 22 Issue 2.

<sup>4</sup> Prof. Rajaram Garud and Dr. Anjali Bondar, “Women prisoners and their rights: special need to concern” (2024) Vol V ,(Issue 01).



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### **1.1. Legal Framework For women prisoners in India**

The legal framework governing the rights of women prisoners in India is derived from constitutional provisions, statutory laws, judicial pronouncements, and policy guidelines. These collectively aim to ensure dignity, equality, and humane treatment of prisoners, including women.

#### **A) Constitutional Provisions**

The Constitution of India guarantees fundamental rights that extend to prisoners as well.

- **Article 14** ensures equality before the law and equal protection of laws.
- **Article 15(3)** allows the State to make special provisions for women and children, forming the basis for gender-sensitive reforms.
- **Article 21** guarantees the right to life and personal liberty, which includes the right to live with dignity and protection from inhuman treatment.<sup>5</sup>

The judiciary has consistently held that prisoners retain their fundamental rights, except those restricted by law.

#### **B) Prisons Act, 1894**

The Prisons Act, 1894 is the primary legislation governing prison administration in India. It deals with management, discipline, and medical care of prisoners. However, it lacks gender-specific provisions and is considered outdated in addressing the needs of women prisoners.<sup>6</sup>

#### **C) Model Prison Manual, 2016**

The Model Prison Manual, 2016 provides modern guidelines for prison administration and includes specific provisions for women prisoners such as:

- Separate accommodation
- Female staff supervision
- Healthcare and maternity facilities
- Sanitary and hygiene provisions
- Childcare arrangements

Despite these provisions, implementation remains uneven across states.<sup>7</sup>

<sup>5</sup> The Constitution India, arts.14,15(3),21

<sup>6</sup> The Prisons Act,1894

<sup>7</sup> Rajiv Mehrishi, 'Model prison Manual 2016' <[https://www.mha.gov.in/sites/default/files/2025-04/PrisonManualA2016\\_20122024\\_2.pdf](https://www.mha.gov.in/sites/default/files/2025-04/PrisonManualA2016_20122024_2.pdf)> accessed 14 April,2026.



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#### **D) Judicial Pronouncements**

Indian courts have played an important role in safeguarding prisoners' rights:

- In *Sheela Barse v. State of Maharashtra*, the Supreme Court emphasized protection of women prisoners and legal aid.<sup>8</sup>
- In *Sunil Batra v. Delhi Administration*, the Court held that cruel and inhuman treatment violates Article 21.<sup>9</sup>
- In *Inhuman Conditions in 1382 Prisons* (2016), the Supreme Court addressed overcrowding and poor prison conditions.<sup>10</sup>

### **2. MAJOR ISSUES FACED BY WOMEN PRISONERS**

#### **1. Overcrowding in Prisons**

Overcrowding is a serious issue in Indian prisons,<sup>11</sup> including those housing women. Studies show that prisons in states like Uttar Pradesh and Delhi are heavily overcrowded. Although some prisons like Tihar Jail have separate facilities for women (Jail No. 6),<sup>12</sup> overcrowding still affects living conditions, privacy, and overall well-being.

#### **2. Lack of Access to Basic Facilities**

Women prisoners often do not have access to libraries, open spaces, recreational activities, or skill-based facilities that are available to male prisoners. Many women are confined within enclosures inside male prisons, limiting their opportunities for development.<sup>13</sup>

#### **3. Inadequate Healthcare and Medical Facilities**

There is a serious shortage of medical care for women prisoners. Gynaecologists and paediatricians rarely visit prisons, affecting both women and children. Issues related to menstruation are also neglected, as sanitary products are either insufficient or not provided according to need.<sup>14</sup>

<sup>8</sup> Sheela Barse v. State of Maharashtra, (1983) 2 SCC 96.

<sup>9</sup> Sunil Batra v. Delhi Administration, (1978) 4 SCC 494.

<sup>10</sup> Inhuman conditions in 1382 Prisons, In Re, (2016) 3SCC 700.

<sup>11</sup> <[https://www.mha.gov.in/sites/default/files/202209/OvercrowdingPrison09052011%5B1%5D\\_0.pdf](https://www.mha.gov.in/sites/default/files/202209/OvercrowdingPrison09052011%5B1%5D_0.pdf)> accessed 14 April, 2026.

<sup>12</sup> <[https://tiharprisons.delhi.gov.in/sites/default/files/generic\\_multiple\\_files/annual\\_review\\_2011\\_various\\_facilities\\_and\\_treatments\\_for\\_tihar\\_inmates4.pdf](https://tiharprisons.delhi.gov.in/sites/default/files/generic_multiple_files/annual_review_2011_various_facilities_and_treatments_for_tihar_inmates4.pdf)> accessed 14 April, 2026.

<sup>13</sup> <<https://www.drishtias.com/current-affairs-news-analysis-editorials/news-analysis/18-03-2026>> accessed 14 April, 2026.

<sup>14</sup> Tanish Agarwal, 'Healthcare of prisoners in India' <<https://blog.ipleaders.in/healthcare-prisoners-india/>> accessed 14 April, 2026.



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#### 4. Poor Sanitation and Infrastructure

Prisons often lack adequate sanitation facilities. The ratio of toilets to inmates is very low, and proper disposal systems for menstrual waste are missing. This creates unhygienic and unsafe living conditions<sup>15</sup>.

#### 5. Children of Women Prisoners

Children living with their mothers in prisons are among the most vulnerable. In many prisons, children stay in the same barracks as other inmates, which is not suitable for their growth. Although some prisons provide separate spaces, the overall system lacks proper planning for their development and well-being.<sup>16</sup>

#### 6. Weak Family Contact and Emotional Stress

Maintaining contact with children and family members is a major challenge. Women whose children live outside prisons depend on family members or institutions for visits, which are often irregular. This leads to emotional stress and mental health issues.<sup>17</sup>

#### 7. Lack of Skill Development and Rehabilitation

Although some prisons provide skill training such as stitching and computer education, these programs are limited and not uniformly available. Skill development is essential for rehabilitation but remains underdeveloped.<sup>18</sup>

### 3. PSYCHOLOGICAL AND EMOTIONAL IMPACT OF IMPRISONMENT

Women prisoners face severe psychological stress and emotional trauma due to:

- Separation from children and family
- Social stigma and isolation
- Past experiences of abuse and violence

Unlike male prisoners, women often carry the burden of caregiving responsibilities, making imprisonment more distressing. The lack of adequate mental health support further aggravates their condition.

Therefore, there is a pressing need for:

<sup>15</sup> Km Richa, Prof. (Dr.) Bhupinder Singh, 'Hygiene behind Bars:A study on sanitation condition among women prisoners' Vol. 11 No. 23, 2025.

<sup>16</sup> Neelam Sukhramani , Shivangi Gupta, 'Children of Incarcerated Parents' <<https://indianpediatrics.net/mar2020/mar-199-203.htm>> accessed 14 April,2026.

<sup>17</sup> Ktarzyna Celinska and Irina Fanarraga, 'Female prisoners, mental health and contact with family and friends' (2022)<[https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1566&context=jj\\_pubs#:~:text=Contact%20with%20Families-,and%20Friends,women%2C%20family%20contact%20and%20visitation](https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1566&context=jj_pubs#:~:text=Contact%20with%20Families-,and%20Friends,women%2C%20family%20contact%20and%20visitation)> accessed 14 April,2026.

<sup>18</sup> Dr Kiran R. Naik, 'Women in prisons India' IJRAR June 2019, Volume 6, Issue 2.



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- Regular counselling services
- Trauma-informed care
- Emotional support systems within prisons<sup>19</sup>

#### **4. IMPLEMENTATION GAP: POLICY VS REALITY**

Although India has progressive laws and policies, including the Model Prison Manual, 2024, there exists a wide gap between policy formulation and implementation.

Key challenges include:

- Overcrowding and lack of infrastructure
- Shortage of trained female staff
- Inadequate healthcare and hygiene facilities
- Weak monitoring and accountability mechanisms

This implementation gap results in continued violation of the rights and dignity of women prisoners, despite strong legal provisions.<sup>20</sup>

#### **5. SUGGESTIONS AND RECOMMENDATIONS**

In light of the issues discussed above, there is an urgent need to adopt gender-sensitive and rights-based reforms for women prisoners in India. The Model Prison Manual, 2024 provides a comprehensive framework, but its effective implementation is essential. The following suggestions are proposed:

##### *1. Establishment of Separate Women Prisons and Enclosures*

To ensure safety and protection from exploitation, at least one exclusive women's prison should be established in every State. Where such prisons are not feasible, separate and secure enclosures within existing prisons must be maintained with complete segregation from male inmates. These enclosures should have independent infrastructure, strict surveillance, and a double-lock system under the control of female staff, ensuring safety and privacy of women prisoners.

##### *2. Strengthening Safety and Protection Mechanisms*

Strict measures must be taken to prevent sexual exploitation, abuse, and harassment. Entry of male staff into women enclosures should be highly restricted and monitored. Additionally, confidential

<sup>19</sup> Rajiv Mehrishi, 'Model prison Manual 2016' <[https://www.mha.gov.in/sites/default/files/2025-04/PrisonManualA2016\\_20122024\\_2.pdf](https://www.mha.gov.in/sites/default/files/2025-04/PrisonManualA2016_20122024_2.pdf)> accessed 14 April,2026.

<sup>20</sup> ibid



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complaint mechanisms, complaint boxes, and independent investigation systems must be strengthened to encourage women to report abuse without fear of retaliation.

### 3. Gender-Sensitive Infrastructure and Facilities

Women enclosures should be equipped with facilities catering to their specific needs such as:

- Proper sanitation and hygiene facilities
- Adequate number of toilets and bathing spaces
- Clean drinking water and proper ventilation
- Availability of sanitary napkins and menstrual hygiene products

The Manual rightly mandates that sanitary products be provided as per requirement, which must be implemented strictly.

### 4. Improved Healthcare and Reproductive Rights

Special focus should be given to healthcare facilities for women, including:

- Regular visits by gynaecologists and mental health professionals
- Proper prenatal and postnatal care
- Nutritional support for pregnant and lactating women
- Mental health counselling for trauma, abuse, and stress

Women prisoners must also have the right to medical confidentiality and informed 5. Protection and Welfare of Children

Children of women prisoners are among the most vulnerable. Therefore:

- Children up to 6 years may stay with their mothers, but must be provided with proper nutrition, healthcare, education, and recreational facilities
- Separate creches and nursery schools should be established
- After the age of six, children must be shifted to welfare institutions, with regular meetings with their mothers ensured
- The guidelines laid down in *R.D. Upadhyay v. State of A.P.* must be strictly followed

### 6. Classification and Separation of Prisoners

Women prisoners must be properly classified and segregated:

- Undertrial prisoners should be separated from convicts
- Young offenders must not be kept with adult prisoners



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- Habitual offenders should be segregated from first-time offenders

This helps in preventing negative influence and ensures better rehabilitation.

consent, as recognized under international standards like the UN Bangkok Rules.

#### 7. Skill Development and Rehabilitation

Vocational training programmes must be strengthened to make women economically independent after release. Training should include:

- Tailoring, embroidery, handicrafts
- Computer education and modern skills
- Small-scale industries and entrepreneurship

Equal wages should be ensured, and part of the earnings should be saved for post-release rehabilitation.

#### 8. Legal Aid and Access to Justice

Women prisoners often lack awareness of their legal rights. Therefore:

- Free legal aid must be ensured through Legal Services Authorities
- Socio-legal counselling cells should be established

Women should be informed about their right to file complaints, especially in cases of 9. Gender-Sensitization and Training of Staff

Prison staff must undergo mandatory gender-sensitization training to understand:

- Women's psychological and emotional needs
- Issues of trauma, abuse, and mental health
- Proper conduct and human rights standards

This will help in creating a more humane and respectful prison environment.

#### 10. Strengthening Monitoring and Accountability

Regular inspections should be conducted by:

- Board of Visitors
- Legal Services Authorities
- Independent monitoring bodies



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Proper documentation, maintenance of records, and transparency must be ensured to bridge the gap between policy and implementation.

#### 11. Post-Release Rehabilitation and Reintegration

Rehabilitation should not end with release. The government must ensure:

- Aftercare programmes, halfway homes, and community support
- Coordination with NGOs and social welfare agencies
- Removal of stigma and support for employment opportunities

Special attention should be given to women who are sole breadwinners or lack family support.

#### **Research Questions**

1. Whether the existing prison system in India adequately protects the rights of women prisoners
2. What are the major problems faced by women in prisons
3. What legal provisions exist for the protection of women prisoners in India
4. What role does the prison system play in ensuring the safety and dignity of women prisoners

#### **Research Methodology**

The present study is descriptive and analytical in nature. The researcher has adopted the analytical method through library-based research. Accordingly, the doctrinal method has been used, relying on secondary sources such as books, journals, newspapers, magazines, Law Commission reports, and seminar proceedings. The study also examines issues related to the safety and protection of women prisoners by analysing relevant laws, policies, and scholarly literature.

#### **12. AUTHOR(S) CONTRIBUTION**

The writers affirm that they have no connections to, or engagement with, any group or body that provides financial or non-financial assistance for the topics or resources covered in this manuscript.

#### **13. CONFLICTS OF INTEREST**

The authors declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

#### **14. PLAGIARISM POLICY**

All authors declare that any kind of violation of plagiarism, copyright and ethical matters will take care by all authors. Journal and editors are not liable for aforesaid matters.



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