Women in Prisons – A Study in Odisha

Dr. Amrita Patel

Background

Prison is a State subject under List-II of the Seventh Schedule to the Constitution of India. The management and administration of prisons falls exclusively in the domain of the State Governments and is governed by the Prisons Act, 1894 and the Prison Manuals of the respective State Governments. The Prisons Act, 1894 which is the basis of present jail management and administration in India, in Section 24 states that in the case of female prisoners the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer. Section 27 of the Act stipulates that female prisoners shall be separated from male prisoners and also that convicts will be kept separate from the unconvicted ones. Section 46 states that no female prisoner shall be liable as a punishment to any form of handcuff or whipping. Section 31 provides that food, clothing, bedding etc from private sources may be permitted.

However for the first time the situation of women in prisons was looked into by 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. This National Expert Committee on Women Prisoners, headed by Justice Iyer, framed a draft Model Prison Manual. Chapter XXIII of this manual makes special provision for children of women prisoners. It is significant to note that this Committee has made important suggestions regarding the rights of women prisoners who are pregnant, as also regarding child birth in prison. It has also made suggestions regarding the age up to which children of women prisoners can reside in prison, their welfare through a crèches and nursery, provision of adequate clothes suiting the climatic conditions, regular medical examination, education and recreation, nutrition for children and pregnant and nursing mothers1.

The All India Committee on Jail Reforms (1980-1983), the Supreme Court of India and the Committee of Empowerment of Women (2001-2002) have all highlighted the need for a comprehensive revision of the prison laws.

The 2006 Supreme Court judgment2 in the Upadhyay Vs State of Andhra Pradesh case laid down that children in jails should be provided with adequate clothing suitable to the local climate. The judgment also incorporated a dietary scale prepared by the National Institute of Nutrition, Council of Medical Research, Hyderabad, for a balanced diet for infants and children up to the age of six.
Study framework

In this background, an exploratory study on the women in prisons in the state of Odisha was designed with the objective to look into the background of the women inmates, both convicts and under trials as well as identify areas of improvement. The State Commission for Women, Odisha and State Resource Center for Women collaboratively worked out the design, field plan and report of the research work.

Objectives of study

1. Analysis of the prevalent acts, rules, and government notifications in Odisha on prisons, prison reforms, welfare measures for prisoners from a women’s perspective.

2. Situational Analysis of women in prisons in Odisha :-
   a. Socioeconomic profile of the women in prisons;
   b. Facilities available in prison- health facilities, skill development training programmes, legal aid;
   c. Legal status of the women in prisons – convicts, under trial, bailed out, status of cases, causes of imprisonment.

3. Rehabilitation of women prisoners- existing provisions, challenges, areas of improvement, new initiatives.

Methodology

The study adopted a secondary source analysis as well as primary data collection and analysis. The secondary analysis involved reports, articles, government notifications, Supreme Court judgments, newspaper reports, internet sources, journals etc. Primary data collection was both quantitative as well as qualitative. A random purposive sampling was taken up for the women in prisons covering the different categories of prisons. All the women inmates in the selected jails were covered. Specific attention was given to cover the different regional representation in the location of the jails. Qualitative tools such as key informant interview, in-depth interview and case study were used. The respondents for the qualitative method are the government officials in charge of jails, legal professionals, health officials, women’s organization representatives.

The initial preparation for undertaking the study started in the month of July 2014 with all the field work and key informant interviews being completed by November 2014. A feedback workshop was organized on 16th of December 2014 in which the draft findings were shared and inputs solicited from the participants. Final report was prepared by March 2015.

Jail infrastructure and capacity in India

The country has a total of 1391 jails out of which 19 are women jails. These women jails have capacity of 4827 (1.4% of total capacity). The total female inmates in the country are 18,188 which are 4.4% of the total inmates in all the jails as on 31.12.2013. The women constitute 4.6% of the under trials of the country. A total of 342 women convicts with their 407 children and 1,252 women under trials with their 1,518 children were lodged in various prisons in the country at the end of 2013.

Women jails exclusively for women prisoners exist only in 12 States/UTs. Tamil Nadu and Kerala have 3 women jails each and Andhra Pradesh, Rajasthan and West Bengal have 2 women jails each. Bihar, Gujarat, Maharashtra, Odisha, Punjab, Uttar Pradesh and Delhi have one women jail each. The total capacity of women inmates was highest in Tamil Nadu (1,569) followed by Rajasthan (469), Uttar Pradesh
A total of 4820 inmates having mental illness out of 4,11,992 inmates, accounting for 1.2% of total inmates were lodged in various jails. A total of 382 convicts including 10 females lodged in different jails of the country were sentenced to capital punishment at the end of the year 2013. A total of 70,636 convicts including 2970 women accounting for 54.5% of total convicts in the country were undergoing sentences for life imprisonment at the end of the year 2013. A total of 55 deaths of female inmates were reported during 2013 wherein 48 were natural and 7 were unnatural deaths. A total of 63,977 inmates were trained under various vocational training programmes in various jails with the maximum number of trainings was in weaving followed by tailoring.

**Jails in Odisha**

In Odisha there are 91 number of jails of seven different categories as under:

1. Circle Jails: 05;
2. District Jails : 09;
3. Special Jails: 02;
4. Female Jail: 01 (Sambalpur);
5. Special Sub-Jails: 06;
6. Sub-Jails: 61;
7. Open air jail at Jamujhari in Khurda district : 01.

In the year 2007, a total of 47 sub jails were established in Odisha with 04 circle jails which increased in 2012 to 05. The total number of jails has increased from 70 in year 2007 to 91 in the year 2013. Presently there are 05 circle jails, 09 district jails, 02 special jails, 01 women jail, 01 open jail, 06 special sub jail with 67 sub jails.

These jails have capacity to accommodate 18014 (males 16373 and female 1641) prisoners. The capacity for female prisoners is about 10% of the total capacity. Over the years, the highest capacity of the inmates is in the sub jails and the highest number of women prisoners are in the sub jails. In the year 2013, in the 67 sub jails, there were 5360 male inmates and 270 female inmates. There is no provision for women inmates in the open jail. The district jails had 126, special jails had 51, and women jail had 57 while the special sub jail had 46 women inmates with the total 642 women inmates.

As on 31.12.2013 a total 14473 of prisoners are in the various jails of the state out of which there are 13832 males and 641 women (4.4% of the total). Out of these the convicts are a total of 3507 while the UTPs are 10976. The women convicts are 121 while the UTP women are 520.

### Inmate status of the state of Odisha in 2013

<table>
<thead>
<tr>
<th></th>
<th>MALE</th>
<th>FEMALE</th>
<th>CHILDREN with their mothers</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAPACITY in 91 jails</td>
<td>16373</td>
<td>1641</td>
<td></td>
<td>18014</td>
</tr>
<tr>
<td>CAPACITY in 85 jails</td>
<td>15362</td>
<td>1424</td>
<td></td>
<td>16786</td>
</tr>
</tbody>
</table>
Total Inmates as on 31.12.2013

<table>
<thead>
<tr>
<th>Total</th>
<th>Convicts</th>
<th>UTP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>13832</td>
<td>10446</td>
</tr>
<tr>
<td></td>
<td>3386 (24.5% of total inmates)</td>
<td>10446 (75.5% of total inmates)</td>
</tr>
<tr>
<td></td>
<td>121 (19% of the total female inmates)</td>
<td>520 (81% of total female inmates)</td>
</tr>
<tr>
<td></td>
<td>3507 (24% of the total inmates)</td>
<td>10966 (76% of the total inmates)</td>
</tr>
</tbody>
</table>


The 91 jails of the state are spread over 30 districts with the women jail Nari Bandi Niketan being situated at Sambalpur. The 5 circle jails are located at Baripada, Berhampur, Chowdwar, Koraput and Sambalpur. The highest number of women inmates (both convicts and under trials) are at Baripada circle jail (34), Ganjam circle jail (43), Chowdwar circle jail (24), Keonjhar district jail (25), Jharpada special jail (31). The other jails have women inmates with numbers ranging till 20.

There are 56 correctional centres functioning in the state under the social defence scheme.

Welfare, supportive and protective structures and mechanisms

One of the most important initiatives towards inmates’ welfare is the adoption of the Odisha Jail Prisoners’ Welfare Fund Rules in 2012. The sources of the fund will be from voluntary contributions from prisoners, donations from public, Non government organizations or any other source approved by Government. The objectives of the fund are as follows:

a. To defray educational expenses of the meritorious children of the prisoners,
b. To provide financial assistance to the family members of the prisoners for prolonged and expensive medical treatment,
c. To provide financial assistance to the family members of a prisoner who dies during imprisonment,
d. To defray expenses for promoting games, sports and cultural activities for the prisoners,
e. To assist each prisoner with funds at the time of release for rehabilitation,
f. To meet any other expenses for general welfare or benefits of prisoners as is considered necessary which is not covered under the objectives mentioned above.

Some of the recent initiatives towards improving the condition of the prisons and inmates are as under:

- For the healthcare of the prisoners, 30 bedded health facilities are being constructed at Berhampur and Sambalpur circle jails,
- Water supply and sanitation facilities are being prioritized,
- A 100 seater hostel for the children of the prison inmates is being constructed in Laxmisagar, Bhubaneswar. This hostel also has approval of staff such as warden, house mother etc.
- Sundergarh and Cuttack district will have a 500 capacity model prison,
- Open jails at Jujumura, Sambalpur and Baleswar,
• Prison academy for training to the jail staff,
• Increase in cost of daily diet of prisons to Rs 60.00,
• 78 lifers were given release,
• Open jail at Jamujhari to have a handloom unit,
• Women prisoners are given 3 number of cotton sarees in a year.

Towards fooding, per person daily allocation has increased from Rs.45.00 to Rs.60.00 and there has been a provision of giving food in steel utensils rather than aluminium ones vide letter num 35922 of Home Department dated 25. 9.2013.

Female Prisoners are allowed to keep their children with them in jail till the children attain 6 years of age. There is additional provision for the children of the women inmates. Extra provisions for pregnant women prisoners are also given.

Separate utensils such as feeding bottle, feeding spoon, cups, saucers, oil cloth, mosquito net, sleeping materials, baby nappies should be provided to each mother prisoner.

Legal rights and aid

The prisoners who remain undefended in facing trial of their cases are provided with legal aid through the State/District/Taluk Legal Services Authorities. The legal aid clinics are held twice in a week inside the Jails.

Responses from the women inmates

A total of 11 jails with 4 circle jails, 3 district jails, 2 special jails and 2 sub jails were covered in the primary data collection from women inmates. The selection of jails has been done on the basis of the total number women prisoners being 15 and above.

<table>
<thead>
<tr>
<th>Sl</th>
<th>Location</th>
<th>Category of jail</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Charbatia, Chowdwar, Cuttack</td>
<td>Circle jail</td>
</tr>
<tr>
<td>2</td>
<td>Baripada, Mayurbhanj</td>
<td>Circle Jail</td>
</tr>
<tr>
<td>3</td>
<td>Berhampur, Ganjam</td>
<td>Circle jail</td>
</tr>
<tr>
<td>4</td>
<td>Koraput</td>
<td>Circle jail</td>
</tr>
<tr>
<td>5</td>
<td>Angal</td>
<td>District jail</td>
</tr>
<tr>
<td>6</td>
<td>Keonjhar</td>
<td>District Jail</td>
</tr>
<tr>
<td>7</td>
<td>Sundergarh</td>
<td>District jail</td>
</tr>
<tr>
<td>8</td>
<td>Bhubaneswar</td>
<td>Special Jail</td>
</tr>
<tr>
<td>9</td>
<td>Rourkel,a, Sundargarh</td>
<td>Special Jail</td>
</tr>
<tr>
<td>10</td>
<td>Nari Bandi Niketan, Sambalpur</td>
<td>Sub-jail</td>
</tr>
<tr>
<td>11</td>
<td>Kendrapara</td>
<td>Sub Jail</td>
</tr>
</tbody>
</table>

All the women inmates who were in the jail on the date of the field visit have been administered the structured questionnaire. The research team asked the questions to the women inmates and their responses have been recorded. The factual verification of their responses has not been done as one of the objectives of the study was to capture the perception of the women inmates and their knowledge level and thus the responses received from the women inmates have been captured verbatim and analysed. The questionnaire had the following sections on which response was collected:

• Background information of the woman inmates and some basic information on family; Details of the crime; Health and facilities available (including pregnancy); Children issues (who are in jail or outside); Education and skill building and work; Legal aid; Social life in prison; Post release plans and opportunities; Violence within jail. Key informant interviews were done at the district and state level as per an interview guideline developed. A
feedback workshop was held on 16th December with key stakeholder departments, civil society organizations, legal professionals and jailors.

The data available from the 11 jails under study reveals that a total of 281 women inmates were lodged with a total of 40 children. There were 16 boys and 24 girls with the mother inmates. However during the field work, a total of 269 women respondents were covered in the 11 jails out of whom 207 (77%) are UTPs and 62 are convicts. This sample size of 269 has to be seen in the context that there are 641 women prisoners in the state; thereby the sample representing 41% of the total universe. 38.66% of the total respondents belong to the age group of 26-40 years; a sizeable 22.71% are UTPs in the age group of 18-25 years. The old (more than 60 years) constitute 3.72 % of the total respondents.

The social profile of the women inmates in prisons under study reveal that while 35.69% belong to the ST community, 33.46% belong to the general category with 16.36% being in the OBC category.

Close to 80% of the women inmates in the study are currently married while about 12% are widows. The unmarried constitute about 8% of the total respondents. There were 32 widows amongst the total respondents which is about 12% of the sample size. 7 out them (22%) were above 60 years of age. Most of these widows (66%) are illiterate.

In the study sample of 269 women inmates, 3 women inmates were found to be of partially unsound mind and one had low vision. Of the total women inmates under the study, 63% are illiterate. 42 inmates out of 269 (16%) are said to have studied till primary classes. 43% of the total women inmates covered in study were agricultural labourers and wage earners. 15 women inmates were service holders, 23 were doing business and 10 were domestic workers. A total of 99 respondents (women inmates) i.e. 37% were not in any income generating activities and are housewives. 40% have BPL cards and 3 widows were getting widow pension. Out of the 18 old (more than 60 years) women inmates, only 7 are getting old age pension. Out of the total women inmates interviewed, about 30% have said that they are not getting any social benefits. 62% of the women inmates are charged with murder cases (167 out of which convicted are 56 and rest 111 are under trial). There are 13 who are charged with Arms Act who are all under trials at the time of data collection. 35 women are imprisoned due to illegal business (31 are under trial). The illegal businesses are mainly *handia* and *ganja* trading. All those who are charged with theft, fraud, sex racket, prostitution, kidnapping, domestic violence are all under trials. The highest number of undertrial inmates (111) has been charged with murder.

On analysis with age group categorization, it is seen that there are 17 women who are above the age of 60 years out of whom one is an under trail for about one year. In the age category of 18-22 years who are under trail for 1 year or more, there are 10 such women. About 30% of the women suffer from some illness presently, within which blood pressure related ailment is the highest (35%). Of those who have some ailment presently, 22% have revealed that it has started after the imprisonment. 53% of the women inmates have children below 18 years and 35 women inmates have children (below 6 years) living with them. 96% of the women inmates do not have any educational opportunities/facilities inside the prison. The rest 4% who have received some educational facility are in the age group of 25 – 35 years. As far as training on skills are
concerned, only 10% of the respondents have replied that they have got some skill building training on tailoring and weaving. Linkage with courses under Modular Employable Scheme is presently not available. Vocational training facility is not available inside the female ward. In 60% of the cases, family has provided the legal assistance which is primarily need based. Only 3% of the women could mention about legal aid. 95% of the women respondents have access to TV while 33% have access to newspaper. Work by voluntary organisations with jail inmates is limited. A daily schedule of the woman inmates depicts that they spend 50% of the wake time on activities which is not useful or productive.

More than 90% of the women inmates are emotional in the context of their children and families. They are an unhappy lot. Post release life haunts all of them particularly the issue of livelihood. Their self perception is that most of them are falsely implicated. Their knowledge about the cause of imprisonment, the legal aspect, case status is very poor. Infact the awareness of the women inmates on what constitutes legal and illegal work is not present and thus the imprisonment comes as a shocker to them. Business like local liquor trading attracts imprisonment is beyond their comprehension.

The women inmates with children (0-6 years), widows, older women above the age of 60 years, young women in the early 20s age are the most vulnerable. The under trials who have been in imprisonment for more than one year along with those who have been charged with the Arms Act are in need of appropriate legal aid, counseling and rehabilitation.

**Recommendations**

**FOR WOMEN INMATES: Principles of non discrimination** : There should not be any discrimination between male and female inmates inside the jail. They should be treated equally for all types of facility available for prisoners. Facilities to be upgraded/ changed to take care of the needs of the women with disability. **Skill building** : Livelihood awareness programme should be organized for women jail inmates. Empowerment/ skill building training for female prisoners is necessary which will help them for good future life. Skill building training on making of agarbati/ chatua/papad/pickle as well as on tailoring, weaving to be undertaken at jail level. Linkage with Modular Employable Schemes at the district level should be developed. Basic training and raw materials could be provided through NGOs for outsourcing of job work to the women jail inmates. Computers should be provided in women wards so that the women can build their capacities. **Capacity building** : Provision for lady teacher to impart adult education inside the jail for female prisoners. Linkage with Sakshar Bharat Programme for women inmates. Linkage with Open Schools for continuing education. Promote continuation of formal education and facilitate such interests. Awareness on sanitation, reproductive hygiene, psycho social mental health care and day management. **Facility** : Counseling on age specific health (physical and mental) care. Programmes on substance abuse de-addiction. Provision for lady doctor visit. Special facility (like separate room) for women prisoners during meeting (Mulakat) with family members/ relatives and acquaintances. Cleanliness inside the female ward toilets. Jail manual be amended regarding the food timing of the inmates. Provision of beds for women prisoners. Provisions of variety of food and snacks. Enhanced provision for sanitary napkins. **Facilities for children of women inmates** : Creche for children of women inmates inside female ward is required in every jail. Supply of teaching materials like Nua Arunima for children (0-6yrs) through Anganwadi Workers. The female warders are already trained in Nua Arunima and
they could spend time with the children of the female inmates for ensuring the early childhood education. Literate prisoners may be engaged as instructor for the children of the jail inmates. Creation of garden for the children inside the female ward.

**Regarding pregnant and nursing women inmates:** Supply of Take Home Ration (Chhatua Packet) for pregnant and lactating mothers (up to 6 months after delivery) inside every jail through nearest Anganwadi center.

**Legal aid:** Need of monitoring and evaluation in legal aid support facility. The prisoners should know their updated case status. Legal Aid system should be strengthened in all jails. More para legal volunteers for each jail along with a panel of lawyers. Display board of the legal rights should be put up in the female ward. Speed up trial for the undertrials particularly the old and the young.

**Prisoners' welfare:** A list of government facilities available in general and for women in particular should be prepared and supplied to every jail, so that the jail welfare officers can link the inmates with suitable government facility before release from jail. Prison welfare fund to be mobilized from the Corporate Social Responsibility (CSR) funds and a systemic campaign towards this end so that jails can receive funds towards prisoners' welfare.

**Jail staff:** Jail officials to be sensitised so as not to carry out any kind of verbal abuse/physical abuse/any type of abuse towards the women inmates. Communication and behavioural change training should be organized for jail staff. Need of training for female jail staff on women specific laws, health and hygiene specifically on reproductive health. All jail staff should be oriented towards gender sensitivity.

**Linkage with government schemes in various departments for inmates while under imprisonment as well as on release:** Women & Child Development dept- MAMATA, Widow pension, Disability, Old age pension, Integrated Child Development Scheme (ICDS); Law - Legal aid; Health & Family Welfare - Health facilities and doctors; School & Mass Education - Open schooling, adult literacy programmes; Employment and Technical Education and Training (ETET)- skill building programmes; Panchayati Raj – Livelihood; Home: convergence; monitoring and review for issues related to women inmates; The committee at district level which includes the District Judge and Collector should additionally include a lady activist/member of an NGO/social worker. This lady activist/member of an NGO/social worker would facilitate counseling of the female inmates.

**FOR WOMEN ON RELEASE:** Post release support for Rehabilitation/ Livelihood; Need of legal awareness/self empowerment training for female prisoners not to repeat the same crime or any other type of crime; Psychological counseling for female prisoners inside the jail to lead a normal social life after imprisonment; Need of special rehabilitation facility for destitute and poor released women; Need of victim compensation; Follow up for released prisoners; Linkage with women’s organizations and shelter homes.

**References:**


2. Ibid


4. Ibid


6. Convict means any prisoner undergoing sentence
7. Under Trial Prisoner (UTP) means a person kept in prison (judicial custody) while the charges against him/her are being tried.

8. Regional Probation Offices- 04, District Probation Offices- 13, Central Correctional Home for Men-01, Aftercare shelters (Cuttack)- 01, Prison Welfare Services- 19 (15M+4F), Sub-Divisional Probation offices- 17, Probation Hostel - 01


10. White Paper, Home Department, Govt of Odisha, 2013


Dr. Amrita Patel, State Project Coordinator, State Resource Centre for Women, Bhubaneswar.