

Socio-Economic Condition as a contributing factor for Criminality of Women Prisoners in Odisha

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Introduction

Socio-economic status (SES) is an economic and sociological combined total measure of a person's work experience and of an individual's or family's economic and social position in relation to others, based on income, education, and occupation. While analyzing a family's SES, the household income, earners' education, and occupation are examined (NCDS, 2008). Socio-economic status is typically broken into three categories, high SES, middle SES, and low SES to describe the three areas in which a family or an individual may fall into. When placing a family or individual into one of these categories any or all of the three variables (income, education, and occupation) can be assessed. A 4th variable, wealth, may also be examined when determining socio-economic status. During assessment low income and little education have shown to be strong predictors of a range of physical and mental health problems, ranging from respiratory viruses, arthritis, coronary disease, and schizophrenia. These may be due to environmental conditions in their workplace, or in the case of mental illnesses, may be the entire cause of that persons social predicament to begin with (Marmot, 2004; Werner, et.al, 2007).

Socio-economic condition is a measure which attempts to classify individuals, families or

households in terms of the indicators such as marital status, religion, family and housing condition, education, occupation, income, expenditure etc. (Nayak, 2012). As the author is pursuing her research work on 'Right to privacy of women prisoners in jails of Orissa; A critical analysis'; hence to assess the socio-economic condition of the women prisoners the researcher has taken age, nature of family, type and nature of house, amount of rent, marital status, number of children, place of stay, educational qualification of their mothers, fathers and that of the women prisoners, vocational/ technical education, religion, scope for religious practices, ways of performing religious practices, needs for pursuing religious practices, employment, source of employment, monthly income, sources of subsistence, monthly family income, dependants, sufficiency of family income and other sources of survival.

A person's status and its attributes are set by the law of the domicile if born in a common law state, or by the law of nationality if born in a civil law state and this status and its attendant capacities should be accepted wherever the person may later move. Social status is the honour or prestige attached to one's position in society. It may also refer to a rank or position that one holds in a group. Social status, the position or rank of a person or group within the society, can

be determined by two ways. One can earn their social status by their own achievements, which is known as achieved status. Alternatively, one can be placed in the stratification system by their inherited position, which is called ascribed status. Ascribed statuses can also be defined as those that are fixed for an individual at birth. Achieved status means what the individual acquires during his or her lifetime through proper utilization or mis-utilization of knowledge, ability, skill and perseverance. Prisons, jails or correctional institutions are integral parts of the criminal justice system of a country. These are the places where individuals are physically confined or detained in pursuance to orders passed by judicial and quasi-judicial bodies and usually deprived of a range of personal freedom. The object of imprisonment varies in different countries and may be: a) punitive and for incapacitation, b) deterrence, and c) rehabilitative and reformatory (Scott CL & Gerbasi JB., 2005). The primary purpose and justification of imprisonment is to protect society against crime and retribution. In recent years it is felt that, punitive methods of treatment of prisoners alone are neither relevant nor desirable to achieve the goal of reformation and rehabilitation of prison inmates. The concept of Correction, Reformation and Rehabilitation has now come to the foreground (Karnataka Prisons 2009). Human rights approaches and human rights legislations have facilitated a change in the approaches of correctional systems, and they have evolved from being reactive to proactively safeguarding prisoner's rights. Prisoner "is no longer regarded as an object, a ward, or a 'slave of the state', who the law would leave at the prison entrance and who would be condemned to 'civil death' (Dr. Kurt Neudek). It has increasingly been recognised that a citizen does not cease to be a citizen just because he has become a prisoner. The Supreme Court has made it very clear in Charles Shobraj vs. Superintendent, Tihar Jail,

AIR 1978, SC 1514; that "except for the fact that the compulsion to live in a prison entails by its own force the deprivation of certain rights, like the right to move freely or to practice a profession of one's choice, a prisoner is otherwise entitled to the basic freedoms guaranteed by the Constitution". The State is under an obligation for protecting the human rights of its citizens as well as to protect the society at large, and is authorised to do so. To protect the citizens from any possible abuse of this authority, they are given certain basic privileges recognised by the Constitution of India as Rights. Elevation of such claims to the status of Rights, gives the citizens the capacity to evoke the power of the Judiciary to protect themselves against violation of such rights, as well as to seek redressal for their restitution. In India, the idea of rights of prisoners was long underlying under the colonial rule and has only recently emerged in public dialogue. The Constitution of India confers a number of fundamental rights upon citizens. India is also a signatory to various international documents of human rights. The Universal Declaration of Human Rights also states that: "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment" (UDHR, 1948). Moreover the United Nations Covenant on Civil and Political Rights states in part that "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". (UNICCPR, 1966). International conventions, which have further expressed the prisoners rights, are (1) Standard Minimum Rules for the Treatment of Prisoners (OHCHR, 1955); (2) Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Medical Ethics, 1982); (3) Convention Against Torture (UNCAT, 1984); (4) Body of Principles for the Protection

of All Persons under Any Form of Detention or Imprisonment. (Principles of Detention, 1988); (5) Basic Principles for the Treatment of Prisoners (UNPTP, 1990); (6) United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules, 1990); (7) United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules, 1990); (8) Declaration on the Protection of all Persons from Enforced Disappearance, General Assembly Resolution 47/133 (UNDPPED, 1992); (9) United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules, 1985) and (10) Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, (UNVCAP, 1985). The status of a prisoner is an achieved one; hence it is needed to find out the various factors responsible for such a dogmatic condition of a human as well as the recourses available for eradication of such criminalization which is a social evil.

Scope of the Paper

As per the census 2011 the total population of Odisha is 41,947,358 out of which 21,201,678 are males and 20,745,680 are females (Census of India, 2011). So a major chunk of the population is women. As per the report the total percentage of female prisoners constitute 5-6% of the total prison population. As the number of women in prison during the year 2010 is 443, and many a children's fates are dependent on the acts and commissions of these women prisoners, hence an in-depth study is highly required in order to fulfil the aims and objectives of the society we are living in and to provide them with all possible facilities, for their future rehabilitation and smooth management of their family affairs, an analysis of their past behavioural disorder on the parameters of their socio-economic conditions needs to be studied.

Thus the paper attempts to inquire into their socio-economic condition with the following scope.

This paper is the outcome of the doctoral research carried on by the author on "Right to Privacy of the Women Prisoners in the Jails of Orissa: A Critical Analysis". This paper attempts to unearth the socio-economic condition of the female inmates in the jails of Odisha that presents the first objective of the study. To present their social profile, the paper thrives into the age, religion, housing condition, marital status, number of children, place of stay, educational profile and nature of family of the female prisoners. The economic condition of the female prisoners has been cracked into through conducting inquiry about their employment status, monthly family income, and number of dependents, other sources of survival and sufficiency of family income.

Age of the Respondents

There are variations in many countries as to what age a person legally becomes an adult. Most legal systems define a specific age at which an individual is allowed or obliged to do particular activities. These ages include voting age, age of consent, age of majority, age of criminal responsibility, marriageable age, age of candidacy, and mandatory retirement age. In many countries in jurisprudence, the defence of infancy is a form of defence by which a defence advocate argues that, at the time a law was broken, the accused was not liable for his actions, and thus should not be held liable for a crime. Courts in India recognize that delinquents who are considered to be juveniles and are found to be in conflict with law may avoid harsh punishment on account of their age, and in borderline cases the age of the juveniles are often held to be a justifying circumstance as seen from the verdicts of their Lordships of the Apex Court in 'Hari Ram v St. of Rajasthan and another' as reported in 2009 vol. 13 S.C.C pg.211.

As the study relates to women prisoners hence in this context it is found that in U.S.A; the age of the female offenders is mostly 30 years or above (Greenfeld and Snell, 2003). The age of female offenders varies from 22-50 years i.e. 22-41 (Sohoni, 1989), 30-50 (Nagla, 1991). However during research the researcher has found that in Odisha, most of the women jail inmates belong to the age group of 40-60. So the findings of the study contradict with the findings of Greenfeld, Snell, Sohoni and Nagla. The contributing factors which are found mostly responsible for such vulnerability are their illiteracy, dependency due to no source of income, low income of the family, lack of proper guidance by their parents due to illiteracy, necessity to fulfill their parental obligations towards their children, adjustment problem in interpersonal relationship after marriage, lack of vocational training and ignorance about various beneficial schemes of the Government. The finding is also corroborated by the findings of (Nagla, 1991).

As this group is found to be vulnerable to anti social activities, suggestive steps should be taken by the Govt. and the civil society at large to lessen their involvement in crime. The Govt. should provide special education (preferably vocational education) and employment opportunities to them. Massive awareness should be created regarding the penal provisions relating to dowry through NGOs with the involvement of local socio-political bodies. As majority of prisoners are from the middle age group, they can be easily reformed through necessary counseling.

Nature of Family

Most of the women prisoners are from joint families because joint families are now a days the hot beds of misunderstanding leading to torture that ultimately leads to commission of crime by the female prisoners, as the same is coming out during informal discussion with them. Another

reason is that joint families are prone to economic weakness and thus women from these types of families are involved in property crimes. To combat with such a situation there is every need of family counseling facilities; awareness through media with community involvement.

Housing Condition

Most of the female prisoners are found to be living in *kacha* houses prior to their imprisonment. The reason behind living in *kacha* houses is due to their poor economic condition and rural inhabitation as it is revealed during informal discussion. Thus the researcher suggests for proper economic rehabilitation of the women prisoners through self employment. Most of the respondents are from rural background; so they are staying in their own houses at their native places of abode. Least of them are staying in rented houses particularly who belong to urban areas. Study also shows that women living in rural areas are committing crime more than that of women living in urban areas.

Marital Status and Children

During research it is also coming out that majority of the women criminals were married. This finding matches with that of the findings of Mathews, (1992) who found that in Kerala the majority of the women criminals were married. Most of the married women are committing crimes. The age of most of the women prisoners fall between 40-60 years at which, women in Odisha generally enjoy marital status. Women at this age are mostly involved in family related problems like oppression, cruelty, rejection and stressful relations with their husbands as well as with the in-laws. Their marital life usually undergoes severe conflicting situations like illicit affairs of husbands with other women, immoral behaviour of husbands which also adds fuel in motivating married women to commit heinous

crimes. It is also found that the majority of the women offenders convicted for homicidal activities were poorly adjusted to the family related problems. Thus the number of married women's involvement in crime commission is the highest in Odisha due to the above reasons. The slogan "Dua Anak Cukup" ("two children are enough") meets the eye everywhere as you drive through rural Indonesia which is nothing but an improved version of India's family planning slogan which was adopted by Indonesia after two decades of India's efforts in this direction. The echo of "Hum Do, Hamare Do", (www.livemint.com) the familiar slogan of India's family planning campaign has touched all the sections of the society and found to be so in case of women prisoners.

Most of the women prisoners are having two children. Thus it proves that the women prisoners are conscious of the two child norm adopted in the present day society which also gives an indication that their criminality can be amended through massive campaign. However it is shocking to know that though they are conscious of the norms of the society, still they are violating other norms for which they are put behind the bars.

Place of Stay

Most of the women prisoners were staying in their in laws' families before committing crime and coming to the jail. They were staying in their in laws' families because most of them are married. As they are married they are exposed to various domestic disturbances and as a result are committing crimes.

Educational Profile

Literacy refers to the ability to read for knowledge and write coherently and think critically about the written word. Evolving definitions of literacy often include all the symbol systems relevant to a particular community. Literacy

encompasses a complex set of abilities to understand and use the dominant symbol systems of a culture for personal and community development. In a technological society, the concept of literacy is expanding to include the media and electronic text, in addition to alphabetic and number systems. These abilities vary in different social and cultural contexts according to need and demand.

As per the data published by the 2011 census, India has managed to achieve an effective literacy rate of 74.04 per cent in 2011. In 2001 census the country's literacy rate stood at 64.8 percent. The most notable thing that came across in the 2011 census is the sharp rise in the literacy of females over males. But the most of the mothers of women prisoners are illiterates because they are living in rural areas where girls' education gets back seat which is the worst example of doing gender, though the female literacy in Odisha is at a fare state now. The factors contributing towards low literacy of the mothers of the women prisoners are gender based inequality, social discrimination and economic exploitation, their involvement in domestic chores, low enrolment of girls in schools and low retention and high dropout rates. Illiteracy of the mothers is also one of the contributing factors for weak socialization which results in the involvement of their children in criminal activities.

The fathers of the most of the respondents are also illiterates. This situation adds fuel to the fire of lack of proper socialization and education poor ability to distinguish between right and wrong that conclusively results in the development of criminal traits in the children. The Right of children to Free and Compulsory Education Act came into force on April 1, 2010. This was a historic day for the people of India as from this day the right to education was conferred with the same legal status as has been provided to right to life under

the Indian Constitution and it was the outcome of the verdict by the Hon'ble Apex Court in Unni Krishnan and others vs. State of Andhra Pradesh and Others 1993. This entitles children to have the right to education enforced as a fundamental right (Unni Krishnan and Ors. vs. State of Andhra Pradesh And Ors, 1993).

Education is found to be inversely proportionate to commission of crime, as during earlier research it has come out that female criminality increased as the level of education decreased and vice versa (Misra and Gautam, 1982). The present study also reveals that most of the women prisoners in Odisha are illiterates. It is because their parents are illiterates. Moreover, they are living in the rural areas where education is treated as a secondary life affair. Besides, the RTE has been enacted recently. Had it been enacted before, the educational status of the women prisoners would be higher. The illiteracy of the respondents in addition to the illiteracy of their parents works as a potent factor for the development of criminal traits in them.

Vocational/Technical Education

During research, it is found that the women prisoners are having low rate of education. This is a contributing factor for low income of their families. Vocational education is the ultimate way for such educationally backward people to get self-employed. Vocational training includes tailoring, hand crafts, toy making, preparation of decorative items, packing and sealing of various food items and much more. But in Odisha, it is found that almost all the women prisoners are not having any technical education or training prior to their confinement. As a result their personal economic condition is seen to be very weak. This is one of the factors for their involvement in property related crimes like theft, deception etc. Hence imparting vocational training during prison

stay to the women prisoners can effectively prevent their involvement in crimes like theft, misappropriation, criminal breach of trust, cheating etc., during their post confinement life.

For example, at FCI-Petersburg, inmates have the option to learn Computer Aided Design, Carpentry, and a number of other vocations via "live work" employments (e.g. plumbing, electricity, landscaping). All these trainings are free to the prisoner-participants. Hence, it is highly felt necessary that prison administration should study the background, individual potency, need of the present day society and the capacity to learn technology based skills of the women prisoners properly and accordingly should impart training to them which will be helpful in making their economically sound.

Religion

India known as the land of spirituality and philosophy is the birthplace of many a religion, which even exist today in the world. The most dominant religion in India today is Hinduism. About 80% of Indians are Hindus. Other major religions are Islam, Christianity, Buddhism, Jainism, etc. Muslims are about 12% of India's population. Christians are more than 2% of India's population (www.adaniel.tripod.com).

Orissa is known as the melting pot of religious faiths. It has a unique distinction of acting as a confluence of many diverse faiths like Brahmanism, Jainism, Shaivism, Vaishnavism, Islam, Christianity and Nath Dharma. Religion and culture cannot be separated in this land of Odisha; which claims to celebrate thirteen festivals in twelve month. The life-giving stream of religion has flowed past the rise and fall of empires, producing and nourishing the sublime virtues of love, tolerance and compassion (www.orissadiary.com).

Hinduism is the most dominant religion in India as per Census 2011 and also found to have superseded all other religions in Odisha. As the study finds most of the women prisoners in Odisha are Hindus which also corroborates with the findings of Nagesh Kumari (2007). It is so because Hinduism is the most dominant religion in India as well as Odisha. The majority (over 94 percent) consists of Hindus. Muslims, Christians, Sikhs, Buddhists and Jains form a very small minority (source: www.orissatourism.org). Most of the women prisoners are getting scope for religious practices. But due to lack of education they are not well versed with religious scriptures. So the moral and legal bases of their personalities are remaining quite weak. This is leading to crime commission. It is also seen most of the respondents are performing their religious activities with their co-inmates. As all the inmates are staying together, they are performing their religious practices like Sabitri Brata, Rathayatra, Panasankranti, Tulsi Puja etc. together. This is protecting their right to privacy to some extent. As they said informally, while they are worshipping together, they are not feeling uncomfortable. Though they are getting scope for performing religious activities, still there are some gaps in the actual performance of such activities i.e. inadequate relaxation for such performances, little supply of religious books and scriptures etc. However the Muslim women prisoners show their dissatisfaction on the point that they are not even aware of such a right to worship in Jails. Informally they expressed that they have not even seen the Quran literature once during their period of stay. So most of the women prisoners expressed that they need more relaxation on women specific occasions. This will give them some mental peace and as a result they can reduce the pains of jail life to some extent.

Economic Profile

Employment Status

The UNFPA State of World Population 2005 states that about 70% of graduate Indian women are unemployed. Women constitute 90 per cent of the total marginal workers of the country. Rural women engaged in agriculture sector form 78 per cent of all women in regular work. Female Work Participation Rate (FWPR) of Odisha since the period of 1961 to 2001 has decreased from 26.58 to 24.62 while the Rural FWPR has remained more or less the same. There has been a decline in the urban sector during the same period from 13.12 to 9.76%. The trend of the total FWPR has been down in 1971, upwards from 1981 to 2001 (www.ncw.nic.in). During interview it is found that the largest section of women prisoners had no gainful occupation in terms of money as they were involved in household work which has not been ascribed any status in our society. The same is corroborated with the result of the research carried out by (Dahiya and Bhan, 2004). As the present study reveals, most of the women prisoners were not working ladies before their confinement. This condition has led them to live in poor economic condition which is one of the potent factors behind commission of crime and subsequent miseries inside the jail. Thus most of the women prisoners have no source of income. They were depending on their husbands' income for their subsistence. This is also one of the reasons for family disputes and commission of crime.

Since most of them have the stamina and strength to work hard, so suitable job opportunities and small business opportunities can be explained to them with providing necessary information, keeping in view the area they belong to, availability of raw materials, access to easy human resource, fixed possible capital they can

afford, easy loan schemes available to them through Government interventions, market requirements etc. Business with simple skill technology can be advised. Papads, cooking spices, selling fresh vegetables in the early hours in urban areas can also be adopted as modes of income. Prisoners can be informed about this type of prospective small business ventures, which do not require much capital.

Monthly Family Income

India's per capita income (nominal) is \$ 1219, ranked 142nd in the world. While its per capita purchasing power parity (PPP) of US \$3,608 is ranked 129th. It is estimated that India's Per Capita Income will register an average growth rate of 13% during 2011-20 so as to reach \$ 4,200 by 2020. In the year 2020 India's real GDP is projected to be at \$5 trillion, and per capita Nominal GDP at \$ 3,650. India's per capita purchasing power parity (PPP) will be at \$ 12,800 in the year 2020. One of the critical problems being faced by India's economy is the sharp and growing regional variations among India's different states and territories in terms of per capita income, poverty, availability of infrastructure and socio-economic development. Although income inequality in India is relatively small (Gini coefficient: 32.5 in year 1999- 2000) (The World Bank, 2004 and Census and Statistics Department, 2002); India's nominal Gini index rose to 36.8 in 2005, while real Gini after tax remained nearly flat at 32.6 (Gehring and Kulkarni, 2008). Despite today's significant economic progress, a quarter of the nation's population earns less than the government-specified poverty threshold of \$0.40/day. 27.5% of the population was living below the poverty line in 2004-2005 (Planning Commission, 2007).

The study reveals that the family income of most of the respondents is less than two thousand. The finding of the study in this front

corroborates with the findings of Nagesh Kumari (Nagesh Kumari, 2007). It is due to lack of adequate avenues of employment. The income is thus quite less if calculated in relation to their expenditure. This state of thing is leading them to commission of crime like theft, kidnapping, abduction, prostitution, robbery etc.

Dependents

The number of dependents in the families of the most of the respondents varies from four to six. This is also an additional factor for their low family income. Though the number of dependents is not so high, still it is high so far as their family income is concerned.

Sufficiency of Family Income

The families of most of the female prisoners have no savings (Nagesh Kumari, 2007). The family income of most of the women prisoners, as revealed in this study, is not sufficient. So the findings of the study corroborate with the findings of Nagesh Kumari in some way or the other. It is because of the non availability of adequate sources of income in rural areas and there is no scope for women's employment. They are managing with the limited resources. As a result they fail to properly educate their children which creates the condition for the development of criminal traits in them.

Other Sources of Survival

The study reveals the family income of the women prisoners is not sufficient. Thus they are being forced to obtain hand loans due to complex documentation in case of loans by banks or other Government sources in rural Odisha. The process of obtaining and repaying the loan is also generating disputes between the parties and sometimes resulting in commission of crime. During discussion they have informally disclosed that most of them do not have a Voter Identity Card and hence unable to avail benefits of Govt.

schemes. Steps should be taken to identify such prisoners and efforts should be made to provide them with the above basic facilities.

Conclusion

Criminality has touched almost all the sectors of the country. It has even not spared the bureaucrats, politicians, religious preachers and law executors. Hence, crime has become a major area of concern and it needs tremendous effort by the State agency to fight against such criminality and to revert the criminals back into the society streamlining them with social values and responsibilities. In this context it is noteworthy to mention that the father of the nation rightly expressed that "Hate the sin not the sinner." While the issues like why do people commit crime?; why women are indulged in crime commission?, what are the reasons behind such commission of crime?, what are the possible steps available for their rehabilitation?, etc. are often aroused by academicians, researchers, reformers and legislators but few researches have been conducted to bank upon the socio-economic conditions of the criminals especially women prisoners which are the ultimate contributors towards such criminal activities. In India women are given the status of Goddess Laxmi, Savitri, Parvati etc. by the holy scriptures. They are considered to be the threshold of the family and society. But recently, it is found that the crime rate is rising in case of commission of crime by women. Women play the most vital role in the development of the country as they give birth to the future citizens of the nation, educate them, bring them up with social values and ethics, preserve the traditional culture in them and make them strong enough to distinguish between right and wrong. Hence, if a woman is involved in criminal activities resulting in her imprisonment, it is not affecting that single person only but the entire family dependent on such woman is pushed into dark

giving rise to more criminality, unethical and immoral activities, indulgence in social vices and terrorist activities not only by her children but also by the members of the society, she belongs to. Hence in order to safeguard the interest of the society, the socio-economic conditions that are responsible for such commission of crime have been thrived into during the research work. Ultimately it is found that low literacy rate, low family income, illiteracy of the parents, apathetic behaviour of the in-laws, etc. are the contributing factors towards such involvement.

Contribution of judiciary in protecting rights of prisoners can be well deduced from various guidelines; ratio-decidendis, directions etc. issued by the Apex Court while dealing with relevant Public Interest Litigations. It is the version of the Apex Court of India that prisons are built with stones of law and so it behoves the court to insist that in the eye of law, prisoners are persons, not animals, and punished the deviants "guardians" of the prison system where they go berserk and defile the dignity of the human inmate. Prison houses are part of Indian earth and the Indian Constitution can't be held at bay by jail officials dressed in a little brief authority (Sunil Batra Vs Delhi Admn., 1980). The same view is also upheld in its subsequent judgments. Hence it must be the endeavour of the government to take steps towards improvement of the socio-economic condition of women prisoners in order to achieve the cherished goals of the Constitution of India. Imprisonment as punishment is now rethought of as rehabilitative punishment. This involves a philosophy that individuals are confined so that they have an opportunity to learn alternative behaviours to control their unusual lifestyles. Rectification, therefore, is a system designed to correct those traits that result in criminal behaviour. The rehabilitative model argues that the purpose of incarceration is to reform inmates through

educational, training, and counselling programmes. This development and growth requires certain human rights without which no reformation takes place. Education either in the form of elementary education or in the form of soft skill is the only way to make the women prisoners socio-economically sound. The apex Court in “A. K. Roy Vrs. Union of India (1982) 1 S.C.C 271”, while deciding the role of society in preserving the right of prisoners held that “it is for the legislature and the executive to lay down a detailed code in respect of treatment of persons under preventive detention. We must impress upon the government that the detainees must be afforded with all reasonable facilities for an existence with human dignity. We see no reason why they should not be permitted to wear their own clothes, eat their own food, have interviews with the members of their family at least once a week and last but not the least have reading and writing materials according to their reasonable requirements”. The main goal of imprisonment must be rehabilitation and reformation instead of punishment. Women prisoners on admission are in a mentally disturbed condition. The shocking survey on children of women prisoners, conducted by the National Institute of Criminology and Forensic Sciences, Delhi, during 1997-2000, reveals the conditions of deprivation and criminality in which they are forced to grow up such as lack of proper nutrition, inadequate medical care, and little opportunity for education etc. Indian Council of Legal Aid and Advice also filed Public Interest Litigation in the Supreme Court, asking that State Governments to formulate proper guidelines for the protection and welfare of children of women prisoners and the Apex Court, in *Upadhyay Vs State of A.P.*, 2006 made it clear the need to uphold such fundamental rights of the women prisoners and their children. It articulated the provisions under Article 15(3)-special provisions for women and children, Article

21-Right to life and liberty, and Article 21A-free and compulsory education to all children from the ages of 6 to 14 years. The directive principles of state policy have been given a new dimension by the Apex Court in this judgement which further elaborated the role of Government as:-

1. State to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood and youth are protected against exploitation and moral and material abandonment.
2. Provisions for just and humane conditions of work, and maternity beliefs.
3. Provision for free and compulsory education for children up to the age of 14.
4. Duty of the State to raise the level of nutrition and the standard of living and to improve public health.

In this landmark judgment by the Supreme Court, the Directive Principles of State Policy were brought under the ‘legal obligation’ of the state to provide protection, prevention and promotion of human rights and health care of marginalised imprisoned women and children.

Suggestions

Women prisoners must feel safe, be treated with deference and dignity and need to be assisted towards developing insight into their offending behaviour. There is a need to facilitate prisoners to lead useful and law-abiding lives on their return to the community. The Supreme Court directions need to be implemented regarding women prisoners’ requiring assistance in pregnancy, ante-natal, natal and post-natal care. Children of the women prisoners must be provided care as per the guidelines. Keeping such a focus, the negative effects of imprisonment should be lessened; mental health should be maintained and promoted. During the study, it was noted that most

women are financially dependent and are not in a position to plan, or get help. It is also difficult for them to come back to society after release. In addition to the stigma of having been in prison, women face a lot of other problems. For example, the spouse might have remarried and may reject her, her in-laws or parents may not be willing to keep her in their home, her children may have grown up and may not need her, or she may feel too humiliated to return to her place of origin. All these can come in the way of her successful rehabilitation and reintegration into society. Women usually lead protected lives and are good home makers. They are not exposed to the complications of the outside world. When they come in conflict with law and are imprisoned, they find it very difficult to cope with the prison environment. Prison isolates the women from their family and friends. They cannot perform their usual duties. This causes sadness, guilt and puts tremendous stress on them. The physical and mental health needs of women are different compared to men. Traditionally, most of the prison inmates are males, and the prison environment is therefore shaped by the needs of males and do not provide to the special needs of women prisoners. Women in prison have a double disadvantage. The gender disadvantage and discrimination gets worsened during imprisonment, which is further enlarged upon their release from prison. Gender sensitive interventions need to take into account in order to wipe out the psychological distress in a life stage standpoint. In spite of several legislations and committees, the condition of jails is deplorable. Various issues relating to women inmates such as their (i) Admission (ii) Classification (iii) Reformation Programme (iv) Vocational Training (v) Health and Hygiene (vi) Psychological or emotional issues (vii) Visitors and emergency leave (viii) Rehabilitation on release (ix) Socialization and acceptance (x) Performance of religious practices should be

handled with care. It is already discussed above that woman prisoners in Odisha were not engaged in any gainful occupation before confinement. Their family income is also arbitrarily low i.e. less than two thousand. The number of dependents on the family income is also not so high i.e. four to six. The family income of the women prisoners, as revealed in this study, is not sufficient. Thus they are obtaining hand loans and are deprived of the beneficial loan schemes due to complex documentation in case of loans from banks or other Government sources in rural Odisha. In order to combat with the above situation; awareness should be created among the rural people about the severe consequences of committing crimes and its hostile impact on the family. During Jail stay the inmates should be well trained on vocational education and it should form the major portion of their rehabilitation scheme. Released convicts should be encouraged to form co-operative societies to produce and sell the products made by them. Convicts from nearby localities should form groups and register as self-help groups and start small business with financial support from banks in which Non-Governmental Organizations can extend their support. Library facilities within the jail can be helpful in enriching the values of the prisoners who can read. Government sponsored counselling centers at different places can help the women in coping with their inter-personal problem. Adequate planning before release, safeguards against prison re-entry, halfway home support systems for women without family support, and treatment continuation after release are critical components of successful handling of the issues relating to women prisoners. Life skills training and encouraging further education in prison and health education also play a crucial role in empowering women and preventing poor economic and pitiable mental health outcomes. It is important that mental health of women prisoners is preserved and enhanced,

so that the prison experience will not scar their lives and they can be able to spend their after release lives with dignity. Further it is suggested that follow up study of released prisoners should be made to assess the impact of rehabilitation oriented programmes so as to identify the problem areas and to make improvements in the prison rehabilitation policies.

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