



Rights of Prisoners from Human Rights Perspectives: a Select Study of Women Prisoners in India

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Abstract

Women play a vital role in society. The important role she plays is the ability of the mother. The constitution of India confers the status of equality to women in India. It also imposes on the State the obligation to protect women's rights and to comply with the requirements of international conventions on women's rights. But if we talk about the dark side of this, then, in reality, women in prison face a series of problems, even their basic human rights are ignored, despite a series of Supreme Court, High Court and commission recommendations different. It creates difficulties in the prison that require special attention and must be eliminated. Women's prisoners in Indian prisons are fewer. It could be neglecting the rights of women prisoners. The main objective of this research is to highlight the problems of women prisoners, the violation of the human rights of women prisoners, the condition of women's prisons, list the human rights and constitutional rights of women prisoners and suggest necessary changes.

Keywords: Human Rights, Prisoner Rights, Women Prisoners, Indian Prisons, Constitutional rights

1. Introduction

Human beings are born equal in dignity and rights. Such moral articulations are formulated in what are now considerably known as human rights. Human rights are popularly understood as inalienable fundamental rights to which every person has an inherent right simply because he or she is born as a human being [1,50]. India is diverse in its multicultural, multi-ethnic and multi-religious population. The phenomenon of human rights is related not only for the protection of individuals from the excesses of the state, but also to the structuring of social conditions by the state in which individuals can develop to their maximum [8,28]. The word human rights recognised as rights that are considered universal for humanity regardless of their citizenship, residence, ethnicity, gender or other considerations; it also refers to a variety of values and abilities which reflects the diversity of human circumstances and history. Human Rights are conceived as universal, they apply to all human beings everywhere and as a fundamental arbitration for basic human needs [3,4]. These are the kinds of rights that are inherent and are received from the beginning.

Educational awareness and respect for human rights are the best practices to prevent a heinous crime like rape in any way. When in a society, an individual learns about their rights, inherit respect for the rights and maintenance of dignity of others, which supports to build, to manage more tolerant and peaceful citizens who eventually helps in leading towards peaceful civil societies. Human rights demands acknowledgment and respect for intrinsic dignity for assurance that everyone is protected from all such abuses which undermine one's dignity and offer the opportunities that need to realize their full potential, without any discrimination [2,29,49]. Human right signifies the aspects of humanitarian participation, self-determination and additional support for the wounded and others, who suffer in the armed conflicts and coercion in a way or other. Human rights in International law are based on the treaties and conventions. Such treaties are promulgated by international organizations like The United Nations Organization and its specialized agencies, the Council of Europe and other International organizations. There are certain rights and freedoms which are fundamental to human existence. They are inherent rights that come to each person as a result of its being human and which are based on respect for human dignity and value of each other [9]. They are neither privileges nor gifts given on the whims and wishes of a housekeeper or a government, nor can they be erased from any sort of arbitrary power. They cannot be denied, refused, nor can they be completely lost because an individual has committed a crime or violated any law..

Since long time there have been many reports of police excesses, abuses and torture of suspects, including females. Subsequently, these accusations took on bigger dimensions, while events of torture, assault, rape and death during detention were increased in an alarming proportion. On an average, around 180 people die in police custody each year in this country. Custody, which has nowadays, became a protected house to inflict torture. It is also true that there is an active attitude of the media, human rights activists, NGOs and other social organizations to spread awareness of human rights and it concerns in the community [5,48]. A nation is a witness to widespread public protests against torture in custody, such protests many times become violent in the form of the sudden attack by the Mafias, hooligans in the police stations; such attacks become more severe when society is witness to cases of torture against women [6,30]. The issue of torture in police custody in general and particularly of women, , has attracted the attention of the media, of the NGOs involved in the

field of human rights and the cause of women, of political perspectives, of representatives of common people, of the National Commission for human rights, National women's commission, State women commissions, The Judiciary and all agencies which have contributed significantly in their own way to tracing the causes of torture in custody against all female concerned and to suggested remedies for their prevention and cure. Academics attention is not much attracted to the study of the various facets of inhuman treatments and torture problems in custody against women. A review of the present and existing literature revealed that an in-depth study with minute details of the problem needs to be addressed. Effective and results-oriented research in this field is minimal [31,47]. The research conducted on the police, its system and women in general does not effectively hammered on the problem in matters related to this study. States are negligent to take effective measures to get out of situations.

Custodial torture against women results in deprivation of their right to life, their personal liberty, their dignity and respect etc. in many cases, it results in unnatural deaths. It was such a serious issue, which threatens fundamental human rights, has remained untouched and no meaningful research has been conducted to examine the problem nationally and specifically in the State of Uttarakhand.

Faced with several gaps in the issue of the investigation into custodial torture against women, the present study is conducted from the point of view of human rights in the state of Uttarakhand. Taking into account the importance of the study at the micro level, the study is conducted under the heading "Rights of prisoners from human rights perspective: an analytical study of women prisoners in the state of Uttarakhand". Despite the growing phenomena of education and the significant changes that have took place in our society, prisoners, especially female prisoners, they are still in the dark [51]. The fundamental human rights of women prisoners towards the state and other public authorities' virtue of being a in the human family, regardless of any other consideration are violated [11]. Their rights, which must be inherent to all citizens, are violated in one way or the other. Inalienable rights and inviolable rights are always violated by the authorities that should protect them, that is to say, the custodian (police, judiciary, prison guards, foster care or other authorities authorized to arrest arrested and interrogated persons against any crime in question).

The police custody is the most sensitive area of human rights in a civil society. Conditions of Prison violate the fundamental human rights of prisoners in a flagrant manner. Majority of human rights violations in prisons are resulted from excess perpetrated by the segment of agencies which are involved in human rights management and are involved in the process of preventing the commission of crimes in a society and get pleasure by applying third-degree methods in custody to obtain confessions or abstract information [7,12]. The aforementioned entities commit crimes against the custody of prisoners in several ways, which includes physical and mental torture inflicted on accused or convicted by administrators during and after arrest, torture or virtual abuse of women in custody, atrocities committed personally by police personnel and the forces mentioned [46]. There are also several cases of torture, harassment, defamation, cruel, inhuman or degrading treatment and punishments, like sexual abuse of women victims in treatment centres. Custodial atrocities has now become so common nowadays that not apart from the police and the bureaucracy, common people also take it for granted as a routine practice of police interrogation [52]. The outcome is that, the news of such a cruel behaviour causes nothing but a momentary normal shock in society, while such atrocities are being carried out; the authorities are concerned with safeguarding or protecting the violation of human rights, which includes the police, Judiciary, Non- Governmental Organizations, social organizations, the National Commission for Human Rights, the National Commission for Women and many international organizations under the United Nations Organization. While the human rights situation worsens, the researcher believes that insufficient measures have been taken to promote greater awareness of the principles and provisions of the Human Rights Conventions for the protection of the human rights of detained women [13,18]. The issue continues to be of great concern as there is no adequate and systematic training for professional groups working with women and for them [45].

2. Women Prisoners' Rights:

Women prisoners have several rights. They cannot be denied from their basic human rights and freedoms guaranteed by the Constitution of India. The Supreme Court of India in the case of Sunil Batra vs Delhi Administration held that both inside and outside the prison, a person shall not be deprived of his or her guaranteed freedom except through "just, fair and reasonable" methods. The judicial process places the detainee in the penitentiary charter and the penury liberty is not a folded penitentiary affliction, but a disturbed institutionalization oriented towards a social good. The courts have a persisting responsibility to ensure that the constitutional purpose of penury is not defeated and affected by the prison administration. There are several women's rights as prisoners which were provided by several committees appointed for prison reform and also by the United Nations Organization [15,44]. These rights must be incorporated into the Prison Act 1894. Prisons are a state subject to entry 4 of the state affairs list of the seventh program of the Indian Constitution, therefore, the administration of prisons are under the control of state governments, that's why the respective governments in the preparation of the prison manuals should take into consideration all the guidelines provided.

3. The different types of human rights, Constitutional rights and statutory rights of women prisoners are discussed as under

3.1 Search & Examination

The search and examination of the female prisoners shall be carried out by the Matron under the respective order of the Medical Officer;

3.2 Separate Institution for women prisoners

It has been evident by virtue of the natural rule that women prisoners have the right to live separately from male prisoners. Article 27 (1) of the Prison Act of 1894 states that in a prison containing detained women and men, women should be imprisoned in the separate buildings or in separate parts of the same building, in a way which prevents them from seeing, conversing or maintaining any relationship with any male prisoners; this right is also acknowledge and established by Rule 8 (a) of the Standard Minimum Rules for the treatment of prisoners.

The Prisoner's Minimum Rules for Prisoner Treatment establish a basic guideline for a separate institution for inmates, which further clarify that in an institution for men and women, the part of the institution reserved for women will be under the authority of a woman

who will have custody of the keys of that part of the institution [14]. Even no male staff can enter the part of the institution reserved for women unless accompanied by a woman. In other words female prisoners will be treated and supervised only by women.

The Model Prison Manual also supports a separate institution for female prisoners. It says that the state government will establish separate prisons for inmates. Until separate prisons are established for women, both detainees and women may be locked up in the same prison provided that the detainees are kept in a strictly isolated female enclosure. This fence should be, as far as possible, independent in terms of infrastructure configuration.

According to the Handbook, inmates should be classified and maintained separately according to:

- (i) separate arrangements must be made for Injured prisoners, he must be kept completely separate from convicted criminals.
- (ii) Separations of regular prisoners from informal criminals
- (iii) Separation of Regular offenders, prostitutes and brothel breeders
- (iv) Under no circumstances females should be confined to inmates
- (v) Separation of Political and civilian prisoners and minor prisoners.

The same views were expressed by the All India Committee on Jail Reforms in 1983, also 'Punjab State Policy on Prisons' stresses that prisoners should, as far as possible be confined to a separate institution specifically designated for them. Wherever such arrangements are not possible, they will be kept in separate enclosures of prisons with the appropriate provisions [16]. The staff of these institutions and the attachments will be composed only of employed women. Women prisoners will be protected against exploitation of any kind.

Despite the fact that much emphasis has been placed on setting up a separate institution for women, there are only 20 prisons for women in India.

3.3 Only Female guard for women prison for security concern

The Hon'ble Supreme Court has given detailed instructions to the concerned authority for providing security and safety in police lock-up and particularly woman suspects. Female suspects should be kept in a separate lock-up and not in the same in which male accused are detained and should be guarded by female constables. And also directed the IG Prison and State Boards of Legal Aid Advice Committee to provide legal assistance to the poor and indigent accused (male or female) whether they are under-trial or convicted prisoners.

3.4 Right of Pregnant Prisoners

The Honorable Supreme Court has ordered that before sending a pregnant woman to jail, the authorities, concern should ensure that the prison must have the minimum basic facilities for childbirth, as well as prenatal and postnatal care for both, mother and child as far as possible and as long as the captive woman has an appropriate option, provision must be made for temporary release / conditional release (or suspension of the penalty in the event of minor and occasional crime) for which a prisoner may have delivery outside the prison. Only the causality of exceptional cases that constitute a high security risk or cases of equivalent severe descriptions can be denied. It is the human right of a pregnant woman to have all facilities (medical and personal) at the time of delivery, if such facilities cannot be provided during pregnancy, than at the time of delivery bail can be issued for delivery [19].

The National Commission for the Protection of the Rights of the Child (NCPCR) has recommended that women in prison who are pregnant, sick or having dependents (children) should be considered for the early release of personal ties [17]. The guidelines elaborated by the NCPCR state that although the nature of the crime cannot be ignored, the condition of female prisoners could be considered when they have little means and are responsible for young children.

3.5 Rights of women Prisoners as Mother

The Honorable Supreme Court has ruled that the detainees will be allowed to keep their children in her custody in prison until they reach the age of six, they will be handed over to a suitable replacement according to the prisoner's wishes or they will be delivered to an appropriate institution run by the Social Security Department. As far as possible, the child will not be transferred to an institution outside the city or city where the prison is located, in order to minimize undue difficulties for the mother and the child due to physical distance. Children in protective custody in a house of the Social Security Department can meet their mother at least once a week.

3.6 A Right for a child of a women prisoner

Children Educational programmes should be implemented for children of different age groups in prisons;. Not only educational concern but also recreational facility, needs to be available in the prisons which can meet the recreational needs of children of different age groups.

Dam mothers have mixed perceptions about health care, educational, recreational, and other programs for their children. While most of them expressed dissatisfaction with medical, recreational and other (religious) facilities for children, educational programs were generally met. Despite their dissatisfaction in some areas, most mothers in prison tend to believe that these programs are useful for their children. The Hon'ble Supreme Court has issued directions, for the development of the children who are growing in jail with their under-trial prisoner or convicted mothers. Such children are suffering for none of their fault but have to stay in jail with their mothers; due to tender age or no one is available at home, in their absence to take care of them.

3.7. The Standard Minimum Rules for the Treatment of Prisoners provide under- Rule 53

3.7.1 Women Police officer shall be in charge of Women Cell

only the women police officer undertake the authority of the custody of the keys of all that part of the institution which is reserved for women.

3.7.2 No male member shall be allowed to enter in the premises of Women cell

No male member shall enter the premises of the women's cell: no member of the male staff shall enter the part of the institution reserved for women unless accompanied by a woman.

Rule 23

3.7.3 Specific Accommodation:

it is established that in the female prison there will be special arrangements for all the necessary prenatal and postnatal care and treatment. Also special arrangements should be made as possible for children born in a hospital outside the prison premises. If a child is born in prison premises, this fact will not be mentioned on the birth certificate.

3.7.4 Creche Facilities

in a situation where children are allowed to stay in the institution with their mothers, suitable measures will be taken for a proper nursery with qualified and responsible personnel in which the children will be placed when they are not under the care of their mothers.

Rule 24

the physician must see and examine all prisoners as soon as possible before and after admission subsequently, whenever necessary, with regard to the diagnosis of a physical or mental illness and the adoption of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the observation of physical or mental defects that may hinder the rehabilitation and determination of the physical capacity of each prisoner for work.

3.7.5 Rule 25 (Reporting by Medical officer)

The physician is responsible for the physical and mental health of the prisoners and must see daily all the sick prisoners and all those who complain of an illness and of any prisoner to whom their attention is specifically and particularly direct.

(ii) The physician must inform the concerned authority whenever he deems that a prisoner's physical or mental health has been or will be compromised by prolonged detention or any condition of detention [32,43].

3.7.8 Right of Secrecy in case of birth of a child

The court has forbidden writing the word "Prison" in a place of birth on the birth certificate. While the Supreme Court's judicial activism in the Upadhyay case is commendable, there remain gaps between a theory based on the rights and the practical realization of these rights.

3.7.9 Specific and special Medical facilities for Women Prisoners

Many women in prisons are amongst the poorest members of society and many go to jail with a various physical and mental health problems that existed previously. The best practices in international sphere establish that the medical services provided to prisoners must be of the same quality and standard as those available to the outside community. These services must include HIV / AIDS screening, screening for breast and cervical cancer, family planning services and sexual health issues. The Model Prison Manual states that: "Only doctors must take care of the medical treatment of prisoners during their stay in prison" [20,42]. In practice, however, the health facilities available to women in prisons are poorly equipped and lack of sufficient resources for properly testing, diagnosis and treatment of detainees.

The Model Prison manual also provides services for gynaecologists as well as for nurses and other support staff. For women in prison, modern facilities such as X-rays, ECGs, ultrasounds and ultrasounds should be made available. Inmates who suffer from mental disorders, anxiety, drug addiction and sexual perversion should receive appropriate medical treatment and psychotherapy. It has been seen that there is always a big gap between theory and practice; in general, there is no gynaecologist or doctor who takes care of the inmates.

3.7.9.1 Facilities during Menstruation:

The manual also establishes that every adult prisoner should be provided with an adequate amount of sanitary pads to wear during menstruation cycle. However, this is only a theory and it is very difficult for prisoners to obtain such facilities and generally they must rely on relatives and friends from outside to meet this requirements [33].

3.7.9.2 Female Doctor for women prisoners

Inmates must be treated and supervised only by women. However, this does not prevent male staff members, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions reserved for women [40]. The conditions of a majority of prisons in India remains still bad, dehumanizing and generally violates the residual rights of prisoners. Over several years, prisons have become places of poor visibility where inhumane and even cruel conditions prevail. The possibility of inflicting injuries and injustices on the inmates is always pursued in these closed institutions. Unfortunately, the state supervision of these institutions has become a mere formality and the vigilance of society is evident by its absence. There have been several recommendations to improve these conditions, both from the recommendation bodies and from the judicial system, but a large part of these recommendations has not

seen the light of day. Female prisons in India are not enough. According to the Prison Statistics India 2015, the total number of prisons is 1401, the classification of which is shown in the below mentioned Table.

Table- 1

Name of Jail	Number of Jails	Name of Jail	Number of Jails
Women Jails	18	Open Jails	63
Central Jails	134	Borstals Schools	20
District Jails	379	Special Jails	43
Sub Jails	741	Other jails	3

This table shows that there are only 18 women prisons in the country and jails exclusively for women prisoners exist only in 12 States/UTs. Women prisoners are facing a number of problems in the jails; Uttarakhand till now fails to open a separate prison for female officials.

Hypothesis 1: There is no significant difference in the condition of Women prisoners in the different Jails of Uttarakhand

Hypothesis 2: Laws and preventive mechanism in India are not sufficient in protecting the interest of women prisoners.

Hypothesis 3: There is significant difference in the provisions of punishment of violation of Human Rights of women prisoners and their implementation

4. Methodology

Content Analysis and Descriptive Method is the methodology applied to accomplish this research. Researcher has prepared the content analysis from primary as well as secondary data. Researcher has collected the data from various sources i.e. questionnaires, interview methods, data from state level and district level, previous researches conducted on the similar subject, various publications, journals, judicial judgments passes in various courts of India, articles and Literature review. Doctrinal and Non-Doctrinal research design is proposed design for this research [39,41]. In non-doctrinal research data is collected from field annotations, reports, case observations, analytical and proportional study of article whereas in Doctrinal research there will be inclusive and reasoned study of caucus, judicial decree, mechanism, guidelines of truce and conventions, realistic insinuation of International and National statues [16]. For this study data has been unruffled from intensive field work. Information for this study has been composed from both qualitative and quantitative information. For congregation the objective of the study data has been collected from primary and secondary data. Primary data was collected from the prisoners and jail authority by using household schedule, questionnaire, interview guidelines, case study and observation methods and secondary data has been collected from population census, precedent record file of the prisoner fretful with the jail authorities and all permissible, legal and judicial records of the prisoners [34]. In array to comprehend and substantiate crime of the prisoner, jail authorities were also interviewed respectively. Simple random sampling and convenient sampling techniques has been proposed for the study. Data has been analytically arranged and evaluated accordingly. Statistical modus operandi such as ANOVA, correlation and chi-square has been used for analyzing the data. Information has been collected from personal interviews and questionnaire techniques wherein both open and close ended questions have been used for the compilation of data along with focused interviews.

4.1. Analysis & Results

	Proposed Relationship	Results
1	Location – Food facility	+ve, Rejected
2	Location – Water facility	+ve, Rejected
3	Location – Condition of mattresses	-ve, Rejected
4	Location – Hygienic facility	+ve, Rejected
5	Location – Medical facility	+ve, Rejected
6	Location – Primary Healthcare facility	+ve, Rejected
7	Location – Recreational facility	+ve, Rejected
8	Location – Open Space Availability	+ve, Rejected
9	Location – Availability of Utensils	-ve, Accepted
10	Location – Education & Literacy	-ve, Accepted
11	Location – Library facility	-ve, Accepted
12	Location – Clothing and Other Items	-ve, Accepted
Summary of results for Hypothesis I		

The three variables “Food facility”, “Water facility”, “Hygienic facility”, “Medical facility”, “Primary Healthcare facility”, “Recreational facility” & “Open Space Availability” are positively correlated with different jails of Uttarakhand. Whereas, the variables “Clothing and Other Items”, “Availability of Utensils”, “Education & Literacy” and “Library facility” are negatively correlated with different jails of Uttarakhand. On the basis of Chi square results, it can be concluded that conditions of women prisoners in different jails of Uttarakhand differ significantly [21,35].

The variables “Knowledge of right to speedy trials”, “Knowledge of prison regulations”, “Knowledge of right to complaint against irregularities”, “Provision of Educational Lectures in Prison”, “Provision of Spiritual Lectures in Prison” & “Knowledge of Human Rights” are negatively correlated with educational qualifications of women prisoners in Uttarakhand.

	Proposed Relationship	Results
1	Education – Knowledge of right to speedy trials	-ve, Accepted
2	Education – Knowledge of prison regulations	-ve, Accepted
3	Education – Knowledge of right to complaint against irregularities	-ve, Accepted
4	Education – Provision of Educational Lectures in Prison	-ve, Accepted
5	Education – Provision of Spiritual Lectures in Prison	-ve, Accepted

6	Education – Knowledge of Indian Constitution	-ve, Accepted
7	Education – Knowledge of Human Rights	-ve, Accepted
8	Education – Knowledge of Right to free legal aid	+ve, Accepted
<i>Summary of results for Hypothesis II</i>		

Whereas, the variables “Knowledge of Right to free legal aid” is positively correlated with educational qualifications of women prisoners in Uttarakhand. On the basis of Chi square results, it can be concluded that Laws and preventive mechanisms in the prisons of Uttarakhand are not sufficient in protecting the interest of women prisoners.

H₀: There is no significant difference in provisions of punishment for violation of human rights of women prisoners and their implementation

The variables “Censorship Status”, “Working Hours”, “Status of Inhuman Treatment”, and “Medical Check-up in the Prison by Female Dr.” are negatively correlated with age of women prisoners in Uttarakhand.

	Proposed Relationship	Results
1	Age – Censorship Status	-ve, Accepted
2	Age – Family & Imprisonment	+ve, Accepted
3	Age – Family and Transfer of the prisoner	+ve, Accepted
4	Age – Meetings with Lawyers	+ve, Accepted
5	Age – Effects of Imprisonment	+ve, Accepted
6	Age – Working Hours	-ve, Accepted
7	Age – Illegal Activities by inmates	+ve, Accepted
8	Age – Illegal Activities by Prison Staff	+ve, Accepted
9	Age – Status of Inhuman Treatment	-ve, Accepted
10	Age – Medical Check-up in the Prison by Female Dr.	-ve, Rejected
<i>Summary of results for Hypothesis III</i>		

Whereas, the variables “Family & Imprisonment”, “Meetings with Lawyers”, “Effects of Imprisonment”, “Illegal Activities by inmates”, and “Illegal Activities by Prison Staff” is positively correlated with age of women prisoners in Uttarakhand. On the basis of Chi square results, it can be concluded that there is no significant difference in provisions of punishment for violation of human rights of women prisoners and their implementation

5. Conclusion

In a fundamentally patriarchal social system where women is principally subjugated by male and when this dominance gets pooled with somber concerns of dispossession, scarcity, deficiency, poverty, victimization and discrimination at home and in the society, disappointment and aggravation of existence and survival may sometimes direct a woman towards adopting criminal behavior or to commit an offense or crime which is liable to be punished by law. Detention and confinement is the entailment of the punishment for crime [22]. The existing conditions of jails are scarcely very indispensable and basic but the real question arises is of the life of dignity which is much worse. The three variables “Hygienic facility”, “Primary Healthcare facility”, “Medical facility”, “Water facility”, “Food facility”, “Open Space Availability” & “Recreational facility” are sanguinely associated with diverse dungeon of Uttarakhand. Variables that are negatively allied with different jails of Uttarakhand are i.e. “Library Facility”, “Education and Literacy”, “Availability of Utensils” and “Clothing and Other Items”. According to the Chi-Square outcome, it can be recapitulated that the conditions of women prisoners differ considerably in different jails of Uttarakhand. As per the survey statistics it is quite evident that 92% of the total respondents rated the fooding facility as fine, while 6% rated it as excellent. As far as, clothing items are concerned, 74% respondents rated it as good while only 1% rated it as poor. The variables that are negatively associated with the educational credentials of women prisoners in Uttarakhand are “Provision of Spiritual Lectures in Prison”, “Knowledge of Human Rights”, “Knowledge of right to complaint against irregularities”, “Knowledge of prison regulations”, “Provision of Educational Lectures in Prison”. On the other hand variable that is positively associated with the educational credential of women prisoners in Uttarakhand is “Knowledge of Right to free Legal aid”. It is observed according to the Chi square result that for shielding the interest of women prisoners in Uttarakhand decree and protective mechanism is not adequate. Strapping laws and defensive gauge is the demand for defending and safeguarding women prisoners across Uttarakhand. Article 21 of the Constitution talks regarding “Right to Life and Personal Liberty” and beneath this article it gives the right of prompt trial, reasonable, just and fair process for a prisoner. Supreme Court of India has always been fretful and vigilant for the Human Rights of the prisoners and has always been wide awake on its infringement. Supreme Court has always laid emphasis on autonomy, comprehensive meaning to life and individual liberty. Trial prisoners are the ones that are facing trial in any court, have no admittance to legal aids and are kept in prison for years together. The above stated circumstances quantity to coarse contravention of their human rights. According to the survey statistics regarding speedy trial 42% of the prisoners have no idea of such provision, 29% of the respondents have no knowledge regarding the same and only 29% have the idea of the same. In overall scenario prisoners have scarce knowledge about provisions regarding speedy trials, we can’t deny of human rights. Human Rights are the rights which are for every individual including prisoner, you can’t deny of rights to somebody because he/she has committed some offences. Dignity, captivity and liberation of an individual has to be protected and shielded. Nevertheless in case of Human Rights, at the time of conferring conjugal rights to the prisoners within the jail premises necessitates re-consideration of a larger bench of the High Court or the Supreme Court. According to another survey only 7% of the respondents were aware of prison regulations, 37% respondents denied the knowledge of such regulations and 56% respondents mentioned that they have not heard about such regulations. In Indian Constitution article 21 specially talks and discusses about individual liberty and Right to Life and Indian constitution specifically mentions about all potential and probable rights which are guaranteed for any prisoner either under trial or conviction in any democratic nation [22]. Prisoner also has all entitlements of rights under Article 21 and Article 22 which are establishment for victim as well as for convict. In many cases it has been observed that mostly crimes and offences that are committed by women prisoners are under circumstances and state of affairs which direct them for crime [36]. The need of the hour is to bring and incorporate new amendments in the prison rights

mentioned under Article 21-“Right to Life”. In a broader spectrum it is really essential to fortify and improve the environment and surroundings of women prisoners across Uttarakhand, taken as a whole picture, prison needs to be enhanced and refurbished for the betterment of life of prisoners. Article 21 discusses about Right to Liberty so keeping this Fundamental Right in mind we need to improve the standards of women prisoners across the state as better living will also contribute in the enhancement and progress of their lives. We need to understand that prison management and criminal psychology will contribute in humanizing the customary and verve of women prisoner across prisons in Uttarakhand.

The principle predicament of fighting custodial torture is that the sufferer vestiges in the detention of the executor and he is inside perpetrator torment restrictions. In many cases it has been observed that the victim or sufferer doesn't file complaint against the perpetrator as they remain worried for the after effects and repercussions that will lead them to serious apprehensions and actions and due to this such cases remain unreported and no complaints are filed against such cases. In such cases complaints cannot be proved even if these cases are witnessed by other prisoners as they also keep mum because of the fear of repercussions and actions; it becomes tremendously complicated to prove custodial torture and suffering [23]. The eye witnesses are also the custodians of the same perpetrators so the cases go unheard and if somehow somebody gathers the courage to file complaint regarding such concerns and issues so tremendous pressure and strain is levied on the victim for extraction of such grievance and they are circuitously agonized and hassled for the same. During the study it was observed that victims who had reported about several cases of curator torture to me later withdrew their statements and stepped back from their versions of statements. The real dilemma is that these prisoners are even not aware of their rights to file complaint against the authorities, it was evident from the survey that only 41% of the prisoners have the knowledge and information regarding complaint against authorities whereas 36% of the prisoners didn't had any knowledge regarding the same and 23% were not aware of such rights and were unaware. Even it has been seen that sometimes the convicted prisoners are used by prison personnel's to wreak suffering and torture on other inmates and when such cases are acknowledged and brought in light than prison administration term it as 'custodial violence' and positions the blame on the prisoners and the entire responsibility is being shifted on the prisoners in such occurrence and happenings. The responsibility and accountability of such cases is never been taken by the prison administration. Another important concern that has been observed in this study is the gender insensitivity that is being observed in the prison systems. Mostly prisons that are designed for the victims are majorly designed keeping men prisoners in mind and women prisoners are not considered while their designs which create serious concerns for women prisoners. During the time of conflict in the prison cells situation becomes tense and is unfavorable for women prisoners and due to such designs of prisons women prisoners have to accommodate themselves in such prison cells whereas on the other hand International standards must be followed when female prisoners are to be kept in such cells. It is really crucial to follow International standards and be sensitive enough to knob women prisoners as women prisoners have particular needs and they must be considered while their detention is done. It is really important to address this issue as women prisoners are increasing across the state and their imprisonment and confinement, conduct and behavior in the dungeons, their discharge and release should be the issues of sheer substance and importance for the prison management [24]. The Prisons Act 1900 and International Conventions and Constitution of India defend the civil liberties, rights and autonomy of prisoners. The major understanding is that even if somebody has committed an offense or crime doesn't make him somebody's slave or bounded labor, he has to be given humanitarian treatment and his rights remain protected under the Constitution. It is also observed in the survey that only 50% of the prisoners have knowledge about human rights and 48% of the prisoners are unaware and unheard of the term human rights and have no clue regarding the same. The variables that are negatively correlated with the age of women prisoners in Uttarakhand are “Medical Check-up in the Prison by Female Dr.”, “Minimum Floor Space in the Cell”, “Status of Inhuman Treatment”, “Ventilation Facility”, “Sports activities in Prison”, “Cubic Content of Air”, “Quality of Drinking Water”, & “Cubic Content of Air”. On the other hand the variable which is positively correlated with the age of prisoners in Uttarakhand is “Light Facility in the Cell”. Another conclusion that could be drawn on the basis of Chi-square test is that there are no noteworthy actions and measures for infringement of human rights of women prisoners and their discharge [25,37]. Water is the basic requirement of any personage and the true-life that have been observed during the study allege that proper and clean water is the need of every individual and for performing every daily need chore you need clean water. For cooking, for maintaining hygiene, for drinking, for maintenance of cleanliness you need clean water resources as water is the basic necessity for any individual. Numerous health concerns can arise due to contaminated water and various issues can bother due to contaminated water. It was also observed in the survey that 69% of the prisoners mentioned that tank water was served to them in the prison premises whereas only 29% mentioned that filtered water is served in the prison premises. Therefore there are few strong recommendations on the basis of the observation and the study and these measures should be taken at the earliest:

- There should be proper provisions for filtered water in the prison premises as filtered water is the necessity and basic amenity for the prisoners.

- Prisoners should be given adequate water supply and purity of water should be the concern of prison management

The results of the interviews conducted at various prisons were heart trenching by coming to terms with the conditions and the environment in which the female inmates are being kept in. It is observed that only less number of women is liable for their needs being deserted. 81% of women inmates have confessed that they live with a male inmate and vis-à-vis 95% of them said that only male staff is appointed in their respective prison which draws safety concerns [26]. Both of these percentage points would reveal the dark side of the prisons, the compromising of safety and security of women prisoners in the state of Uttarakhand. In these situations, the status of women dispersed in small clusters is susceptible. During the interview process and after a significant time being sent with the women prisoners, an implicit relationship is formed which gave rise to trust. Only after achieving this trust, women began to confess on the violence and verbal abuse that they are subjected to both by the staff and other prisoners [27]. Some of the startling results out of the interview are given as follows:

- Majority of the women prisoners in Uttarakhand tend to face inequality along with their children. Cases of female criminality due to the over crowdedness and pathetic maintenance of the cells are increasing day by day. There is an imminent need to renovate and upgrade the current infrastructure facilities in the prisons in order to incline towards the recommendations suggested in Model Prison Manual 2016.

- There is no vocational, educational and daily routine activity designated to the women prisoners in any jail. With out any provisions for work allotment, most of the women prisoners spend their time sleeping and gossiping. The satisfaction level of the women prisoners is also at the lower bound of the normal range. Majority of the women are not satisfied with the treatment, infrastructure and improper daily routine. Hence, there persists nervousness, lack of confidence and annoyance among them.

- It is observed based on the data that 17% of the women prisoners are suffering with depression, and 9% with cardiac diseases. To our dismay, the doctor who takes regular visits to the jail suggests and gives only medicine for all diseases. Only in the extreme cases, a

women prisoner is taken out of the jail for treatment and medication. Those extreme cases are highly subjective and the women do not have enough rights to question the authorities on this.

- In all the jails that have been visited, it is found that there is no separate arrangement for pregnant women and breast feeding mother. Female wardens who are the guardians to protect the safety and security of these women prisoners tend to physically and mentally torture the inmates.
- The immunization facilities are obtainable for the mother to take care of their children. They are of sub-standard and are not usual and sufficient for childcare. Due to the improper facilities from infrastructure to nutritious food, it has been observed that 68% of the women prisoners don't accompany their kids.
- As discussed earlier about the improper vocational and educational facilities to the women prisoners, 25% of them confessed that the jails in Uttarakhand are devoid of nursery schooling, which is a statutory requirement to be fulfilled by the State and Central governments to make provisions to the children of the prisoners. 27% further reported that they're no pre-natal and neo-natal care for the kids and the women prisoners expect recreational facilities for their children.

6. Implications & Suggestions

A criminal should not be considered, as innate individual and proper measures have to be exercised in order to make him socialize and take them forwards towards the main stream. He/she is typically a victim of chance or circumstance. Being mindful of all these concerns, the following set of points are suggested to ameliorate the current status of women prisoners in Uttarakhand, India:

When a pregnant woman in her final trimester is sent to jail, the authorities are required to ensure the basic facilities such as recreation, nutrition to child, and health care are in place. If they are not available, tangible efforts are expected to be made [38]. The children must be provided with reasonable quantity and not compromising with quality in terms of baby food, milk, fruits, sweets and any other supplement recommended by the doctor. Special care has to be taken when the child falls ill and in the case of severe illness, the authorities should make special arrangements to the mother and baby until the normalcy.

The prisons in Uttarakhand should adopt a structured taxonomy, which encompasses medical, inmate social assessment and criminological concerns. These classifications help in employment, instruction, rehabilitation, guidance, specialized and segregated care of the inmates. Appointment of counselors by the government to regularly counsel the inmates would be a great psychological relief. The counselors should carry technical qualifications; rich and diverse amount of experience would be handy in treating multiple problems of women prisoners. Female social workers also could play a potential role in dealing with the problems of the inmates at their personal (family) level. Women prisoners with their children could be given the facility of planned crèches in the vicinity of the main prison building.

Recreational programs now and then could be arranged with the support of government and NGOs such as dance, songs, excursions, games so on and so forth. These activities would improve the overall wellbeing of the women prisoners and their children. The NGOs and other local organizations can follow the human approach in guiding the women prisoners to live with dignity by the process of rehabilitation. For instance, the childbirth arrangement could be made outside the prison in a more dignified and protective environment. One of the pivotal concerns realized through the study findings is about the over crowding prison cells with women and children in the Uttarakhand jails. Enough space should be created for their movement and lodging. Jail administrators and staff are to be trained to cope up with new challenges and always take measures to improve their safety and welfare.

NGOs operating in specialized areas may promote educational and employment oriented programs to strengthen their confidence and make them resilient and employable in the job market after the end of the jail term. Further, the local organizations could provide legal help by connecting them with the advocates who could possibly defend their cases with less or no consultation charges. Most of the women prisoners in Uttarakhand are observed to be devoid of access to financial resources to hire an advocate and as a result proven guilty, which changed the course of their life.

Part time vocational programs such as small scale production (manufacturing of paper cups), stitching, sewing which are happening in many prisons in India could be enriched and enhanced by pumping in more resources and by creating more partnerships in the Uttarakhand context.

Having grasped the essence of the prison conditions and a fair understanding of the established social provisions and statutes, the study can be concluded as follows: People especially women who are detained in the prisons in the state of Uttarakhand would retain all the rights as human beings expect those deprived as the consequences of crime established by law. It is the duty of the government, judiciary and the civil society to provide them the dignity of life during their prison term.

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