

# Women Prisoners in Punjab

## Abstract

Indian woman has been considered to be the foundation of the family and society. She is the creator of life, lives to nurtures, guards and strengthens it throughout her life. Women are different from men. Their needs and living style is also different. When we talked about women prisoners, they also need special attention. Even United Nation works for it and made rules for women prisoners like Bangkok Rules, 2011 and Nelson Mandela Rules 2015. In India there are several types of Manuals, Committees for Prisoners, and they also take special provisions for women prisoners. With the passage of time, the number of women prisoners have increased, thus the women jails have been established. But there are only 20 women jails in States/Union Territories of India. In Punjab, Women Jail, Ludhiana is the State's first jail exclusively for women prisoners.

**Keywords:** Women Prisoners, Acts, Committees, Resolutions, Jail, Convicted, Under-trial, Demographic.

## Introduction

A prisoner is required to be treated as a human being entitled to all the basic human rights, human dignity and human sympathy. A prison is a correctional facility meant to house individuals who break the law. The purpose of prisons is the reformation of inmates. Despite this, prison systems often hide violence and depravity behind their closed doors, which is detrimental to the reform of offenders. It is thus essential to recognize and fulfil the basic rights of prisoners to encourage their reformation. Imprisonment as a method of punishment has evolved over the centuries.

## Aim of the paper

Aim of this paper to provide the information about the women prisoner in India, Punjab and special attention on Women Jail, Ludhiana (Punjab). This paper examines the rights of the prisoner through constitutional and other statutory provision at both national and international level. The study examined the total number of women prisoners in Punjab with sanctioned and actual strength, convicted and under-trial. This paper dealt with the women jail Ludhiana including about officials and prisoners, prisoners living conditions and facilities.

## International and National provisions regarding prisoners

The United Nations General Assembly resolution on human rights in the administration of justice, adopted on 22<sup>nd</sup> December 2003 called for increased attention to be devoted to the issue of women in prison, including the children of women in prison, with a view to identifying the key problems and ways in which they can be addressed.

The United Nations General Assembly adopted the Bangkok Rules in 2011, which lay out rules for the treatment of women in prison and prescribe certain non-custodial measures for women offenders. The Standard Minimum Rules for the Treatment of Prisoners apply to all prisoners without discrimination; therefore, the specific needs and realities of all prisoners, including of women prisoners, should be taken into account in their application.

In 2015, the Nelson Mandela Rules were adopted by the UN General Assembly, which set out the international minimum standard for the treatment of prisoners including women. Women constitute a vulnerable group in prisons, due to their gender. Although there are considerable variations in their situation in different countries, the reasons for and intensity of their vulnerability and corresponding needs, a number of factors are common to most.

These include:

1. The challenges they face in accessing justice on an equal basis with men in many countries;
2. Their disproportionate victimization from sexual or physical abuse prior to imprisonment;



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3. A high level of mental health-care needs, often as a result of domestic violence and sexual abuse;
4. Their high level of drug or alcohol dependency;
5. The extreme distress imprisonment causes to women, which may lead to mental health problems or exacerbate existing mental disabilities;
6. Sexual abuse and violence against women in prison;
7. The high likelihood of having caring responsibilities for their children, families and others;
8. Gender-specific health-care needs that cannot adequately be met;
9. Post-release stigmatization, victimization and abandonment by their families.

#### Rule, Acts and Committees Related to Prisons in India

As per the State List provided in the Seventh Schedule of Indian Constitution, all issues related to prisons, reformatories, borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions come under the domain of State Governments. The rules of incarceration are determined by following laws:

1. Indian Penal Code, 1860
2. Prison Act, 1894
3. Prisoner's Act, 1900
4. Identification of Prisoner's Act, 1920
5. Exchange of Prisoner's Act, 1948
6. Transfer of Prisoner's Act, 1950
7. Prisoner (Attendance in Court) Act, 1955
8. Probation of Offenders Act, 1958
9. Code of Criminal Procedure, 1973
10. Repatriation of Prisoner's Act, 2003
11. Model Prison Manual, 2003
12. Model Prison Manual, 2016

From time to time, the Government of India had established various Committees, Commissions and Working Groups to study and suggest improvements in prison conditions and administration. Some of these include:

1. All India Jail Manual Committee, 1957
2. Working Group on Prisons, 1972
3. All India Prison Reforms Committee, 1980-83 (Mulla Committee)
4. All India Group on Prison Administration, Security and Discipline, 1986 (R. K. Kapoor Committee)
5. National Expert Committee on Women Prisoners, 1987 (Justice Krishna Iyer Committee)

Prison and its administration is a State Subject detailed in List II, Schedule VII of the Constitution of India. Prison establishments in different States/Union Territories comprise several tiers of jails – central jails, district jails, sub jails as well as women jails, borstal schools, open jails and special jails. In the past few decades, the prison population has increased drastically, creating a number of challenges such as security, health & hygiene, overcrowding etc.

#### Women Jails in India

Women jails are special Jails that exclusively confines only female prisoners & these Jails are

called as Women Jail. Women's jails may exist at the sub-divisional, district and central (zone/range) level. There were 20 Women's Jails across India with a total capacity of 5,197. Due to the limited capacity of Women's Jails, most female prisoners are housed at other types of jails. The following table shows the women jails in India.

**Table 3.1**  
**Women Jails in India**

Sr. No.	Name of States/Union Territories	No. of Jails
1.	Tamil Nadu	05
2.	Kerala	03
3.	Rajasthan	02
4.	Andhra Pradesh	01
5.	Bihar	01
6.	Gujarat	01
7.	Maharashtra	01
8.	Odisha	01
9.	<b>Punjab</b>	<b>01</b>
10.	Telangana	01
11.	Uttar Pradesh	01
12.	West Bengal	01
13.	Delhi	01
	<b>Total</b>	<b>20</b>

Source: "Prisons Statistics India", National Crimes Record Bureau, 2016.

Table 3.1 shows that women jails exist only in 13 States/UT. Tamil Nadu (5 jails) having highest Women Jail followed by Kerala (3 jails) and Rajasthan (2 jails). Andhra Pradesh, Bihar, Gujarat, Maharashtra, Odisha, Punjab, Telangana, Uttar Pradesh, West Bengal and Delhi have one women jail each.

#### Jails in Punjab

As per Prison Act 1894: "Prison" means any jail or place used permanently or temporarily under the general or special order of the state government for the detention of prisoners, and includes all lands and buildings appurtenant thereto. Jail is a place in which people are physically confined and usually deprived of a range of personal freedoms. The following table 3.2 shows the number of jails in Punjab:-

**Table 3.2**  
**Number of Jails in Punjab**

Sr. No.	Name of Prisons	No. of Prisons
1.	Central Jail	9
2.	District Jail	7
3.	Sub Jail	7
4.	Women Jail	1
5.	Borstal Jail	1
6.	Open Jail	1
	<b>Total Jails in Punjab</b>	<b>26</b>

Source: Head Office, Department of Jails, Punjab.

Table 3.2 reveals that the total numbers of jails in Punjab are 26. Only one women jail exists in Punjab. According to the number of women prisoners in Punjab, only one jail is not sufficient to accommodate large number of women prisoners.

**Women Prisoners in Jails of Punjab**

Taking up the region of Punjab, which is the focus of the present study, we find that all the jails located in the various parts of Punjab do not have provisions to keep women prisoners. Only the District and Central jails in Punjab, which is nine in number, have some provisions to keep women prisoners. There is one exclusive jail for women at Ludhiana, which houses only women prisoners. Once convicted, the women from all the other eight jails are supposed to be sent to this jail. However, a large number of under trails are also lodged here. So it is impossible to accommodate large number of women prisoners in Women Jail Ludhiana.

There are 734 women prisoners in the nine jails of Punjab. The sanctioned strength and provisions for keeping women prisoners in all the jails when taken together is 506. From the table no. 3.3 which is given below, it is apparent that the actual, present strength of the women inmates exceeds the sanctioned strength in all the jails.

**Women Inmates (Actual and Sanctioned Strength) in Jails of Punjab**

The following table 3.3 shows the total number of women Prisoners in Jails of Punjab: -

**Table No.3.3****Women Inmates in Jails of Punjab**

Sr. No.	Name of the Jails	Sanctioned Strength	Actual Strength of Women Inmates
1.	Central Jail, Amritsar	35	127
2.	Central Jail, Bathinda	08	41
3.	Central Jail, Ferozepur	36	60
4.	Central Jail, Gurdaspur	12	35
5.	District Jail, Hoshiarpur	12	42
6.	Central Jail, Jalandhar	25	69
7.	<b>Women Jail, Ludhiana</b>	<b>320</b>	<b>210</b>
8.	Central Jail, Patiala	18	64
9.	District Jail, Sangrur	40	86
	Total Number of Women Prisoners	506	734

Source: Head Office, Department of Jails, Punjab.

Table 3.3 shows that sanctioned strength of women inmates in Punjab jails are 506. But 734 is the actual strength of women inmates in Punjab jails. Only Women Jail Ludhiana has less number of actual inmates in comparison with sanctioned strength. In case of other jails there is a vast difference between the sanction and the actual number of inmates in Punjab.

**Women Inmates (Convicted and Under-Trial) in Jails of Punjab**

There are two types of prisoners in India - Convicts and Under-trials. When persons held guilty of a crime by Court and are serving their sentences of imprisonment in jail as a punishment for committing that crime. The convicts are actual prisoners in true sense of the term. They are required to work in Jail. Once the Court has pronounced them guilty and awarded them a sentence of imprisonment, the job of the Court is over and such persons (the convicts) are handed over to State or the government (indicted to the custody of the State).

Such prisoners can come out of Jail only after completing their sentences or for short periods in between by way of parole (parole is a concept similar to taking leave). It is the State or the Government that decides who will be given parole and time frame.

Under-trials mean the case or the trial by Court is still not over and no decision has been reached yet as to the person being guilty of crime or not. The accused person is kept in jail for the fear that if let free, he/she may interfere in judicial process by altering evidence or threatening the witnesses or simply put, his/her freedom is threat to society at large. Usually the persons accused of serious crimes are kept in custody even before they are held guilty. But since these persons are not convicted of crime yet, they are said to be kept in judicial custody for example, they are under the supervision of Court. They have better living conditions in Jail when compared to the convicts and they are not required to work in Jail. The concept of bail is only applicable to Under-trials, and not the convicts. The under-trials can come out of judicial custody (the jail) on bail if they satisfy the Court that they won't hinder judicial process in any way and a respected person of society is willing to stand as their surety. The following table 3.3 shows the women Inmates in Jails of Punjab:-

**Table No. 3.4****Women Inmates in Jail of Punjab**

Sr. No.	Jail	Convicts	Under-Trials	Total
1.	Amritsar	22	105	127
2.	Bathinda	4	37	41
3.	Sangrur	27	59	86
4.	Patiala	19	45	64
5.	Jalandhar	5	64	69
6.	Ferozepur	6	54	60
7.	Gurdaspur	4	31	35
8.	Hoshiarpur	8	34	42
9.	<b>Ludhiana</b>	<b>38</b>	<b>172</b>	<b>210</b>
	Grand Total	133	601	734

Source: Head Office, Department of Jails, Punjab.

Table no. 3.4 shows that there are 734 women prisoners in Punjab. Out of them 601 women prisoners are under trial and 133 women prisoners are convicted. The Large number of prisoners are in Ludhiana Jail followed by Amritsar Jail. Gurdaspur and Bathinda jails have least number of women prisoners.

**Children of Women Inmates in Jails of Punjab**

The Bangkok Rules 2011 defines in Rule no. 49, "Decisions to allow children to stay with their

mothers in prison shall be based on the best interests of the children. Children in prison with their mothers shall never be treated as prisoners". So, according to Bangkok Rules, there is a facility for women prisoners that they can live with their children. In Punjab Jails this facility is being provided for the children of women prisoners.

**Table No. 3.5**  
**Children of Women Inmates in Punjab**

Sr. No.	Jail	Boys	Girls	Total
1.	Amritsar	4	8	12
2.	Bathinda	2	0	2
3.	Sangrur	7	3	10
4.	Patiala	2	1	3
5.	Jalandhar	5	4	9
6.	Ferozepur	4	2	6
7.	Gurdaspur	1	1	2
8.	Hoshiarpur	2	5	7
9.	Ludhiana	5	3	08
	Grand Total	32	27	59

Source: Head Office, Department of Jails, Punjab.

Table no. 3.5 depicts that the total number of children of women inmates in Punjab Jails are 59. Out of them, 32 boys and 27 girls lived with their mothers. In Women Jail Ludhiana, 8 children (5 Boys and 3 Girls) are living with their mothers as on date 26<sup>th</sup> September, 2019.

#### **Women Jail Ludhiana**

Women Jail, Ludhiana is the State's first jail exclusively for women prisoners. This jail is being manned by all women staff from Superintendent to the Warder. In the past the jail had the facility to keep 200 prisoners and arrangements were made to provide facilities for various handicrafts training to women prisoners in the jail. The jail also has a nursery as female prisoners can keep their children upto the age of six years with them. The jail is given to the status of a district jail and became operational 1989. Till then women jail at Ludhiana formed a part of Central Jail, Ludhiana, and was manned by a lady Assistant Superintendent subject to the overall supervision and control of Superintendent, Central Jail Ludhiana. At present the facility has been upgraded to keep 320 Inmates in Women Jail Ludhiana.

#### **Jail Officials in Women Jail, Ludhiana**

Personnel constitute the life blood of an organization. It is a well recognized fact that personnel ought to be efficient as only well qualified and efficient personnel can make the administration efficient. Well thought out and well considered policies, plans and programmes fail to succeed, the best organizations based on sound principles break down if the available human material is not competent enough to manage the public affairs. Well planned organizational structures fail due to the inefficiency of the personnel who run these organizations. Thus the success or failure of an administrative organization in realizing its objects can be attributed to its personnel system. Late Mrs. Indra Gandhi had rightly remarked, "If Government has to do more for the people, its employees must play a more dynamic and more

creative role as the instrument for implementing government policies.

The prison officials should be given adequate training in correctional administration. Their general service conditions should be improved so that the prison service can attract best talent. The prison personnel shall be properly selected and adequately trained in various aspects, of institutional management, as well as in theories of correctional work. The following table 3.6 shows the official staff of Women Jail Ludhiana:-

**Table No. 3.6**  
**Official Staff of Women jail Ludhiana**

Sr. No.	Name of officials	Sanctioned posts	Actual Posts
1.	Superintendent	01	01
2.	Deputy Superintendent	01	01
3.	Assistant Superintendent	02	00
4.	Head Matron	09	07
5.	Matron	47	28
6.	Clerk	02	01
7.	Accountant	01	01
8.	Peon	03	02
9.	Sweeper	02	02
<b>Medical Staff</b>			
1.	Medical Officer	01	00
	<b>Total</b>	<b>69</b>	<b>43</b>

Source: Women Jail, Ludhiana

Information on the sanctioned as well as actual posted strength of the staff in jail has projected in table number 3.6. The sanctioned strength is not satisfactory as per the requirement of the Women Jail Ludhiana. In the hierarchy of Women Jail Ludhiana, Jail Superintendent is at the top level and the posts of Assistant Superintendent Jail and Medical Officer are still vacant. The sanctioned posts of Matron are 47 but only 28 have been filled.

#### **Barrack Infrastructure**

Female convicts shall ordinarily be transferred to the Women Jail Ludhiana, if under sentence for a term of four months or over. Female convicts convicted in the Ludhiana district, shall be committed, in the first instance, direct to the Women Jail Ludhiana. When the number of female convicts, confined in any jail is in excess of the accommodation available for such convicts in such jail, the number of such convicts in excess of such accommodation shall; without regard to the length of the term of the sentence to be undergone by them, respectively, ordinarily be transferred to the Women Jail Ludhiana.

At present there are seven barracks in the Women Jail Ludhiana. The average capacity of each barrack is between 50 to 75 prisoners. Number of inmates living per barrack is according to the size of the barrack. Each barrack has well maintained fans and light in adequate quantities. Inmates are responsible for the cleaning of the barrack which they do by turns. Disinfectant and phenyl is provided once in a week for the cleaning under tight security. Each inmate has his own set of bedding which is being provided by the Jail authorities. Sufficient quantities of blankets are provided during winter season. Every

inmate has been given his own set of utensils and bucket.

#### **Other Infrastructure**

There are offices of the jail officials. Jail also has a visitor's room for meeting of prisoners with their family and friends. Facility of kitchen and mess is also available. There is also a play ground for prisoners. Jail officials also conduct sports competitions of prisoners. Facility of Yoga classes also provided to the inmates.

#### **Children of Female Prisoners**

A child under the age of four years, the offspring of a female prisoner, shall, if it has not been weaned or if it has been weaned and no friend or relative can be found to take charge of it be admitted to jail with its mother. A child born in jail may be permitted to remain with his mother.

As soon as any child admitted or born in jail attains the age of four years or female prisoner dies leaving a child under that age, the superintendent shall communicate with magistrate of the district of which the mother is or was a resident, with a view to the child being handed over to the charge of a relative or friend or being placed in an orphan or being entrusted to some respectable person to be brought up at the expense of government, if necessary, until it attains an age to earn a livelihood. Any female prisoner may be allowed to retain her child with her until it is four or with the approval of the superintendent even upto six years of age if she so desires. Facility of child care centre (Crèche) is also available there. Education to the children of women prisoner is also provided upto first class. At present 8 children (5 Boys and 3 Girls) of women inmates are living with their mothers in Women Jail Ludhiana.

#### **Food**

Subject to the provisions of section 31 of the Prisoners Act, 1894, and the rules made there under, as to civil prisoners and unconvicted criminal prisoners, who are permitted to maintain themselves, no criminal or civil prisoner shall at any time receive or possess, or be permitted to receive, consume or possess, any article of food or drink not provided for or supplied to him in the manner hereinafter in these rules provided in that behalf. The food of Indian prisoners other than those sick in hospital shall ordinarily be issued in three meals. Prisoners are given meals keeping in mind the minimum amount of calories required per day which is 2320-2730 kcal per day for male while 1900-2830 kcal per day for females. Reverse Osmosis water facility is also available in the jail. There is a canteen facility for the prisoners which have various types of basic products for the inmates consumption.

#### **Communication**

Prisoners can communicate to their friends and family through jail P.C.O. and meetings in jail. Phone call is allowed twice in a week for 5 minutes. Inmates have to register numbers with the jail authorities to which they wish to make a call. There is no facility for video calling.

#### **Wage Earning Programmes for Prisoners**

Women Jail Ludhiana provides number of avenues for wage earning. There is a small factory inside the jail premises for stitching and weaving. Other than this the women prisoners can earn through cooking and gardening.

#### **Educational Programmes**

Prisoners in Women Jail Ludhiana can continue their studies and appear for board exams as well as complete their graduation from various fields from Indira Gandhi National Open University (IGNOU), New Delhi. There is also an examination centre of Indira Gandhi National Open University for conducting the exams of women prisoners. Jail officials also organized motivational lectures for the prisoners.

#### **Medical Aid**

Although it is mandatory to have a Medical Officer for each prison, but in Women Jail Ludhiana this post has been lying vacant for a long time. There is no regular doctor in the prison. There are frequent visits of doctors from the nearby hospital so that the inmates can consult. In case of emergency the inmates are taken to Civil Hospital Ludhiana for treatment.

#### **Conclusion**

There is vast difference in sanctioned and actual strength of women prisoners. Strength of Official staff of Women Jail Ludhiana is not Satisfactory, but some posts are still vacant. Most important is that the post of Medical Officer is vacant. Lack of Medical Officer has created a vacuum in the health center in the jail. Every time inmates have some health issues, the jail staff has to take the women prisoner to the hospital. So the usage of Police vehicle and Police manpower is being used for unnecessary reasons. The cost input also increases. It is evident from my study that the women prisoners are being given facilities as per the Punjab Jails Manual. It is suggested that more women jails should be constructed and made operational due to demographic reasons.

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