

# Challenges Faced by Female Inmates and the Effects of Inadequate Women's Prisons

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## **Abstract:**

Women's correctional facilities are integral to the criminal justice system, creating supportive environments that cater to the unique circumstances of female offenders. These specialized institutions prioritize safety and security, minimizing the risks of violence and exploitation commonly found in mixed-gender or male-dominated facilities. The presence of a predominantly female staff fosters a compassionate atmosphere, enhancing the effectiveness of rehabilitation efforts.

Rehabilitation programs in women's prisons are specifically designed to address trauma, domestic abuse, and the challenges of motherhood. They offer vital services such as counselling, psychological support, and educational opportunities tailored to the realities of female inmates. This comprehensive approach not only facilitates successful reintegration into society but also underscores the potential for transformative change among incarcerated women. However, many still face significant challenges, including the struggle for basic rights and access to hygiene and clean water, indicating a pressing need for systemic reform.

**Keywords:** Women's Prisons, Rehabilitation, Vulnerabilities, Gender-responsive, Occupancy Rate.

## **1. Introduction:**

Women's prisons are specialized facilities that exclusively house female inmates, commonly referred to as women jails. These facilities can be found at the sub-divisional, district, and central (zone/range) levels. Female inmates should not be housed in the same spaces as male inmates, which underscores the importance of separate correctional facilities, such as Women's Jails, that offer distinct benefits. Supporting female prisoners adequately is crucial, as they are more likely to experience sexual and physical abuse than their male counterparts. By isolating female inmates, authorities can mitigate these risks and foster a safer environment conducive to rehabilitation.

While keeping women's facilities on the same grounds as men's can provide some advantages, fully specialized detention centres for women could better address their unique needs. This approach would allow for tailored health care, education, and social support, leading to comprehensive, culturally sensitive programs that recognize the specific issues faced by female offenders. Ultimately, Women's Jails contribute to a more humane incarceration system by respecting gender differences, enhancing rehabilitation efforts, and reducing recidivism, thereby advancing a fairer penal system that prioritizes the specific needs of women offenders.

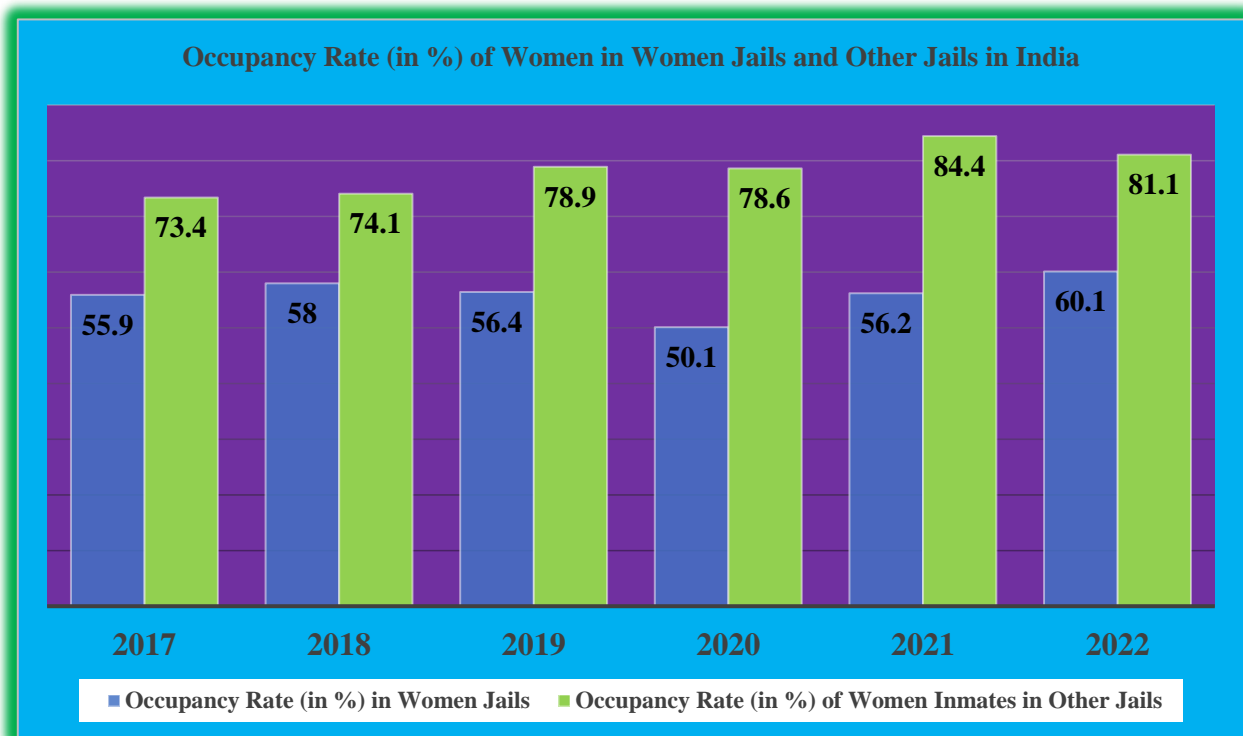
## **2. Evolution of Women's Prisons:**

The evolution of women's prisons has mirrored the changing perceptions of society regarding female

offenders. In ancient societies, women who committed crimes often faced informal justice systems rooted in their communities. As legal frameworks evolved, female offenders began to be incarcerated alongside their male counterparts. It wasn't until the 19th century that influential reformers like Elizabeth Fry and Dorothea Dix advocated for the establishment of separate prisons for women. This development was significant, as it acknowledged the unique needs of female inmates and aimed to create facilities and programs tailored to them.

The late 19th and early 20th centuries saw a growing focus on rehabilitation and education within women's prisons, with vocational training and educational initiatives designed to help these individuals reintegrate into society. However, by the mid-20th century, the emphasis shifted toward punitive measures and mass incarceration, impacting both genders, leading to issues like overcrowding and poor conditions in women's facilities. In the 21st century, there has been a resurgence of gender-responsive criminal justice approaches. This includes an emphasis on addressing the particular needs of women in prison, such as trauma-informed care and mental health support, along with a heightened awareness of the importance of re-entry programs and alternatives to incarceration for non-violent offences. These shifts aim to disrupt the cycle of recidivism and foster a more rehabilitative and equitable perspective on women's incarceration, reflecting broader changes in society's views on crime, punishment, and gender roles within the justice system.

### 3. Occupancy Rate (in %) of Women in Jails:



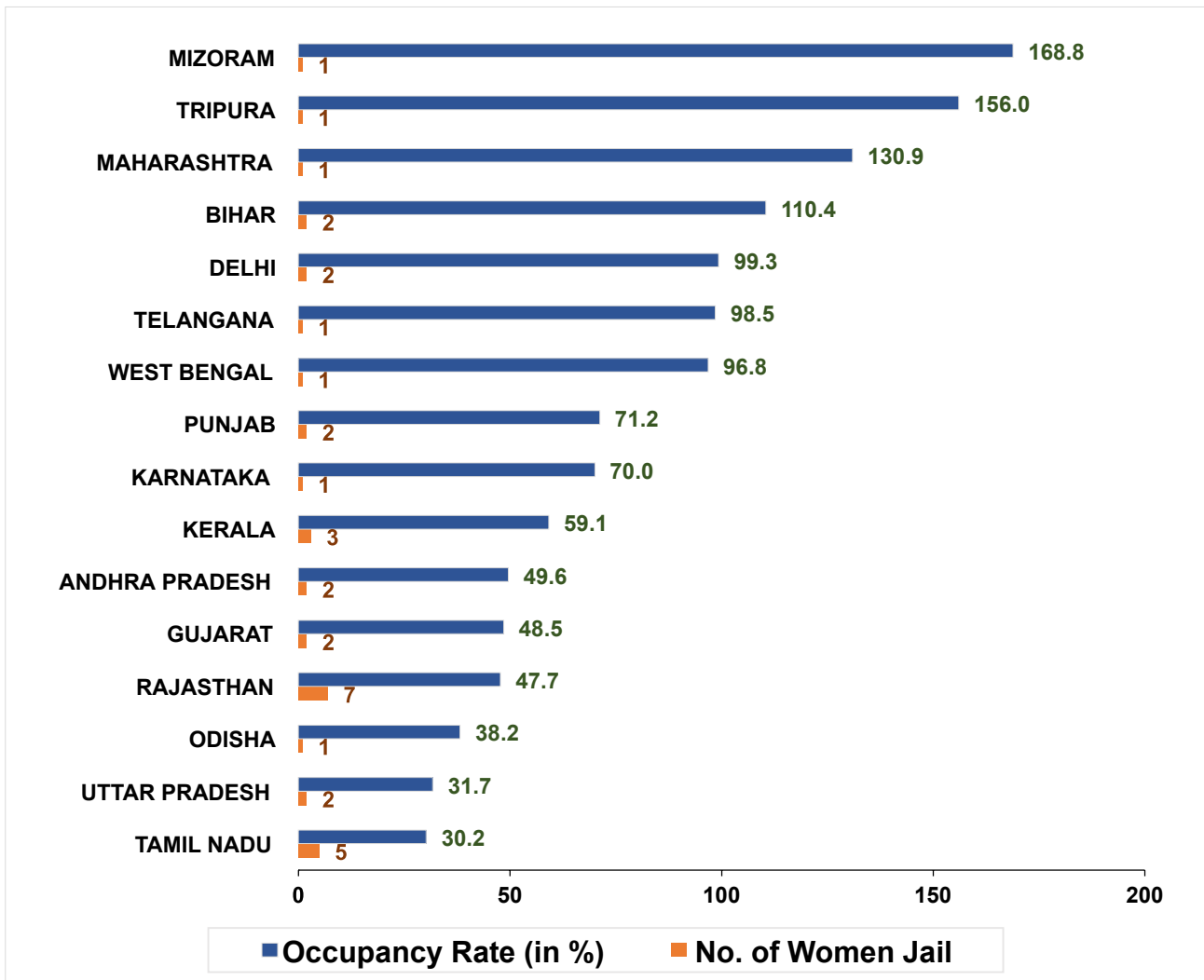
(Source: Data on Police Organizations, BPR&D as on January 01, 2022, New Delhi)

The chart above illustrates the occupancy rates of women in both women's prisons and general jails in India from 2017 to 2022. It focuses on two main statistics: the occupancy rate in women-only facilities and the rate of female inmates in general facilities. Over the years from 2017 to 2022, the occupancy rate in women's prisons varied, experiencing a notable decline in 2020 at 50.1%, followed by a gradual increase, culminating in a peak of 60.1% in 2022. This trend indicates that women-specific prisons have

encountered fluctuating capacity levels over the years, with a steadier growth observed in the latter part of this period.

On the other hand, the occupancy rate of women in general jails consistently exceeded that of women-specific prisons throughout the six-year span, reaching over 80% in several years, including a high of 84.4% in 2021. This gap suggests that a significant number of female inmates are accommodated in general facilities rather than in women’s prisons. The persistently elevated occupancy rates in general jails compared to women’s jails could indicate an imbalance in resource distribution or a tendency to house women in general jails due to infrastructural constraints within women’s facilities.

#### 4. National Scenario:



(Source: Data on Police Organizations, BPR&D as on January 01, 2022, New Delhi)

Currently, women jails specifically for female prisoners are operational in only 16 states and union territories. As of December 31, 2022, the country had a total of 34 women jails, accommodating 4,240 female inmates, which represents 17.8% of the national total of 23,772 female inmates. Additionally, 20 states and union territories do not have any separate women jails.

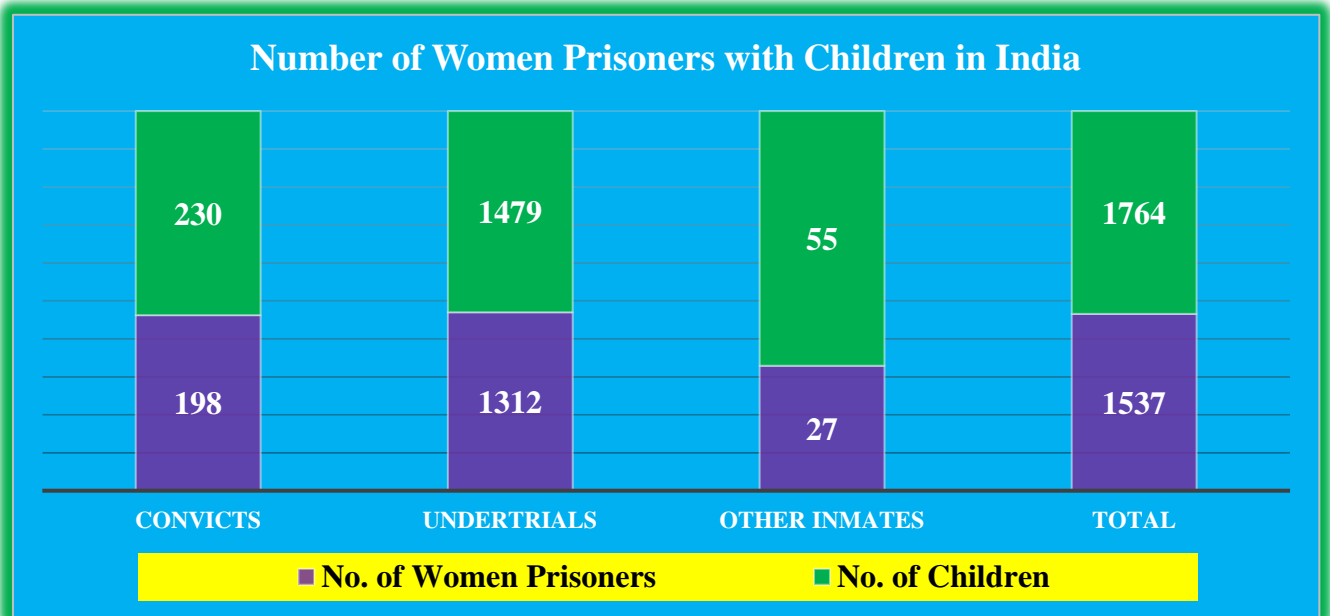
Rajasthan has the highest number of women jails, totalling 7, though the occupancy rate of women in these facilities is at 47.7%. Tamil Nadu follows with 5 women jails, while Kerala has 3. Other states, including Andhra Pradesh, Bihar, Gujarat, Punjab, Uttar Pradesh, and Delhi, each have 2 women jails.

Mizoram reported the highest level of overcrowding in women jails at 168.8%, with Tripura at 156.0%, Maharashtra at 130.9%, and Bihar at 110.4%.

As of December 31, 2022, a total of 4,258 inmates were housed in the country’s 34 women jails, including 4,240 females and 18 transgender individuals, against a total capacity of 7,080 inmates (7,071 females and 9 transgender prisoners). The highest number of inmates was in Delhi, with 675, followed by Tamil Nadu with 610, Rajasthan with 476, and Punjab with 433. The national occupancy rate for women jails stood at 60.1%, with Mizoram again reporting the highest level of overcrowding, followed by Tripura, Maharashtra, and Bihar. However, levels of overcrowding can vary from day to day and from one facility to another.

**5. Women Prisoners with Children:**

The Model Prison Manual 2016, published by the Ministry of Home Affairs (MHA), states that children under six years old may be admitted to prison with their mothers, provided no alternative arrangements exist; however, no child is to remain in prison beyond the age of six. While the protection of children born to or living with incarcerated mothers is recognized globally, it often lacks urgent attention due to its obscurity and the absence of immediate social crises demanding action. These children, whose mothers are imprisoned, face unique challenges and emotional burdens that can leave lasting effects on their lives. They may experience abuse, neglect, exploitation, and various forms of violence, highlighting the pressing need for a nurturing environment that secures their physical and mental development. Unfortunately, many correctional facilities in the country are mired in inadequate conditions, including overcrowding, insufficient resources, and poor healthcare, which exacerbate the challenges faced by these vulnerable children. Therefore, there is a crucial need for societal and national commitment to uphold and protect the rights of children living in such distressing environments.



(Source: Data on Police Organizations, BPR&D as on January 01, 2022, New Delhi)

As of December 31, 2022, there were 1,537 women prisoners with a total of 1,764 children. This included 1,312 undertrial prisoners with 1,479 children, and 198 convicted prisoners with 230 children. Uttar Pradesh had the highest number of women with children (325 women and 365 children), followed by

Bihar (300 women and 331 children) and West Bengal (160 women and 213 children). Only 10 states and union territories reported no women inmates with children.

Children born in prisons or living with their mothers often face consequences for crimes they did not commit. Their births must be registered without revealing their prison environment. While children can stay with their incarcerated parents until age six, plans for their transition to family or shelter homes should be made as needed. It is essential that these children receive appropriate clothing, nutritious food, vaccinations suitable for their age and climate, as well as access to education and recreation. Crèches or nursery schools overseen by female staff should be established for children while their mothers are in prison. Adequate medical and mental health care must be available, and after separation at age six, regular visits should be facilitated to maintain family connections.

## **6. Drawbacks of not having Women Jails:**

Women in co-ed prisons face significant issues related to safety, security, and their overall welfare. The coexistence of male and female inmates heightens the risk of gender-based violence, harassment, and sexual assault, making shared living spaces potentially hazardous to women's physical and emotional well-being. Additionally, the presence of male inmates can hinder female offenders' rehabilitation, particularly when programs address sensitive topics like trauma or addiction, as women may feel intimidated.

Mixed-gender prisons also complicate pregnancy and maternity care, making it challenging to provide adequate prenatal and postnatal services and childcare facilities. A sound criminal justice system should aim to create the best conditions for rehabilitation, but co-ed environments often compromise the dignity, privacy, and special needs of female prisoners. A concerning incident at Dum Dum Central Jail in West Bengal highlighted these risks, where a prison riot allowed male inmates access to the female enclosure, leading to the molestation of women prisoners and creating further trauma for them and any children present.

## **7. Need for Separate Women Jails:**

As of December 31, 2022, India had 34 women's jails distributed across 16 States/UTs, with a combined capacity of 7,080 inmates. The States/UTs with women's jails and their respective capacities are: Rajasthan (7 jails, 998 capacity), Tamil Nadu (5 jails, 2018 capacity), Kerala (3 jails, 232 capacity), Andhra Pradesh (2 jails, 280 capacity), Bihar (2 jails, 202 capacity), Gujarat (2 jails, 410 capacity), Punjab (2 jails, 608 capacity), Uttar Pradesh (2 jails, 540 capacity), Delhi (2 jails, 680 capacity), Karnataka (1 jail, 100 capacity), Maharashtra (1 jail, 262 capacity), Mizoram (1 jail, 96 capacity), Odisha (1 jail, 55 capacity), Telangana (1 jail, 260 capacity), Tripura (1 jail, 25 capacity), and West Bengal (1 jail, 314 capacity). The remaining 20 States/UTs lack separate women's jails.

The actual female inmate population in these women's jails was 4,258, resulting in an occupancy rate of 60.1%, which included 18 transgender inmates. In other types of jails, women made up 19,532 prisoners out of a capacity for 24,077, achieving an occupancy rate of 81.1%.

Uttarakhand had the highest female occupancy rate at 166.5%, followed by Bihar at 146.8% and Uttar Pradesh at 128.2%. Uttar Pradesh also had the highest number of female prisoners at 4,809, followed by Bihar with 2,938 and Madhya Pradesh with 1,911.

There is a pressing need for more specialized women's jails rather than housing female inmates in separate sections of male jails. Women face unique vulnerabilities and challenges in the criminal justice process, necessitating dedicated facilities that prioritize their safety and rehabilitation. These jails can offer targeted

programs addressing the root causes of female offending, including tailored health and mental health services. Establishing women's prisons acknowledges the distinct social and familial issues women face, such as motherhood and reintegration into society. Ultimately, increasing the number of women's prisons fosters a more equitable and compassionate criminal justice system that meets the specific needs of women inmates.

**8. Capacity, Inmates Population and Occupancy Rate of Women Jails as on 31<sup>st</sup> December, 2022:**

SL. No.	State/UT	Number of Women Jails	Total Capacity of Inmates			Inmate Population			Occupancy Rate (in %)		
			F	Tr.	Total	F	Tr.	Total	F	Tr.	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1	ANDHRA PRADESH	2	280	0	280	139	0	139	49.6	-	49.6
2	ARUNACHAL PRADESH	0	0	0	0	0	0	0	-	-	-
3	ASSAM	0	0	0	0	0	0	0	-	-	-
4	BIHAR	2	202	0	202	222	1	223	109.9	-	110.4
5	CHHATTISGARH	0	0	0	0	0	0	0	-	-	-
6	GOA	0	0	0	0	0	0	0	-	-	-
7	GUJARAT	2	410	0	410	199	0	199	48.5	-	48.5
8	HARYANA	0	0	0	0	0	0	0	-	-	-
9	HIMACHAL PRADESH	0	0	0	0	0	0	0	-	-	-
10	JHARKHAND	0	0	0	0	0	0	0	-	-	-
11	KARNATAKA	1	100	0	100	70	0	70	70.0	-	70.0
12	KERALA	3	232	0	232	137	0	137	59.1	-	59.1
13	MADHYA PRADESH	0	0	0	0	0	0	0	-	-	-
14	MAHARASHTRA	1	262	0	262	343	0	343	130.9	-	130.9
15	MANIPUR	0	0	0	0	0	0	0	-	-	-
16	MEGHALAYA	0	0	0	0	0	0	0	-	-	-
17	MIZORAM	1	96	0	96	162	0	162	168.8	-	168.8
18	NAGALAND	0	0	0	0	0	0	0	-	-	-
19	ODISHA	1	55	0	55	21	0	21	38.2	-	38.2
20	PUNJAB	2	608	0	608	433	0	433	71.2	-	71.2
21	RAJASTHAN	7	998	0	998	475	1	476	47.6	-	47.7
22	SIKKIM	0	0	0	0	0	0	0	-	-	-
23	TAMIL NADU	5	2018	0	2018	608	2	610	30.1	-	30.2
24	TELANGANA	1	251	9	260	247	9	256	98.4	100.0	98.5
25	TRIPURA	1	25	0	25	39	0	39	156.0	-	156.0

26	UTTAR PRADESH	2	540	0	540	171	0	171	31.7	-	31.7
27	UTTARAKHAND	0	0	0	0	0	0	0	-	-	-
28	WEST BENGAL	1	314	0	314	304	0	304	96.8	-	96.8
	<b>TOTAL (STATES)</b>	<b>32</b>	<b>6391</b>	<b>9</b>	<b>6400</b>	<b>3570</b>	<b>13</b>	<b>3583</b>	<b>55.9</b>	<b>144.4</b>	<b>56.0</b>
29	A & N ISLANDS	0	0	0	0	0	0	0	-	-	-
30	CHANDIGARH	0	0	0	0	0	0	0	-	-	-
31	DNH & DAMAN DIU	0	0	0	0	0	0	0	-	-	-
32	DELHI	2	680	0	680	670	5	675	98.5	-	99.3
33	JAMMU & KASHMIR	0	0	0	0	0	0	0	-	-	-
34	LADAKH	0	0	0	0	0	0	0	-	-	-
35	LAKSHADWEEP	0	0	0	0	0	0	0	-	-	-
36	PUDUCHERRY	0	0	0	0	0	0	0	-	-	-
	<b>TOTAL (UTs)</b>	<b>2</b>	<b>680</b>	<b>0</b>	<b>680</b>	<b>670</b>	<b>5</b>	<b>675</b>	<b>98.5</b>	<b>-</b>	<b>99.3</b>
	<b>TOTAL (ALL-INDIA)</b>	<b>34</b>	<b>7071</b>	<b>9</b>	<b>7080</b>	<b>4240</b>	<b>18</b>	<b>4258</b>	<b>60.0</b>	<b>200.0</b>	<b>60.1</b>

(Source: Data on Police Organizations, BPR&D as on January 01, 2022, New Delhi)

Within women prisons pertaining to various states and union territories of India, there are notable disparities in occupancy rates. Mizoram has the most acute problem, with occupancy at 168.8%, followed by Tripura at 156%, and then Maharashtra at 130.9%. On the other hand, Tamil Nadu (30.2%) and Odisha (38.2%) are under capacity. This wide disparity is an indicator of resource imbalances in terms of facility distribution and management. Interesting to note is that even though large-capacity states like Uttar Pradesh stand at 116.8, the figures at 31.7 for these two big states are remarkably low. This reflects a National total occupancy rate of 60.1%, which shows a moderate overall usage with localized extremes either way: some are overcrowded while others are underutilized.

### 9. Prison Budget:

In 2022-23 the Budget Estimate (BE) for all prisons in India was Rs. 8725.0 Crore, whereas the Actual Expenditure (AE) was Rs. 7781.9 Crore, this constituted 89.2 percent of BE for FY 2022-23.

In FY 2022-23, inmates were spent upon as much as Rs. 2528.45 Crore which is nearly 32.5% of the total expenditure for all prisons during the year.

52.5% i.e., Rs. 1326.41 Crore of the total prison budget was expended on inmate diets, 5.30% or Rs. 134.98 Crore on Medical matters (Health of inmates), 1.5% or Rs. 38.41 Crore on Clothing, 0.8% or Rs. 21.14 Crore on Welfare activities and 0.4% or Rs. 9.91 Crore on Vocational/Educational training during the Financial Year 2022-23. No. 5023003/2023-Rectt.

Among major states/UTs, Haryana and Mizoram spent the highest share of expenditure on the inmates, amounting to 100.0 percent of the share (Rs. 406.6 Crore) and 100.0 percent of the small share (Rs. 0.3 Crore) respectively. Andhra Pradesh and DNH & Daman Diu have spent the second and third highest share of total expenditure on inmates during "Financial Year 2022-23" respectively, overall 98.5 percent (Rs. 194.17 Crore) and 86.5 percent (Rs. 1.37 Crore).

### **10. Challenges Faced by Women Prisoners:**

Women prisoners face numerous challenges that render them particularly vulnerable in correctional systems worldwide. Despite regional differences, common issues such as unequal access to justice compared to male inmates and the trauma from their roles as drug couriers contribute to their struggles. Pregnant women in prison often experience precarious conditions, and many have histories of sexual or physical abuse, perpetuating a cycle of victimization. Inadequate physical and mental healthcare exacerbates their difficulties, and high rates of substance dependence reveal the complexity of their situations.

Imprisonment can cause significant emotional trauma, leading to mental health issues and worsening pre-existing conditions. Many women also bear the burden of caring for children and siblings, complicating reintegration post-release due to unmet gender-specific healthcare needs.

The separation from spouses, partners, and children intensifies their psychological distress, along with the fear of re-exploitation by drug lords upon release. Post-release challenges - including stigma, victimization, abandonment, and insufficient rehabilitation services - are compounded by economic constraints, limiting access to quality legal representation. Poor vocational and educational opportunities in unsafe prison environments hinder successful reintegration into society.

While some male inmates may face similar issues, the unique challenges faced by women necessitate targeted interventions during and after incarceration. The prevalence of prior victimization exacerbates mental health complications, making prison adaptation more difficult. Moreover, inadequate healthcare during childbirth, high levels of addiction, and a lack of gender-specific programs impede successful reintegration.

Addressing these challenges requires the implementation of gender-sensitive policies and programs tailored to the unique needs of women within the criminal justice system.

### **11. Solutions to Challenges faced by Women in Jails:**

Addressing the diverse challenges faced by female prisoners requires a comprehensive and compassionate approach. First, reforms within the criminal justice system are essential to ensure equitable access to quality justice for women. This includes developing policies that rectify existing inequalities, ensuring fair access to legal representation, and protecting women during court proceedings. It is also important to implement programs that prevent and address sexual and physical abuse in prisons, creating a safe environment for female inmates.

Second, it is vital to confront the underlying issues contributing to women's vulnerabilities in prison. This calls for the establishment of adequate mental health and addiction treatment services tailored to address the specific needs of women, particularly during pregnancy. Initiatives must also focus on breaking the cycle of victimization through trauma-informed care and therapy.

Lastly, a holistic and rehabilitative approach is crucial for preparing women for successful reintegration into society after their sentences. This includes vocational training and educational programs within correctional facilities to equip female prisoners with job skills and knowledge for future employment. Additionally, community support initiatives that facilitate reintegration and combat the stigma associated with incarceration can help create a more just, compassionate, and female-focused criminal justice system. These goals can be largely accomplished by expanding the number of women's prisons and eliminating the practice of housing female inmates in male facilities.



## 12. Conclusion:

Women prisoners, who are especially vulnerable, require dedicated housing and care by female staff. During their admission, it is essential for female doctors to conduct thorough medical examinations and for female staff to carry out searches, with a strong focus on gynecological assessments and comprehensive prenatal and postnatal care for pregnant inmates, including a suitable diet. Privacy for personal hygiene is crucial for their health in prison environments. The establishment of dedicated women's prisons is necessary, as many are currently housed in male facilities. Addressing mental health issues is critical, and providing free legal aid is a fundamental right for incarcerated women. Additionally, access to regular entertainment, including television and cultural programs, along with arrangements for frequent communication with family and children through phone calls and video conferencing, is vital for maintaining family bonds. Women prisoners, often traumatized and stressed, are at a higher risk of health issues, necessitating sensitive handling of pregnant and nursing inmates by prison staff. In West Bengal, there is only one women's correctional facility in Kolkata, housing about 1,818 female prisoners, highlighting the urgent need for expanding women's correctional homes with adequate medical and psychological support facilities.

## References:

1. Blitz, C. L., Wolff, N., & Shi, J. (2008). The impact of mental health issues on physical victimization in prisons. *International Journal of Law and Psychiatry*, 31(5), 385-393.
2. Covington, S. S. (2003). The journey home for women: Obstacles faced by female offenders and their children. *The Prison Journal*, 83(2), 150-166.
3. Daly, K. (1994). *The intersection of gender, crime, and punishment*. Yale University Press.
4. Hannah-Moffat, K. (2001). *Concealed punishment: The governance of federal imprisonment for women in Canada*. University of Toronto Press.
5. Kilty, J. M. (2014). 'It seems they don't want you to improve': Psychological control of women within correctional institutions. *Feminism & Psychology*, 24(2), 205-225.
6. Malloch, M. S., & McIvor, G. (2013). Women, substance abuse, and community interventions: A review of current evidence. *International Journal of Drug Policy*, 24(2), e1-e3.
7. McCorkel, J. A. (2013). *The experiences of women: Gender, race, and the evolving politics of imprisonment*. NYU Press.
8. Ministry of Home Affairs (MHA), Government of India. (2016). *Guidelines for Prison Management and Administration in India*. Bureau of Police Research and Development.
9. Sudbury, J. (2005). *A global perspective on confinement: Race, gender, and the prison-industrial complex*. Routledge.
10. Watterson, K. (1996). *Female incarceration: Life within the concrete womb*. Northeastern University Press.
11. Joshi, S. (September 21, 2022). The conditions faced by women's prisons in India: Inadequate or entirely lacking space. *The Statesman*. Available at <https://www.thestatesman.com>
12. National Institute of Justice. (n.d.). *Tackling trauma in women's prisons*. U.S. Department of Justice. Accessible at <https://nij.ojp.gov/topics/articles/addressing-trauma-womens-prisons>
13. Saraswat, A. (July 14, 2020). *Open jails for women: An examination of underlying discrimination*. Criminal Law Studies Blog. Available at <https://criminallawstudiesnluj.wordpress.com/2020/07/14/open-jails-for-women-the-disguised->

discrimination/

14. Tamil Nadu Prison Department. (December 29, 2023). Historical Overview. Available at <https://prisons.tn.gov.in/history.htm>
15. Bureau of Police Research and Development. (2022). Data on police organization as of January 1, 2022. Ministry of Home Affairs, Government of India.