

## **Preface**

An overlooked aspect under the umbrella of the status of women has been of those who have been put behind bars as convicts or under-trials. Interestingly this facet of the social scenario has not garnered enough attention of the system for an unknown period of time.

The State Commission for Women of Odisha as part of its mandate, conducts visits to jails and sub jails on a regular basis to assess the living conditions of women inmates. These visits threw light on certain aspects of vulnerability of the women inmates which stimulated the need to conduct a research on the specific subject. Subsequently a detailed study was carried out by the State Resource Centre for Women (SRCW) in collaboration with the Commission. It a matter of great pleasure that the efforts have materialised and the report has been successfully published.

The study has revealed a number of ground realities on the status of women inmates (both convicts and under trials) and the surroundings that they dwell in. The research has identified the drawbacks which need to be worked upon for the holistic improvement of the women inmates in prison, as well as, after their release. This also presses on the need for coordination among the various administrative departments and women's organisations to work together in unison.

I hope that the recommendations of the report will be a mile stone and its benefits can be used by all stake holders. On behalf of the Commission, I am thankful to State Resource Centre for Women (SRCW) which has done a commendable job at conducting the research on the Status of Women Inmates in Jails.

**Dr Lopamudra Baxipatra**  
Chairperson  
State Commission for Women  
Odisha

## **Acknowledgements**

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On behalf of the Research team  
Dr Amrita Patel  
Project Advisor  
State Resource Center for Women

## **Contents**

<b>CHAPTER 1: INTRODUCTION</b>	<b>01</b>
Back ground	
Review of literature	
<b>CHAPTER 2 : STUDY BACK GROUND</b>	<b>08</b>
Objectives of study	
Methodology	
Limitation of study	
Study area	
<b>CHAPTER 3 : STUDY FINDINGS</b>	<b>12</b>
International obligations and guidelines	
Indian framework	
Jail infrastructure and capacity in India	
Jails in Odisha	
Welfare, supportive and protective structures and mechanisms	
Legal rights and aid	
Responses from women inmates	
Responses from Key informants	
<b>CHAPTER 4 : CONCLUSION</b>	<b>50</b>
Summary of findings	
Recommendations	

**Figure 1 : Health needs of women in prisons**

- Box 1 : Women in prisons in colonial times**
- Box 2 : Prison welfare fund utilization**
- Box 3 : Crèches and nursery schools for prisoners' and prison officials' children**
- Box 4 : Open prison for women**
- Box 5 : Mental Health and Care of Women and Children in Prison in Andhra Pradesh**
- Box 6 : Women inmate with mental illness**
- Box 7 : MAMATA coverage for women in prisons**
- Box 8 : Extra provisions for pregnant women prisoners**
- Box 9 : Daily schedule**
- Box 10 : Narratives of women inmates**

- Table 1 : Framework of study**
- Table 2 : Jails under the study**
- Table 3 : Jails in India, 2013**
- Table 4 : Capacity of Jails in India, 2013**
- Table 5 : Jail inmates in India, 2013**
- Table 6: Year wise number of jails in Odisha (category wise)**
- Table 7 : Year wise inmates in the various categories of jails in Odisha**
- Table 8 : Inmate status in the state of Odisha, 2013**
- Table 9 : Inmate status of the various jails (location wise) in the state of Odisha, 2013**
- Table 10: Provision for children of women inmates**
- Table 11 : Jails covered under the study (capacity and present strength of women inmates)**
- Table 12 : Status of women and children in the 11 jails**
- Table 13 : Category of women inmates in the jails under study**
- Table 14 : Age profile of the women inmates**
- Table 15 : Social profile of the women inmates**

Table 16 : **Marital status**

Table 17 : **Educational status**

Table 18: **Occupation profile before imprisonment**

Table 19 : **Annual income**

Table 20 : **Assets of women inmates**

Table 21 : **Social security benefits availed prior to imprisonment**

Table 22 : **Offences of the women inmates**

Table 23: **Women in prisons : 8 -22 years & >60 years and UTP for 12 months and more**

Table 24: **Accomplice**

Table 25 : **Women inmates suffering from ailment presently**

Table 26 : **Provided with any skill building training**

Table 27 : **Legal service provider**

Table 28 : **Status of case**

**ANNEX 1 :** **Odisha jail Prisoners Welfare Fund Rules, 2012**

**ANNEX 2 :** **Questionnaire**

**ANNEX 3 :** **Key informant interview guideline**

**ANNEX 4 :** **List of key informants**

**ANNEX 5 :** **Feedback /Suggestions/ Recommendations discussed in the workshop**

**ANNEX 6 :** **List of participants in feedback workshop**

**ANNEX 7 :** **Daily diet per prisoner**

**RESEARCH TEAM**

*Dr Amrita Patel*

*Ms Namita Palo*

*Dr Priyadarshini Sahu*

*Ms Anusuya Rout*

*Ms Uttaranu Chowdhury*

# CHAPTER 1: INTRODUCTION

## Back ground

Prison is a State subject under List-II of the Seventh Schedule to the Constitution of India. The management and administration of Prisons falls exclusively in the domain of the State Governments and is governed by the Prisons Act, 1894 and the Prison Manuals of the respective State Governments. Thus, the States have the primary role, responsibility and authority to change the prison laws, rules and regulations. And the Central government provides assistance to the States to improve security in prisons, repair and renovation of old prisons, medical facilities, development of borstal schools, facilities to women offenders, vocational training, modernization of prison industries, training to prison personnel, and for the creation of high security enclosure<sup>1</sup>.

The Supreme Court of India has laid down three broad principles regarding imprisonment and custody. Firstly, a person in prison does not become a non-person; secondly, a person in prison is entitled to all human rights within the limitations of imprisonment; and, lastly there is no justification for aggravating the suffering already inherent in the process of incarceration<sup>2</sup>. Article 14 and 15 of the Constitution provides for equality and non discrimination on the basis of sex.

The Model Prison Manual (MPM) 1960 is the guiding principle of the present Indian prison management. The working group on prisons (1972) and the Mulla committee (1980) has given recommendations for prison policy and reformations.

For the first time the situation of women in prisons was looked into by the Justice Krishna Iyer committee appointed in 1987 which recommended induction of more women in the police force in view of their special role in tackling women and child offenders. This National Expert Committee on Women Prisoners, headed by Justice Iyer, framed a draft Model Prison Manual. Chapter XXIII of this manual makes special provision for children of women prisoners. This manual was circulated to the States and Union Territories for incorporation into the existing jail manuals. It is significant to note that this committee has made important suggestions regarding the rights of women prisoners who are pregnant, as also regarding child birth in prison. It has also made suggestions regarding the age up to which children of women prisoners can reside in

<sup>1</sup> <http://apccaindia2013.gov.in/conference.pdf> accessed on 9th March 2014

<sup>2</sup> [http://en.wikipedia.org/wiki/Prisons\\_in\\_India](http://en.wikipedia.org/wiki/Prisons_in_India)

prison, their welfare through a crèches and nursery, provision of adequate clothes suiting the climatic conditions, regular medical examination, education and recreation, nutrition for children and pregnant and nursing mothers<sup>3</sup>.

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

The 2006 Supreme Court judgment<sup>4</sup> in the Upadhyay Vs State of Andhra Pradesh case lays down that children in jails should be provided with adequate clothing suitable to the local climate. States and union territories were directed to lay down dietary scales for children, keeping in mind the calorific requirements of growing children in accordance with medical norms. Prisons have been directed to make arrangements to provide separate food, fulfilling the nutritional needs of children, separate utensils, clean drinking water and adequate and clean sleeping facilities. Regular medical examinations to monitor physical growth, timely vaccinations, alternative arrangements for looking after a child should the mother fall ill form part of the guidelines laid down. Children of prisoners were also accorded visitation rights. The judgment observes that proper educational and recreational opportunities must be provided to children of female prisoners. It directs that a crèche and nursery be attached to prisons. Children below three years of age should be put into a crèche, and from three to six years in a nursery. Crèches and nurseries should, preferably, be located outside the prison premises. These facilities must also be extended to children of warders and other female prison staff. Women with small children must not be put into jails where proper facilities for the biological, psychological and social growth of the child cannot be provided. Staying in crowded barracks, amidst convicts, under trials and offenders who have committed violent crimes was held to be harmful to a child's development. The judgment also incorporated a dietary scale prepared by the National Institute of Nutrition, Council of Medical Research, Hyderabad, for a balanced diet for infants and children up to the age of six. The court directed the amendment of jail manuals and rules within three months, to implement the guidelines. Courts dealing with cases relating to women prisoners whose children are in prison with their mothers were directed to give these

<sup>3</sup> MANU/SC/2061/2006- Equivalent Citation: 2006(2)ACR1722(SC), AIR2006SC1946, 2006(1)ALD(Cri)777, 2006(3)ALD42(SC), JT2006(5)SC18, 2006(2)OLR1, 2006(II)OLR(SC)1, 2006(3)PLJR264, 2006(4)SCALE336, (2007)15SCC337 IN THE SUPREME COURT OF INDIA ; Civil Writ Petition No. 559 of 1994, WP (C) No. 133/02, SLP (C) Nos. 14303-14305/98, CA No. 2468/98, SLP (C) No.../98 (CC-5347/98), Crl. A. No. 69/2000 and WP (C) No. 84/98; Decided On: 13.04.2006- Appellants: R.D. Upadhyay Vs. Respondent: State of A.P. and Ors.- Women and children in jail

<sup>4</sup> ibid

cases priority and decide on them expeditiously. The state legal services authorities were directed to periodically inspect and see that the directions regarding mothers and children in jail were being followed. The court also directed that the central government, state governments and union territories file affidavits with respect to the judgment's implementation, within four months.

### Review of literature

In a study carried out on children of women prisoners in India, by the National Institute of Criminology and Forensic Sciences, it was revealed that<sup>5</sup> :

- Most children were living in difficult conditions and suffered deprivation relating to food, healthcare, accommodation, education and recreation.
- There were no programmes for the proper bio-psycho-social development of children in prisons. Their welfare was mostly left to the mothers. There was no trained staff to take care of the children.
- In many jails, women inmates with children were not given any special or extra food. In some jails, extra food was given in the form of a glass of milk; in others, separate food was being provided only to children over the age of five. The quality of food supplied was the same as that given to adult prisoners.
- No special consideration was given to child-bearing women. The same food and facilities were given to all women, irrespective of whether their children were living with them or not.
- No separate or specialised medical facilities for children were available in jails.
- Most mother prisoners felt that the stay in jail would have a negative impact on the physical and mental development of their children.
- A crowded environment, lack of appropriate food and shelter, deprivation of affection by other members of the family, particularly the father, were perceived as stumbling blocks in the development of these children in their formative years.

<sup>5</sup> [infochangeindia.org/women/judicial-interventions-and-women/looking-after-children-of-women-prisoners.html](http://infochangeindia.org/women/judicial-interventions-and-women/looking-after-children-of-women-prisoners.html)

- Mother prisoners identified food, medical facilities, accommodation, education, recreation and the separation of children from habitual offenders as six areas that require urgent improvement.
- There was no prison staff specially trained to look after children in jails. Also, no separate office with the exclusive duty of looking after the children or their mothers.

In another report by the Tata Institute of Social Sciences, which put forward five grounds as the basis for suggestions on the provision of facilities for minors accompanying their mothers in prison, it was highlighted that<sup>6</sup> :

- Prison environments are not conducive to the normal growth and development of children.
- Many children born in prison have never experienced normal family life up to the age of four-five years.
- The socialisation pattern of children gets severely affected due to their stay in prison. Their only image of a male authority figure is that of the police and prison officials. They are unaware of the concept of a 'home'. Boys sometimes talk in the female gender, having grown up only among women in the female ward. Sights like animals on roads frighten these children because of lack of exposure to the outside world.
- Children get transferred with their mothers from one prison to another. This unsettles them.
- Such children sometimes display violent and aggressive, or withdrawn behaviour in prison.

In a study done of prisons in Maharashtra recently, one of the key issues that emerged was that Muslims are highly over represented in prisons of Maharashtra. A majority of them are young (18-30 years), coming from a poor educational and socio economic status. Most of them are first time arrestors and need support to find sustainable employment. One of the significant findings

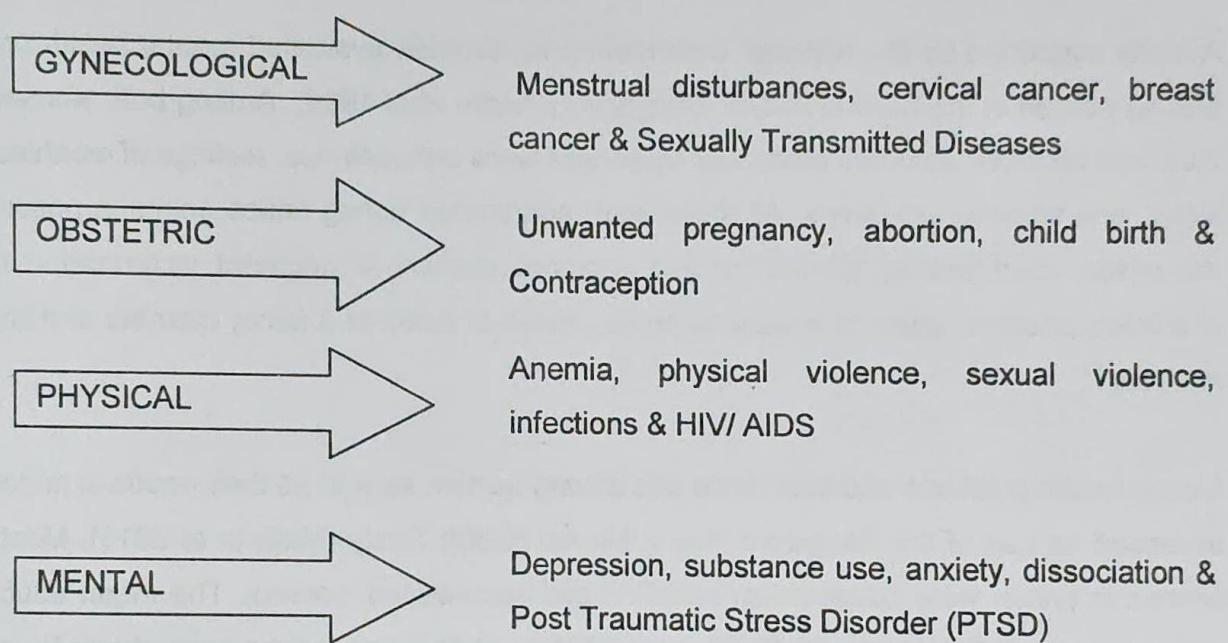
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<sup>6</sup> ibid

was their negative experiences with the police and the near absence of social workers/ NGOs in prisons<sup>7</sup>.

As far as women in prisons are concerned, the women prisoners are found to suffer from a variety of health problems in the custodial environment - for eg gynecological, obstetric, physical, and mental. (Refer Fig 1). Care is needed in all these aspects as well as rehabilitation<sup>8</sup>.

Figure 1 : Health needs of women in prisons



In a study conducted by Nataraj in 2009, it was seen that women prisoners on admission are in a mentally disturbed condition. He has also highlighted the fact that nearly 60% of inmates suffer from various issues of mental health like psychosis, major depression and personality disorder<sup>9</sup>.

The majority of women offenders convicted for homicidal activities were poorly adjusted to the family settings. In many cases, their offence directly stemmed from their husband and in-law's cruelty, rejection and humiliation. Husband's illicit affairs with other women, alcohol and

<sup>7</sup> Raghavan Vijay & Roshni Nair, Over representation of Muslims – the prisons of Maharashtra, EPW, Vol XLVIII No 11, March 16<sup>th</sup>, 2013, pp12-16

<sup>8</sup> [http://www.nimhans.kar.nic.in/prison/chapter\\_12\\_en\\_in\\_prison.pdf](http://www.nimhans.kar.nic.in/prison/chapter_12_en_in_prison.pdf)

<sup>9</sup> Nataraj R 2009. Rehabilitation of women prisoners. [http://www.tnppolice.gov.in/pdfs/art\\_women.pdf](http://www.tnppolice.gov.in/pdfs/art_women.pdf) Accessed on 15 Dec 2010

substance use, domestic violence contributed significantly in motivating married women to resort to crimes depicts Saxena.<sup>10</sup>.

In another study by Kumari (2009), women prisoners perceived that they would face problems in all spheres of life in future because of their imprisonment. They were also worried about economic and family problems. There is hope about the redemption of the prisoners through counseling and rehabilitation<sup>11</sup>. The majority of offences for which women are imprisoned are non-violent such as property, dowry-harassment, drug-related offences, prostitution, bar dancing and so forth<sup>12</sup>.

A study supported by the National Commission for Women evaluated mental health problems among women in the Central Prison, Bangalore (Murthy et al 1998). Among both women under trials and convicts, common emotional responses were unhappiness, feelings of worthlessness, worry, and somatic symptoms. All these were aggravated during crises points in prison (entry into prison, court hearing, around the time of pronouncement of judgment, victimization, release of a fellow prisoner, death of a fellow prisoner, illness or death of a family member and imminent release).<sup>13</sup>

Mental health problems and substance use among women as well as their needs in prison were assessed as part of the Bangalore Prison Mental Health Study (Math et al 2011). Most of the women in prison were housewives, unskilled and semi-skilled workers. The mean educational status in years is 3.9 years and 49.7% were illiterate. Both these factors have strong bearings in vocational rehabilitation and integration into the community. Regarding the nutritional status of women in prison, one in four was underweight, but a greater number were overweight or obese (26.3%) compared to males (10.9%)<sup>14</sup>.

In a study done on the women convicts lodged in Jaipur Central Prison in Rajasthan it was found that the prison has highly unsatisfactory conditions. Basic facilities are lacking for the

<sup>10</sup> Saxena R 1994. Women and Crime in India: A Study in Socio-Cultural dynamics, Inter-India Publications, New Delhi

<sup>11</sup> Kumari N, Socio economic profile of women prisoners. Language in India 2009;9. Available online at <http://www.languageinindia.com/feb2009/nageshkumari.pdf> Accessed on 12 Dec 2010

<sup>12</sup> ibid

<sup>13</sup> Murthy P, Chandra P, Bharath S, Sudha SJ, Murthy RS 1998, Manual Of Mental Health Care For Women In Custody. NIMHANS, Bangalore and NCW, Delhi publication

<sup>14</sup> Math SB, Murthy P, Parthasarathy R, Naveen Kumar C, Madhusudhan S 2011. Mental health and substance use problems in prisons: Local lessons for national action. Publication, National Institute of Mental Health Neuro Sciences, Bangalore

women and their children; also the prisoners are visibly scared of the prison staff. The study recommended for improvement, on all levels, particularly in the attitude of the prison staff who need to learn to respect the human rights of women prisoners<sup>15</sup>.

Women are under detention in the dowry act cases, drug trafficking- Narcotic Drugs and Psychotropic Substances (NDPS) Act, excise act, theft, murders due to family disputes and illicit relationships. A majority of the women prisoners belong to the lower socio-economic strata, a few to the lower middle class and a very few belong to the middle class strata of society<sup>16</sup>.

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<sup>15</sup> Kaushik, Anupama & Kavita Sharma, Human Rights of Women Prisoners in India, A Case Study of Jaipur Central Prison for Women, Indian Journal of Gender Studies June 2009 vol. 16 no. 2 253-271

<sup>16</sup> Report on conditions of women in detention in the state of Punjab

## CHAPTER 2 : STUDY FRAMEWORK

In this back ground, an exploratory study on the women in prisons in the state of Odisha is the need of the hour which would give an insight of the current situation and lead to a more humane and gender just rehabilitation scenario.

Thus a research study was designed with the objective to look into the back ground of the women inmates, both convicts and under trials as well as identify areas of improvement.

The State Commission for Women, Odisha and State Resource Center for Women collaboratively worked out the design, field plan and report of the research work.

The State Commission for Women is a statutory body meant to work towards safe guarding the interest of women. Specifically, the Commission has the mandate to conduct indepth research work in pertinent issues affecting women. In this regard, the women in prisons are an important category with which the Commission is engaged with. Thus the research work on the women inmates in prisons of the state of Odisha was taken up. The State Resource Center for Women under the Women & Child Development department meant to provide technical support on women's issues conducted the research work.

In this perspective, the present study looked into the different rights of the women prisoners such as their basic human rights, constitutional rights and statutory rights. The study also conducted an analysis from a women's perspective of the laws, acts and rules related to prisons. The study has undertaken a situational analysis of the women in prisons particularly their socio economic profile and available facilities in the prisons such as health amenities, legal aid, and skill building and so on. The study explored into the prevalent rehabilitation provisions and entitlements and assessed the access to these by the women prisoners once they are free. The study delved into the legal status of the women in prisons i.e. whether they are convicted, under trial, given bail and such other conditions and the cause of the imprisonment. The study recommends areas of improvement and new initiatives required on social, economic, legal and other aspects for the women in prisons and for their post prison life.

## Objectives of study

1. Analysis of the prevalent acts, rules, and government notifications in Odisha on prisons, prison reforms, welfare measures for prisoners from a women's perspective
2. Situational Analysis of women in prisons in Odisha
  - a. Socio economic profile of the women in prisons
  - b. Facilities available in prison- health facilities, skill development training programmes, legal aid
  - c. Legal status of the women in prisons – convicts, under trial, bailed out, status of cases, causes of imprisonment
3. Rehabilitation of women prisoners- existing provisions, challenges, areas of improvement, new initiatives

## Methodology

The study adopted a secondary source analysis as well as primary data collection and analysis. (Refer Table 1).

The secondary analysis involved reports, articles, government notifications, Supreme Court judgments, newspaper reports, internet sources, journals etc.

Primary data collection was both quantitative as well as qualitative. A random purposive sampling was taken up for the women in prisons covering the different categories of prisons. All the women inmates in the selected jails were covered. Specific attention was given to cover the different regional representation in the location of the jails.

Qualitative tools such as key informant interview, in-depth interview and case study were used. The respondents for the qualitative method are the government officials in charge of jails, legal professionals, health officials, women's organization representatives.

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

Table 1 : Framework of study

Objective	Respondent	Methodology	Tools
1. Analysis of the prevalent acts, rules, and government notifications in Odisha on prisons, prison reforms, welfare measures for prisoners from a women's perspective		Secondary sources: reports, articles, government notifications, Supreme Court judgments, newspaper reports, internet sources, journals etc	
2. Situation Analysis of women in prisons in Odisha	1. Women prisoners	1. Primary source : Sample Survey	Structured Questionnaire
2a : Socio economic profile of the women in prisons- age, social group, educational attainment, marital status, pre prison economic level, information of off springs, siblings, spouses, source of income, house/ land ownership	2. Jailer/ jail officials	2a. Primary : source (key informant) 2b: Secondary sources	Interview guide
2b: Facilities available in prison- health facilities, skill development training programme, legal aid	3. Activists/ NGO/ Women's organization/ Women commission/	3. Interview (key informant)	Interview guide
2c. Legal status of the women in prisons – convicts, under trial, bailed out, status of cases, causes of imprisonment	4. Lawyer	4. Interview (key informant)	Interview guide
	5. Health official of jail	5. Interview (key informant)	Interview guide
	6. State level govt department officials – Home, W & CD	6. Interview (key informant)	Interview guide
	7. District level govt officials- Collector, SP, DSWO	7. Interview (key informant)	Interview guide
3. Rehabilitation of women prisoners- existing provisions, challenges, areas of improvement, new initiatives	1. Released women	1. Observation 2. Case Study	guide for case study
	2. Jailer		2. Interview guide
	3. Activists	Structured Interview	2. Interview guide
	4. Lawyer/ Key Informants (NGO representatives and persons working with women prisoners)	Structured Interview	2. Interview guide

### **Limitation of the Study**

The situational analysis is based on the self report of the respondents which might have been biased due to lack of information, reluctance to share, poor communication skills, and language barrier and time constraint.

Interaction with the women inmates was very limited and only once and hence there was no time on rapport building.

Also during the period of the study, the research team was not able to identify/ locate and thus interact with any released women prisoner.

### **Study area**

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

Table 2 : Jails under the study

SI	Location	Category of jail
1	Charbatia, Chowdwar, Cuttack	Circle jail
2	Baripada, Mayurbhanj	Circle Jail
3	Berhampur, Ganjam	Circle jail
4	Koraput	Circle jail
5	Angul	District jail
6	Keonjhar	District Jail
7	Sundergarh	District jail
8	Bhubaneswar	Special Jail
9	Rourkela, Sundargarh	Special Jail
10	Nari Bandi Niketan, Sambalpur	Sub-jail
11	Kendrapara	Sub Jail

Key informant interview has been done on Govt officials, lawyers, activists, Jail officials, Civil Society organizations, to gain insight into the situation.

Secondary sources such as reports, media clippings, news, research work, jail data on inmates and facilities, govt circulars, notifications, acts and laws have also been studied.

## CHAPTER 3 : STUDY FINDINGS

### International Obligations and Guidelines

The International Covenant on Civil and Political Rights (ICCPR) is the fundamental international treaty on the protection of the rights of prisoners which India ratified in 1979. International Covenant on Economic, Social and Cultural Rights (ICESCR) also states that prisoners have a right to the highest attainable standard of physical and mental health. The key international instruments are as follows :

- Universal Declaration of Human Rights 1948
- International Covenant on Civil and Political Rights (ICCPR) 1966
- International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984
- Convention on the Rights of the Child 1989
- Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment 1988
- UN Standard Minimum Rules for the Treatment of Prisoners 1955
- Code of Conduct for Law Enforcement Officials 1979
- Standard Minimum Rules for Non-Custodial Measures 1990 (Tokyo Rules)
- Standard Minimum Rules for the Administration of Juvenile Justice 1985 (Beijing Rules)
- Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988
- Guiding Principles on Drug Demand Reduction of the General Assembly of the United Nations 1998
- Convention on the Elimination of All Forms of Discrimination against Women 1981
- Declaration on the Elimination of Violence against Women 1993
- Declaration on the Elimination of Discrimination against Women, 1967
- United Nations Convention against Transnational Organized Crime, 2000
- United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000

International commitments are reflected in Resolution 2006/22 of United nations Office on Drugs and Crime (UNODC) which invites to develop further tools and training manuals, based on

international standards and best practices, in the area of penal reform and alternatives to imprisonment, in particular in the areas of prison management, legal advice and assistance and the special needs in prison of women and children, as well as of persons with mental illness and the physically challenged; to continue to provide advisory services and technical assistance to Member States, upon request, in the area of penal reform, including restorative justice, alternatives to imprisonment, HIV/AIDS in prisons and the special needs of women and girls in prisons. Resolution 2006/25 encourages UNODC to further develop its comprehensive programme in strengthening the rule of law and the reform of criminal justice institutions with a continued focus on vulnerable groups, such as women and children, countries with economies in transition and countries in post-conflict situations and the need for capacity-building at the field office level, and to develop innovative approaches and partnerships in that area.

The North Ireland Prison Services has a guide for staff on how to deal with women prisoners. It lays out standard protocol on induction, safer custody, security and management, health care; learning & skills, day to day living and special groups such as older women, women with disabilities, young offenders, and women with children. The guideline also prescribes gender specific training for staff dealing with women prisoners<sup>17</sup>.

#### Indian framework

The Prisons Act, 1894 is the basis of which the present jail management and administration operates in India. This Act has hardly undergone any substantial change. Section 24 states that in the case of female prisoners the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer. Section 27 of the Act stipulates that female prisoners shall be separated from male prisoners and also that convicts will be kept separate from the un convicted ones. Section 46 states that no female prisoner shall be liable as a punishment to any form of handcuff or whipping. Section 31 provides that food, clothing, bedding etc from private sources may be permitted.

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<sup>17</sup> NIPS- Working with women prisoners : a guide for staff, 2010

**Box 1 : Women in prisons in colonial times :** There is very little documentation available on the treatment accorded to female prisoners by the colonial courts and prisons. The so called docile and introvert Indian women resisted the repressive policies and one can cite here not only the roles played by Debia Chaudharani or the Rani of Jhansi but thousands of the unknown peasant women who participated in the great uprising of 1857 and their subsequent hangings to death through summary trials by open courts. The atrocities and the behavior of the jailors towards women offenders and the confinement of women in the Cellular jail of Andamans have been captured in a study<sup>18</sup>.

In the post independent era, in 1951, the Government invited the United Nations expert on correctional work, Dr. W.C. Reckless, to undertake a study on prison administration and to suggest policy reform. His report titled 'Jail Administration in India' made a plea for transforming jails into reformation centers.

The Model Prison Manual (MPM) 1960 is the guiding principle of the present Indian prison management. The Model Prison Manual recognized the importance of the reasonable diversification of prison institution like, separate institution for delinquent children, adolescent offenders, habitual, professional and organized criminals, women offenders, Leprosy unit, Tuberculosis (TB) unit, under trial prisoners, Sub-jail and open institutions. It has suggested measures like education, work, technical and vocational training, cultural activities, leave and emergency release, sanitation and hygiene, diet, aftercare and rehabilitation. The MPM provides for physical, health, academic, social, vocational, moral and cultural education of an inmate and suggested a detail course curriculum for the same. In the other hand, it has strongly recommended that the prison work and training programme should be fundamentally integrated with safe and national economic policies and suggested for payment of appropriate wages to prison workers. Under Chapter XXVI the Manual has highlighted that the cultural and recreational opportunities should be extended to inmates in accordance with their institutional behavior and response to institutional regimes. After care and rehabilitation under the MPM is aimed to help a released person to overcome the mental, social and economic difficulties. Part IV - A of the MPM classified the inmates on the basis of gender, age, punishment, stage of

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[http://webcache.googleusercontent.com/search?q=cache:FUDlsJvtMPwJ:sta.uwi.edu/conferences/12/icopa/documents/Kapil%2520Kumar\\_Female%2520prisoners%2520and%2520colonial%2520prisons,%2520case%2520studies%2520from%2520U.P.%2520India.doc+&cd=2&hl=en&ct=clnk&gl=in](http://webcache.googleusercontent.com/search?q=cache:FUDlsJvtMPwJ:sta.uwi.edu/conferences/12/icopa/documents/Kapil%2520Kumar_Female%2520prisoners%2520and%2520colonial%2520prisons,%2520case%2520studies%2520from%2520U.P.%2520India.doc+&cd=2&hl=en&ct=clnk&gl=in)

criminal proceeding and nature of crime etc. It helps for a better prison administration and management.

The working group on prisons (1972) and the Mulla committee under the chairmanship of Justice A. N. Mulla (1980) have given recommendations for prison policy and reformation. The Mulla committee recommended that<sup>19</sup>:

- A separate place with proper toilet facilities should be provided on court premises for women prisoners availing premise before presiding magistrate.
- Bail should be liberally granted to women under trial prisoners, and those not able to furnish surety might be released on personal recognizance.
- The probation of offenders act should be extensively used for the benefit of women offenders.
- Women prisoners should be lodged in separate institution meant exclusively for them.
- Enclosures for women in common prisons should be so renovated as to ensure that women prisoners do not come in view of male prisoners. Their enclosures should have a proper double lock system.
- All general duties with regard to women offenders should be performed by women staff only.
- Newly admitted women prisoners should be medically examined for pregnancy. Pregnant women prisoners should be transferred to local maternity hospital for purposes of delivery.
- While registering the birth of a child to a woman prisoner, the place of birth should not be mentioned as 'prison'. If such a birth takes place there, the name of locality be mentioned.
- Pregnant and nursing women prisoners should be prescribed special diet and exempted from certain types of work.
- There should be a separate women ward in prison hospitals.
- Women prisoners should be permitted to retain their Mangal Sutra, glass or plastic bangles.
- Women prisoners should be given adequate and proper clothing and facilities for personal hygiene and personal maintenance according to their customs.

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<sup>19</sup> Children of women prisoners in jails, A study in Uttar Pradesh, Pandit Gobind Ballav Pant Institute of Studies in Rural Development, Planning Commission, 2004

- Woman prisoners should be given the facility for maintaining contacts with their families through letters, visits from relations and leave.
- Children (up to the age of 5 years) accompanying women prisoners may be allowed to be kept with them in specially organized crèches outside the main prison building.
- State government should encourage and support voluntary women organizations in looking after women offenders.
- Voluntary organizations should be encouraged and given financial aid to set up children institutions for such children as they cannot be released on probation or on license.
- Prison superintendent should take a monthly review of children in prison and send a report to the appropriation authorities for necessary action.
- Juvenile probation and non-institutional services for children should be effectively organized.
- Each state and Union Territory should prepare master plan for setting up a network of non-institutional and institutional services for children.
- Children, dependent on prisoners, preferable be kept with the relatives or friends of such prisoners.

For the first time the situation of women in prisons was looked into by the Justice Krishna Iyer committee appointed in 1987 which recommended induction of more women in the police force in view of their special role in tackling women and child offenders. The main findings of the Justice Iyer report are as follows<sup>20</sup>:

- Separate prisons for women are a more satisfactory custodial option. In the spirit of correctional justice, the smaller numbers of women prisoners, in comparison to men can not be held as a valid factor limiting the creation of separate custodial facilities.
- In existing prisons where women are in sufficient numbers, a proper classification system must operate which should include medical, criminological and social assessment of the inmates and serve as basis for specialized and segregated case, treatment, employment, training, education and rehabilitation of the inmates.
- Medical diagnostic and care facility must be available to inmates routinely and by a female doctor and where full or part time women medical staffs are ill afforded local

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<sup>20</sup> ibid

female doctors from government health facilities must be inducted to serve the prisoners on a visiting consultant basis.

- Diet, clothing and basic living facility (bath, toilet, personal and environmental hygiene) are due to every prisoner. Whatever adjustments within the prison procedures are possible should be made to help remove minor irritants.
- The physical state of most prison buildings is known and recognized to be bad. In certain states and below the level of central prisons especially, the situation is accepted. Immediate provisions must be made for upgrading structures, adding to them and replacing them as necessary and feasible. In setting up new structures, keeping in view the lesser security risk posed by women offenders, and to suit their psychological needs better, it may be advisable to consider cottage type, medium security provision which can provide less formal and more common type custodial experience.
- On the question of women prisoners neglect the committee observed that 'women in custody are tragic testimony of judicial futility, statutory importance and implementation calamity'.

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

The laws which have a bearing on regulation and management of prisons in the country are:

- The Indian Penal Code, 1860.
- The Prisons Act, 1894.
- The Prisoners Act, 1900.
- The Identification of Prisoners Act, 1920.
- Constitution of India, 1950
- The Transfer of Prisoners Act, 1950.
- The Representation of People's Act, 1951.
- The Prisoners (Attendance in Courts) Act, 1955.
- The Probation of Offenders Act, 1958.
- The Code of Criminal Procedure, 1973.
- The Mental Health Act, 1987.
- Legal Service Authority Act, 1987

- The Juvenile Justice (Care & Protection) Act, 2000.
- The Repatriation of Prisoners Act, 2003.
- Model Prison Manual (2003).

### Jail infrastructure and capacity in India

The country has a total of 1391 jails out of which 19 are women jails. These women jails have capacity of 4827 (1.4% of total capacity). The total female inmates in the country are 18,188 who are 4.4% of the total inmates in all the jails as on 31.12.2013. The women constitute 4.6% of the under trials of the country. A total of 342 women convicts with their 407 children and 1,252 women under trials with their 1,518 children were lodged in various prisons in the country at the end of 2013<sup>21</sup>.

Women jails exclusively for women prisoners exist only in 12 States/UTs. Tamil Nadu & Kerala have 3 women jails each and Andhra Pradesh, Rajasthan & West Bengal have 2 women jails each. Bihar, Gujarat, Maharashtra, Odisha, Punjab, Uttar Pradesh and Delhi have one women jail each. The total capacity of women inmates was highest in Tamil Nadu (1,569) followed by Rajasthan (469), Uttar Pradesh (420), West Bengal & Delhi (400 each), Andhra Pradesh (380), Punjab (320), Maharashtra (262), Kerala (272), Gujarat (200), Bihar (83) and Odisha (52)<sup>22</sup>. (Refer table 3, 4, 5)

Table 3 : Jails in India, 2013

Total number of jails in the country - 1391			
Central jails	130	Open jails	53
District jails	346	Borstal schools	21
Sub jails	780	Special jails	38
Women jails	19	Other jails	4

Source : Prison Statistics, 2013, NCRB

Table 4 : Capacity of Jails in India, 2013

Total capacity of jails in the country : 3,47,859			
Central jails	1,51,421 (43.5%)	Open jails	4316 (1.2%)
District jails	1,26,909 (36.5%)	Borstal schools	2438 (0.7%)
Sub jails	46,993 (13.5%)	Special jails	10,490 (3 %)
Women jails	4827 (1.4%)	Other jails	465 (0.1%)

Source : Prison Statistics, 2013, NCRB

<sup>21</sup> Prison Statistics, 2013, NCRB

<sup>22</sup> ibid

Table 5 : Jail inmates in India, 2013

Total number of jail inmates as on 31.12.2013: 4,11,992			
Male	3,93,804(95.6%)	Female	18,188 (4.4%)
Convicts	1,29,608 (31.5% of total inmates)	Under Trials	2,78,503 (67.6% of total inmates)
Male	1,24,263 (95.9% of total convicts)	Male	2,65,815 (95.4% of total under trials)
Female	5345 (4.1% of total convicts)	Female	12,688 (4.6% of total under trials)

Source : Prison Statistics, 2013, NCRB

A total of 4820 inmates having mental illness out of 4,11,992 inmates, accounting for 1.2% of total inmates were lodged in various jails.

Capital punishment was given to a total of 382 convicts including 10 females lodged in different jails of the country at the end of the year 2013. A total of 70,636 convicts including 2970 women accounting for 54.5% of total convicts in the country were under going sentences for life imprisonment at the end of the year 2013. A total of 55 deaths of female inmates were reported during 2013 where in 48 were natural and 7 were un natural deaths.

63,977 inmates were trained under various vocational training programmes in various jails with the maximum number of trainings was in weaving followed by tailoring.

### Jails in Odisha

In Odisha there are 91 number of jails of seven different categories as under <sup>23</sup>:

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

Out of the 91 jails, 85 are fully functional.

<sup>23</sup> White paper, Home dept, Govt of Odisha, 2013

In the year 2007, a total of 47 sub jails were established in Odisha with 04 circle jails which increased in 2012 to 05. The total number of jails has increased from 70 in year 2007 to 91 in the year 2013. Presently there are 05 circle jails, 09 district jails, 02 special jails, 01 women jail, 01 open jail, 06 special sub jail with 67 sub jails.(Refer Table 6)

Table 6: Year wise number of jails in Odisha (category wise)

Year	Circle jails	District jails	Special jails	Women jail	Open jail	Special sub jail	Sub jail	Total
2007	4	9	2	1	1	6	47	70
2008	4	9	2	1	1	6	54	77
2009	4	9	2	1	1	6	68	91
2010	4	9	2	1	1	6	68	91
2011	4	10	2	1	1	6	67	91
2012	5	9	2	1	1	6	67	91
2013	5	9	2	1	1	6	67	91

Source : IG Prisons, Odisha

These jails have capacity to accommodate 18014 (males 16373 and female 1641) prisoners. The capacity for female prisoners is about 10% of the total capacity. Over the years, the highest capacity of the inmates is in the sub jails and the highest number of women prisoners are in the sub jails too. In the year 2013, in the 67 sub jails, there were 5360 male inmates and 270 female inmates. There is no provision for women inmates in the open jail. The district jails have 126, special jails had 51, and women jail had 57 while the special sub jail had 46 women inmates with the total being 642 women inmates. (Refer table 7)

Table 7 : Year wise inmates in the various categories of jails in Odisha

	2013	%	2012	%	2011	%	2010	%	2009	%	2008	%	2007	Year
96.16	3055	96.9	2686	96.61	2163	97.24	2115	96.43	2377	97.11	2989	96.35	3246	M
3.84	122	3.31	92	3.39	76	2.76	60	3.57	88	2.89	89	3.65	123	F
100	3177	100	2778	100	2239	100	2175	100	2465	100	3078	100	3369	T
95.95	2983	97.9	2803	96.89	3237	96.44	3221	96.76	3464	97.14	3700	96.47	4016	M
4.05	126	2.91	84	3.11	104	3.56	119	3.24	116	2.86	109	3.53	147	F
100	3109	100	2887	100	3341	100	3340	100	3580	100	3809	100	4163	T
95.72	1140	0	1020	96.20	961	96.15	973	96.03	1113	96.68	1194	97.46	1306	M
4.28	51	3.50	37	3.80	38	3.85	39	3.97	46	3.32	41	2.54	34	F
100	1191	100	1057	100	999	100	1012	100	1159	100	1235	100	1340	T
0	0	0	0	0	0	0	0	0	0	0	0	0	0	M
100	27	100	19	100	22	100	21	100	19	100	28	100	28	F
100	27	100	19	100	22	100	21	100	19	100	28	100	28	T
100	95	100	100	100	65	100	112	100	98	100	102	100	59	M
0	0	0	0	0	0	0	0	0	0	0	0	0	0	F
100	95	100	100	100	65	100	112	100	98	100	102	100	59	T
96.33	1208	95.5	1193	96.79	1114	94.63	1023	96.04	1187	95.62	1310	94.64	1323	M
3.67	46	4.25	53	3.21	37	5.37	58	3.96	49	4.38	60	5.36	75	F
100	1254	100	1246	100	1151	100	1081	100	1236	100	1370	100	1398	T
95.20	5360	96.0	4588	96.62	4770	95.88	4495	96.29	4796	96.08	4555	95.60	4629	M
4.80	270	4.00	191	3.38	167	4.12	193	3.71	185	3.92	186	4.40	213	F
100	5630	100	4779	100	4937	100	4688	100	4981	100	4741	100	4842	T
95.57	13841	0	12390	96.52	12310	96.06	11939	96.28	13035	96.43	13850	95.92	14579	M
4.43	642	3.6	476	3.4	444	3.94	490	3.715	503	3.57	513	4.02	620	F
100.	14483	100	12866	100	12754	100	12429	100	13538	100	14363	100	15199	T

Source : IG Prisons, Odisha

As on 31.12.2013 a total 14473 of prisoners are in the various jails of the state out of which there are 13832 males and 641 women (4.4% of the total). Out of these the convicts<sup>24</sup> are a total of 3507 while the UTPs are 10976. The women convicts are 121 while the UTP<sup>25</sup> women are 520. (Refer Table 8)

Table 8 : Inmate status in the state of Odisha, 2013

	MALE	FEMALE	CHILDREN with their mothers	TOTAL
CAPACITY in 91 jails	16373	1641		18014
CAPACITY in 85 jails	15362	1424		16786
Total Inmates as on 31.12.2013	13832	641	86	14473
Convicts	3386 (24.5% of total inmates)	121(19% of the total female inmates)		3507(24% of the total inmates)
UTP	10446 (75.5% of total inmates)	520 (81% of total female inmates)		10966(76% of the total inmates)

Source : White Paper 2013, Home Dept, Govt of Odisha

The 91 jails of the state are spread over the 30 districts with the women jail Nari Bandi Niketan being situated at Sambalpur. The 5 circle jails are located at Baripada, Berhampur, Chowdwar, Koraput and Sambalpur. The highest number of women inmates (both convicts and under trials) are at Baripada circle jail (34), Ganjam circle jail (43), Chowdwar circle jail (24), Keonjhar district jail (25), Jharpada special jail (31). The other jails have women inmates with numbers ranging till 20. (Refer Table 9)

<sup>24</sup> Convict means any prisoner undergoing sentence

<sup>25</sup> Under Trial Prisoner (UTP) means a person kept in prison (judicial custody) while the charges against him/her are being tried.

Table 9 : Inmate status of the various jails (location wise) in the state of Odisha, 2013

Category of the jail	Location	Accommodation available			Convicts			UTP			Other			Total	
		M	F	Total	M	F	Total	M	F	Total	M	F	T	M	F
<b>Circle jails</b>															
Baripada	Baripada, Mayurbhanj	581	7	588	203	17	220	300	17	317				503	34
Berhampur	Lanipalli, Ganjam	703	40	743	156	11	167	547	32	579				703	43
Choudwar	Charbatia, Cuttack	712	16	728	256	10	266	488	14	502				744	24
Koraput	Koraput	495	24	519	264	6	270	199	10	209				463	16
Sambalpur	Sambalpur	519	22	541	206	0	206	436	5	441				642	5
<b>District jails</b>															
Angul	Angul	220	13	233	53	0	53	325	15	340				378	15
Balesore	Balesore	458	22	480	95	3	98	250	11	261				345	14
Bhawanipatna, Kalahandi		286	18	304	122	5	127	161	5	166				283	10
Bolangir	Bolangir	372	19	391	101	2	103	211	12	223				312	14
Dhenkanal	Dhenkanal	223	8	231	89	3	92	133	3	136				222	6
Keonjhar	Keonjhar	380	12	392	228	6	234	260	19	279				488	25
Phulbani	Phulbani	162	25	187	83	4	87	123	8	131				206	12
Puri	Puri	319	32	351	85	4	89	249	8	257				334	12
Sundaragarh	Sundaragarh	308	16	324	101	1	102	314	17	331				415	18
<b>Special Jails</b>															
Bhubaneswar	Jharpada, Laxmi sagar, Khurda	723	26	749	101	5	106	609	26	635				710	31
Rourkela	Rourkella, Sundargarh	789	13	802	108	4	112	322	16	338				430	20
<b>Special sub Jails</b>															
Bhadrak	Bhadrak	160	6	166	77	2	79	161	6	167				238	8
Bhanjanagar	Bhanjanagar, Ganjam	254	6	260	27	0	27	191	3	194				218	3
Bonaigarh, Sundargarh		112	6	118	38	3	41	238	9	247				276	12
Boudh	Boudh	124	6	130	56	0	56	131	6	137				187	6
Deogarh	Deogarh	109	6	115	30	0	30	143	11	154				173	11
Talcher	Talcher, Angul	141	8	149	33	1	34	83	5	88				116	6
<b>Sub Jails</b>															
Anandapur	Anandapur, Keonjhar	70	7	77	38	0	38	62	6	68				100	6
Aska	Aska, Ganjam	143	3	146	3	0	3	71	3	74				74	3
Athagarh	Athagarh, Cuttack	30	7	37	20	2	22	49	0	49				69	2
Athamalik	Athamalik, Angul	51	7	58	3	0	3	50	0	50				53	0
Balliguda	Balliguda, Phulbani	92	6	98	19	1	20	60	3	63				79	4
Banapur	Dasarathipur, Banapur, Khurda	185	46	231	5	0	5	56	1	57				61	1
Banki	Banki, Cuttack	20	2	22	6	0	6	41	1	42				47	1
Baragarh	Baragarh	75	6	81	20	1	21	130	11	141				150	12
Baramba	Baramba, Cuttack	23	6	29	3	0	3	10	1	11				13	1

Barbil	Barbil, Keonjhar	169	37	206	33	1	34	146	9	155				179	10
Birmaharajpur	Birmaharajpur, Rathapur, sonepur	221	50	271	8	0	8	11	0	11				19	0
Bisam Cuttack	Nuagada, Bisam Cuttack, Rayagada	221	50	271	12	4	16	21	4	25				33	8
Champua	Champua, Keonjhar	188	4	192	31	2	33	137	8	145				168	10
Chatrapur	Chatrapur, Ganjam	156	8	164	2	0	2	202	11	213				204	11
Dasapalla	Dasapalla, Nayagarh	32	5	37	8	0	8	45	7	52				53	7
Dharamgarh	Dharamgarh, Kalahandi	77	11	88	0	0	0	99	2	101				99	2
Digapahandi	Sahaspur, Digapahandi, Ganjam	169	37	206	13	0	13	20	2	22				33	2
G. Udayagiri	G. Udayagiri, Phulbani	73	6	79	16	0	16	20	3	23				36	3
Gunupur	Gunupur, Rayagada	100	2	102	5	0	5	32	0	32				37	0
Hindol	Hindol, Dhenkanal	70	6	76	0	0	0	12	7	19				12	7
Jagatsinghpur	Alipingal, Jagatsinghpur	162	9	171	20	0	20	92	2	94				112	2
Jajpur	Jajpur	126	9	135	7	1	8	175	4	179				182	5
Jajpur Road	Ragadi, Korei, Jajpur	169	37	206	14	0	14	93	3	96				107	3
Jaleswar	Panchaguntha, Jaleswar, Balasore	169	37	206	3	0	3	28	1	29				31	1
Jeypore	Jeypore, Koraput	149	4	153	14	0	14	153	4	157				167	4
Jharsuguda	Jharsuguda	79	7	86	9	0	9	196	8	204				205	8
Kamakhyanagar, ar	Kamakhyanagar, Dhenkanal	62	2	64	0	0	0	51	0	51				51	0
Kantabanjhi	Damandanga, Kantabanjhi, Bolangir	169	37	206	0	0	0	0	0	0				0	0
Karanjia	Karanjia, Mayurbhanja	109	6	115	18	2	20	55	7	62				73	9
Kasipur	Kasipur, Rayagada	169	37	206	0	0	0	0	0	0				0	0
Kendrapara	Barimula, Kendrapara	120	32	152	5	1	6	240	19	259				245	20
Khandapada	Khandapada, Naragarh	44	7	51	5	0	5	13	0	13				18	0
Khariar	Khariar, Nuapada	221	50	271	44	0	44	68	4	72				112	4
Khurda	Khurda	243	15	258	55	2	57	123	12	135				178	14
Kodala	Kodala, Ganjam	86	7	93	1	0	1	197	10	207				198	10
Kotpad	Damayanti, Kotpad, Koraput	169	37	206	10	0	10	10	1	11				20	1
Kuchinda	Kuchinda, Sambalpur	65	4	69	10	0	10	84	5	89				94	5
Kujanga	Samagola, Kujanga, Jagatsinghpur	102	20	122	0	0	0	55	2	57				55	2
Laxmipur	Laxmipur, Koraput	169	37	206	0	0	0	0	0	0				0	0
M.Rampur	Bhatel, Naria, Kalahandi	169	37	206	8	0	8	15	0	15				23	0
Malkanagiri	Malkanagiri	304	4	308	20	0	20	234	19	253				254	19
MV 79	Lachhipeta, Motu, Malkanagiri	169	37	206	0	0	0	0	0	0				0	0
Nabrangapur	Nabrangapur	139	6	145	28	1	29	31	4	35				59	5
Narsinghpur	Paikapada Patna, Narsinghpur, Cuttack	169	37	206	10	0	10	10	0	10				20	0
Nuapada	Nuapada	44	4	48	4	0	4	109	2	111				113	2
Nayagarh	Khuntubandha, Nayagarh	120	40	160	41	2	43	104	7	111				145	9

Nilagiri	Nilagiri, Balasore	38	4	42	5	0	5	24	3	27			29	3		
Nimapada	Nuharkiri, Nimapada, Puri	169	37	206	18	0	18	46	2	48			64	2		
Padampur	Padampur, Bargarh	135	7	142	1	0	1	90	4	94			91	4		
Pallahara	Pallahara, Angul	46	12	58	1	0	1	10	0	10			11	0		
Parlakhemundi	Parlakhemundi, Gajapati	109	15	124	24	0	24	132	5	137			156	5		
Patnagarh	Patnagarh, Bolangiri	88	11	99	5	0	5	60	0	60			65	0		
Patrapur	Badapur, Petrapur, Ganjam	164	32	196	0	0	0	0	0	0			0	0		
Raikhol	Raikhol, Sambalpur	24	5	29	2	0	2	39	0	39			41	0		
Rairangapur	Rairangapur, Mayurbhanja	140	6	146	16	2	18	71	2	73			87	4		
Rajgangpur	Tunguripalli, Rajgangpur, Sundargard	169	37	206	8	0	8	0	0	0			8	0		
Ranapur	Ranapur, Rajranpur, Nayagarh	24	6	30	12	0	12	24	1	25			36	1		
Rayagada	Rayagada	90	11	101	22	0	22	176	4	180			198	4		
R.Udayagiri	R.Udayagiri, Gajapati	31	7	38	2	0	2	9	0	9			11	0		
Salepur	Raghabpur, Salepur, Cuttack	169	37	206	17	0	17	40	0	40			57	0		
Sohela	Sohela, Bargarh	185	46	231	43	1	44	30	0	30			73	1		
Sonepur	Sonepur	110	12	122	14	0	14	73	5	78			87	5		
Soro	Jagannathpur, Soro, Balasore	169	37	206	0	0	0	0	0	0			0	0		
Soroda	Soroda, Ganjam	38	7	45	1	0	1	65	7	72			66	7		
Titlagarh	Titlagarh, Bolangir	164	6	170	4	0	4	109	9	118			113	9		
Udala	Udala, Mayurbhanja	75	14	89	10	0	10	66	4	70			76	4		
Umerkote	Umerkote, Nabarangpur	100	24	124	3	0	3	107	8	115			110	8		
Women jail																
Nari Bandi Niketan, Sambalpur	Sambalpur	0	52	52	0	11	11	0	16	16			0	27		
Open jail																
Biju Patnaik Open Air Ashram, Jamujhari	Jamujhari, Khurda	125	0	125	95	0	95	0	0	0			95	0		
		163	164	1801	338	6	121	3507	104	521	1097	6	0	138	41	642

Source : IG Prisons, Odisha

There are 56 correctional centres functioning in the state under the social defence scheme<sup>26</sup>.

<sup>26</sup> Regional Probation Offices- 04, District Probation Offices- 13, Central Correctional Home for Men- 01, After care shelters (Cuttack)- 01, Prison Welfare Services- 19 (15M+4F), Sub-Divisional Probation offices- 17, Probation Hostel - 01

## **Welfare, supportive and protective structures and mechanisms**

The Prison Act and the Prison Manual, in the state of Odisha, are the overarching guidelines within which the jails operate.

### **Welfare measures**

One of the most important initiatives towards inmates' welfare is the adoption of the Odisha Jail Prisoners' Welfare Fund Rules in 2012<sup>27</sup>. The sources of the fund will be voluntary contributions from prisoners, donations from public, Non government organizations or any other source approved by Government. The fund shall be administered by an Executive committee constituted at the jail level. The objectives of the fund are as follows :

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

**Box 2 : Prison welfare fund utilization :** The Nari Bandi Niketan during the year 2013 received Rs 5027 and in 2014 received Rs 5244 towards Prison welfare fund. No expenditure has been incurred from the Prison Welfare fund for the prisoners. During the year 2013-14, 10 prisoners were given Rs 5000 each following their release by the Circle jail at Chowdwar<sup>28</sup>.

<sup>27</sup> Home department notification JLS-B-2-2012 6974 dated 18.2.2012.(Annex 1)

<sup>28</sup> Information shared by the jailors in the feed back work shop held on 16<sup>th</sup> Dec 2014

Some of the recent initiatives towards improving the condition of the prisons and inmates are as under<sup>29</sup>:

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

Women prisoners are given 3 number of cotton sarees in a year<sup>30</sup>.

**Box 3 : Crèches and nursery schools for prisoners' and prison officials' children :** Prisons in Karnataka state, India, have set up crèches and nursery schools attended by children imprisoned with their parents, children of prison officials and children living close to the prison. These joint facilities prevent duplication of provision (one crèche for prisoners' children, another for everyone else) or the creation of crèches with very small numbers of users (there were just 29 children living with their mothers in Karnataka's prisons in 2006). The scheme helps to mitigate the problem of children living in prison becoming socially isolated by allowing them to mix with children from the surrounding area. However, crèche supervisors (who include imprisoned mothers) will need to ensure that children from one group (e.g. prisoners' children) are not stigmatized by those from another. Source : Quaker United Nations Office, The Impact of parental imprisonment on children, Women in Prison and Children of Imprisoned Mothers Series, Robertson, O., April 2007

Towards fooding, per person daily allocation has increased from Rs 45.00 to Rs 60.00 and there has been a provision of giving food in steel utensils rather than aluminum ones vide letter num 35922 of Home department dated 25. 9.2013<sup>31</sup>.

<sup>29</sup> White paper, Home dept, Govt of Odisha, 2013

<sup>30</sup> Letter num TRD-CB 04/2012/06 dated 11.6.2012 of Directorate of Prisons and Correctional Services, Govt of Odisha

<sup>31</sup> White paper, Home dept, Govt of Odisha, 2013

**Box 4 : Open prison for women :** Yerawada prison is India's first open prison for women- The female prisoners at Yerawada's open jail will get paid employment outdoors - mostly agricultural work. More importantly, the remainder of their sentence will be cut by half. This facility will only be available to convicted prisoners and not those awaiting trial.

Orissa Jail manual Vol I Rule 881, 882 and 883 was amended in 2007<sup>32</sup> which related to the provisions of female prisoners and children accompanying the mothers. Rule 885A was inserted and in addition to Rule 1101, Rule 1101A was inserted. Also Rule 1124 A was inserted. The amendments are as under:

Rule 881 :

- a. Female Prisoners may be allowed to keep their children with them in jail till the children attain 6 years of age.
- b. No female prisoner shall be allowed to keep a child who has completed the age of 6 years. Child will be given in custody on completion of 6 years to a suitable surrogate mother or relatives or accommodated in any institution for children run/recognized by the Women & Child Development dept.
- c. Child will remain in protective custody till the mother is released or the child attains such age to earn his/her livelihood.
- d. The child in protective custody shall be allowed to meet the mother at least once a week.

Rule 881A :

- a. A child shall not be treated as an under trial/convict while in jail with his/her mother. The child has to be ensured food, shelter, medical care, clothing, education and recreational facilities.
- b. The Superintendent can admit children of women prisons without court orders in special cases provided the children are below 6 years.

Rule 882:

- a. The name of the locality is to be mentioned as the place of birth in the Birth Registration of the Child.

<sup>32</sup> Home department notification num 29955 dated 12.6.2007

- b. Arrangements for temporary release/parole be made for expectant female prisoners to have her delivery outside the prison in a hospital.
- c. Superintendent of jail is to provide all facilities for the naming rites of a child born when the mother is in prison.

Rule 882 A :

- a. When a woman prisoner is found/suspected at the time of admission to be pregnant, the lady Medical officer will report and all possible arrangements be made for medical examination and a report be sent to the jail.
- b. Gynecological examination of female prisoners be performed in the District Head Quarter Hospital.

Rule 883 :

- a. When a female prisoner dies leaving behind a child below 6 years, the Superintendent should inform the District Magistrate for proper care. If the relatives are unwilling to take the child, the child be placed in an institution run/recognized by Women & Child Development Dept.

Rule 885A :

- a. The child of a woman prisoner shall be given educational and recreational opportunities and while the mother is at work in the jail, the child should be kept in crèches under the charge of matron/ female warder. This facility will also be extended to the children of warders and other female prison staff.
- b. The child should be sent to a Nursery school when the child attains 1 year and separate room should be constructed just outside the prison and temporary nurses may be appointed as and when there is a child in the jail to look after the child.
- c. Women prisoners with child/ children should not be kept in sub jails unless there are proper facilities.
- d. The child should not be kept in crowded barracks amidst women convicts, under trials.

Rule 985:

The following diet is added to the existing provisions for children

Table 10 : Provisions for children of women inmates

Age group	Name of item	Quantity
6 – 12 months	Rice/ atta	45 grams
2 years	Rice/ atta	80 grams
3 years	Rice/ atta	120 grams
4 years	Rice/ atta	150 grams
5 years	Rice/ atta	200 grams
6 years	Rice/ atta	210 grams
6 – 12 months	dal	15 grams
1- 3 years	dal	30 grams
4 – 6 years	dal	45 grams
	Milk	500 mil (in case of breast feeding 200 ml)
6 – 12 months	Roots & tubers	50 grams
1- 3 years	Roots & tubers	50 grams
4 – 6 years	Roots & tubers	100 grams
6 - 12 months	Green vegetables	25 grams
1-3 years	Green vegetables	50 grams
4 - 6 years	Green vegetables	50 grams
6 – 12 months	Other vegetables	25 grams
1 - 3 years	Other vegetables	50 grams
4 – 6 years	Other vegetables	50 grams
	Fruits	100 grams
6 - 12 months	sugar	25 grams
1-3 years	sugar	25 grams
4 - 6 years	sugar	30 grams
6 - 12 months	oil	10 grams
1-3 years	oil	20 grams
4 - 6 years	oil	25 grams
	Salt	10 grams
	Protein (egg, meat, chicken, fish)	50 grams per week (instead of protein equal amount of pulses)

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

Rule 1101 A

Clean drinking water be provided. Periodic checking must be done.

## Rule 1124 A

- a. Children accompanying mother prisoners have to be regularly examined by the Lady Medical officer. Vaccination charts have to be kept.
- b. In case the mother prisoner falls ill, alternative arrangement has to be done.
- c. Sleeping facilities that are provided to the mother and the child should be adequate, clean and hygienic.

### **Box 5 : Mental Health and Care of Women and Children in Prison in Andhra Pradesh:**

The NGO, Penal Reform and Justice Association (PRAJA) implemented an one year project in 2000-2001 in two women prisons in Andhra Pradesh, with support from Penal Reform International (PRI). The aim of the project was to address the problem of the lack of adequate and organized information about women and children in prison; to analyse professionally the effects of incarceration on women and children in prison, particularly on their mental health and personal development; to suggest constructive programmes and better prison practices in women's prisons and to explore alternatives to prison for women offenders. Selected social workers (who later became counselors) worked on the project under supervision of PRAJA and PRI over a period of one year to fulfill the above objectives.

One of the findings of the project was that ideas about the mental health needs of women generally and the needs of women in prison needed a radical review and update. The intellectual nourishment of those who were regarded as specialists in the field seemed in need of revision, to be based on the circumstances and reality that surrounded women's lives rather than on clinical (medical) causative factors constructed by the specialists. The project suggested that any focus on planning women's mental health (particularly in India) had to go beyond the clinical, epidemiological "illness areas" model and into the "distress area" model that would cover women's overall social experiences of everyday living. (Source: Shankardass, R. D., Where the Mind is Without Fear and the Head is Held High, Mental Health and Care of Women and Children in Prison in Andhra Pradesh, PRAJA, PRI, 2001.)

## Legal rights and aid

Women prisoners have the right to speedy trial. There is an undoubted right of speedy trial of under trial prisoners, as held in cases of Supreme Court. The Supreme court of India in the case of Hussainara Khatoon vs Home Secretary, State of Bihar held that speedy trial is a

fundamental right implicit in the guarantee of life and personal liberty enshrined in Article 21 of the Constitution<sup>33</sup>. The Supreme Court of India has also taken in consideration the problem of prolonged detention of under trial prisoners. In the case of "Common Cause" through its Director vs UOI and Ors<sup>34</sup>, the Supreme Court in regard to the release of under trial prisoners held that it is a matter of common experience that in many cases where the persons are accused of minor offences punishable not more than three years or even less, with or without fine, the proceedings are kept pending for years together. If they are poor and helpless, they languish in jails for long periods either because there is no one to bail them out or because there is no one to think of them. The very pendency of criminal proceedings for long periods by itself operates as an engine of oppression.

Article 39-A of the Constitution guarantees equal justice and free legal aid. The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Accordingly the State Government vide Law Department Notification No. 8010/L dated 5.5.1981 introduced Orissa State Legal Aid and Advice Scheme under Orissa State Legal Aid and Advice Programme and constituted Orissa Legal Aid and Advice Board for providing free legal Services. The Parliament further enacted the Legal Services Authorities Act 1987 (Act No.39 of 1997). The Legal Services Authorities Act 1987 was amended by Act No.59/94 and finally came into force on 9<sup>th</sup> November, 1995. With the enactment of Legal Services Authorities Act, 1987 the erstwhile Orissa State Legal Aid Advice Board was dissolved vide gazette Notification No.115 dated 1.2.1997 and the State Legal Services Authority has been constituted by the State Government in the Law Department Notification No. 15664/LAP dated 23.9.96<sup>35</sup>.

Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is<sup>36</sup> -

- (a) a member of a Scheduled Caste or Scheduled Tribe;
- (b) a victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution;

<sup>33</sup> (1980 ) 1 SCC 81. <http://www.lfhri.org/index.php/judgements/human-rights-judgements/22-speedy-trial>

<sup>34</sup> 1996 AIR 1619.

<sup>35</sup> [http://www.oslsa.in/index.php?option=com\\_content&view=article&id=20&Itemid=21](http://www.oslsa.in/index.php?option=com_content&view=article&id=20&Itemid=21)

<sup>36</sup> Section 12 and 13 of the Legal Service Authority Act

- (c) a woman or a child;
- (d) a mentally ill or otherwise disabled person;
- (e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- (f) an industrial workman; or
- (g) in custody, including custody in a protective home within the meaning of clause (g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956(104 of 1956); or in a juvenile home within the meaning of clause(j) of Section 2 of the Juvenile Justice Act, 1986 (53 of 1986); or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of Section 2 of the Mental Health Act, 1987 (14 of 1987); or
- 1[(h) in receipt of annual income less than rupees 1,00,000 or such other higher amount as may be prescribed by the State Government, if the case is before a Court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.]

Persons who satisfy all or any of the criteria specified in Section 12 shall be entitled to receive legal services provided that the concerned Authority is satisfied that such person has a prima-facie case to prosecute or to defend.

Thus the prisoners who remain undefended in facing trial of their cases are provided with legal aid through the State/District/Taluk Legal Services Authorities. The District/ Taluk Legal Services Authorities are conducting Legal Aid Clinics inside the Jails and sending advocates to provide legal aid to the prisoners in need of it. The legal aid clinics are held twice in a week inside the Jails. The advocates make aware the prisoners regarding provision of legal aid; the needy prisoners apply to the Legal Services Authorities through the Superintendents of the Jails and avail the benefits of legal aid.

#### **Responses from the women inmates**

The primary data collection was done from 11 jails. All the women inmates who were in the jail on the date of the field visit have been administered the structured questionnaire. The research team asked the questions to the women inmates and their responses have been recorded. The factual verification of their responses has not been done as one of the objectives of the study

was to capture the perception of the women inmates and their knowledge level and thus the responses received from the women inmates have been captured verbatim and analysed (Questionnaire in Annex 2). The questionnaire had the following sections on which response was collected :

- Back ground information of the woman inmates and some basic information on family
- Details of the crime
- Health and facilities available (including pregnancy)
- Children issues (who are in jail or outside)
- Education & skill building and work
- Legal aid
- Social life in prison
- Post release plans and opportunities
- Violence within jail

Key informant interviews were done at the district and state level as per an interview guideline developed. (Guide line at Annex 3 and list of key informants at Annex 4).

A feedback work shop was held on 16<sup>th</sup> December with key stake holder departments, civil society organizations, legal professionals and jailors. (Workshop Report at Annex 5 and participants list at Annex 6)

#### Study area

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

#### Capacity and excess inmates

Overall a total of 273 women inmates were identified at the start of the study in the 11 jails. It is important to note that in 8 jails there are excess inmates with Baripada jail having the highest excess of 27 women inmates.

Table 11 : Jails covered under the study (capacity and present strength of women inmates)

Sl. No	Category of the jail	Location	Accommodation available (F)	Convicts (F)	UTP(F)	Total inmates (F)	Excess inmate, if any
1	Circle jails	Baripada, Mayurbhanj	7	17	17	34	27
2		Lanjiapalli, Ganjam	40	11	32	43	3
3		Charbatia, Cuttack	16	10	14	24	8
4		Koraput	24	6	10	16	NA
5	District jails	Angul	13	0	15	15	2
6		Keonjhar	12	6	19	25	13
7		Sundaragarh	16	1	17	18	2
8	Special Jails	Jharpada, Laxmi sagar	26	5	26	31	5
9		Rourkela, Sundargarh	13	4	16	20	7
10	Sub Jails	Barimula, Kendrapara	32	1	19	20	NA
11		Nari Bandi Niketan, Sambalpur	52	11	16	27	NA

Source: IG Prisons

The data available from the 11 jails under study reveals that a total of 281 women inmates were lodged with a total of 40 children. There were 16 boys and 24 girls with the mother inmates. (Refer Table 12)

Table 12 : Status of women and children in the 11 jails

Sl no	Topic	1	2	3	4	5	6	7	8	9	10	11	Total
1	Name of the jail	Speci al Jail, BBSR	Angul Jail	Nari Bandi Niketan, Sambalpur	Circle Jail, Baripada	Circle Jail, Berhampur	District Jail, Sundargarh	Sub Jail, Kendrapada	Choudwar Jail	District Jail, Keonjhar	Koraput Jail	Rourk ela	
2	Category of the jail	Speci al Jail	District Jail	Sub Jail	Circle Jail	Circle Jail	District Jail	Sub Jail	Circle Jail	District Jail	Circle Jail	Speci al Jail	
3	Location (District)	Bhuba neswar	Angul	Sambalpur	Baripada	Berhampur	Sundargarh	Kendra pada	Choudwar	Keonjhar	Korapur	Rourk ela	
4	Prisoners intake capacity of the jail	T	748	243	55	588	743	324	152	730	407	519	802
4.1		M	723	220	0	571	691	308	114	712	380	495	789
4.2		F	26	23	55	17	52	16	38	18	27	24	13
5	Presently in jail	T	643	413	17	567	740	425	184	867	532	515	522
5.1		M	612	399	0	517	693	442	170	838	511	499	497
5.2		F	31	14	17	50	47	17	14	29	21	16	25
		UTP	28	14	9	35	35	16	14	17	15	6	22
		Convict	3	0	8	15	12	1	0	12	6	10	3
6	Number of Children presently in jail (0-6 years)	T	3	3	4	8	4	2	3	2	7	4	0
6.1		B	1	3	2	3	0	1	0	0	2	4	0
6.2		C	2	0	2	5	4	1	3	2	5	0	24

Source : From each of the jails under the study

## Legal status

A total of 269 women respondents have been covered in 11 jails out of which 207 (77%) are UTPs and 62 are convicts. (Refer Table 13). This sample size of 269 has to be seen in the context that there are 641 women prisoners in the state; thereby the sample representing 41% of the total universe.

All the women in the jails of Angul and Kendrapada are under trial followed by Sundergarh (95%).

Table 13 : Category of women inmates in the jails under study

Name of the Jail with Category of women prisoners				
		Under Trial	Convicted	Total
Angul	N	14	0	14
	%	100.00	0.00	100.00
Baripada	N	32	15	47
	%	68.09	31.91	100.00
BBSR	N	27	3	30
	%	90.00	10.00	100.00
Berhampur	N	36	9	45
	%	80.00	20.00	100.00
Chowdwar	N	14	11	25
	%	56.00	44.00	100.00
Kendrapara	N	10	0	10
	%	100.00	0.00	100.00
Keonjhar	N	15	6	21
	%	71.43	28.57	100.00
Koraput	N	9	6	15
	%	60.00	40.00	100.00
Rourkela	N	24	3	27
	%	88.89	11.11	100.00
Sambalpur	N	8	8	16
	%	50.00	50.00	100.00
Sundergarh	N	18	1	19
	%	94.74	5.26	100.00
Total	N	207	62	269
	%	76.95	23.05	100.00

Source : Primary data

### Age profile

It is seen that while 38.66% of the total respondents belong to the age group of 26-40 years, a sizeable 22.71% are UTPs in the age group of 18- 25 years. The old (more than 60 years) constitute 3.72 % of the total respondents. (Refer Table 14)

Table 14 : Age profile of the women inmates

		18-25 years	26-40 years	41-60 years	More than 60 years	Could not Say	Total
Under Trial	N	47	81	62	8	9	207
	%	22.71	39.13	29.95	3.86	4.35	100.00
Convicted	N	3	23	26	9	1	62
	%	4.84	37.10	41.94	14.52	1.61	100.00
Total	N	50	104	88	17	10	269
	%	18.59	38.66	32.71	6.32	3.72	100.00

Source : Primary data

### Social profile

The social profile of the women inmates in prisons under study reveal that while 35.69% belong to the Schedule Tribe (ST) community, 33.46% belong to the general category with 16.36% being in the Other Backward Class (OBC) category. (Refer Table 15)

Table 15 : Social profile of the women inmates

		SC	ST	OBC	Gen	Could Not Say	Total
Under Trial	N	25	73	31	70	8	207
	%	12.08	35.27	14.98	33.82	3.86	100.00
Convicted	N	5	23	13	20	1	62
	%	8.06	37.10	20.97	32.26	1.61	100.00
Total	N	30	96	44	90	9	269
	%	11.15	35.69	16.36	33.46	3.35	100.00

Source : Primary data

### Marital status

Close to 80% of the women inmates in the study are currently married while about 12% are widows. The unmarried constitute about 8% of the total respondents. (Refer Table 16)

Table 16 : Marital status

		Currently Married	Unmarried	Widow	Separated	Total
Under trial	N	165	21	18	3	207
	%	79.71	10.14	8.70	1.45	100.00
Convicted	N	48	0	14	0	62
	%	77.42	0.00	22.58	0.00	100.00
Total	N	213	21	32	3	269
	%	79.18	7.81	11.90	1.12	100.00

Source : Primary data

### Widows

There were 32 widows amongst the total respondents which is about 12% of the sample size. 7 out them (22%) were above 60 years of age. Most of these widows (66%) are illiterate.

### Disability

In the study sample of 269 women inmates, 3 women inmates were found to be of partially unsound mind and 1 who had low vision.

**Box 6 : Woman inmate with mental illness :** Sushila, age-30 at Naribandi Niketan Sambalpur- From the year 2006 Sushila is staying as UTP in this jail. She was transferred from Baneigard sub jail, Sundargarh district to Naribandi Niketan Sambalpur in 2006. Sushila is a married woman. She was arrested for murder case under IPC section 302 & 201. While taking personal interview for the research work, she could not speak anything. Even she could not tell her full name with surname. Now she is under treatment and twice in a month she is going for regular check up by psychiatrist and talking medicines under the jail officer's supervision.

### Educational level

Of the total women inmates under the study, 63% are illiterate. 42 inmates out of 269 (16%) have said to have studied till primary classes (Refer Table 17).

Table 17 : Educational status

		Illiterate	Primary	UP	Secondary	Higher Secondary	Graduate Degree	Higher	DNK	Total
Under trial	N	127	32	10	19	7	5	1	6	207
	%	61.35	15.46	4.83	9.18	3.38	2.42	0.48	2.90	100.00
Convicted	N	42	10	1	5	1	1	1	1	62
	%	67.74	16.13	1.61	8.06	1.61	1.61	1.61	1.61	100.00
Total	N	169	42	11	24	8	6	2	7	269
	%	62.83	15.61	4.09	8.92	2.97	2.23	0.74	2.60	100.00

Source : Primary data

#### Occupation and income level

43% of the total women inmates covered in study were agricultural labourers and wage earners. A total of 15 women inmates were service holders, 23 were doing business and 10 were domestic workers. A total of 99 respondents (women inmates) i.e. 37% were not in any income generating activities and are house wives. (Refer Table 18). Amongst the others, (13 inmates of whom all are under trials), there are a beggar, social worker, student and agriculture worker in own land.

Table 18: Occupation profile before imprisonment

		House Wife	Agri Labour	Wage Earner	Service Holder	Business	Daily Labor	Domestic worker	other
Under trial	N	74	42	39	12	20	16	9	13
	%	35.75	20.29	18.84	5.80	9.66	7.73	4.35	6.28
Convicted	N	25	20	13	3	3	3	1	0
	%	40.32	32.26	20.97	4.84	4.84	4.84	1.61	0.00
Total	N	99	62	52	15	23	19	10	13
	%	36.80	23.05	19.33	5.58	8.55	7.06	3.72	4.83

Source : Primary data

About 40% of the women belong to the low economic level with self earnings within Rs 25000 per annum. 5 women inmates have more than Rs 1 lakh annual income of self. (Refer Table 19)

Table 19 : Annual income

		Less Than Rs. 25000/-	Rs. 25001- 50000/-	Rs. 50001- 100000/-	More than 1 Lakhs	No Income	Total
Under trial	N	82	25	16	4	80	207
	%	39.61	12.08	7.73	1.93	38.65	100.00
Convicted	N	23	9	3	1	26	62
	%	37.10	14.52	4.84	1.61	41.94	100.00
Total	N	105	34	19	5	106	269
	%	39.03	12.64	7.06	1.86	39.41	100.00

Source : Primary data

More than 50% of women inmates don't have any asset of their own. About 27% have land and house (Refer table 20). Gold jewellery is owned by 18% of the women inmates interviewed.

Table 20 : Assets of women inmates

		Land	house	Gold jewelry	TV	Washing Machine	cycle	Two wheeler	Four wheeler	No asset
Under trial	N	23	27	36	11	3	7	5	1	115
	%	11.11	13.04	17.39	5.31	1.45	3.38	2.42	0.48	55.56
Convicted	N	13	10	12	8	2	5	4	0	30
	%	20.97	16.13	19.35	12.90	3.23	8.06	6.45	0.00	48.39
Total	N	36	37	48	19	5	12	9	1	145
	%	13.38	13.75	17.84	7.06	1.86	4.46	3.35	0.37	53.90

Source : Primary data

### Social security

40% have BPL cards and 3 widows were getting widow pension. Out of the 18 old (more than 60 years) women inmates, only 7 are getting old age pension. Out of the total women inmates interviewed, about 30% have said that they are not getting any social benefits. Considering that about 60% of the respondents are in the annual income of less than Rs 25,000 and no income, the coverage under social security benefits is not universal (Refer Table 21). 10% of the women inmates did not know if they were availing any social benefits or not.

Table 21 : Social security benefits availed prior to imprisonment

		BPL Card	Old Age Pension	Widow Pension	APL Card	Not getting	not eligible	DNK
Under trial	N	83	7	2	6	67	10	13
	%	40.10	3.38	0.97	2.90	32.37	4.83	6.28
Convicted	N	25	0	1	1	13	1	12
	%	40.32	0.00	1.61	1.61	20.97	1.61	19.35
Total	N	108	7	3	7	80	11	25
	%	40.15	2.60	1.12	2.60	29.74	4.09	9.29

Source : Primary data

#### Offence

62% of the women inmates are charged with murder cases (167 out of which convicted are 56 and rest 111 are under trial). There are 13 who are charged with Arms Act who are all under trials at the time of data collection. 35 women are imprisoned due to illegal business (31 are under trial). The illegal business is mainly handia and ganja trading. All those who are charged with theft, fraud, sex racket, prostitution, kidnapping, domestic violence are all under trials (Refer Table 22). The highest numbers of under trials inmates (111) have been charged with murder.

Table 22 : Offences of the women inmates

	Theft	Murder	Fraud	Sex Racket	Prostitution	Kidnapping	Domestic Violence	Dowry Case	Women Maoist	Property Dispute	Abetment to Sexual Violence	Illegal Business	Total
Under trial	N	12	111	10	1	1	9	12	3	13	3	1	31
	%	5.80	53.62	4.83	0.48	0.48	4.35	5.80	1.45	6.28	1.45	0.48	14.98
Convicts	N	0	56	0	0	0	0	0	2	0	0	0	62
	%	0.00	90.32	0.00	0.00	0.00	0.00	0.00	3.23	0.00	0.00	0.00	6.45
Total	N	12	167	10	1	1	9	12	5	13	3	1	35
	%	4.46	62.08	3.72	0.37	0.37	3.35	4.46	1.86	4.83	1.12	0.37	13.01

Source : Primary data

On analysis with age group categorization, it is seen that there are 17 women who are above the age of 60 years out of whom one is an under trial for about one year. In the age category of 18-22 years, who are under trial for 1 year or more, there are 10 women inmates. These young women are located in 5 jails which were covered in the study. (Refer Table 23)

Table 23: Status of women inmates in prisons :  
Age group 18 -22 years & >60/ UTP period 12 months and more

S. No.	Jail Name	Name	Category	Age at the time of admission	Date of Admission	Present age	Period (months)	Offence										
								1	2	3	4	5	6	7	8	9	10	
1	Nari Bandi Niketan Sambalpur Circle Jail Baripada	Hirwana Majhi	UTP	22	13.11.2012	23	12	302	201									
		Swarna Nohanta	UTP	21	20.07.2013	22	12	302	34	1208	121	121A	123	34	25.27 of Arms Act	sec 20,38 UAP act 1967		
		Munita Des Majhi	UTP	19	28.05.2011	22	36	341	342	323	325	307	506	427	436	34	3 POPP Act	
								147	148	149	435	120(B)	121	121(A)	124(A)	307	34	
								147	148	435	120(B)	121	121(A)	124A	283	149 IPC R.W	25Arms Act	
								147	148	435	120(B)	121	121(A)	124(A)	149	25/27 Arms Act	17 CRLA Act	
		Nbasanti Pata Majhi	UTP	19	28.05.2011	22	36	341	342	323	325	307	506	427	436	34	3 POPP Act	
								147	148	149	435	120(B)	121	121(A)	124(A)	307	34	
								147	148	435	120(B)	121	121(A)	283	149 IPC R.W	25Arms Act	17 CRLA Act	
								147	148	435	120(B)	121	121(A)	124(A)	149	25/27 Arms Act	17 CRLA Act	3 POPP Act
2	Circle Jail, Berhampur	Telam Soni	UTP	22				144	148	149	435	7 CRLA	17 CRLA Act 16,17, 18,20 UNLP	25 (1b) Arms Act	3YPHP Act 1956	364 ES Act		
		Jyotshna Jena	UTP	21	22.08.2011	24	36	364	302	201	34							
		Sipranti Tapnoo	UTP	19	14.08.2011	22	36	120	121									
		Gurubari Tarkad	UTP	19	14.08.2011	22	36	120	121									
		Anita Majhi	UTP	21	31.08.2013	22	12	147	148	302	364	120	121A	124	149 IPC 25/27 Arms Act	7,17 CRLA Act 10/13 UAP Act		
10	Budhani Dram	UTP	62	07.09.2011	63	12	302											
11	Rasmita Sa	UTP	23	16.01.2013	24	12	302	201										
12	Groupadi Kisan	UTP	21	05.07.2011	3	12	307	506	284	34								

Source – From concerned jail

## Accomplice

One fourth of the women inmates had no accomplice and has committed the crime by themselves and the others have family members or outsiders as a partner in crime. About 14% of the women inmates had no idea about who was the accomplice. For the under trial women inmates, the offence with accomplice has a significant implication on their own case status (Refer table 24).

Table 24 : Accomplice

		Self	With Family Members	With Other (Outsider)	DNK	Total
Under Trial	N	57	97	25	28	207
	%	27.54	46.86	12.08	13.53	100.00
Convicted	N	12	33	8	9	62
	%	19.35	53.23	12.90	14.52	100.00
	N	69	130	33	37	269
Total	%	25.65	48.33	12.27	13.75	100.00

Source – Primary data

## Health status and facilities availability

96% of the respondents have responded positively that a doctor does visit them. Whether it is the pharmacist or doctor, the women have not been able to make any differentiation. About 30% of the women suffer from some illness presently (Refer Table 25), within which blood pressure related ailment is the highest (35%).

Table 25 : Women inmates suffering from ailment presently

		Yes	No	DNK	Total
Under trial	N	51	137	19	207
	%	24.64	66.18	9.18	100.00
Convicted	N	27	34	1	62
	%	43.55	54.84	1.61	100.00
Total	N	78	171	20	269
	%	29.00	63.57	7.43	100.00

Source – Primary data

Of those who have some ailment presently, 22% have revealed that it has started after the imprisonment.

#### Deaths in jails

While there 46 deaths of inmates reported in the year 2013 in the state, 44 were natural deaths, 1 suicide and 1 due to firing. Out of these 3 were women inmates who died during the year and all due to natural causes<sup>37</sup>.

#### Pregnancy

Amongst the women respondents, 11 women inmates have been pregnant while in prison. They are located as follows : Baripada – 3; Bhubaneswar – 2; Chowdwar – 1; Keonjhar – 2; Rourkela – 2; Sambalpur -1. Out of these 11 inmates, 4 are convicts and 7 are under trial. They are in the age group of 18 – 25 years (5 women) and 26- 40 years (6 women). In 50% of the above instances, the jail doctor has attended to the woman. The jail has provided all necessary medicines and vaccinations during pregnancy and delivery. However linkage with the flagship scheme MAMATA was reported by only 4 women.

**Box 7 : MAMATA coverage for women in prisons :** As an impact of the study, the W & CD Dept has given instructions in August 2014 to all districts to identify eligible beneficiary for the MAMATA scheme<sup>38</sup> in the jails so that they can be covered.

#### Water, hygiene and sanitation

Water through supply lines is the source of drinking water; toilets are available; running water in toilets is available in most of the cases (77%). The toilets are used by more than 10 persons in the case of 34% of the respondents. Bathing facilities are available and running water for bathing has been reported by 77% of the respondents. A limited number of sanitary napkins are available for the women inmates.

<sup>37</sup> NCRB Prison Statistics 2013

<sup>38</sup> Odisha state specific Conditional cash transfer maternity benefit scheme of Rs 5000 for women for 2 live births. This scheme is operational all over the state.

## Food

Breakfast, lunch and dinner are available to all women inmates but evening snacks availability has been mentioned by 62% of the respondents. Special food on special days has been reported by only 50% of the women inmates. (Refer Annex 7)

**Box 8 : Extra provisions for pregnant women prisoner:** For pregnant and expectant women prisoners, the following diet chart has been prescribed which is to be given over and above the normal diet: Milk – 250 ml; Sugar – 60 gms; Vegetable – 100 gms; Fish/ meat or curd – 200 gm or 50 ml

## Children of women prisoners

53% of the women inmates have children below 18 years and 35 women inmates have children (below 6 years) living with them. Out of these 35 women who have children staying with them in the prison, 31 are under trials and 4 are convicts. The children are getting food and regular health check ups. Only 12 out of them are getting educational facilities. The children play inside the prison. All the women want educational facility for their children inside the prison. Preschool facility for children is not available inside the jail.

The children of the rest of the women inmates are at their homes or at relative's place.

## Educational and skill building aspects of the women inmates

96% of the women inmates do not have any educational opportunities/facilities inside the prison. The rest 4% who have received some educational facility are in the age group of 25 – 35 years. As far as training on skills are concerned, only 10% of the respondents have replied that they have got some skill building training on tailoring and weaving. (Refer Table 26)

Table 26 : Provided with any skill building training

		Yes	No	Do Not Know	Total
Under trial	N	4	200	4	207
	%	1.93	96.62	1.93	100.00
Convicted	N	21	43	1	62
	%	33.87	69.35	1.61	100.00
Total	N	25	243	5	269
	%	9.29	90.33	1.86	100.00

Source : Primary data

21 out 62 women convicts are doing some paid work. Women under trials have ample time for technical skill /soft skill building courses. However the jail authorities have suggested that women computer instructors along with computers should be provided so that the young women can be taught computer skills. Linkage with courses under Modular Employable Scheme is presently not available. Vocational training facility is not available inside the female ward.

#### Legal aid

In 60% of the cases, family has provided the legal assistance which is primarily need based. 10% of the women inmates don't have any knowledge about legal aid. Only 3% of the women could mention specifically about legal aid services. (Refer table 27)

Table 27 : Legal services provider

		by the family	Provided by jail	Court	Legal Service authority	No legal aid person	DNK	Others
Under trial	N	134	14	3	6	19	18	3
	%	64.73	6.76	1.45	2.90	9.18	8.70	1.45
Convicted	N	26	14	7	3	3	7	0
	%	41.94	22.58	11.29	4.84	4.84	11.29	0.00
Total	N	160	28	10	9	22	25	3
	%	59.48	10.41	3.72	3.35	8.18	9.29	1.12

Source: Primary data

Escort to court is provided by the jail. Lack of money, lack of support from family are the main reasons on the non movement of the cases related to women inmates. The women are not particularly aware about the legal aid and services that they are entitled to. Poor destitute women prisoners are not getting proper facility from legal aid services. On the status of their cases, the women inmates could not express the correct status. Of the 62 convicts, 25 (40%) have stated some status which is not appropriate. (Refer table 28)

Table 28 : Status of case

		Trial not started	trial continuing	trial completed & waiting for judgment	Any other	DNK	NA	Total
Under trial	N	86	93	6	1	3	18	207
	%	41.55	44.93	2.90	0.48	1.45	8.70	100.00
Convicted	N	5	5	2	6	7	37	62
	%	8.06	8.06	3.23	9.68	11.29	59.68	100.00
Total	N	91	98	8	7	10	55	269
	%	33.83	36.43	2.97	2.60	3.72	20.45	100.00

Source : Primary data

## Recreational and Cultural activities

Meetings with family members/ husbands happen under the eyes of the guard. No Special facility for women prisoners during meeting (Mulakat) with family members/ relatives and acquaintances. 95% of the women respondents have access to TV while 33% have access to newspaper. Work by voluntary organisations with jail inmates is limited. A daily schedule of the woman inmates depicts that they spend 50% of the wake time on activities which is not useful or productive. There is huge scope here on constructive engagement of the women inmates.

### Box 9 : Daily schedule

The maximum responses on how the women inmates spend their time:

6 am – 8 am : bathing, prayer ( 72%)

8 am – 10 am : Breakfast (74%)

10 am – 12 noon : Gossiping, sitting with inmates, watching TV, sleeping (79%)

12 noon – 2 pm : Lunch (83%)

2 pm – 4 pm : sleeping, sitting, watching TV (88%)

4 pm – 6 pm : freshup & prayer (13%) & gossiping, watching TV (48%)

6 pm – 8 pm : sleeping, gossiping, watching TV (68%)

8 pm – 10 pm : Dinner (69%) & sleeping (28%)

10 pm – 6 am : Sleeping

## Emotional condition and Self perception of the women inmates

### Box 10 : Narratives of women inmates

- "I am falsely implicated."
- "Handia is our bread and butter. I didn't know that this is illegal."
- "I am worried how I will manage my life."
- "I don't know any thing about the case and why I am arrested."
- "I did not commit the murder."
- "My name was given by those who committed the murder."
- "I need some livelihood."
- "My husband has remarried when I am in the jail."
- "I don't know any thing about the suicide."

- "I am old. I was sleeping and the police arrested me."
- "I am pregnant. I was duped to marry. Then I was arrested on theft charges."
- "I had to protect myself."
- "I want to study."
- "I can't see well. I have to depend on others for my daily work."
- "I don't know any lawyer."
- "I have been trapped. I don't know when my case will be heard."

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

#### Violence

Verbal abuse has been cited by women inmates. This abuse is reportedly being done by other prisoners and jail staff. As stated earlier one of the major limitation of the study is the restricted interaction that the research team held with the women inmates during a fixed time and date frame. Thus it is but obvious that the women inmates would not reveal instances of violence very easily and openly. It is only after rapport building that they would open up.

#### Vulnerable women inmates

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

#### Responses from key informants

- Situation of women in prison
  - Government has been making improvement in jail infrastructure.

- Mindset towards female prisoners and released ones is discriminatory. All most all female prisoners are treated like a burden to the society. Their family members as well as their acquaintances do not want to keep social relationship with them.
- UTP and Convict both stay together inside the jail and the UTPs are also treated as convicts.
- In case of female prisoners, their family members/acquaintances are not taking them back home after bail or on release.
- Poor destitute women prisoners are not getting proper legal aid services.
- Engagement facility (Paid work provided by jail) for all female prisoners is not available.
- Vocational training facility is not available inside the female ward.
- No NGOs are working with jail inmates.
- Now a days the number of UTPs is very low- there is regular review and hence no long term UTPs would be there.
- Provisions of prisoners welfare fund towards rehabilitation – Not adequate , tracking & monitoring and handholding support

- Major challenges
  - After release, re-integration with own family and society is a major problem.
  - Verbal abuse and physical abuse of women prisoners by jail staff
  - Adequate space is not available for UTPs, convicts and women prisoners (with children) inside the jail.
  - Preschool facility for children is not available inside the jail.
  - No Special facility for women prisoners during meeting (Mulakat) with family members/ relatives and acquaintances.
  - No work facility for women prisoners.
  - No recreation facility for children.
  - No legal awareness amongst the community and particularly the women on what are legal and what are illegal trades/ occupations.

## CHAPTER 4: CONCLUSION

### Summary of Findings

Prison is a state subject under List-II of the Seventh Schedule to the Constitution of India. The management and administration of prisons falls exclusively in the domain of the State Governments and is governed by the Prisons Act, 1894 and the Prison Manuals of the respective State Governments.

The Model Prison Manual (MPM) 1960 is the guiding principle of the present Indian prison management. The working group on prisons (1972) and the Mulla committee (1980) has given recommendations for prison policy and reformations. For the first time the situation of women in prisons was looked into by the Justice Krishna Iyer committee appointed in 1987 which recommended induction of more women in the police force in view of their special role in tackling women and child offenders. The 2006 Supreme Court judgment in the Upadhyaya Vs State of Andhra Pradesh case lays down that children in jails should be provided with adequate clothing suitable to the local climate. States and union territories were directed to lay down dietary scales for children, keeping in mind the calorific requirements of growing children in accordance with medical norms.

As far as women in prisons are concerned, the women prisoners are found to suffer from a variety of health problems in the custodial environment - for eg gynecological, obstetric, physical, and mental. Care is needed in all these aspects as well as rehabilitation.

In this background, an exploratory study on the status of the women in prisons in the state of Odisha was designed to gain insight on the current situation and lead to a more humane and gender just imprisonment and rehabilitation scenario.

The country has a total of 1391 jails out of which 19 are women jails. These women jails have capacity of 4827 (1.4% of total capacity). The total female inmates in the country are 18,188 who are 4.4% of the total inmates in all the jails as on 31.12.2013. The women constitute 4.6% of the under trials of the country. In Odisha there are 91 numbers of jails of seven different categories as under: Circle Jails: 05; District Jails : 09; Special Jails: 02; Female Jail: 01(Sambalpur); Special Sub-Jails: 06; Sub-Jails: 61; and Open air jail at Jamujhari in Khurda district : 01.

These jails have capacity to accommodate 18014 (males 16373 and female 1641) prisoners. The capacity for female prisoners is about 10% of the total capacity. In the year 2013, in the 67 sub jails, there were 5360 male inmates and 270 female inmates. There is no provision for women inmates in the open jail. The district jails have 126, special jails had 51, and women jail had 57 while the special sub jail had 46 women inmates with the total being 642 women inmates. As on 31.12.2013 a total 14473 of prisoners are in the various jails of the state out of which there are 13832 males and 641 women (4.4% of the total). Out of these the convicts are a total of 3507 while the UTPs are 10976. The women convicts are 121 while the UTP women are 520.

One of the most important initiatives towards inmates' welfare is the adoption of the Odisha Jail Prisoners' Welfare Fund Rules in 2012. Women prisoners are given 3 number of cotton sarees in a year. Towards fooding, per person daily allocation has increased from Rs 45.00 to Rs 60.00 and there has been a provision of giving food in steel utensils rather than aluminum ones. Female Prisoners are allowed to keep their children with them in jail till the children attain 6 years of age. There is additional provision for the children of the women inmates. Extra provisions for pregnant women prisoners are also given. The prisoners who remain undefended in facing trial of their cases are provided with legal aid through the State/District/Taluk Legal Services Authorities. The legal aid clinics are held twice in a week inside the Jails.

A total of 11 jails (4 circle jails, 3 district jails, 2 special jails and 2 sub jails) were covered in the primary data collection from women inmates. Overall a total of 273 women inmates were identified at the start of the study in these 11 jails. It is important to note that in 8 jails there are excess inmates with Baripada jail having the highest excess of 27 women inmates.

The data available from the 11 jails under study reveals that a total of 281 women inmates were lodged with a total of 40 children. There were 16 boys and 24 girls with the mother inmates.

However during the field work, a total of 269 women respondents were covered in the 11 jails out of whom 207 (77%) are UTPs and 62 are convicts. This sample size of 269 has to be seen in the context that there are 641 women prisoners in the state; thereby the sample representing 41% of the total universe.

38.66% of the total respondents belong to the age group of 26-40 years; a sizeable 22.71% are UTPs in the age group of 18- 25 years. The old (more than 60 years) constitute 3.72 % of the total respondents.

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

Close to 80% of the women inmates in the study are currently married while about 12% are widows. The unmarried constitute about 8% of the total respondents.

There were 32 widows amongst the total respondents which is about 12% of the sample size. 7 out them (22%) were above 60 years of age. Most of these widows (66%) are illiterate.

In the study sample of 269 women inmates, 3 women inmates were found to be of partially unsound mind and 1 who had low vision.

Of the total women inmates under the study, 63% are illiterate. 42 inmates out of 269 (16%) have said to have studied till primary classes

43% of the total women inmates covered in study were agricultural labourers and wage earners. 15 women inmates were service holders, 23 were doing business and 10 were domestic workers. A total of 99 respondents (women inmates) i.e. 37% were not in any income generating activities and are house wives.

40% have BPL cards and 3 widows were getting widow pension. Out of the 18 old (more than 60 years) women inmates, only 7 are getting old age pension. Out of the total women inmates interviewed, about 30% have said that they are not getting any social benefits.

62% of the women inmates are charged with murder cases (167 out of which convicted are 56 and rest 111 are under trial). There are 13 who are charged with Arms Act who are all under trials at the time of data collection. 35 women are imprisoned due to illegal business (31 are under trial). The illegal businesses are mainly handia and ganja trading. All those who are charged with theft, fraud, sex racket, prostitution, kidnapping, domestic violence are all under trials. The highest number of under trials inmates (111) has been charged with murder.

On analysis with age group categorization, it is seen that there are 17 women who are above the age of 60 years out of whom one is an under trial for about one year. In the age category of 18-22 years who are under trial for 1 year or more, there are 10 such women.

About 30% of the women suffer from some illness presently, within which blood pressure related ailment is the highest (35%). Of those who have some ailment presently, 22% have revealed that it has started after the imprisonment.

53% of the women inmates have children below 18 years and 35 women inmates have children (below 6 years) living with them.

96% of the women inmates do not have any educational opportunities/facilities inside the prison. The rest 4% who have received some educational facility are in the age group of 25 – 35 years. As far as training on skills are concerned, only 10% of the respondents have replied that they have got some skill building training on tailoring and weaving. Linkage with courses under Modular Employable Scheme is presently not available. Vocational training facility is not available inside the female ward.

In 60% of the cases, family has provided the legal assistance which is primarily need based. Only 3% of the women could mention about legal aid.

95% of the women respondents have access to TV while 33% have access to newspaper. Work by voluntary organisations with jail inmates is limited. A daily schedule of the woman inmates depicts that they spend 50% of the wake time on activities which is not useful or productive.

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

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

**(C) Donation in shape of articles:**

**Recommendations**

**FOR WOMEN INMATES**

- **Principles of non discrimination**
  - There should not be any discrimination between male and female inmates inside the jail. They should be treated equally for all types of facility available for prisoners.
  - Facilities to be upgraded/ changed to take care of the needs of the women with disability.
- **Skill building**
  - Livelihood awareness programme should be organized for women jail inmates.
  - Empowerment/skill building training for female prisoners is necessary which will help them for good future life.
  - Skill building training on making of agarbatti/chatua/papad/pickle as well as on tailoring, weaving to be undertaken at jail level.
  - Linkage with Modular Employable Schemes at the district level should be developed.
  - Basic training and raw materials could be provided through NGOs for out sourcing of job work to the women jail inmates.
  - Computers should be provided in women wards so that the women can build their capacities.
- **Capacity building**
  - Provision for lady teacher to impart adult education inside the jail for female prisoners
  - Linkage with Sakshar Bharat programme for women inmates
  - Linkage with Open Schools for continuing education
  - Promote continuation of formal education and facilitate such interests.
  - Awareness on sanitation, reproductive hygiene, psycho social mental health care and day management
- **Facility :**
  - Counseling on age specific health (physical and mental) care

- Programmes on substance abuse
- Provision for lady doctor visit
- Special facility (like separate room) for women prisoners during meeting (Mulakat) with family members/ relatives and acquaintances.
- Cleanliness inside the female ward toilets.
- Jail manual be amended regarding the food timing of the inmates.
- Provision of beds for women prisoners.
- Provisions of variety of food and snacks
- Enhanced provision for sanitary napkins
- **Facilities for children of women inmates**
  - Creche for children of women inmates inside female ward is required in every jail.
  - Supply of teaching materials like Nua Arunima for children (0-6yr) through Anganwadi Workers.
  - The female warders are already trained in Nua Arunima and they could spend time with the children of the female inmates for ensuring the early childhood education.
  - Literate prisoners may be engaged as instructor for the children of the jail inmates
  - Creation of garden for the children inside the female ward.
- **Regarding pregnant and nursing women inmates**
  - Supply of Take Home Ration (Chatua Packet) for pregnant and lactating mothers (up to 6 months after delivery) inside every jail through nearest Anganwadi center.
- **Legal aid**
  - Need of monitoring and evaluation in legal aid support facility.
  - The prisoners should know their updated case status.
  - Legal Aid system should be strengthened in all jails. More para legal volunteers for each jail along with a panel of lawyers.
  - Display board of the legal rights should be put up in the female ward.
  - Speed up trial for the Under trials particularly the Old and the young
- **Prisoners welfare**
  - A list of government facilities available in general and for women in particular should be prepared and supplied to every jail, so that the jail welfare officers can link the inmates with suitable government facility before release from jail.
  - Prison welfare fund to be mobilized from the Corporate Social Responsibility (CSR) funds and a systemic campaign towards this end so that jails can get funds towards prisoner's welfare.

- **Jail staff**
  - Jail officials to be sensitised so as not to carry out any kind of verbal abuse / physical abuse /any type of abuse towards the women inmates. Communication and behavioral change training should be organized for jail staff
  - Need of training for female jail staff on women specific laws, health and hygiene specifically on reproductive health.
  - All jail staff should be oriented towards gender sensitivity.
- **Linkage with govt schemes in various depts for inmates while under imprisonment as well as on release:**
  - Women & Child Development - MAMATA, Widow pension, Disability, Old age pension, Integrated Child Development Scheme (ICDS)
  - Law - Legal aid
  - Health & Family Welfare - Health facilities and doctors
  - School & Mass Education - Open schooling, adult literacy progs
  - Employment and Technical Education and Training (ETET)- skill building programmes
  - Panchayati Raj - Livelihood
  - Home - convergence; monitoring & review for issues related to women inmates
  - The committee at district level which includes the District judge and Collector should additionally include a lady activist/member of an NGO/social worker. This lady activist/member of an NGO/social worker would facilitate counseling of the female inmates .

#### **Specific actions to be taken by W & CD dept**

1. Issue circular that the jails are under the coverage of the nearest Anganwadi Center. Thus all benefits for children and women to be extended to those in jails. Take Home Ration(THR) to be distributed for women & children. Nua Arunima to be supplied to the children. Play items for children to be provided.
2. Old age pension, widow pension and disability pension of the women jail inmates to be given to the jail authorities within a week of the stipulated distribution date which in turn will be deposited by the jail authorities in the prison private cash deposit register.
3. Compendium of all social security schemes/ provisions to be circulated to every jail.
4. Inclusion of woman inmates under the various schemes such as MAMATA, Widow Pension, disability pension and old age pension of the department to be ensured.

## FOR WOMEN ON RELEASE

- Post release support for Rehabilitation/ Livelihood
- Need of legal awareness/self empowerment training for female prisoners not to repeat the same crime or any other type of crime.
- Psychological counseling for female prisoners to lead a normal social life after imprisonment.
- Need of Special rehabilitation facility for destitute and poor released women.
- Need of victim compensation.
- Follow up for released prisoners.
- Linkage with women's organizations and shelter homes

**ANNEX 1: Odisha Jail Prisoner's Welfare Fund Rules 2012**

**GOVERNMENT OF ODISHA  
HOME DEPARTMENT**

\*\*\*\*\*

**NOTIFICATION**

No.JLS-B- 2 /2012

6974

Bhubaneswar dated

18/2/12

In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (Act 9 of 1894), the State Government do hereby make the following rules, namely:-

**1. Short title and Commencement:** (1) These rules may be called the "Odisha Jail Prisoners' Welfare Fund Rules", 2012".

(2) They shall come into force on the date of their publication in the Odisha Gazette.

**2. Definitions:** In these rules, unless the context otherwise requires:

- (a) 'Convict Prisoner' means any prisoner undergoing sentence of a Court.
- (b) 'Prisoners' means prisoners in the prisons of Odisha.
- (c) 'Range D.I.G. of Prisons' means any officer appointed as such by Government to manage the administration of a prison range with specific duties and responsibilities.
- (d) 'Under Trial Prisoner' means any prisoner who is undergoing trial in the Court of Law.

**3. Name of the fund:** There shall be a fund called the Prisoners' Welfare Fund for each Prison.

**4. Objectives of the fund:** The objectives of the fund shall be as follows;

- (a) To defray educational expenses of the meritorious children of the Prisoners.
- (b) To provide financial assistance to the family members of the Prisoners for prolonged and expensive medical treatment.
- (c) To provide financial assistance to the family members of a Prisoner who dies during imprisonment.
- (d) To defray expenses for promoting games, sports and cultural activities for the prisoners.

- (e) To assist each prisoner with funds at the time of his release for rehabilitation.
- (f) To meet any other expenses for general welfare or benefits of prisoners as is considered necessary which is not covered under the objectives mentioned above.

**5. Sources of the fund:** The fund shall be raised mainly from voluntary contributions from prisoners, donations from public, Non-Government Organisations or any other source approved by the Government.

**6. Administration to the fund:**

(1) The fund shall be administered by an Executive Committee consisting of the following members in respect of each Jail :-

(A) In case of Circle Jails, District Jails, Special Jails, Juvenile Homes, Female Jail and prisons of Equal status;

(i)	The Superintendent -	Chairman
(ii)	Deputy Superintendent / Jailor -	Secretary
(iii)	Jail Medical Officer -	Member
(iv)	Prison Welfare Officer -	Member
(v)	Chief Head Warden -	Member
(vi)	Accountant/Clerk (if any) -	Treasurer
(vii)	Two convicts from Prison Panchayat -	Member

(B) In case of Sub-Jail/ Spl. Sub-Jails :-

(i)	The Superintendent -	Chairman
(ii)	Deputy Superintendent/ Asst. Jailor -	Secretary
(iii)	Jail Medical Officer/ Pharmacist -	Member
(iv)	Prison Welfare Officer ( available if any) -	Member
(v)	Head Warden -	Member
(vi)	Accountant/Clerk(if any)-	Treasurer
(vii)	One member(convict) from Prison Panchayat -	Member

(2) The members referred to in rule-6(1) (A) (vii) shall be nominated by The Jail Superintendent for a period of one year.

(3) To become eligible for nomination the prisoner must have:

- (i) Undergone at least one year imprisonment with good record on the date of nomination.
- (ii) At least one year sentence still to undergo on the date of nomination.

(iii) At the Jails where there is no convict prisoner, an under-trial prisoner with good record and is in jail for at least one year on the date of nomination shall be considered.

**7. Meeting of the Committee:** (1) The Committee shall meet once in every month and if the Chairman considers it desirable for reasons to be recorded minutes book, the committee may meet earlier.

(2) Two-third of the total numbers of the Committee shall form the quorum.

(3) The Secretary shall receive written request from the prisoners desiring to have aid from the fund and place them before the Committee. The decision of the Chairman shall be final. The Chairman shall ensure that aid is not given where it is not really needed.

(4) The minutes of the meeting shall be recorded in a book.

(5) The Chairman may grant monetary help from the fund to those prisoners whose cases could not be placed before the Committee but who require help urgently:

Provided that the amount of such help shall not exceeds Rs. 300/- in each case and in aggregate Rs. 3000/- during the period intervening two meetings of the Committee.

**8. Method of Collection:** (A) Collection through sealed wooden or Iron box.

A duly chain locked sealed wooden box shall be kept at a conspicuous place between the two gates of the jail to collect voluntary contributions which could not be made over personally to the Secretary or the Treasurer. The key of the box shall always be kept in the personal custody of the Chairman. The box shall be sealed under the signature of all the members of the Committee. The box must be opened on the first working day of every month in the presence of the Committee and the cash collected therein shall be counted, certified and handed over to the treasurer to be credited to the account of the fund. A report about the date of opening, amount of fund so received from the box and the names of the members present shall be recorded in the minutes book, under the signature of the Chairman.

(B) Funds received directly:

All amount paid into the fund personally through the Secretary or Treasurer shall be immediately accounted for and a

regular receipt shall be given to the donor. The statement of amount of cash received shall be placed before the committee in the meeting and recorded in minutes book.

(C) Donation in shape of articles:

Donations of useful items for the prisoners like Television, Video cassettes, Recorder, Water Cooler, Books, Computer, Type Writer and other items approved by the chairman shall be accepted and a receipt on that behalf shall be issued immediately to the donor. No donation shall be accepted from such persons or organizations who are even remotely connected with smugglers, black marketers, drug traffickers or political organizations. The statement of cash received for items and purchase of the same shall be placed before the committee in the meeting and recorded in minutes book. All such items/ articles shall be recorded in the dead stock register.

(D) Amount received out of the fund by organizing different charity programmes shall be accepted.

(E) Receipt as in Form "B" as appended to these rules, shall be issued for all kinds of contribution and the donor shall have to give an Undertaking in Form "A" to that effect as well as that the articles have been lawfully acquired by him.

**9. Accounting Procedure:** (1) Money received in cash shall be deposited in a S.B. Account in the State Bank of India or any other Nationalized Bank, opened in the name of the "Prisoners Welfare Fund" and interest thereof shall remain in the account merge with the fund

(2) Proper accounts of receipt and expenditure shall be maintained by the treasurer and checked by the secretary. The accounts shall comprise of (1) Cash book, (2) ledger, (3) Receipt book, (4) Contingency register, (5) Dead stock register, (6) Vouchers, (7) Minute's book etc.

(3) (a) Transactions of receipt and expenditure shall be entered in the relevant registers immediately as soon as they take place.

(b) Vouchers shall be defaced, numbered consecutively for the year in order of payment and kept in a separate file for the purpose.

(c) Cash book shall be checked and signed by the secretary in detail whenever there are fresh entries in it and then it shall be checked and signed by chairman at the end of every week.

- (d) On the last working day of each month, the chairman shall conduct the physical verification of cash in hand and balances in the pass book. He shall also check the vouchers and ensure about the correctness of the accounts maintained by the treasurer and record a certificate of such verification in the relevant register under his own signature.
- (e) No remuneration will be paid to the Staff engaged in maintenance of the fund.
- (f) Necessary T.A & D.A will be paid to the officials who proceed to the home of Prisoners to hand over the financial assistance out of normal grant of Government under sub-head "Travelling Expenses."
- (g) The report of the correctness of the accounts and the cash shall be put before committee in the first meeting of the next month and shall be recorded in the minute's book.

**10. Audit:** The accounts shall be audited for every financial year (i.e. from 1<sup>st</sup> April to 31<sup>st</sup> March) by departmental Auditors. Accounts of the Fund shall be open for audit by Accountant General, Orissa.

**11. Submission of Reports:** The Superintendent of each prison shall submit a half yearly report (i.e. April to September and October to March) to the Inspector General of Prisons indicating the activities, initial balance in the fund, receipts, the detail statement of disbursement from the fund, the final balance in the fund and proceedings of the meetings held. The Range Deputy Inspector General of Prisons shall examine the reports and submit the consolidated report to the Inspector General of Prisons, Odisha with his comments or views to improve/ regulate the fund not later than the last day of November and the last day of May every year. The Inspector General of Prison shall forward a consolidated report of the fund with his views or comments to Government within next fifteen days.

By Order of the Governor

**U. N. Behera**  
Principal Secretary to Government

Memo No. 6975 Dated

Copy forwarded to the Principal A.G. (A &amp; E)/Audit-I, Odisha, Bhubaneswar for information and necessary action.

*(18/2/12)*

Additional Secretary to Government.

Memo No. 6976 Dated

Copy forwarded to the Director, Printing, Stationery &amp; Publication, Odisha, Madhupatna, Cuttack for publication of the Notification in the next issue of Odisha Gazette.

An S.R.O No. may please be allotted.

*(18/2/12)*

Additional Secretary to Government.

Memo No. 6977 Dated

Copy forwarded to All Departments of Government/ All Heads of Department/All Collectors for information.

*(18/2/12)*

Additional Secretary to Government.

Memo No. 6978 Dated

Copy forwarded to the Inspector General of Prisons &amp; D.C.S., Odisha, Bhubaneswar for information and necessary action. He is requested to circulate this Notification among all the Jails of the State.

*(18/2/12)*

Additional Secretary to Government.

Memo No. 6979 Dated

Copy forwarded to all Sections of Home Department/ Guard File (20 copies) for information.

*(18/2/12)*

Additional Secretary to Government.

Memo No. 6980 Dated

Copy forwarded to the Co-coordinator, NIC, Home Department for placement of Notification in the Department website.

*(18/2/12)*

Additional Secretary to Government.

✓

Form-A  
UNDERTAKING

I, Sri/Smt. \_\_\_\_\_ hereby give this undertaking to the effect that the \_\_\_\_\_ which is donated to the \_\_\_\_\_  
(Amount of Donations/Details of Articles) (Name of  
\_\_\_\_\_  
have been lawfully acquired by me/us. This amount/article has no  
Organization)  
nexus with any illegal trade or business and are not an outcome of any illegal activities.

Signature:-  
Name:-  
Address in detail:-

### Form-B

*Note: - The Superintendent of the Prison is alone empowered to grant receipts for money paid to the Prison for goods purchased from it, and no receipts granted by any other Prison Official will be regarded as valid.*

No.

Prison Office

20

Received from .....  
the sum of Rs. (

in full payment of  
Part

Bill No. 20

### Superintendent

No.

TEMPORARY RECEIPTS

Dated 20

Received Rs ( ) only  
from .....  
Jailor

## Prison Office

20

Received from . . . . .  
the sum of Rs. ( ) only  
in full payment of  
part

Bill No. of 20

### **Superintendent.**

16  
M. M. Klon  
Mc Graw-Hill

ANNEX 2: Questionnaire

Women in prisons of Odisha  
Study conducted by SRCW, W & CD Dept, Govt of Odisha  
Supported by State Commission for Women, Odisha

**Section A: Information about the jail (to be collected from Jail officials)**

Sl no	Topic	Details	Remarks
1	Name of the jail		
2	Category of the jail		
3	Location (District)		
4	Prisoners intake capacity of the jail	Total Male Female	
4.1			
4.2			Attach separate sheet on female inmates giving all details e.g. offence, date of admission etc
5	Presently in jail	Total Male Female	
5.1			
5.2			
6	Number of Children presently in jail (0-6 years)	Total Boys Girls	
6.1			
6.2			
7	Number of Children presently in jail (above 6 and below 18 years)	Total Boys Girls	
7.1			
7.2			
8	Facilities available inside the jail (Give details)- provisions by jail as well as outside agencies/organizations/any other govt dept		Attach separate sheet
8.1	Daily diet for women, pregnant women & children		Attach separate sheet
8.2	Health and hygiene		
8.3	Drinking water		
8.4	Clothing and bed sheet for under trial prisoners		
8.5	Legal aid		
8.6	Rehabilitation of children		
8.7	Cultural activities		
8.8	Spiritual activities		
9	Staff (Give details): Position wise staff in place, vacancies and Male/ female- all staff custodial as well as guarding		Attach separate sheet
9.1	Name of Superintendent		
9.2	Name of jailor		

Information collected from.....

Name(s) of investigator(s)..... Date.....

**Section B: Information about the women in prison (to be collected from female jail inmates)**

Serial num.....Date.....Place.....

**Section B.1: Back ground information**

Sl no	Topic	Details	Remarks
1	Name of the respondent (female jail inmate)		
2	Age		
3	Gen/OBC/SC/ST		
4	Religion		
5	Marital status	Married/ unmarried/ widow/divorced/separate d/ deserted	
6	Disability ( if any) - Describe		The category of disability should be as per disability certificate if they possess a disability certificate. If not then write observations.
7	Native Place	Village: Block: District:	
7.1	Location where the respondent was staying just prior to imprisonment		
8	Educational qualification	Illiterate/ Primary/ UP/ Secondary/ Higher Secondary/ Degree/ higher	
9	Occupation (prior to being imprisoned)	House wife/ agri labourer/ wage earner/service holder/ business/ daily labourer/ Domestic worker/ other (specify)	Multiple answer
10	Annual income of self (in Rs)		Calculate annual if daily/monthly income information is given.

11	Annual income of family (in Rs)		
12	Type of Family:	Nuclear/Joint/ Any other	
13	How many members are there in your family presently (including the respondent)	Adults: Children:	
14	Assets of self	Land/ house/Gold jewelry/ Television/Washing Machine/ cycle/2 wheeler/4 wheeler/No asset/Any other specify	Multiple answer
15	Assets of family	Land/ house/Gold jewelry/ Television/Washing Machine/ cycle/2 wheeler/4 wheeler/No asset/Any other specify	Multiple answer
16	Social security benefits availed prior to imprisonment	BPL/ Old age pension/ Disability pension/ widow/APL Card/Not getting/ not eligible/any other Specify/ DNK	Multiple answer

#### Section B.2: Details of crime

Sl no	Topic	Details	Remarks
1	Arrest Date (Current Imprisonment)		Do not know (DNK) can also be answer
1.1	Arrest details of previous cases		Number of imprisonment prior (It can be also zero)
2	Offence	Theft/ Murder/Fraud/Sex racket/ Prostitution/Kidnapping/ Domestic violence/Dowry case/Women Maoist/ property dispute/abetment to sexual violence/ Any other specify	
3	IPC section		Do not know can also be answer
4	Category	Under trial Convicted	Do not know can also be answer
4.1	If convicted period of imprisonment awarded	Years.....	

5	Period of imprisonment (for the current imprisonment)	Days..... Months..... Years..... .....	Do not know can also be answer
6	Have you been given bail	Yes..... No.....	
6.1	If yes, Details regarding bail- how many times have been released on bail		
6.2	Why were you given bail	<u>1<sup>st</sup> time</u> ..... <u>2<sup>nd</sup> time</u> ..... <u>3<sup>rd</sup> time</u> .....	
7	Who all are accomplices with you in the crime?		
8	<u>Self perception of women regarding offence/ imprisonment</u>		

#### Section B.3: Health of the women prisoners and the facilities available

SI num	Topic	Details	Remarks
1	Doctor visit	Yes..... No..... DNK.....	
2	If yes, which doctor	Govt..... Private..... Jail..... DNK.....	
3	If yes, How often	Weekly..... Daily..... On demand.....	
4	If yes, Are you able to discuss your medical problem with the doctor	Yes..... No.....	
5	If yes, then what is the gender of the doctor	Male..... Female.....	
6	If yes, does the doctor prescribe medicine for you	Yes..... No.....	
7	Do you suffer from any physical illness presently	Yes..... No..... DNK.....	If no skip to question no 10
7.1	If yes, what illness		
8	Are you able to consult with doctor for this?	Yes..... No.....	

9	If yes, what steps has the doctor prescribed?		Refer Q 8
10	If no, have you ever discussed with jail officials?	Yes..... No.....	Refer Q 8
11	Do you have to pay to the medical officer/doctor additional charges for your health check up?	Yes..... No	
12	Do you have to pay additional charges for your medicines?	Yes..... No.....	
13	If yes, what is amount that you had to pay for medicines ( Previous)		Refer Q 12
14	For which disease did you have to purchase medicine	..... DNK	
15	When did your present ailment start?	Before imprisonment..... After imprisonment.....	
16	Are you diagnosed with any mental health problem	Yes..... No.....	
17	Do you take any medication for mental illness?	Yes..... No.....	
18	Do you have HIV/AIDS?	Yes..... No..... DNK	
19	If, Yes do you get any specialized treatment in the jail?	Yes..... No.....	
20	Did you become infected in prison?	Yes..... No.....	
21	Are you have ever been pregnant while in prison?	Yes..... No.....	
	(If the respondent is pregnant ask the following questions up to Q 25 or else skip to Q26)		
22	If yes where did you go for monthly health check up during pregnancy?	Jail doctor Outside private doctor/hospital Outside govt doctor/hospital/AWC	If presently pregnant, then current practice.
23	During pregnancy from where did you get medicines and vaccination?	Purchased by own money Jail supply Family supply Any other	
24	Do you have to pay additional charges for your health check up during pregnancy	Yes..... No.....	

25	What are the government schemes you are getting during pregnancy and during lactating period?	JSY Mamata Yojana/ food pkt/ vaccination/ any other .....	
<b>Hygiene, sanitation and other facilities</b>			
26	What is the source of water inside the jail?	Well Tube well Supply water Any other specify.....	
27	What is the source of drinking water	Well Tube well Supply water Any other specify.....	
28	Toilet available	Yes..... No.....	
29	Running water for toilet available	Yes..... No.....	
30	Condition of toilet	Good Bad Average	
31	How many of you are using the same toilet		
32	Bathing facilities available	Yes..... No.....	
33	Running water for bathing	Yes..... No.....	
34	Overall hygiene of the jail	Good Average Poor	
35	What meals you get daily?	Breakfast..... Lunch..... Even snacks..... Dinner..... Any other.....	Get the menu chart from jail official.
36	Special food on any day? (National Holidays and festivals)	Yes..... No.....	
36.1	If yes, describe day and meal		
37	Are you provided with Mosquito net and mosquito coil	Yes..... No.....	
38	Are you provided with sanitary napkin	Yes..... No..... Do not know.....	

39	If no, how do you manage		
40	Are the jails facilities accessible	Yes..... No.....	If the respondent is a person with disability, then these questions are to be asked
41	What aids and appliances do you use	wheel chair crutches hearing aid Any other specify....	

**Section B.4: Women prisoners and Children (Who may be with the mother in jail or outside)**

Sl no	Topic	Details	Remarks
1	Do you have children? (below 18 years)	Yes..... No.....	If no, skip to Section B.5
<b>If yes, to above, then ask the following questions</b>			
2	Total number of children		
3	Male children number		
4	Female children number		
5	Male children age range		
6	Female children age range		
7	Where are your children staying presently	Prison/ at home /Orphan age/ Relative's house/hostel/any other place specify	Multiple answer
8	If the children are not staying with you, then how often children are allowed to visit you		
9	If the children are not staying with you, then who are taking care of them		
10	Are there any special arrangements for children's visit to you in the jail?	Yes / No	
11	If the children staying with you (mother) in jail, What is the reason ( for children above 6 years)		
12	What type of facilities they are getting (children staying with you)?	Education facility food health check up Any other specify...	

13	Where do children get to play	Inside the prison Outside Do no play	
14	Are you happy with the facilities provided to your children at jail?	Yes / No	
14.1	If no, what do you need for the children?		

#### Section B.5: Education and employment facilities

Sl no	Topic	Details	Remarks
1	Are you provided with any educational facilities	Yes..... No.....	
2	If yes details		
3	Are you provided with any training facilities on skill building	Yes..... No.....	
4	If yes details		
5	Does the jail provide any employment opportunity for you	Yes..... No.....	
6	If yes details	work arranged by the prison (unpaid) work arranged by the prison (paid) optional work schemes (where prisoners may earn money) Any other.....	
7	If no, then what do you need		

**Section B 6: Legal aid provisions**

Sl no	Topic	Details	Remarks
1	Who provides the legal aid person for you	by the family provided by jail court legal service authority any other..... DNK No legal aid person	If answer is DNK or no legal aid person, then skip to Question 10
2	Who comes to give you legal aid	Male..... Female..... DNK	
3	What is your experience with them	Good Bad They do not care They do not listen any other specify.....	
4	How many times does the legal person meet you	Weekly Need based DNK	
5	Do they accompany you to court	Yes..... No.....	
6	If no who takes you to court		
7	Are you giving fees to the lawyer	Yes..... No.....	
8	If yes, amount		
9	If yes, purpose		
10	Are you going to challenge the judgment	Yes..... No.....	If the respondent is a convict
11	If yes, what have you done so far in this regard ( challenge the judgment)		
12	If no, then why	Lack of money No family support No govt support No legal help Any other	Multiple answer
13	What is the status of the case	Trial not started Trial continuing Trial completed & waiting for judgment Any other specify DNK	If the respondent is a UTP

**Section B.7: social life**

SI num	Topic	Details	Remarks
1	How many times are you allowed to meet your husband/family/acquaintances	Frequently Monthly Often	
2	While you are meeting with your husband / family member are you followed by any guard	Yes..... No.....	
3	What recreation facilities do you get in jails	Television News paper Magazine Game material Radio Any other..... No recreation facility	Multiple answer
4	What festivals are observed in jails		
5	Daily schedule		
	6.00 AM – 8.00 AM		
	8.00 AM – 10.00 AM		
	10.00 AM – 12.00 Noon		
	12.00 Noon – 2.00 PM		
	2.00 PM – 4.00 PM		
	4.00 PM – 6.00 PM		
	6.00 PM – 8.00 PM		
	8.00 PM – 10.00 PM		
	10.00 PM- 6.00 AM		
6	Do you think about your past life (before imprisonment)		
7	If yes, how do you feel		

**Section B- 8: Post release**

Sl no	Topic	Details	Remarks
1	What you will do after being released from the jail		
2	Do you feel family/community will accept you after you are out from the jail		Stigma, family support
3	Where you will go after sentence gets over		
4	Are you aware about any government provisions	Yes..... No.....	
5	Do you have a bank account	Yes..... No.....	
6	If yes, since when do you have it?	Before imprisonment after	
7	If yes, who operates it	Self Joint with husband Son Joint with son Any other	

**Section B- 9: Violence**

Sl no	Topic	Details	Remarks
1	Instance of violence in jail	Physical Mental Sexual Verbal Any other No violence	Multiple answer
2	If yes perpetrator	Staff of the jail Any other prisoner Outsider Do not know	
3	If yes, What have you done about it		

**Section- B: 10 Miscellaneous**

SI no	Topic	Details	Remarks
1	Any other issue that the respondent wants to mention		
2	Observation of the investigator		

Name(s) of Investigator (s)

**ANNEX 3: Key informant interview guideline**

1. What do you have to say about the situation of women in prison (convicts and UTPs)?
2. What are the major challenges?
3. What are some recommendations you would suggest for women in prison for their better life inside the jail? ( legal, health, education, vocational training, skill building/ income, any other)- specify for convicts and UTP
4. What are some recommendations you would suggest for women in prison for their better life after imprisonment?
5. Case study (of women convict or UTP or after imprisonment)
6. Any other point

**ANNEX 4: Key informants**

1	Ms Sashi prava Bindhani	Legal activist	Bhubaneswar
2	Mr. Rabindra Nath Swain	Superintendent, Special Jail,	Bhubaneswar
3	Mr. Dhirendra Nath Barik	Jailer, Special Jail,	Bhubaneswar
4	Ms. Smita Mohanty	Asst. Jailer, Special Jail,	Bhubaneswar
5	Mr P Kapur	IG Prison	Bhubaneswar
6	Ms Sobhagini Singh	Asst. Jailor (I/C Superintendent Nari Bandi Niketan)	Sambalpur
7	Mr. Rashmi Jena	Lawyer	Bhubaneswar
8	Dr L Baxipatra	CP, State Commission for Women	Bhubaneswar
9	Ms Sujata Jena	Lawyer/ Advocate	Cuttack

**ANNEX 5: Feedback /Suggestions/ Recommendations discussed in the Feedback workshop held on 16<sup>th</sup> Dec 2014**

**Regarding methodology of study**

- More sub jails should have been covered in the study as the condition of the sub jails is not so good.
- Grouping of the offences should be reflected in the study.

**Regarding jail infrastructure**

- Cleanliness should be maintained inside the female ward toilets.
- The jail manual should be amended regarding the food timing of the inmates.
- The old British type jails should be renovated with modern facilities.
- There should be provision of bed for women prisoners.

**Regarding Legal aid**

- Legal Aid system should be strengthened in all jails. Presently there are 2 para legal volunteers for each jail along with a panel of lawyers. Display board of the legal rights should be put up in the female ward.

**Regarding Counseling**

- The District committee which includes the District judge and Collector should additionally include lady activist/member of an NGO/social worker.
- Lady activist/member of an NGO/social worker to facilitate counseling of the female inmates.

**Regarding children of women inmates**

- Crèche for children of women inmates inside female ward is required in every jail.
- Supply of teaching materials like Nua Arunima for children (0-6yr) through Anganwadi Workers.
- The female warders are already trained in Nua Arunima and they could spend time with the children of the female inmates for ensuring the early childhood education.
- Literate prisoners may be engaged as instructor for the children of the jail inmates.

**Principles of non discrimination**

- There should not be any discrimination between male and female inmates inside the jail. They should be treated equally for all types of facility available for prisoners.
- Communication and behavioral change training should be organized for jail staff.

**Regarding pregnant and nursing women inmates**

- Supply of Take Home Ration (Chatua) for pregnant and lactating mothers (up to 6 months after delivery) inside every jail through nearest Anganwadi worker.

### **Regarding skill building**

- Livelihood awareness programme should be organized for women jail inmates.
- To engage female inmates, basic training and raw materials could be provided through NGOs. Outsourcing of job work to the women jail inmates should be encouraged.
- Computers should be provided in women wards so that the women can build their capacities.

### **Regarding medical and health facilities**

- Better facility to be provided inside jail for women with disability.
- There should be provision of visit of a lady doctor at least weekly once.

### **Regarding welfare measures**

- A list of government facilities available in general and women in particular should be prepared and supplied to every jail. So that the jail welfare officers can linkage the inmates with suitable government facility before release from jail.

### **Specific actions to be taken by W & CD dept**

1. Circular that the jails are under the coverage of the nearest Angan Wadi center. Thus all benefits for children and women to be extended to those in jails. Take Home Ration (THR) to be distributed for women & children. Nua Arunima to be supplied to the children. Play items for children to be provided.
2. Old age pension, widow pension and disability pension of the women jail inmates to be given to the jail authorities within a week of the stipulated distribution date which in turn will be deposited by the jail authorities in the prison private cash deposit register.
3. Compendium of all social security schemes/ provisions to be circulated to every jail.

ANNEX 6: Participant list

Feedback Workshop on Research Study on "Women in Prison" held on 16<sup>th</sup> Dec 2014

Venue-NSAP Conference Hall, W & CD Deptt

Sl.No	Name of the Member Present	Signature
1.	Chairperson, SCW	Dr. Lopamudra Baxipatra
2.	Chairperson, SCPD	Smt. Kasturi Mahapatra
3.	Chairperson, State Social Welfare Board	Smt Nibedita Nayak
4.	Chairperson, MVSN	Smt Shreemayee Mishra
5.	Member State Commission for Women	Smt Sigdharani Panigrahi
6.	Member State Commission for Women	Smt Kusuma Ratha
7.	Member State Commission for Women	Ms. Snehanjali Mohanty
8.	Additional I.G. Prisons	Sri Bishnu Charan Prusty
9.	Principal Secretary, Deptt of Law	Sri Mihir Ranjan Parida
10.	Commissioner-cum Secretary, Deptt of W & CD	Sri Saswata Mishra
11.	Director Social Welfare, W& CD Deptt	Smt. Aswathy.s
12.	Member Secretary Legal Services Authority	Sri Shasikanta Mishra
13.	WCD Branch Officer ICDS	Smt Durgesh Nandini Sahoo
14.	AO, MVSN	Smt. Subhra Mohanty
15.	Deputy. Secretary, DW	Smt Madhumita Nayak
16.	The Chief Probation Officer, I.G.Prisons	Smt. Sanjukta Raut
17.	The Jailer, Special Jail, BBSR	Sri Dharendra Nath Barik
18.	The (Asst.Matron), NariBandiNiketan, Sambalpur	Smt.Ashima Mishra
19.	The Senior superintendent, Circle jail, Choudwar	Sri Niranjan Dash
20.	The (Jailer) Special Jail, Rourkela	Sri Pradeep Ku. Behera
21.	State Co-ordinator, MAMATA	Smt Rashmita Samal
22.	Consultant, NOP	Smt Nandita Nayak
23.	Consultant, SABALA	Sri Priyabrata Das
24.	Consultant, ECCE	Sri Madhumita Das
25.	Representative from ISD	Ms Bina Mallick
26.	Representative from AIDWA	Smt Tapasi Praharaj
27.	Advocate	Sri Rashmi Jena

28.	Representative from NAWO	Smt Pramila Swain
29.	Representative from TFVAW	Smt Tanmayee Sahu
30.	High Court, Advocate	Smt Sujata Jena
31.	Director Women Studies Utkal University	Prof. Sabita Acharya
32.	Representative from BASUNDHARA	Smt Saila Behera
33.	Media Researcher	Smt Sarada Lahangir
34.	Project Advisor, SRCW	Dr. Amrita Patel
35.	State Co-ordinator, SRCW	Smt Namita Palo
36.	Research Officer, SRCW	Dr. Priyadarshini Sahu
37.	Asst Co-ordinator, Training & Capacity Building, SRCW	Smt Anusuya Rout
38.	Asst Co-ordinator, Health & Nutrition ,SRCW	Smt Uttaranu Choudhury
39.	Director, ISD	Smt Subhashree Das
40.	Consultant	Ms. Pragya Sinha
41.	Consultant, NOP, SPMU	Mr. Sitansu Singh
42.	Consultant, UNICEF	Mr. Sanjib Kumar Guha
43.	ICDS, Senior Officer	Mr. Dhaneswar Kerketta
44.	WCD, Senior Officer	Mr. Madanmohan Behera
45.	ICPS, Senior Officer	Mr. Prabir Ku Pradhan
46.	Consultant, NOP, SPMU	Mr. Baishnaba Ch. Rath
47.	Social Activist/ VIJAYA organisation	Ms. Chandrika Mohapatro
48.	Consultant	Ms. Sushri sangeta Pradhan
49.	WCD, Senior Officer	Mr. Prahalad Das

ANNEX 7 : DIET PER PRISONER PER DAY

**MORNING**

Morning Tea

Suji Halwa/ Suji upama and ghuguni – 2 days in a week

Semiya and ghuguni – 2 days

Chuda Santual and guguni – 2days

**MID DAY AND EVENING MEAL**

Rice/ atta roti- 600 gm

Dal

Vegetables

PROTEIN DIET ( chicken on Sunday and Wednesday / in lieu of chicken 150 gm of fish )

Chicken – 150 gm

Egg diet ( on last Sunday of each month)

2 eggs

Paneer diet ( on Thursday)

Paneer – 50 gm

**NIGHT**

Biscuit