
WOMEN PRISONERS IN INDIA: A CRITICAL ANALYSIS OF GENDER-SPECIFIC NEEDS AND PRISON REFORM POLICIES

Urvashi Sehrawat, Amity University, Noida.

ABSTRACT

This study examines the gender-specific needs of women prisoners in India and critically analyzes existing prison reform policies addressing these requirements. Despite constitutional guarantees and international human rights commitments, women prisoners continue to face systemic challenges such as inadequate healthcare, limited childcare facilities, lack of gender-sensitive infrastructure, and insufficient rehabilitation opportunities. Using a doctrinal research methodology, the paper evaluates the legal framework governing women's incarceration, including the Prisons Act 1894, constitutional protections, and the Model Prison Manual 2016. The research identifies a significant gap between policy provisions and actual implementation within prison institutions. As a result, the fundamental rights and dignity of incarcerated women are frequently compromised. The study concludes that comprehensive prison reforms incorporating gender-responsive infrastructure, healthcare services, and rehabilitation programs are essential to ensure humane treatment and reintegration of women prisoners into society.

Keywords: Women Prisoners, Prison Reform, Gender Justice, Human Rights, Criminal Justice.

1. INTRODUCTION

Women prisoners represent a small yet significant segment of the prison population in India. Although they constitute a minority compared to male inmates, their experiences within correctional institutions are marked by distinct challenges that arise from gender-specific biological, psychological, and social needs. According to official prison statistics, women account for a small proportion of India's total prison population, yet the correctional system largely remains structured around male inmates.¹

The prison environment often fails to recognize the unique requirements of female prisoners, including reproductive healthcare, maternal responsibilities, and psychological trauma caused by violence or social marginalization. Many women prisoners come from economically disadvantaged backgrounds and are frequently victims of domestic abuse, coercion, or poverty-driven criminal behavior.² These vulnerabilities require specialized institutional responses that the existing prison system often fails to provide.

The Constitution of India guarantees fundamental rights to all individuals, including prisoners. Article 21 of the Constitution protects the right to life and personal liberty, which has been interpreted by the judiciary to include the right to live with dignity even while in custody.³ However, despite these constitutional protections, women prisoners frequently encounter overcrowding, inadequate sanitation, lack of privacy, and insufficient legal aid.

The objective of this research is to examine the legal and institutional framework governing women prisoners in India and to identify the gaps between existing policies and their implementation. The study also seeks to provide recommendations for gender-sensitive prison reforms that uphold the dignity, safety, and rehabilitation of incarcerated women.

2. LITERATURE REVIEW

Existing scholarship on women prisoners in India highlights systemic shortcomings in addressing their gender-specific needs. Scholars have consistently emphasized that the prison system was historically designed for male inmates and therefore fails to accommodate the realities of women prisoners. Research examining women's prisons has revealed severe

¹ NAT'L CRIME RECORDS BUREAU, PRISON STATISTICS INDIA 2022 23 (2023).

² Anupama Dixit, *Imprisoned Lives: Women, Law and Prisons in India*, 42 *ECON. & POL. WKLY.* 37, 39 (2007).

³ INDIA CONST. art. 21; *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

deficiencies in healthcare facilities, particularly reproductive health services and mental health support.⁴

The Law Commission of India has also acknowledged the vulnerabilities of women prisoners and recommended comprehensive reforms to ensure humane treatment and protection of their rights. Its reports emphasize the need for separate institutions, female staff members, and adequate facilities for children accompanying incarcerated mothers.⁵ Despite these recommendations, implementation across Indian states has been uneven and inconsistent.

Studies on prison conditions further indicate that women prisoners frequently lack access to basic necessities such as adequate clothing, sanitary products, and private bathing facilities.⁶ In many cases, female inmates are housed within separate wards of male prisons rather than in independent women's prisons, raising concerns regarding privacy and safety.

International scholarship has also contributed to understanding gender-responsive correctional policies. Research on gender-responsive strategies argues that women's pathways to criminal behavior often involve experiences of trauma, abuse, and economic marginalization.⁷ Consequently, prison reforms must incorporate trauma-informed care, psychological counseling, and rehabilitation programs tailored specifically to women.

The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, commonly referred to as the Bangkok Rules, establish international standards for gender-sensitive prison administration.⁸ These rules emphasize the importance of healthcare services, maternal support, and alternatives to incarceration for women with dependent children.

Overall, the literature indicates that although legal and policy frameworks recognize the needs of women prisoners, institutional barriers and lack of resources continue to hinder effective implementation of these protections.

⁴ Sumana Mulla & Mallika Mallick, Women's Prisons in India: Systemic Challenges and Gender-Specific Needs, 15 *INDIAN J. GENDER STUD.* 285, 292 (2008).

⁵ LAW COMM'N OF INDIA, PRISON REFORMS, Report No. 268 (2015).

⁶ Dixit, *supra* note 2, at 41.

⁷ Stephanie S. Covington & Barbara E. Bloom, Gender Responsive Treatment and Services in Correctional Settings, 29 *WOMEN & THERAPY* 9, 12 (2003).

⁸ G.A. Res. 65/229, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Dec. 21, 2010).

3. LEGAL FRAMEWORK

The legal framework governing prisons in India consists of constitutional provisions, statutory laws, policy guidelines, and judicial decisions. These instruments collectively aim to safeguard the rights and dignity of prisoners, including women inmates. The Constitution of India provides the fundamental basis for the protection of prisoners' rights. Article 14 guarantees equality before the law, while Article 15 prohibits discrimination on the grounds of sex.⁹ Article 21 ensures the right to life and personal liberty, which the Supreme Court has interpreted to include humane conditions of detention.

In *Sunil Batra v. Delhi Administration*, the Supreme Court held that prisoners retain their fundamental rights except those restricted by the nature of incarceration.¹⁰ Similarly, in *Sheela Barse v. State of Maharashtra*, the Court emphasized the need for special safeguards for women prisoners and directed authorities to ensure the presence of female police officers and prison staff.¹¹

The primary statute governing prison administration in India remains the Prisons Act of 1894.¹² Although the Act provides certain protections for female prisoners, including separate accommodation and supervision by female staff, it is widely regarded as outdated and inadequate for addressing contemporary concerns regarding gender-specific prison management.¹³

To modernize prison administration, the Ministry of Home Affairs introduced the Model Prison Manual in 2016.¹⁴ The Manual provides detailed guidelines regarding healthcare services, childcare provisions, vocational training, and the appointment of female prison staff. However, since prisons fall under the jurisdiction of state governments, implementation of the Manual varies widely across different states.

India is also influenced by international human rights standards, particularly the Bangkok Rules adopted by the United Nations General Assembly in 2010.¹⁵ These rules outline best practices

⁹ INDIA CONST. arts. 14–15.

¹⁰ *Sunil Batra v. Delhi Administration*, AIR 1978 SC 1675.

¹¹ *Sheela Barse v. State of Maharashtra*, AIR 1983 SC 378.

¹² The Prisons Act, No. 9 of 1894 (India).

¹³ *Id.* § 27.

¹⁴ MINISTRY OF HOME AFFAIRS, GOV'T OF INDIA, MODEL PRISON MANUAL 2016.

¹⁵ Bangkok Rules, *supra* note 8.

for the treatment of women prisoners, including specialized healthcare, protection against abuse, and the use of non-custodial measures where appropriate.

4. ANALYSIS AND DISCUSSION

4.1 Healthcare Deficiencies

Healthcare remains one of the most critical concerns for women prisoners in India. Female inmates require access to specialized medical services, including gynecological care, prenatal and postnatal treatment, and adequate menstrual hygiene facilities. However, prison infrastructure often fails to provide these essential services. Studies indicate that only a limited number of prisons housing women inmates have access to qualified gynecologists or specialized medical staff.¹⁶

Pregnant prisoners face particularly serious challenges. Many prisons lack proper maternity care facilities, forcing authorities to transfer inmates to external hospitals during childbirth. Such transfers are frequently conducted under security restraints, which raises concerns regarding the dignity and safety of pregnant women. International human rights standards prohibit the use of restraints during labor and delivery, emphasizing the need for humane treatment.¹⁷

Mental health services are another neglected area. Women prisoners often experience high levels of psychological distress due to past trauma, including domestic violence, poverty, or social abandonment. The absence of trained counselors and mental health professionals within prisons exacerbates these problems and hinders effective rehabilitation.

4.2 Children Living with Mothers in Prison

Indian prison regulations permit children up to the age of six to live with their incarcerated mothers. This policy aims to preserve the mother-child relationship during early childhood.¹⁸ However, prison facilities rarely provide child-friendly environments. Most prisons lack proper

¹⁶ NAT'L CRIME RECORDS BUREAU, PRISON STATISTICS INDIA 2022 87 (2023).

¹⁷ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), r. 24 (2010).

¹⁸ MINISTRY OF HOME AFFAIRS, GOV'T OF INDIA, MODEL PRISON MANUAL 2016, r. 6.07.

crèches, educational resources, recreational spaces, and pediatric healthcare.

Children raised within prison premises are exposed to restrictive environments that may negatively affect their psychological and social development. At the same time, separating children from their mothers can lead to emotional trauma and instability. This complex situation highlights the importance of developing policies that balance the welfare of both the mother and the child.

4.3 Infrastructure and Privacy Concerns

Another significant issue affecting women prisoners is inadequate infrastructure. In several states, women inmates are housed in separate wards within male prisons rather than in independent women's prisons. This arrangement compromises privacy and safety, as the presence of male prisoners and male prison staff can create an intimidating environment.

Overcrowding further intensifies these problems. When prison capacity is exceeded, women prisoners are often forced to live in cramped conditions with limited sanitation facilities. Such conditions violate basic human dignity and fail to meet international standards for prisoner treatment.

4.4 Menstrual Hygiene and Sanitation

Menstrual hygiene management remains an overlooked aspect of prison administration. In many prisons, sanitary products are either insufficient or irregularly supplied. Women prisoners are therefore compelled to rely on unhygienic alternatives, which can lead to infections and other health complications.

Additionally, inadequate disposal systems and lack of privacy during menstruation contribute to embarrassment and psychological discomfort among women inmates. Addressing menstrual hygiene is therefore essential not only from a health perspective but also from a human dignity standpoint.

4.5 Shortage of Female Prison Staff

The shortage of female prison staff represents another structural challenge within correctional institutions. Ideally, women prisoners should be supervised exclusively by female officers to

ensure privacy and safety. However, due to staff shortages, male officers are sometimes required to monitor women's wards or conduct escort duties.

This practice raises concerns regarding potential harassment and abuse. The Model Prison Manual emphasizes the recruitment and training of female prison staff, yet many states have not implemented these guidelines effectively.¹⁹ Increasing the presence of female officers would significantly improve the security and comfort of women prisoners.

4.6 Vocational Training and Rehabilitation

Rehabilitation programs are intended to prepare prisoners for reintegration into society. Unfortunately, vocational training programs offered to women prisoners are often limited to traditional gender roles such as tailoring, embroidery, or handicrafts. While these skills may provide some economic benefit, they rarely offer sustainable employment opportunities in modern labor markets.

A more effective rehabilitation approach would involve providing education, digital literacy training, entrepreneurship programs, and professional skill development. Such initiatives would empower women prisoners to rebuild their lives after release and reduce the likelihood of recidivism.

4.7 Legal Aid and Access to Justice

Many women prisoners belong to economically and socially marginalized communities. As a result, they often lack access to legal representation and remain unaware of their rights. Undertrial prisoners face particular hardship because they may spend extended periods in prison while awaiting trial simply due to their inability to afford bail or legal counsel.

Legal aid programs are intended to address this issue, but their implementation remains inconsistent across prisons. Strengthening legal aid services and improving legal literacy among women prisoners would help ensure fair access to justice.

5. FINDINGS

The research identifies several important findings regarding the conditions and treatment of

¹⁹ Id. r. 6.02.

women prisoners in India.

First, the existing legal framework governing prisons remains outdated and insufficient to address gender-specific concerns. The Prisons Act of 1894 was enacted during the colonial period and does not adequately reflect modern human rights standards or contemporary understanding of women's needs within correctional institutions.²⁰

Second, healthcare services available to women prisoners are severely inadequate. The lack of specialized reproductive healthcare, mental health services, and maternal support demonstrates a systemic failure to recognize the biological and psychological needs of female inmates.

Third, institutional infrastructure is often unsuitable for women prisoners. Many prisons lack separate facilities for female inmates, resulting in privacy violations and safety risks. Overcrowding and inadequate sanitation further worsen living conditions within correctional institutions.

Fourth, rehabilitation and reintegration programs remain limited and ineffective. Vocational training programs often fail to equip women prisoners with skills that are relevant to the modern job market. Consequently, many women face significant barriers to employment and social acceptance after their release.

Finally, the gap between policy and implementation represents one of the most significant challenges in prison reform. Although several policies and guidelines exist to protect the rights of women prisoners, inadequate monitoring and lack of accountability hinder their effective enforcement.

6. RECOMMENDATIONS

To address the challenges identified in this study, comprehensive reforms are necessary within the prison system.

First, legislative reform should be prioritized. The outdated Prisons Act of 1894 should be replaced with modern legislation that incorporates gender-sensitive provisions and aligns with international human rights standards. Such legislation should explicitly address healthcare,

²⁰ The Prisons Act, No. 9 of 1894 (India).

childcare, privacy, and rehabilitation needs of women prisoners.

Second, healthcare infrastructure within prisons must be strengthened. Correctional institutions should ensure regular visits by gynecologists, mental health professionals, and pediatricians. Access to reproductive healthcare and adequate menstrual hygiene products should be treated as a basic right rather than a privilege.

Third, prison authorities should improve childcare facilities for children residing with incarcerated mothers. Dedicated nurseries, educational facilities, and recreational spaces should be established within prisons to support the healthy development of children.

Fourth, recruitment and training of female prison staff must be expanded. Increasing the presence of trained female officers would help create a safer and more comfortable environment for women prisoners while also reducing the risk of abuse or harassment.

Fifth, vocational training and educational programs should be redesigned to provide market-relevant skills. Programs in digital literacy, entrepreneurship, and modern technical fields would significantly enhance the employment prospects of women prisoners after release.

Finally, effective monitoring mechanisms should be introduced to ensure compliance with prison reform policies. Independent oversight bodies, including human rights commissions and civil society organizations, should conduct regular inspections of prisons housing women inmates.²¹

7. CONCLUSION

The conditions faced by women prisoners in India reveal significant shortcomings within the criminal justice and correctional systems. Despite constitutional guarantees and policy initiatives intended to safeguard prisoner rights, women inmates continue to experience neglect of their gender-specific needs.

The prison system in India was historically designed around male inmates, resulting in institutional structures that fail to adequately address the realities faced by incarcerated women. Issues such as inadequate healthcare, lack of childcare facilities, insufficient privacy, and

²¹ LAW COMM'N OF INDIA, PRISON REFORMS, Report No. 268 (2015).

limited rehabilitation opportunities demonstrate the urgent need for gender-responsive reforms.

Meaningful prison reform requires a multidimensional approach involving legislative changes, improved institutional infrastructure, enhanced healthcare services, and effective rehabilitation programs. Equally important is the recognition that many women prisoners come from vulnerable social and economic backgrounds and require support systems that facilitate reintegration into society.

Protecting the dignity and human rights of women prisoners is not merely a policy objective but a constitutional obligation. Ensuring humane prison conditions and gender-sensitive correctional policies is essential for building a justice system that reflects the principles of equality, fairness, and human dignity.

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