



INFLUENCE OF CRIMINAL BEHAVIOUR AMONG THE CHILDREN OF WOMEN PRISONERS

KEYWORDS

Awareness, Justice, Nutrition, Prison and Protection.

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ABSTRACT *The children of a country are its most valuable asset. No nation on this globe can ignore the responsibility to ensure the proper growth and development of children as the future of the country lies with them. The Govt. of India in 1974 adopted a National Policy to provide proper protection and services to children to ensure their mental, physical and social development. We all know that many children die before the age of six and before that many die during teething period. Proper nutrition and proper medicine is the right of every child. Non-Government organisations can play an importance part by creating awareness among the parents and also by insisting that the father and mother must not be deprived of their human rights which can enable them to save the situation.*

INTRODUCTION

Sexual violence against women is a significant public health problem. This violence adversely affects both psychological and physical health. About 5, 00,000 American women-annually are forced to have sexual intercourse against their will. The short and longer term psychological impacts of sexual assaults include anxiety disorders, major depressive disorders, post-traumatic stress disorder, suicidal ideation and actions, substance abuse, and eating disorders. The physical health impact of sexual assaults includes genital and non-genital injuries, a risk of unwanted pregnancies, and a risk of acquiring a sexually transmitted infection. Longer term physical health consequences of sexual assaults include chronic pelvic pain and pelvic inflammatory diseases. Women who have sexually abused in forced sex during childhood were from the category who have less education, lower incomes, run away home during childhood, to exchange sex for drugs or money and to either smoke cigarettes, drink alcohol etc. The children of any country are its valuable asset. No nation on this globe can ignore the responsibility to ensure the proper growth and development of children as the future of the country lies with them. In the world, children are used by boot leggers and drug peddlers. An innocent soul is put on the most hideous type of job. Children are trained for pickpocketing, thefts. Hardly any police has been available. Non-Government organisations can definitely play an important role with the help of the police to check such evils in the society. In 1997-98, there were 2807 women prisoners in Karnataka's seven central Jails and Sub-jails. Even if only 50% of these women have Two or Three small or growing children that means 3,500 children were left to look after themselves, feed themselves, find a place to live and cope with relatives, neighbours or strangers, not all of whom could be trusted. Women-prisoner's children specially vulnerable when she is taken away. The role of women police and of women police stations requires carefully scrutiny. Law and order, like battle, have been considered a male preserve with being inducted in these areas only recently. Where there are young children of mothers taken in social welfare custody, they must be granted permission to be with the mother in the custodial institution and requisite facilities offered for care and nurturing of such children.

A child temporarily or permanently deprived of his or her family environment or in whose own best interest cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the state. State parties shall in accordance with their national laws ensure alternative care for such a child. Article 20-convention on the rights of the child ratified by India in December, 1992. The fact that children are physically and mentally immature necessitates special rights for their nurture, protection and fulfilment of unique needs. The rights of the child should be a matter of great concern to one and all as the children constitute one of the most vulnerable sections of the society. A deprived child may

belong to any religious, ethnic, linguistic, socio-economic category and hence universal acceptance and promotion of child rights needs greater emphasis than the rights of other deprived section of the society.

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In 1997-98, there were 2807 women prisoners in Karnataka's seven central jails and sub-jails. Even if only fifty per cent of these women have two or three small or growing children that means 3,500 children were left to look after themselves, feed themselves, find a place to live and cope with relatives, neighbour or strangers, not all of whom could be trusted. In fact, there are no available statistics on information about these children, their number, where and how they live, who looks after them, whether go to school, what happen to them when they fall sick etc. - speaks for itself. In such a situation, we do not know if child's need for the warmth, love and affection of his/her family, particularly the mother, can even be considered as being among the priority needs in the overall scheme of things. The world over, the mother is the main care giver. Women prisoners' children specially vulnerable when she is taken away. If women prisoner is illiterate, as is the case most times, the bewildering circumstances of her arrest make it impossible for her to make any alternate arrangements for her children's custody and care. She has no information about what is happening to her children. The report of the National Expert Committee on women prisoners, 1987, headed by Justice V.R. Krishna Iyer, represents the most comprehensive treatise on the issue. The committees realised that despite constitutional mandates and exhortations at many forums, there is a heavy short-fall in the delivery of services to women in custody. It has articulated that women hood even in criminal wrappings and behavioural aberrations deserves to be nursed with dignity and restored to a normal life, using all the material, moral and spiritual resources at society's command. It has forcefully pleaded for the necessary improvement in the services for women prisoners in terms of basic amenities or basic needs, living conditions, facilities for

education, vocational training, legal aid and after care, so as to protect their human dignity and to revive among them the essence of life. Lamenting as to how, women prisons are denied of their basic human rights, the committee has evolved three basic instruments to rationalise the policies and programmes for their well being and welfare in custodial setting. The national policy for custodial justice to women urges upon the Government to restructure laws and procedures governing women prisoners in consonance with constitutional provisions, international standards and judicial pronouncements. The legislative-cum-administrative code for custodial correctional and rehabilitative justice, as worked out by the expert committee, incorporates an elaborate framework for gender justice in prisons. The rules cover all the vital aspects of institutional management of women offenders such as segregation and classification, admission, property, dependent children, general treatment and daily routine clothing and equipment, accommodation, cleanliness and sanitation, amenities, letters and interviews, vocational training and labour, medical facilities, legal aid, counseling and restorative measures, facilities for foreign nationals, education, premature release, transfer, social relations and aftercare, insane and mentally ill female prisoners, discipline, punishment, requests and complaints, and female personnel.

TAKING CARE

Many Non-Government organizations in the country has taken up the care of women prisoners children as a necessary corollary and a meaningful added dimension to their work with women in the cells. Taking this on has meant looking for and identifying the children based on, the often, sketchy information given by the mother. Arrangements have to be made for their food, clothes and medicines, as most children are found in states of extreme neglect. Along with these basics, the care-giver at the Non-Government organisations centers has to deal with the ill-effects of trauma on the child manifested through distress behaviors like excessive crying, incessant rocking, shock etc. If the period of the child's separation from his/ her family is prolonged, then arrangements have to be made for child's education to be taken up and sustained. At regular intervals, the social workers obtain permission from the prison authorities and take the children to spend time with their mothers in the prison.

LEGISLATIVE

Any legal back-up that can bring about certain musts to the situations faced by these children appears rather obscure. Only young children below five are allowed to stay in the prison with their mother. Here too, it has happened that very young children have been overlooked. A support system consisting of the child's relatives/community is largely presumed to be available to look after the child. In reality, such support is hardly sustained or consistent and in several instances, it is not even safe for the child. The Juvenile Justice Act makes a generalised reference to neglected juveniles. According to the Act, any such juvenile if brought to the notice of the police, has to be produced before the juvenile welfare board and can be sent to a state observation or remand home. At present, care of the women prisoner's children is thought of as:

- The mother, at the time arrest, makes a special request. Then, the children may be put into remand homes.
- While in the cell, the mother comes into contact with social workers, the circumstances demand a great deal of NGO initiatives for anything to happen.

Inside the prisons, the female staff, who look after the women's cell and are in constant contact with the women's cell and are in constant contact with the women prisoners, are the ones who can probably elicit such information. But in reality, they play a limited role and see their main responsibility as security. Also, given the prevalent, punitive atmosphere, the insensitive, often indifferent attitudes within prisons, the possibility of such humane interactions seems rather farfetched.

NEEDS

A silver lining has been the positive and sometimes compassionate response that has come from some senior officials and lower level staff of the police and prison departments, where Non-Government organisations could approach them in individual cases. But all of them are part of a system where any spark of desire to help in immediately crushed by the anxiety to maintain status quo; maintaining status quo is definitely the easier option considering there are no legal bindings for them to do otherwise. To start with, departments and the people involved - police, prisons and courts must recognize and acknowledge and existence of the issue concerning their children. Part of the procedure at the time of arrest of a woman should include making enquiries about her children, and their whereabouts. The women should have the right to have immediate contact with an appropriate organization a bonafide Non-Government organisations - that can assist in making a decision about the immediate care of her children. However, it is highly unlikely that under the circumstances, the woman herself will be able to insist on this or be aware of whom to contact. So, representatives of such organisations, whose presence is not intimidating to the woman or her children, unlike the police, should be part of the arrest part.

At present, the Government department for women and children plays no role in issues concerning women prisoners or their children. To start with, they can augment and help expand the existing facilities availed at Non-Government organisations centers for children, to keep the children in safe surroundings, so that apart from the basics, the children's education and overall development can be looked after till such time that they are able to go back to their families. Another aspects in whole system that can made a vital difference is the attitudes of police and prison staff i.e. Constables, prison wardens, and other such staff. Sensitizing them to the whole issue should be taken up as a collaborative exercise involving the departments of police, prisons and Non-Government organisations working with children. The media needs to be taken up the issue effectively so that society will eventually recognise its significance. We stress effectively, to emphasise that it does not help to present the pathetic situation of the children as a tearjerking "good story" of Non-Government organisations as doing "good work". The media should be part of lobbying groups and have a specific role - to present facts so as to highlight the rights that these children have been denied. The mother may or may not be guilty, but her children should not be punished.

- In the light of the recommendations of the National Experts Committee on Women Prisoners, 1987, the All India Committee on Jail Reforms, 1980-83, and the All India Jail Manual Committee, 1957-59, through the Ministry of Home Affairs and the Ministry of Welfare are also legitimately concerned with prison administration and social defence, Department of Women & Child Development in the Ministry of Human Resource Development is ideally suited to assume the responsibility for the planning, implementation and monitoring of the programme for the welfare of women prisoners and their children.
- Department of Women & Child Development with representative of National Commission for Women, Central Social Welfare Board, National Institute of Public Cooperation & Child Development, Bureau of Police Research and Development and National Institute of Criminology and Forensic Sciences, along with eminent experts leading prison administrators may also serve as a vehicle for on-going research, training and standard-setting in this field.
- The rules relating to the treatment of women prisoners under the State Prisons Manuals may be revised immediately on the lines indicated by the National Expert Committee on Women Prisoners in the legislative-cum-administrative code for custodial, correctional and rehabilitative justice to women and

the rules for the superintendence and management of female prisoners and children with them in jails.

- With a view to building up a national consensus on various aspects of the welfare of women prisoners, the Department of Women & Child Development may convene National Conference of State Jail Ministers and Home Secretaries.
- The implementation of the recommendations of the National Expert Committee on Women Prisoners may be taken up as the substantive agenda item for discussion at the proposed conference. The Ministry of Home Affairs, the Ministry of Welfare and the Planning Commission may also be actively involved in this endeavor.
- The Department of Women & Child Development may formulate a comprehensive scheme for the welfare of women prisoners and their children. Additional female staff for custodial correctional and rehabilitative purposes, up gradation of basic amenities, nurseries/creches for dependent children. Training of staff responsible for women prisoners and support to voluntary welfare organisations associated with the programmes for women prisoners and their children in jails.

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