Research Paper Social Science

Behind the Bar

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KEYWORDS

Introduction
Prison is not a place to live a mankind even though they are enforced to stay. A word prison means different things to different people. Prison is the place where the different people are barred behind due to different reasons by legal ways and processes. The criminals or the suspects are kept in the prison. In prisons people are physically confined and usually deprived of a range of personal freedom.

Prison Administration
The prison administration in any country has everlasting problems such as, over-crowd, hygiene, drug-trafficking, miss-communication with the prison authorities, a rigid mentality of the prisoners, etc (Dr. Nirmala, 253). At the other hand the prisoner also has horrible problems such as, un-cleanliness, miss-co-ordination with authorities and clerks, peons, torture by administrators, lack of privacy, very low quality food, (Kumar Naresh, 1986) etc. Some have the personal problems such as custody without sanction, absence of capacity, lunacy, solitary confinement, domination by other prisoners, etc. Female prisoners have all these problems. In general it is observed throughout the world that women commit a less crime than man. The women population in the prison is less than the men. In India, 0.96% population–nearly 1 million people stays in prison. According to Mulla Commission the majority of the prison population is from rural and agricultural background. Out of that 0.12% is female population. In 1993, Krishna Iyyer Commission recommended that female prisoners could keep their wards with them up to the age of five. Women, especially mothers, in prison have special physical, vocational, social and psychological needs (Centre for Social and Educational Research, Dublin Institute of Technology, 2005). Yet they often face problems with maintaining contact with family and the outside world, as well as accessing education, training and work programmes and healthcare for their children (Madhurima, 29) whilst in prison. They are also vulnerable to abuse and violence including rape, inappropriate surveillance and strip searches. They are always helpless for their wards even though those stay with them in the jails. Mother in the jails and their wards are spending a very non-qualitative life in the prisons either in India or in any other country (Greifinger Robert, 27). Women in prison have higher levels of depression, anxiety, phobias, neuroses and self-mutilation and suicide compared to the general population and male prisoners.

There is no bewildered that prison environment is not ideal to keep babies with mother. Children could not get adequate stimuli for their development. Parental in the prison is off course below par. Imprisonment of a mother is a violation of not only her own rights but also the rights of her children also. A very serious issue is prisons are not safe place for the children. It has been observed that the children those living without parents are grown better than the children living in prisons with their parents. But when the parents and particularly mother is alive, it is also not prudent to keep away her from child. No simple solution is done on this issue. Only solution is how to make children's stay better in the prisons while bared with their mother. The UN Convention on the Rights of the Child, 1989 encourage to develop policies and programmes for children living in the prison with their mothers that implement international human rights standards, in particular, the convention on rights of child, from a child rights perspective. Even though, the situations are not sound in any country not an exception of Maharashtra State Government also.

In 2011, nearly, 235 women were staying in the jail of Yerwada with their child. In 2013, the number is increased by 43(278). It is decrerased in 2014 by 78 and registered 200.

Committees on Jail Administration
The policy making in all countries is deteriorating because only a small part of existing knowledge is made available to policy makers and in turn only a small part of it is used.(Dror).

There are various agencies to look after the people's health in India, e.g., Ministry of Health at the Central or State level, Secretariat of Health at the Central or State level etc. The State Government is responsible for overall health problem. Local institutes are charged with the responsibility of health administration. But no any agency can directly make a policy for the prisoners.

Articles 21, 19, 22, 32, 37 and 39A of the Indian Constitution could be interpreted positively and humanly for the rights of prisoner but not for their wards. There are various Committees organized on the jail problem; some important are as following:

♣The All India Committee on Jail Reforms (Anand Narayan Mulla) Committee, 1980

Mullah Committee was the first that made some of its recommendations on female prisoners. Those are as following:

1) Under trial women should be treated with due courtesy and dignity by the police personnel.
2) Separate place with proper toilet facility should be provided on court premises for women prisoners.
3) Bail should be liberally granted to women under trial prisoners.
4) Women prisoners should be lodged in separate institutions.
5) Enclosures for women in common prisons should be so renovated that women prisoners do not come in view of male prisoners.
6) All general duties with regard to women offenders should be performed by women staff only.
7) Newly admitted women prisoners should be medically examined for pregnancy.
8) Pregnant women prisoners should be transferred to local maternity hospital for purposes of delivery. Pregnant and nursing women prisoners should be prescribed special diet and exempted from unsuitable types of work.
9) There should be a separate women ward in prison hospitals.

10)Women prisoners should be given adequate and proper clothing and facilities for personal hygiene.
11)Women prisoners should give a facility of maintain contact with their family through letter, visits from relatives and leave.
12)There should be a women's non-official organization at the national level to look after the interests of women prisoners.

♣All Indian Jail (Krishna Iyyer) Committee, 1993

1) A national policy for women prisoners be adopted.
2) New rules and regulations relating to punishment and conduct of female prisoners should be formed.
3) Proper coordination among police, law and women prisoners be maintained.
4) Women prisoners should be provided legal-aid.
5) Separate prisons should be constructed for women prisoners.
6) A child below 5 or 6 years of age is allowed to be admitted to prison with mother if no other adequate placement is possible.
7) Medical facility and routine checkup should be made by the female doctor. Diet, clothing, basic living facilities such as bath, toilet, personal and environmental hygiene should be provided to each inmate.
8) There should be grievance box in each prison for prisoners.

Maximum recommendations of both the machineries were accepted. With these efforts now, the women prisons in Maharashtra have specific policy and services for women prisoners.

But, the Committees were not given special attention on the health or other living conditions those can offer a better living. No health care policy was made on the recommendations of the Committee. No any Act, Regulation or Ordinance is made on this issue. In Maharashtra, The Maharashtra Prison Industry Re-organization Committee was established in 1958 but was not fruitful in this regard.

Women and their children in prison are totally neglected area from the policy makers. Yes, only a facility is that a mother and her child are given is a glass of milk.

Due to absence of policy and negligence towards building an infrastructure, the flowers of heaven have become a bitter chocolates. This paper recommends adopting a health care policy for the wards of female prisoners. It also recommends developing an infrastructure at the governmental as well as institutional level.

Recommendations:

- The women prisoners should be accommodated in a separate barrack or the barrack should not overcrowded and children of women prisoners get sufficient space for accommodation and their movement.
- The toilet facility not for the children but also for each prisoner should be qualitative or minimum comfortable, clean.
- The food of kids may be supplemented by reasonable quantity of milk, fruits, sweets, baby food and other nutrition components.
- During the illness of child, suitable food as prescribed by doctors should be made available to them.
- Children of women prisoners may be provided adequate clothes, bed sheets and other necessary materials for maintenance.
- Basic facilities like crèche, aganwadi centre, primary education centre, recreation programs and facilities etc. should be ensured in each jail. If not possible, at least proper arrangement for such facilities may be ensured through involvement of local NGO's and government officials.
- A seek child should get adequate and timely medicinal facility; if necessary, special treatment also. Special hospital and other facilities be provided to the abnormal child.
- Prison administration has to be made more sensitive and responsive to the problems of the children of women prisoners. The jails should be provided sufficient resources to ensure care, nourishment, protection, welfare and development of children living with their mothers in jails. The jail staff should be provided training and orientation for coping up new changes and proper care and welfare of women prisoners along with their children living with them in jails.
- Some fund should specifically be earmarked for the welfare of the children of women prisoners in the beginning of the year and utilized for the purpose.
- The Juvenile Justice Act should be amended and children of women prisoners may be included in the Act so that these neglected children can derive benefits of the Act for their care, protection, development and rehabilitation.

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