



Rights of Women Prisoners in India: Nexus Between the Pervasive Impact of Patriarchy and the Problem of Women Prisoners

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ABSTRACT

As per the recent report of National Crime Records Bureau (NCRB), India's prison population is 5,54,034 including 5,31,025 men and 22,918 women prisoners. Women constitutes 4.7 per cent of the total prison population. The Constitution of India confers upon women the status of equality and mandates the State to protect their rights and comply with human rights standards related to women's rights. Historically, the prison rules and criminal laws were initially designed for men, who formed the majority of the prison population. This also led to neglect of the rights of women prisoners. However, it is a matter of grave concern that the women's population in prison has also increased dramatically in recent years. They have been experiencing the hardships of imprisonment more acutely than men and continue to face a multitude of problems, with their basic human rights being blatantly disregarded. Insignificant care is paid to their unique characteristics as subjects of the criminal justice system. The primary objective of this research is to bring to the fore the various problems faced by women due to the influence of patriarchal and male-centric perspectives in the criminal justice system. Hence, issues of women's prisoners require urgent attention and must be addressed without delay. It is also crucial to adopt a gender perspective when addressing the needs of women in the criminal justice system, particularly in prisons.

Keywords: women, prisoners, gender justice, the prison system

1. Methods

The researcher conducted a qualitative analysis of data that revealed a complex relationship between patriarchy and issues of women prisoners. This relationship transcends beyond simple cause-and-effect dynamics. It is commendable that the study conducted a critical analysis using a variety of sources to gain a comprehensive understanding of the ways in which Indian constitutional law, penal acts and judiciary have played a role in reducing profound patriarchal impacts on women prisoners. These sources included previous research studies, relevant research articles, e-books, electronic databases, search engines, and the websites of key agencies in India. By examining different sources, the study offers a more inclusive understanding of the legal framework and its application in the context of women prisoners, as well as more nuanced recommendations and limitations.

2. Overview

All human beings are born equal in dignity and rights, as stated in the moral articulations that are now widely known as human rights. Human rights refer to fundamental and inalienable rights that every person is entitled to simply because he or she is born as a human. India is a country characterized by its multicultural, multi-ethnic, and multi-religious population. The concept of human rights is not only related to protecting individuals from state abuses, but also to creating social conditions that allow individuals to develop to their fullest potential. The state has a responsibility to structure these conditions in a way that enables every individual to enjoy their human rights fully.ⁱ Human rights are widely acknowledged as rights that are universally applicable to all members of humanity, irrespective of their citizenship, place of residence, ethnicity, gender, or any other distinctions. Human rights embody a range of values and capabilities that reflect the unique circumstances and historical backgrounds of different societies.ⁱⁱ As universal principles, human rights are deemed fundamental to addressing the basic needs of all individuals, regardless of where they may reside.ⁱⁱⁱ They are not privileges or gifts granted based on the arbitrary discretion of an individual or government, nor can they be revoked by any form of arbitrary power. These rights cannot be denied, refused, or entirely forfeited even if an individual has committed a crime or violated any law.^{iv}

The past century has seen a growing recognition that the purpose of imprisonment is not just punishment but also rehabilitation and reintegration into society. This has led to a greater focus on prison reforms aimed at improving the conditions of imprisonment, reducing recidivism, and ensuring that prisoners' human rights are protected. The protection of the human rights of prisoners is an essential element of prison reform.^v Prison reforms that promote the protection of prisoners' human rights can have significant positive effects on the criminal justice system and society at large. Such reforms

can help reduce overcrowding in prisons, lower rates of recidivism, and promote greater respect for the rule of law and human dignity.^{vi} Conversely, neglecting the human rights of prisoners can lead to increased violence, abuse, and societal harm.

For a long time, there have been numerous reports of human rights violations in the Indian prison system such as police brutality, abuses, torture, and other custodial violence leading to the death of prisoners.^{vii} The issue of sexual torture, rape and assault custodial violence, particularly against women, in police custody and prisons, has gained the attention of the media, NGOs working in the field of human rights and women's causes, political groups, representatives of the general public, the National Commission for Human Rights, National Women's Commission, State Women Commissions, the Judiciary, and other agencies that have made significant contributions in identifying the causes of gender-based violence against women in police custody or during imprisonment and suggesting remedies for their prevention and cure.^{viii} However, academic attention towards studying the various aspects of inhumane treatment and torture against women in custody is limited. A review of existing literature suggests that there is a need for an in-depth study with a detailed analysis of the problem. Currently, effective, and result-oriented research in this field is minimal.

Despite the significant progress made in human rights protection, the rights of prisoners, especially female prisoners, continue to be violated.^{ix} Regardless of their status as members of the human family, women prisoners are subject to numerous violations of their fundamental rights by the state and other public authorities.^x The very authorities that should be protecting these rights, such as police, judiciary, prison guards, foster care, and other authorized agencies, are often the perpetrators of these violations.

Prisons are the most sensitive area of human rights in civil society, especially for women. The ailing conditions of prison in which prisoners are held flagrantly violate their fundamental human rights often characterized by overcrowding, lack of basic amenities, and inadequate healthcare. In fact, the majority of human rights violations in prisons are the result of human rights abuses committed by police and prison staff involved in human rights management and those who prevent the commission of crimes in society. Unfortunately, they employ inhumane methods to obtain confessions or extract information.^{xi} This can range from physical assaults to verbal abuse, harassment, and torture. Female prisoners, in particular, are at a higher risk of being subjected to sexual abuse, rape, and sexual assault often used as punishment by prison staff or officials.^{xii}

Custodial rape is another kind of torture faced by women in prison that are compounded by the fact that women's prisons are often located far from urban centres and are understaffed.^{xiii} The act of custodial rape and sexual violence against women in prison leads to the violation of their basic rights, including their right to life, personal liberty, dignity, and respect. Custodial rape can lead to a range of negative health outcomes, including unwanted pregnancies and sexually transmitted infections. In numerous instances, this abuse even results in the unnatural deaths of a victim. Women may also be subject to sexual violence and abuse by fellow inmates particularly in facilities that are understaffed or lack proper oversight mechanisms.^{xiv} Incarcerated Women are often marginalized and stigmatized by society, leading to social exclusion and a range of other challenges. This can make it difficult for women prisoners to reintegrate into society after their release, leading to further challenges and difficulties.^{xv}

The aforementioned prison issues are severe and pose a significant threat to the protection of human rights, yet it has not received adequate attention. Custodial atrocities against women have now become so common nowadays that not apart from the criminal justice and the bureaucracy, common people also take it for granted as a routine practice of the prison system.^{xvi} As a result, the news of such cruel behaviour only elicits a brief, temporary shock in society, despite the ongoing commission of such atrocities. It is imperative that the authorities prioritize the protection and safeguarding of the human rights of prisoners. However, Indian states have been neglecting to take effective measures to resolve these issues. No meaningful research has been conducted to examine this problem on a national level, particularly from a gender perspective. The previous research on women, in general, has not effectively addressed the problem relevant to this area.

Further, the marginalization and neglect of women's issues and challenges within the criminal justice system can be attributed, in part, to the patriarchal influence that has historically shaped the system. As the prison system has been male-dominated, policies and provisions have traditionally been geared towards the needs of male prisoners, while female prisoners' specific needs and concerns have often been overlooked.^{xvii} This gendered approach to the criminal justice system has resulted in women prisoners facing inequality of treatment and barriers to access justice. Women are often subject to gender-based discrimination at every stage of the criminal justice process, from arrest to sentencing and beyond. Another way in which patriarchy affects women prisoners is through the broader social and legal spectrum context in which they are positioned. Patriarchal practices also affect the ability of women prisoners to access healthcare and other basic services in prison.^{xviii} Women prisoners are often denied access to reproductive healthcare, including contraception and abortion due to patriarchal attitudes that view women's sexuality as immoral and sinful.

Patriarchal mindset can manifest in various other ways in the legal system, for example in the case of women prisoners, it can impact their ability to access legal assistance and support. Women who have been incarcerated often face significant legal challenges, including issues related to family law, child custody, and filing bail. Women who have been incarcerated; bail can be a significant hurdle. Women are more likely than men to be low-income and have fewer financial resources, which can make it difficult for them to pay bail. This can result in women being held in jail for long periods of time, even if they pose no flight risk or danger to the community.^{xix}

Women are stereotyped as unreliable or emotional, which can impact how their cases are perceived by judges and other legal professionals. This can make it more difficult for women to receive a fair trial or adequate legal representation. Furthermore, the criminal justice system may be ill-equipped to address the specific needs and demands of women prisoners. For example, women may require different healthcare services than male prisoners, such as mental illness or treatment for trauma resulting from experiences of domestic violence.^{xx} Women may also face unique challenges when it comes to motherhood and family responsibilities, such as caring for children or elderly relatives, which can make it difficult for them to participate in rehabilitation and reentry programs. Women prisoners are also often denied access to education and job training programs, which can limit their prospects for successful reentry into society.^{xxi}

One major challenge is women prisoners often deal with a lack of accommodation and infrastructure in women's prisons due to a shortage of resources. Prisons are designed to house large numbers of people, and they are often constructed with little consideration for the specific needs of women. Women are forced to share cells with multiple other prisoners, including men or those who may be violent or have mental health issues. This can create an unsafe and unsanitary living environment for women. The lack of resources for women's prisons is often driven by gender inequality and the prioritization of resources for male prisoners. Women's prisons are often underfunded and understaffed, which can exacerbate the challenges that women prisoners face.^{xxii}

3. Rights of Women Prisoners under the Indian Constitution

The Constitution of India does not provide specific guarantees to women prisoners. However, the Indian Constitution gives the status of equality to women. The rights are guaranteed by Indian Constitution to every individual by virtue of status as a human being related to life, liberty, equality, and dignity of the individuals. The Constitution of India under Article 14 provides equal protection of laws to women in India and Article 15 prohibits discrimination on grounds of sex.^{xxiii}

Article 21 of the Indian Constitution guarantees the right to life and protects the human dignity of all citizens. This article ensures that no person can be deprived of their life except according to the procedure established by law. Therefore, it protects the rights of women prisoners and ensures that they are not subjected to arbitrary detention or mistreatment. Article 39A of the Constitution provides for equal justice and free legal aid for all citizens, including women prisoners. This article aims to ensure that every citizen, regardless of their economic or social status, has access to legal representation and justice.^{xxiv}

Part IV of the Constitution of India contains the Directive Principles of State Policy, which are guidelines for the state to follow while making laws and policies. Article 15(3) of the Constitution allows the state to make special provisions for women and children. In the context of women prisoners, these provisions mean that the state has a duty to provide for the special needs and requirements of women prisoners.^{xxv} The state must ensure that women prisoners are not discriminated against and are provided with adequate facilities, medical care, and protection from abuse and violence.

Further, the government of India passed the Protection of Human Rights Act, of 1993, and constituted a body known as the National Human Rights Commission for the promotion and protection of human rights. The National Human Rights Commission plays a crucial role in monitoring the implementation of constitutional provisions and ensuring that the rights of women prisoners are protected. The Commission can investigate complaints of human rights violations, including those related to women prisoners, and take appropriate action to provide redressal.^{xxvi}

4. Rights of Women Prisoners under the Prisoner's Act, 1894

The Prisoner's Act of 1894 was the first legislation in India to regulate prisons, with a focus on the reformation of prisoners and their rights.^{xxvii} Sections of this Act specifically address the rights of women prisoners in India, as follows:

1. Section 4: This section mandates the separation of female prisoners from male prisoners. It states that female prisoners must be kept in separate and distinct enclosures from male prisoners.^{xxviii}
2. Section 23: This section provides for the provision of separate accommodations and facilities for women prisoners. It requires that female prisoners be provided with separate accommodation, bathing, and toilet facilities and that they are not subjected to any form of indignity or harassment.^{xxix}
3. Section 24: This section lays down the rules for the medical examination of female prisoners. It states that female prisoners must be examined by a female medical officer and that any medical treatment must be carried out by a female nurse or attendant.^{xxx}
4. Section 27: This section deals with the treatment of pregnant female prisoners. It states that pregnant female prisoners must be provided with special accommodation and medical care and that they should be given adequate food and clothing.^{xxxi}
5. Section 30: This section deals with the employment of female prisoners. It provides that female prisoners must not be employed in work that is unsuitable or dangerous, and that they must not be required to work at night.^{xxxii}

5. Rights of Women Prisoners under the Indian Penal Code (IPC), 1860

The Indian Penal Code (IPC) contains several sections that are relevant for the protection of the rights of women prisoners in India.^{xxxiii} Some of the major sections are:

1. Section 46: This section provides for the manner of arrest of women. It states that women should be arrested only by a female police officer, or any woman authorized by the police officer in charge.^{xxxiv}
2. Section 49: This section provides for the search of women. It states that women can only be searched by another woman with strict regard for decency.^{xxxv}
3. Section 51: This section provides for the medical examination of women. It states that a female medical practitioner should conduct the medical examination of women.^{xxxvi}

4. Section 56: This section provides for the release of women. It states that women should be released on bail or personal bond whenever possible.^{xxxvii}
5. Section 57: This section provides for the custody of women. It states that women should be kept in the custody of a female police officer, or any woman authorized by the police officer in charge.^{xxxviii}
6. Section 354: This section provides for the punishment for outraging the modesty of women. It states that anyone who assaults or uses criminal force against a woman with the intention of outraging her modesty shall be punished with imprisonment for a term that may extend to two years.^{xxxix}
7. Section 376: This section provides for the punishment for rape. It states that anyone who commits rape shall be punished with imprisonment for a term that may extend to life imprisonment.^{xl}

6. Rights of Women Prisoners under the Code of Criminal Procedure (CrPC), 1973

The Code of Criminal Procedure (CRPC) is the principal legislation that governs criminal procedure in India.^{xli} Several sections of the CRPC provide for the protection of the rights of women prisoners. Some of the major sections are:

1. Section 50: This section requires that a woman cannot be arrested after sunset and before sunrise, except in exceptional circumstances, and only by a woman police officer or any female public servant.^{xlii}
2. Section 54: This section mandates that every arrested person, including women prisoners, must be medically examined by a registered medical practitioner within 24 hours of arrest.^{xliii}
3. Section 55A: This section allows women prisoners who are undertrials and have children below the age of six to be released on bail, provided that the court is satisfied that their release will not be detrimental to the child's welfare.^{xliv}
4. Section 57: This section requires that every arrested person, including women prisoners, must be produced before the magistrate within 24 hours of arrest.^{xlv}
5. Section 59: This section mandates that women prisoners who are arrested and detained must be kept in a separate cell or ward from male prisoners.^{xlvi}
6. Section 167: This section provides for the maximum period of detention for undertrial prisoners, including women prisoners.^{xlvii}
7. Section 436A: This section allows for the release of undertrial women prisoners who have completed half of the maximum period of imprisonment for the offences they are charged with, subject to certain conditions.^{xlviii}

7. Legal and Progressive Approaches of Indian Judiciary

The Supreme Court has the power to interpret the Constitution and make decisions that have far-reaching implications for women prisoners' rights. The Supreme Court plays a crucial role in ensuring that women prisoners are not subjected to arbitrary detention or mistreatment. It issued orders and guidelines to the government and prison authorities to ensure that women prisoners are provided with basic amenities, medical care, and protection from abuse and discrimination.^{xlix}

Furthermore, the Supreme Court interpreted constitutional provisions and fundamental rights to protect the rights of women prisoners. For instance, the Court has recognized the right of women prisoners to legal aid and representation, conjugal visits, and protection from custodial violence and abuse.¹ The Supreme Court enforced the implementation of its judgments and orders through its power of contempt. This power ensures that the government and prison authorities comply with the Court's orders and take appropriate measures to protect women prisoners' rights.ⁱⁱ

There have been several landmark judgments by the Supreme Court of India regarding the protection of women prisoners' rights. Some of the major judgments are:

1. Sunil Batra vs. Delhi Administration (1978) - In this case, the Supreme Court held that prisoners, including women prisoners, have the right to basic amenities, medical care, and protection from abuse and discrimination.ⁱⁱⁱ
2. Prem Shankar Shukla vs. Delhi Administration (1980) - This case recognized the right of women prisoners to conjugal visits, which allows them to maintain family ties and relationships.ⁱⁱⁱⁱ
3. Hussainara Khatun vs. State of Bihar (1980) - This case recognized the right of indigent prisoners, including women prisoners, to legal aid and representation, and the obligation of the state to provide it.^{lv}
4. Sheela Barse vs. State of Maharashtra (1983) - This case established the right of women prisoners to legal aid and representation, and the obligation of the state to provide it.^{lv}

5. *DK Basu vs. State of West Bengal (1997)* - This landmark judgment established guidelines for the treatment of prisoners, including women prisoners, and laid down measures to prevent custodial violence and abuse.^{lvii}
6. *R.D. Upadhyay vs. State Of A.P. & Ors (2006)* - The case is a landmark legal case in India that dealt with the gender-specific rights of women prisoners. The case brought to light several issues, including the lack of basic facilities such as clean water, sanitation, and medical care, as well as the prevalence of sexual abuse and violence against women prisoners by prison staff and inmates. As a result of the case, the government was required to implement a range of reforms, including the establishment of separate prisons for women, the appointment of female staff in women's prisons, and the introduction of vocational training programs and mental health services for women prisoners.

Overall, these judgments have played a significant role in protecting the rights of women prisoners in India and helped to reduce discrimination and promote gender equality in the criminal justice system.

8. Limitation and Suggestions

It is now widely acknowledged that prisoners, including women prisoners, have fundamental rights that must be respected and protected. However, creating awareness about prisoners' rights in a community, especially among women prisoners, remains a complex and nuanced issue in our Indian society. There are several factors that make creating awareness about prisoners' rights challenging, particularly for women prisoners. Firstly, there is still a significant stigma associated with being a prisoner in our society, which can make it difficult for prisoners to assert their rights or advocate for themselves. This is especially true for women prisoners, who may face additional stigma and discrimination due to their gender.

Many women prisoners, especially those from marginalized communities, may not be aware of their rights or may not have access to legal resources and support. This can make it challenging for them to assert their rights or seek redressal for any violations of their rights. It is more challenging and complex due to the patriarchal nature of Indian society. The criminal justice system, including the police, judiciary, and prison authorities, has been criticized for its negligence in protecting the rights of women prisoners. The patriarchal system of Indian society often perpetuates gender-based discrimination and violence, which can be exacerbated in the prison system. There are a number of laws to safeguard the rights of women prisoners and prevent violence but only the presence of these enacted laws is not sufficient for them to be implemented successfully as the majority of the law are gender-neutral.

Furthermore, the prison system itself can be opaque and inaccessible, making it difficult for outsiders and even family members to gain access and advocate for the rights of prisoners. This can be especially challenging for women prisoners who may be more isolated and have fewer opportunities to engage with the outside world.

To address these issues, there is a need for greater awareness and education about prisoners' rights among prisoners, prison staff, and the wider society. Efforts should be made to sensitize the police and judiciary to the unique needs and concerns of women prisoners, including their right to a safe and secure environment, access to healthcare, and protection from violence and discrimination.

The police and security forces must be trained to uphold the human rights of women prisoners and should work towards the reformation of police to bring a change in the mindset and approach of police personnel.

Training programs should include modules on gender sensitivity, sexual harassment, and the prevention of custodial violence and rape. The training should also focus on building empathy and understanding towards the needs of women prisoners, and the importance of treating them with dignity and respect.

In addition to training, constant supervision and monitoring of the police officials involved in investigations is crucial to prevent custodial violence and rape. Their superior officers should regularly monitor their conduct and take swift action if any misconduct is detected. A system of checks and balances should be put in place to ensure that police personnel are held accountable for their actions.

It is important to create a culture of zero tolerance for violence against women in the police force. This can be achieved through the implementation of strict disciplinary actions against those found guilty of misconduct.

The government can also play a crucial role in promoting awareness about prisoners' rights by launching awareness campaigns and providing legal aid and representation to prisoners. Civil society organizations and NGOs can also play a vital role in advocating for prisoners' rights and raising awareness about the issues faced by women prisoners. It is crucial to ensure that the criminal justice system is just and humane and that women prisoners are protected from violence and discrimination. It is essential to address the patriarchal attitudes and practices within the criminal justice system to ensure that women's rights are respected and protected.

Overall, creating awareness about prisoners' rights is a complex issue that requires a multifaceted approach. The task also requires commitment and determination and all sections of society including legal reform, education, and community engagement. They have a crucial role to play to cause human rights to flourish against the odds of social injustice. For women prisoners, it is essential to address the unique challenges they face and to provide them with additional support and resources to help them assert their rights and advocate for themselves.

Conclusion

It is true that living in a patriarchal society where women are systematically subjugated by men can lead to feelings of disappointment, frustration, and even desperation for some women. This can be exacerbated by other social issues such as poverty, discrimination, and victimization, which can further limit women's opportunities and agency.

In some cases, these circumstances may lead some women to resort to criminal behaviour as a means of survival or as a response to their experiences of oppression. However, it is important to recognize that criminal behaviour is not the fault of the individual alone, but rather a reflection of larger systemic issues that need to be addressed.

It is crucial to provide support, resources, and opportunities for women in these circumstances to prevent them from reoffending. This can include vocational programs, economic assistance, education, and job training, as well as mental health support and counselling. It is also crucial to create safe spaces for women prisoners to access resources and support. Additionally, it is important to implement effective legal provisions in the form of laws, rules, and guidelines that protect women from violence, discrimination, exploitation, and other forms of mistreatment in prison. This will ensure that women are guaranteed their basic human dignity and are not subject to further harm while serving their sentences.

Also, it is important to address the root causes of why women may turn to criminal behaviour in the first place, such as poverty, discrimination, and systemic oppression. By addressing these larger societal issues, we can work towards creating a more equitable and just society where women have the opportunity to thrive and are not forced to resort to criminal behaviour as a means of survival. Furthermore, it is important to address and challenge the patriarchal systems that underpin these issues, working towards creating a more equitable and just society where women are not systematically oppressed and have equal opportunities to thrive.

ⁱ V.K. Bansal, *Right to Life and Personal Liberty in India* (New Delhi: Deep and Deep Publications, 2010).

ⁱⁱ Burns H. Weston, "Encyclopedia Britannica, Human Rights," March 20, 2014.

ⁱⁱⁱ H.O. Aggarwal, *Human Rights* (Allahabad: Central Law Publications, 2010).

^{iv} Gunjan Agrahari, "Under Trial Prisoners and the Criminal Jurisprudence: An Evaluation of Indian Problems," *Allahabad Law Journal*, vol. 102 (July 2004): 62.

^v Kathleen Engel and Stanley Rothman, "Paradox of Prison Reform: Rehabilitation, Prisoners' Rights, and the Violence," *Harv. JL & Pub. Pol'y* 7 (1984): 413.

^{vi} Nitai Roy Chowdhury, *Indian Prison Laws and Correction of Prisoners* (Deep and Deep Publications, 2002).

^{vii} Kiran R. Naik, *Women In Prisons India*, *International Journal of Research and Analytical Reviews (IJRAR)*, vol. 6, no. 2 (June 2019): 178.

^{viii} Avnish Bhatt and Rajesh Bahuguna, "Rights of Prisoners from Human Rights Perspectives: A Select Study of Women Prisoners in India," *International Journal of Engineering & Technology*, vol 8, no. 1.10 (2019): 113-121.

^{ix} A. P. Vijapur, "No Distant Millennium: The UN Human Rights Instruments and the Problem of Domestic Jurisdiction," *Indian Journal of International Law*, vol.35 (1995): 51.

^x U N Dash, "Judicial Trend on Under Trial Prisoner's Rights: A Comparative Study With Universal Human Rights," *Indian Socio – Legal Journal*, vol. 16 (1990): 142.

^{xi} S. M. Diaz, "Thought on Prison Reforms in India," *Indian Jr. of Criminology*, vol. 6, no. 2 (July 1978): 79.

^{xii} Sorna V. Lakshmi, "Custodial Violence: Causes, Consequences And Preventive Measures," *Journal of Emerging Technologies, and Innovative Research (JETIR)*, vol. 6, no. 4 (April 2019): 15-16.

^{xiii} Soumya Ranjan, "Custodial Rapes in India," *Jus Corpus LJ* 2 (2021): 952.

^{xiv} Manika Kamthan, "Women prisoners in India: Tracing Gender Gaps in Theorising Imprisonment," *Forensic Research & Criminology International Journal*, vol 6 no. 6 (2018): 470-478.

^{xv} Manika Kamthan, "Women prisoners in India."

^{xvi} K. I. Vibhuti, "Compensating Victims of Crime in India: An Appraisal," *Journal of the Indian Law Institute*, vol. 32, no. 1 (1990): 68.

^{xvii} Pamini Kasera, "Rights of Women Prisoners in India," *Social Science Research Network* (June 7, 2020). Available at SSRN:

<https://ssrn.com/abstract=3621467> or <http://dx.doi.org/10.2139/ssrn.3621467>.

^{xviii} A. Browne, A. Miller and E. Maguin, "Prevalence, and severity of lifetime physical and sexual victimization among incarcerated women," *International Journal of Law Psychiatry* (1999): 22:301-322.

^{xix} M. Garg, and Nareshlata Singla, "Right of Women Prisoners in India: An Evaluation," *IJARMSS*, vol. 1, no. 2 (Aug. 2012).

^{xx} Wolff N., Shi J. and Siegel J. A., "Patterns of victimization among male and female inmates: evidence of an enduring legacy," *Violence Vict*, 24(4) (2009): 469-484, doi:10.1891/0886-6708.24.4.469.

^{xxi} Fletcher BR, Shaver LD and Moon DG, *Women prisoners: A forgotten population* (Portsmouth, NH: Greenwood Press; 1993).

^{xxii} Prof. Gaur Bandana and Durga Sharma, "Women Prisoner's Rights in India: A Myth or Reality," *Journal of Emerging Technologies, and Innovative Research (JETIR)*, vol. 8, no. 7 (July 2021).

^{xxiii} D. D. Basu. *Introduction to the Constitution of India. 22nd edition* (Nagpur: LexisNexis Wadhwa, 2015), ISBN 978-93-5143-446-7.

^{xxiv} D. D. Basu. *Introduction to the Constitution of India*.

^{xxv} Ghia Unnati, "Affirmative Action Under Article 15(3): Reassessing The Meaning of "Special Provisions" For Women," *National Law School of India Review*, vol. 32, no. 2 (2020). Available at: <https://repository.nls.ac.in/nlsir/vol32/iss2/3>.

^{xxvi} Arun Ray, *National Human Rights Commission of India: Formation, Functioning, and Future Prospects* (New Delhi: Khama Publisher, 2004), 518.

^{xxvii} THE PRISONS ACT, 1894. ACT NO. 9 OF 18941.

^{xxviii} THE PRISONS ACT, Section 4.

^{xxix} THE PRISONS ACT, Section 23.

^{xxx} THE PRISONS ACT, Section 24.

^{xxxi} THE PRISONS ACT, Section 27.

^{xxxii} THE PRISONS ACT, Section 30.

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- xxxiii THE INDIAN PENAL CODE, 1860 ACT NO. 45 OF 1860.
- xxxiv THE INDIAN PENAL CODE, Section 46.
- xxxv THE INDIAN PENAL CODE, Section 49.
- xxxvi THE INDIAN PENAL CODE, Section 51.
- xxxvii THE INDIAN PENAL CODE, Section 56.
- xxxviii THE INDIAN PENAL CODE, Section 57.
- xxxix THE INDIAN PENAL CODE, Section 354.
- xl THE INDIAN PENAL CODE, Section 376.
- xli CRIMINAL PROCEDURE CODE, 1973 ACT NO. 2 OF 1974.
- xlii CRIMINAL PROCEDURE CODE, Section 50.
- xliii CRIMINAL PROCEDURE CODE, Section 54.
- xliv CRIMINAL PROCEDURE CODE, Section 55A.
- xlvi CRIMINAL PROCEDURE CODE, Section 57.
- xlvi CRIMINAL PROCEDURE CODE, Section 59.
- xlvii CRIMINAL PROCEDURE CODE, Section 167.
- xlviii CRIMINAL PROCEDURE CODE, Section 436A.
- xlxi S.K. Verma, and Kusum, *Fifty Years of the Supreme Court of India: It's Grasp and Reach* (New Delhi: Oxford University Press, 2000).
- ¹ V. Nivedha and Dr. Neelam Pandey, "Problems of Women Prisoners and Role of Judiciary in Protecting the Rights of Prisoners," *International Journal of Social Impact*, vol. 2, no. 1 (January – March 2017).
- ⁱⁱ Pallathadka, Harikumar, "Role Played By Indian Judiciary In Recognition, Promotion, And Protection Of Rights Of Prisoners In India," *European Journal of Molecular & Clinical Medicine*, vol. 7, no. 10, (2020).
- ⁱⁱⁱ Sunil Batra vs. Delhi Administration (1978) 4 SCC 409.
- ⁱⁱⁱⁱ Prem Shankar Shukla vs. Delhi Administration (1980) AIR 1535 1980 SCR (3).
- ^{liv} Hussainara Khatoon vs. State of Bihar (1980) SCC (1) 98.
- ^{lv} Sheela Barse vs. State of Maharashtra (1983) SC 378.
- ^{lvi} D K Basu vs. State of West Bengal (1997) AIR 1997 SC 610.