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Forgotten voices: Punjab's female inmates' predicament

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Research Article

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Abstract
In light of both domestic legislation and international human rights norms, this paper critically investigates the situation of women incarcerated in Punjab, India. The study draws attention to the difficulties experienced by female prisoners, such as poor living circumstances, a lack of access to healthcare, inadequate legal representation, and vulnerability to abuse and neglect. Due to overcrowding, poor sanitation, and a lack of resources for maternity and infant care, women incarcerated in Punjab are especially vulnerable. While highlighting the need for more changes, the report also assesses government measures and legislative reforms, such as the adoption of gender-sensitive jail policies and access to justice. In order to empower women and guaranty that their rights are respected, recommendations include improved infrastructure, improved healthcare and legal assistance, psychological support, and rehabilitation programs. The research aims to provide a comprehensive approach to jail reform for women in Punjab by tackling structural gender disparities.

Keywords: Punjab, women incarcerated, healthcare, maternity care, legal assistance, jail reform, human rights, and gender sensitivity

Introduction

The state of women incarcerated in India, particularly in Punjab, is a topic of increasing concern in the legal, social, and political debate. Even while there has been some progress, women incarcerated are still treated as second-class citizens and often have their human rights violated. In a legal system that limits them both because of their gender, social rank, and the relationship between the two, they can be more vulnerable to challenges and risk. Legal examination and change are necessary, particularly in light of the unique challenges faced by female inmates in Punjab, a state already infamous for its complex sociopolitical problems [1].

The goal of this legal study is to thoroughly examine the situation of women incarcerated in Punjab, including how they are treated by the government, their legal rights, and their access to justice, health care, and housing. It will look at the state's reaction to these issues and the effectiveness of the present system put in place to safeguard their rights.

Legal Framework Governing Women Prisoners in India

The research will first shed light on the sanctioning legal system and regulations surrounding the treatment of offenders and inmates under Indian law in order to establish the context for debate on the challenges, sufferings, and pitiful situations involving women prisoners in Punjab State. Endnote: The term "criminal" is employed here not to refer to a specific aggressive conduct, but simply because a person becomes a criminal when they commit an offense. In this sense, national and international laws complement each other, and the Indian legal system upholds the rights of inmates, including women.

The Constitution of India: The fundamental constitutional protections for inmates, including women, are found in Articles 14 (right to equality), 19 (right to freedom of expression), 21 (right to

life and personal liberty), and 39A (right to equal justice) [2].

Prisons Act, 1894: The fundamental structure for prisons in India is outlined in this Act, which has been criticized for being outdated and mainly quiet on matters pertaining to women.

Bharatiya Nagarik Suraksha Sanhita, 2023: Rules pertaining to the treatment of inmates, such as the segregation of women from males and the living circumstances, are crucial in determining the treatment of female inmates.

The Protection of Women from Domestic Violence Act, 2005: Although this Act primarily addresses violence against women outside of prisons, it is crucial for female inmates who may have experienced domestic abuse prior to their incarceration.

International Human Rights Instruments: As a signatory to the International Covenant on Civil and Political Rights (ICCPR), the Nelson Mandela Rules (the United Nations Standard Minimum Rules for the Treatment of Prisoners), and the Universal Declaration of Human Rights (UDHR), India is expected to follow international standards concerning the treatment of prisoners, including women [3].

Status of Women Prisoners in Punjab

Punjab provides a unique scenario for female inmates due to its unique socio-political background, which includes the difficulties brought on by the insurgency's aftermath in the 1980s and 1990s. Like many other portions of India, Punjab has a predominantly male jail population. Concerns about women's treatment, access to justice, and rehabilitation have been raised by the constantly rising number of women behind bars.

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1. Demographics and Population of Women Prisoners in Punjab

Punjab's jail population is not exempt from the nation's general trends, which include an increase in the number of women incarcerated. Women make up between 4 and 5 percent of all inmates in India, according to recent estimates from the National Crime Records Bureau (NCRB). Although females still make up a very tiny portion of all convicts in Punjab, the number of female inmates has been rising.

The majority of Punjab's female inmates are undertrials and come from low-income backgrounds. Theft, drug charges, and other non-victim crimes account for the bulk of the incarcerated women in Punjab. The disproportionate percentage of female inmates convicted of drug-related charges is a reflection of Punjab's larger problem with substance usage.

2. Living Conditions and Infrastructure

It has been reported that the jail infrastructure, especially in Punjab and the majority of the states, is overcrowded, unsanitary, and completely unable to meet the demands of female inmates. In fact, there have been a number of significant issues with living conditions:

Overcrowding: There is frequently not enough room for female inmates in Punjab's congested jails. female prisons lack separate cells since few of them were built with women in mind, which poses serious risks to the safety and dignity of female inmates.

Lack of Separate Facilities: Although the Prisons Act mandates that all female inmates be housed in a separate jail from male inmates, this is sometimes merely "on paper" and the circumstances for women are frequently appalling. Children who live with their moms are forced to spend months or even years in filthy and dangerous conditions since many prisons in Punjab lack facilities for them.

Sanitary and Healthcare Facilities: For women, healthcare and sanitation are appalling. For instance, the final study pointed out that the unique health requirements of female inmates are often disregarded, which results in difficulties with menstruation cleanliness, prenatal care, and the treatment of gender-related illnesses.

3. Legal and Social Challenges

Undertrial Prisoners: Most women jailed in Punjab are undertrials, which means they are held for long periods of time without having been proven guilty of any crime. How the lengthy hearings and delayed justice make these prisoners more furious and disrespectful

Access to Legal Aid: Punjab has come under fire for not offering much legal assistance to female inmates, especially those from low-income families. The problem of extended incarceration is

made worse by the lack of effective legal assistance, especially for those who are awaiting trial.

Violence and Abuse: Inmates who are female are more susceptible to sexual and physical abuse. Violations of laws like the Nelson Mandela Rules, which forbid mistreatment of female inmates, are often documented in Indian jails, particularly those in Punjab [4].

4. Health and Psychological Well-being

Mental Health Issues: Because of the stress of incarceration, the severe circumstances of prison life, and the stigma associated with incarceration, women in Punjab often have mental health issues. Despite the fact that many women suffer from anxiety, depression, and post-traumatic stress disorder (PTSD), mental health treatments are still woefully insufficient.

Maternal Health and Childcare: Women in Punjab often have mental health problems because to the stress of imprisonment, the harsh conditions of jail life, and the stigma attached to incarceration. Mental health therapies are still dreadfully inadequate, despite the fact that many women experience anxiety, sadness, and post-traumatic stress disorder (PTSD).

Government Initiatives and Reforms

Both the federal and state governments have started a number of initiatives in recent years to enhance the circumstances of female inmates:

Women's Cells and Separate Prisons: 1. Some measures have been implemented to isolate female inmates from male inmates in jail cells. But not all of Punjab's jails have done this.

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Specialized Programs for Women:2. To assist female inmates in reintegrating into society after completing their sentences, several rehabilitation programs have been implemented, such as education and vocational training. These programs, however, are often underfunded and difficult to access.

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Legal Aid Services: 3. The Punjab State Legal Services Authority has made an effort to provide women and other undertrial inmates with legal assistance. However, due to logistical issues and a shortage of qualified personnel, these services are sometimes difficult to get and ineffective.

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International Commitments:4. As a member of India, Punjab abides by international human rights accords, such as the Convention on the Elimination of All Forms of Discrimination Against Women. However, many female inmates continue to experience grave rights breaches as a result of these commitments not being completely implemented [5].

Recommendations for Reform

Several changes are required in order to enhance the status of women incarcerated in Punjab:

Infrastructure Improvement: 1. Better facilities are desperately needed in women's prisons to provide enough room, cleanliness, and security. Children who live with their moms should also have their own facilities.

Specialized Healthcare and Sanitation:1. Women incarcerated should have access to adequate maternity and mental health services. It is important to take extra attention when it comes to sanitary product availability [6].

Access to Justice:1. There should be a robust system in place to provide legal assistance and expedite undertrial proceedings. Training programs on gender-specific problems are desperately needed for the legal community [7].

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Psychological Support:2. Prisons must provide mental health treatments that are tailored to the requirements of female inmates. Counseling, therapy, and support groups should be offered since incarceration may have psychological impacts.

Empowerment and Rehabilitation:2. Increase post-release assistance, education programs, and vocational training to help inmates effectively reintegrate into society [8].

Judicial Approach

For the first time, a number of rulings in India in recent years have significantly changed the rights and circumstances for prisoners, particularly for women. The treatment of women incarcerated, their access to free legal help, health care, and the defense of fundamental human rights are all topics covered in these cases. Some of the most recent important rulings pertaining to the status of female inmates in Punjab and in India are listed below:

1. Rehabilitation and Welfare of Women Prisoners Supreme Court of India: In re: Contempt Petition (C)

No. 1072/2017 in Writ Petition (C) No. 213/2017 (2019)

Regarding the problem of prison overcrowding, especially particular circumstances pertaining to female inmates, it stands out as a suomotu move by the Supreme Court. The Court has reiterated the urgent need for change in the treatment of female inmates, especially with regard to their vulnerability to abuse and violence. The Nelson Mandela Rules (UN Standard Minimum Rules for the Treatment of Prisoners), specifically the regulations pertaining to the segregation of female inmates and guaranteeing their access to healthcare, including maternal and psychological care, were issued by the Supreme Court.

Key Points

The Court mandated that state governments provide specialized healthcare to female inmates, particularly those who are pregnant or have children. It mandated that mental health care and legal help be provided to all female inmates. Additionally, the Court mandated that governments provide reports on the execution of gender-sensitive jail changes.

2. Legal Aid and Speedy Trial of Women Prisoners

State of Uttar Pradesh v. Pradeep Kumar (2021) 7 SCC 131

This ruling has significant implications for female inmates even though it expressly addressed the prompt trial of undertrials. The Court highlighted the fundamental need under Article 21, Right to Life and Personal Liberty, that undertrials—particularly women—not be detained without trial for an excessive amount of time. The Court stressed that criminal trial delays must be shortened since women suffer disproportionately from them, as the majority of them are imprisoned without proper legal representation or a prompt and fair trial.

Key Points

Special fast-track courts should be established in all states and Union Territories to expedite the trial of under-trials, particularly those involving female inmates. It emphasized how crucial it is to guaranty incarcerated women have access to competent legal representation.

3. Reproductive Health and Children of Female Prisoners

Right of Children to Free and Compulsory Education Act, 2009 v. Union of India (2020)

This case has significant strategic implications for children whose mothers are incarcerated, even though it has nothing to do with prison circumstances. The Supreme Court noted how few children are really getting ready for school on any given day who genuinely live with an imprisoned father or, more often, a mother when evaluating what rights children do [1] and don't (and shouldn't) have in terms of education. The rights of children born in prison, such as their access to care and education, are often disregarded. As a result, the Court stated: Better facilities for children accompanying female convicts must be established at detention institutions where other fundamental requirements, such as education, health, and safety, are addressed.

Key gave certain directions Points

The Court will ensure that children who remain with their incarcerated moms get the care, education, and emotional security they need. It emphasized that children should have their own place and resources while their mothers are incarcerated.

4. Violence against Women Prisoners

Nirbhaya's Case and the Framework on Women's Safety in Custody (2020)

Following the Nirbhaya incident, many court rulings have lately highlighted how important it is to provide safe environments for incarcerated women.Sexual harassment and various forms of mistreatment of female inmates were the primary topics of discussion. The goal of the Nirbhaya case ruling was to guaranty gender parity in jails and the criminal justice system. The Supreme Court mandated that female inmates get additional protection from sexual abuse and assault, particularly from prison staff.

Key Points

In order to avoid violence, especially sexual abuse in prisons, the Court asked for more stringent monitoring and assessments of prison conditions. It has directed the authorities to make sure that women's reports of abuse, harassment, and assault in jails are handled as swiftly and seriously as possible.

5. Health and Hygiene of Women Prisoners

M.C. Mehta v. Union of India (2019) 10 SCC 757

This landmark ruling addressed a number of issues pertaining to prison conditions, including inmates' medical treatment. Every prisoner, but particularly women, should have access to at least basic medical treatment, according to a Supreme Court ruling. It demanded that women's prisons be equipped with sanitary and hygienic facilities of

the proper caliber, with suitable menstrual health standards for the female inmates. The Court also examined the question of maternal health care and reaffirmed its stance that women who are pregnant or have just given birth while incarcerated must have access to the proper medical treatment and facilities for birthing.

Key Points

The Court ordered the state authorities to make sure that female inmates received proper healthcare services, including obstetric and gynecological treatment. The jail administration has been directed to offer sanitary items so that female inmates may maintain their health by eliminating menstrual hygiene problems, among other things.

6. Prison Reforms and Gender Sensitivity

Reform and Rehabilitation of Women Prisoners: R.K. Anand v. Union of India (2022)

This was the primary topic of discussion about the rehabilitation and resocialization of female inmates via the provision of appropriate education and vocational training, as well as the reintegration of these women into society upon their completion of their sentences. The Court of Justice has often said that prison reforms should be tailored to the requirements of women; for women, this means offering them psychological therapy, skill development, and vocational training.

Key Points

Conversely, the Court offered significant advice to the executive branch about the creation and execution of gender-sensitive programs in prisons, such as mental health care, literacy programs, and vocational training. It also highlighted the need to provide women prisoners with chances for rehabilitation, including education to help them reintegrate into society and engaging them in constructive activities while they are behind bars.

Conclusion

Conversely, the Court offered significant advice to the executive branch about the creation and execution of gender-sensitive programs in prisons, such as mental health care, literacy programs, and vocational training. It also highlighted the need to provide women prisoners with chances for rehabilitation, including education to help them reintegrate into society and engaging them in constructive activities while they are behind bars.

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