PREFACE

In the era of globalization when the Indian legal system conducting various inter disciplinary and trans disciplinary research works in the field of global issues like Intellectual Property Rights, Cyber Crime, Banking Law, E-Commerce, Information Technology Law, etc-etc with other developing and developed countries, Criminal Justice System in India has got equal importance in this regard. Criminal Justice System in India as a whole including in respect of Prisons and Prisoners has come under critic review. The issues relating to the condition of prisoners and jail reforms have been considered by a number of committees from time to time and their reports have included special recommendations on Women Prisoners. The National Committee on Women Prisoners headed by Justice Krishna Iyer (1986-87) has made exhaustive recommendations exclusively for Women Prisoners covering various facets and even formulating a draft – “Legislative-cum-Administrative Code” for consideration of the government. Similarly, the 135th Report of the Law Commission (1989) was devoted entirely to the problems of Women Prisoners and it has added a New Chapter XXXIII- A in Cr. P.C.-Indian Constitution itself has provided various articles which can improve the plight of Women Prisoners in our country.

Criminal Procedure Code, Indian Penal Code and various other Laws of our country trying to improve the conditions of Women Prisoners in India. Like several International Laws in this regard, India is also continuously trying to resolve the disputes relating to human rights of women prisoners. Though in Indian Constitution all these human rights Laws are incorporated by the name of Fundamental Rights (under Chapter III) and Directive Principles of State Policy (under Chapter IV) but it does not mean that human right concept in a vague concept in India. Through various Articles 21, 22, 39-A, 14, 15, 16, 23, 24 etc and its interpretation it is established that human right should be an important concept for life of everyone.

To give best implementation of these laws, legislatures, judiciary and executive are trying together with their best efforts. Some other useful Institutions viz. –
National Commissions for Women, the Parliamentary Committee on Empowerment of Women, National Institute of Police Cooperation and Child development, United National Development fund for Women, Kasturba Gandhi Trust in Indore, M.P. State Commission etc are trying to eradicate the basic problems of Women Prisoners in India. These basic problems are problems related with food, clothing, health care, discrimination, ill-treatment by prison’s staffs and male prisoners etc.

The present study is of more relevance in view of various fragmented laws which owe their instance in different stages of the lives of women prisoner and have provided different set of rules and procedures for women prisoners at different leaves viz. offence, arrest, trial, convictions, conditions in jails, rules for jail administrations etc.

The present study in its humble way tries to answer some of the relevant questions relating to violation of human rights of women prisoners in India such as – why the various protective laws were prescribed in India with reference to human rights? What was the objective of the framers of constitution of India incorporating Chapter 3 and Chapter 4? What are the steps being taken by the legislature in furtherance of the constitutional mandate contained under constitution of India? What is the real condition of women prisoners in India? These questions necessitated to classify the whole of the study into six parts.

Chapter 1 deals with Introduction. Chapter 2 discusses the various international legislative efforts to protect the violation of human rights of women prisoners. Chapter 3 embodies the existing legislative scenario in India towards the human rights violations of women prisoners in India. Chapter 4 incorporates the efforts of judiciary towards implementation of these laws. Chapter 5 attempts to explore the plight of women prisoners in India. This chapter concentrates mainly on empirical survey through data collections, observations by jail visits, interviews, case study, reports etc. Tables of field data have been reduced to the fewest possible number. Chapter 6 finally relates to conclusions and suggestions.
It is expected that this attempts of the author would be meaningful in formulating consensus on the various issues of human rights of women prisoners in India.

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