



# Behind Bars: An In-depth Analysis of Women Prisoners in India

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**Abstract** - Female criminality has historically been overlooked, largely due to prevailing stereotypes that portray women as inherently more honest and less prone to criminal behavior. The dominant societal narrative continues to frame crime as a predominantly male phenomenon. Consequently, women who commit crimes are often marginalized, and when incarcerated, they are subjected to prison systems designed primarily for male inmates. Female prisoners face a unique set of challenges within the penal system, encompassing social, economic, cultural, physical, and psychological dimensions. Although women constitute a minority of the prison population, data indicate a concerning upward trend in female criminality. The proportion of women arrested for various crimes rose from 5.4% in 2001 to 6.2% in 2011. Despite their growing numbers, female prisoners often remain peripheral in criminological discourse, and their rights are frequently violated within systems that fail to account for gender-specific needs and experiences. Long-term incarceration tends to reinforce and magnify the oppressive mechanisms that women already endure in broader society. Understanding how women experience imprisonment—especially long sentences—requires a recognition of the abuse many have endured in their communities, as well as the emotional and biographical contexts that shape their lives. Importantly, incarceration does not strip individuals of their human rights. As affirmed in the Universal Declaration of Human Rights (1948), limitations on a prisoner's rights must align with the principles of morality, public order, and the general welfare in a democratic society. This paper employs both qualitative and quantitative methods to examine the lived experiences of female convicts. It aims to challenge the notion that criminality is inherently masculine by centering on the voices and narratives of incarcerated women. In doing so, it sheds light on their vulnerabilities, institutional struggles, and the broader neglect of their rights and realities in both academic and policy discussions.

**Keywords:** women prisoners, female criminality, crime, prison, vulnerability

## I. INTRODUCTION

Pandit Jawaharlal Nehru famously said that the status of its women can gauge a nation's condition. Punishing wrongdoers is a fundamental part of civilized cultures, with jails dating back to antiquity. Initially, imprisonment was thought to reform convicts by tight isolation, but this method frequently backfired. Individuals were robbed of their freedom and social bonds while being incarcerated, undermining the desired rehabilitation. Inspired by behavioral sciences, contemporary

thinking acknowledges that incarceration alone will not result in offender reform. While prisons intend to rehabilitate and instill law-abiding attitudes, the reality frequently entails using force rather than practical rehabilitation approaches.

Women have long faced inferiority in India, a patriarchal society, resulting in incidences of violence and injustice. Rape and mistreatment incidents continue, with women imprisoned for defending themselves, sometimes in violation of their fundamental rights. Economic inequalities push some women to engage in illegal activities to meet fundamental requirements. Despite legal provisions for women's protection, issues concerning the Constitution's fulfilment of its ambitions occur. Women face widespread discrimination, undermining their social and legal standing.

Because of patriarchal society and ideas, men are stereotyped as criminals. However, as we move in that enlightened world, we continue to be astounded by crimes committed by women. We welcomed men out of prison, whether they were innocent or guilty, because we felt they had been abused. However, when a woman is freed from prison, our society rejects her.

Female criminality, according to Pattanaik and Mishra (2001), is the result of fast industrialization, urbanization, and westernization, as well as a variety of economic, cultural, and environmental factors. Women now work in the workplace alongside men as professionals.

Female prisoners confront myriad unresolved issues, subject to discretion abuse by law enforcement and prison authorities. Despite constitutional and international safeguards, the violation of women's rights in custody remains pervasive. Reforms aimed at restorative justice have seldom reached incarcerated women, even though changing economic and social factors have increased their involvement in crime. This paper aims to delve into the challenges faced by female prisoners, their rights, and their conditions within correctional facilities, and propose necessary changes.

Within Indian prisons, women endure custodial horrors, where those meant to protect them become their abusers. Women in prison encounter numerous hurdles and difficulties. Women detainees are found in deplorable conditions in prison. The jail environment is severe, with a lack of facilities, which affects female convicts. Female convicts were addicted to drugs and disease, and prison staff did nothing to aid them. Earlier studies demonstrate that women inmates confront various issues in the jail that affect all aspects of their lives, and facilities are not given for the women prisoners' dependent children who live with them in the prison. Women are the single members of the family who serve as the foundation for everyone else. This unsettling reality underscores the urgent need for reform.

## **Women Prions in India**

Imprisoned women typically fall into one of two categories i.e. those who have been found guilty or those who are awaiting trial. Women who are imprisoned and convicted of a crime are referred to as convicted women prisoners. At the same time, those in the legal authorities' custody and are detained during an investigation are known as under-trial women. Not enough prisons are set up specifically for women prisoners, although they make up half of all prisoners.

There are 32 women's prisons in the country, out of a total of 1,319 prisons. In India, only 15 States/UTs have Women's Jails with a total capacity of 6,767. The rest of 21 States/UTs have no separate Women Jail as of 31st December 2021.

As per Prison Statistics India 2021 of NCRB, Rajasthan has seven jails with 998 capacity, Tamil Nadu has five jails with a capacity of 2018, Kerala has three jails with a capacity of 232, Andhra Pradesh has two jails with a capacity of 280, Bihar has two jails with a capacity of 202, Gujarat has two jails with a capacity of 410, Uttar Pradesh has four jails with a capacity of 540, Delhi has two jails with a capacity of 680, Karnataka has one jail with a capacity of 100, Maharashtra has one jail with a capacity of 262, Mizoram has one jail with a capacity of 96, Odisha has one jail with a capacity of 55, Punjab has one jail with a capacity of 320, Telangana has one jail with a capacity of 260, and West Bengal has one jail with a capacity of 314.

### **Female Criminality: Causes and Motives**

The perception of female criminality has historically been overlooked due to the assumption that women are more truthful and less likely to commit crimes. However, evolving gender roles, empowerment, economic independence, and political participation have allowed women to engage in various activities, potentially increasing their susceptibility to criminal behavior (Swesthiga & Sahoo, 2022). In India, changing cultural norms have led to increased criminal activities among women. This shift in roles and the associated challenges have been largely ignored in discussions around female criminality, prison sentences, and the rights of women prisoners.

The proportion of female criminals in India has grown from 5.4% in 2001 to 6.2% in 2011 (Mili et al., 2015). Various factors contribute to this trend. Women may resort to extreme actions due to motivations such as seeking financial independence, social acceptance, and social respect (Bhagat). The difference in male and female crime rates can be attributed to distinct societal roles. Men often compete outside the home for wage-earning, sometimes resorting to criminal means in the process. In contrast, women typically fulfil domestic roles within the home and have different incentives for criminal behavior (Ahuja, 2000).

Female prisoners in India face a dual disadvantage: their gender bias and prejudice intensify during incarceration and persist upon release (Mohanty, 2013). Female criminality in India stems from a range of factors, including biological, sociological, and psychological causes.

- **Biological Cause:** Early theorists like Lombroso attributed female deviance to inherent biological traits, portraying women as fundamentally evil and less intelligent. These theories, though outdated, once suggested that factors like hormonal changes during pregnancy and menopause could lead to criminal behavior.
- **Psychological Cause:** Psychological problems and the struggle to conform to traditional roles can drive some women to reject societal ideals. Women in distressing situations may resort to violence as a coping mechanism, particularly in lower socioeconomic strata.
- **Sociological Cause:** Societal factors play a significant role in female criminality. Gender discrimination, lack of equality, limited opportunities, and financial struggles can lead women to commit crimes. The root causes often lie in social-structural factors rather than solely in individual psychology or physiology.

## **Legal Acts and Provisions Pertaining to Women Prisoners**

There are articles and provisions related to prisoners' rights, mainly focusing on women prisoners, within the context of Indian law. These provisions emphasize the importance of safeguarding the rights and dignity of individuals within the criminal justice system.

- Article 21 of the Indian Constitution: This article guarantees all individuals the right to life and personal liberty. It ensures that no person can be deprived of these rights except according to the procedure established by law.
- Article 142 of the Indian Constitution: This article empowers the Supreme Court of India to pass any decree or order necessary for delivering complete justice in any pending case or matter.
- Article 39A of the Indian Constitution: This article promotes equal justice and the provision of free legal aid to ensure that individuals, including those in marginalized or vulnerable positions, have access to legal assistance.
- Section 428 of the Indian Penal Code (IPC): This section allows for the set-off of periods of detention of an accused as an under-trial prisoner against the term of imprisonment imposed upon their conviction.

The specific rights of women prisoners are crucial for ensuring their safety, dignity, and well-being within the prison system:

- Rights to Female Guards for Female Security: Providing female guards ensures that women prisoners are supervised and cared for by individuals of the same gender, which can contribute to a more secure and comfortable environment.
- Rights of Pregnant Women Prisoners: Pregnant women prisoners require specialized care and medical attention. Their rights aim to ensure that their pregnancy-related needs are addressed and that they are not harmed.
- Rights to Mother Prisoners: These rights recognise the needs of women who are mothers and are incarcerated. They may include measures to facilitate contact with their children and ensure that their rights as mothers are protected even while in prison.
- Rights to the Children of Women Prisoners: These rights focus on ensuring that the children of incarcerated women are not unduly affected by their mother's imprisonment and that their well-being, education, and care are appropriately attended to.

## **II. METHODS**

### **Research Design**

A descriptive and exploratory design guided the study to document and interpret the socio-cultural, economic, psychological, and legal dimensions of women's imprisonment. The qualitative

component focused on thematic analysis of personal accounts, case studies, and narratives, while the quantitative component utilized national prison statistics and official data from government agencies to identify demographic patterns and institutional gaps.

## **Data Sources**

The study primarily relied on secondary data, collected from the following sources:

- Academic literature, including peer-reviewed journal articles, books, and published theses on female criminality, prison conditions, and women's rights.
- Government and legal reports, such as Prison Statistics India 2021 from the National Crime Records Bureau (NCRB), and reports from the Ministry of Women and Child Development.
- Media articles and documentaries, providing firsthand testimonies, prison riot coverage, and expert opinions on gender-based custodial issues.
- Documented interviews and case narratives, as published in credible news portals, documentaries, and human rights reports.
- Legal texts and constitutional provisions, specifically articles and statutes related to women's rights in incarceration settings.

## **Data Collection Procedure**

Relevant documents and literature were systematically retrieved through institutional databases, open-access repositories, and government portals. News reports and personal stories were selected based on their relevance to the research objectives, credibility of the source, and representation of diverse regions and prison settings in India.

## **Data Analysis**

Data were analyzed using two primary methods: thematic analysis and descriptive statistical analysis. Qualitative narratives and textual data were coded and categorized into major themes such as rights violations, prison infrastructure, mental health, custodial abuse, motherhood, and reintegration challenges. This allowed for an interpretive understanding of the gendered experience within the carceral system. On the other hand, quantitative data from NCRB and official reports were tabulated to illustrate patterns in female incarceration rates, prison capacities, and regional disparities in women's prison infrastructure. This analysis helped triangulate findings from qualitative sources and highlight trends over time.

## **Ethical Considerations**

Although the study used secondary data and did not involve direct interaction with human subjects, care was taken to ensure ethical integrity in the representation of sensitive issues. All sources were properly cited, and efforts were made to portray narratives with dignity and respect, particularly those involving trauma, abuse, and stigma.

### III. RESULTS AND DISCUSSION

#### Experiences of Women Prisoners Behind Bars

According to Hartjen (1997), while having the same legal status as males, girls in India are not socially or economically comparable, and their official and self-reported crime rates are nowhere near those of men and boys. Women, crime, and concerns concerning female criminals have gotten less attention in India. On the other hand, professional interest in women's crime has developed dramatically in recent years (Bhandari, 2016). Women convict typically receive less attention and have their rights violated due to disrespect for crimes committed by women.

Kaushik and Sharma (2009) report in their study on the treatment of women in Rajasthani jails that women in this system often originate from economically and socially disadvantaged homes and are more likely to be imprisoned due to their inability to pay fines and post bail. They are typically young, unemployed, and uneducated parents with dependent children. The economic environment has a considerable impact on both the attraction and retention of women in Indian jails.

Female inmates have a difficult time in prison. Residents of the prison, according to Pachauri (1999), were subjected to worse conditions. It maintains that the conditions in which female inmates spend their time are unhealthy and that there are not adequate rehabilitation services for them. Women are imprisoned for life, their family members have broken off communication, and they suffer from depression and mental disease. Even though women's needs differed from men's, the government's resources were primarily for men. According to Saxena et al. (2016), many female offenders do not receive dental care, and women between the ages of 25 and 30 have a negative impression of the value and importance of dental care as a result of illiteracy and a lack of information in this field. They explain that female offenders had low socioeconomic status because they had poor oral hygiene and were unaware of the benefits of dental care.

Meena told *The Wire* that she only got two visits during her four years in prison, both of which occurred in her first year. Meena's daughter and brother's journeys are not rare because there are not many women's jails in India, and female inmates are usually held far from their homes (Sen, 2021).

Inmates in prison may be classified based on their legal offences. Still, a prison's social classification, particularly in a women's prison, is about breaking social and moral taboos that have been established over time by custom, tradition, and frequently religion, and are expected to be a more severe punishment than the law. Over the last 15 years, the number of women in prison in India has climbed by 61%, much surpassing the growth rate for men, which has remained stable at 33% (Jyoti & Nair, 2017).

*Women in Prison: Narratives* is a book by Shereen Sadiq, that mentions 70-year-old Akbari in her enlightening chapter on women in the Aligarh District Jail, who believes that her worst nightmare is dying in prison. Her husband and son, who were co-accused in a dowry death case with her, were released on bond, but her family did not attempt to liberate her. Another prisoner informs Sadiq that she longs to see her little child. Her attorney, however, has not attempted to organize a meeting since he believes she does not deserve one—after all, she was unfaithful to her husband.

Soni Sori's confinement in the police station, which included sexual abuse and torture, was

just as bad as her time in prison. For the first few days she was inside, she did not eat. "You better eat if you want to stay alive," one of her fellow detainees urged. Consume your food when you have exterminated the insects. You get what you get, and that's how we've survived in recent years. She then placed aside all the insects and finished her meal (Kulkarni, 2019).

In 2017, a violent riot erupted in Mumbai's Byculla Women's Jail, which houses female criminals and their children, following the death of an inmate who "was battered and bruised, and her lungs were damaged." According to a police complaint obtained by the Hindustan Times, a witness claimed to have heard the woman sob while female guards pried open her legs and shoved a rod into her vagina. The woman was allegedly beaten for protesting that the detainees were not getting enough food.

Activists argue that a women-only prison would give closer attention to the specific needs of its inmates. "Women inmates must have access to gynaecologists." Many convicts have small children; therefore, they would need access to paediatricians and immunisations for their children. Women are also far more likely than men to feel estranged from their families, necessitating recourse to mental health professionals for treatment. According to Raghavan, there is a greater demand for rehabilitation institutions for female inmates because women find it difficult to reintegrate into society after being released from prison. However, because fewer women are in prison than men, governments are hesitant to spend money on developing infrastructure and paying employees for separate jails for women because they believe it would be fiscally unsound.

According to The News Minute video, there are more women in prison than there are prisons created particularly for them. According to the Ministry of Women and Child Development's 2018 "Women in Prison India"<sup>4</sup> report, just 18 of India's 1401 jails are mainly constructed for women. According to the film, because female offenders are confined with the men, they do not have access to libraries, playgrounds, open areas, or legal aid clinics.

In the video 'Beauty Behind Bars: Indian Women's Life After Prison' by the International Planned Parenthood Federation (IPPF). There are 20 jails in India, with a maximum capacity of 5,000 female inmates. Women make up 4% of convicts in India as of this writing. Many women have already endured sexual and gender-based violence before entering prison. Many released inmates face discrimination and are frequently rejected by their relatives, friends, and community. The video emphasized that "they are shunned and receive no support after their release" because of their confinement.

As mentioned by The Hindu (2024) study conducted by Himani Gupta in a prison in Maharashtra in June 2023 revealed that water, sanitation, and hygiene facilities failed to meet the demands of women imprisoned there. According to recent reports (Feminism in India, 2024), the Supreme Court and the Calcutta High Court have been informed that "women prisoners, while in custody, are getting pregnant." Thus, prisons become places of childbirth. There are now 196 infants incarcerated in various West Bengali jails.

Long-term incarceration of women incorporates and amplifies all the anti-social modes of control that oppress women outside of prison. Women remain peripheral in most analyses of the practices and effects of imprisonment. Understanding how women experience long sentences requires understanding the variety of abuse that the vast majority have experienced in the community, as well as acknowledging their emotional commitments and biographies.

#### IV. CONCLUSION

When it comes to female convicts, the problems linked with incarceration are amplified. Prisons are not well-equipped to meet the special requirements of women in detention because they are primarily designed to serve men. According to the Human Rights Council, there are over 700,000 female inmates worldwide, with over 18,000 of them imprisoned in India's live-in prisons. Existing prison conditions, gender discrimination, torture in imprisonment, inhumane treatment of youngsters, a lack of fundamental human rights, and difficulty obtaining legal aid all contribute to their anguish. The primary goals of jail must be rehabilitation and reformation, not punishment. Once released, it is critical to provide offenders with the tools they need to live productive, law-abiding lives. Keeping this in mind, the negative impacts of incarceration should be mitigated, and mental health should be protected and fostered. Women in jail deserve to feel protected, to be treated with dignity and respect, and to seek assistance in understanding their illegal behavior.

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