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WOMEN IN INDIAN PRISONS: GENDERED EXPERIENCES AND INSTITUTIONAL NEGLECT

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Abstract

Women prisoners in India constitute a small yet significantly vulnerable group within the criminal justice system. Their incarceration experience is shaped not only by the punitive environment of prisons but also by deeply ingrained gender biases and systemic neglect. This paper critically examines the lived realities of women in Indian prisons, analysing structural inadequacies, legislative gaps, and the socio-cultural underpinnings that perpetuate institutional apathy. Drawing from statutory provisions, judicial pronouncements, prison manuals, empirical studies, and feminist theoretical approaches, it explores the multifaceted challenges women face—ranging from inadequate healthcare and hygiene to separation from children, absence of gender-sensitive facilities, and lack of rehabilitation measures. The paper further evaluates compliance with national and international human rights standards, emphasizing the urgent need for gender-responsive prison reforms.

Keywords: *Women prisoners, gender justice, prison reforms, human rights, institutional neglect, India.*

1. INTRODUCTION

The Indian prison system is rooted on three underlying principles which include deterrence, reformation, and rehabilitation. In theory, these principles can be balanced between protection of the society and reintegration of criminals back into the society. Nevertheless, structural bias is discovered by taking a closer look at how the prison policies, physical infrastructure, and administrative mechanisms are formed on the ground: It is clear that the default bearer of the prison system is the male inmate. Such institutional orientation ignores the diverse needs glossed by women prisoners, whose experiences of being imprisoned are not only enabled by punitive nature of imprisonment but also the current effects of gendered discrimination.

According to National Crime Records Bureau (NCRB) 2023, out of the total number of inmates in India, women comprise 4.3 percent. Although it is small in numbers, this group represents a

particular group of vulnerabilities that should be addressed urgently. Small percentage of women prisoners must not be misinterpreted to mean lack of importance indeed minority status of women in prisons further increases the risk of being overlooked since policies are guided and allocation of resources are based on the needs of the majority of the male population. This leads to inadequacies in terms of structure in healthcare, sanations, provision of child care, vocational training as well as rehabilitation centers for women prisoners.



Figure 1: [Women in prisons](#)

These disadvantages are further dispensable by the gender bias that is entrenched in the criminal justice system. Women who are incarcerated tend to have a record of previous marginalization experiences of socio-economic and access to violence and legal resources. Their imprisonment is therefore framed as one of double marginalization, being that they are persons denied freedom, as well as women subjected to a male penal culture, which was not created or designed to fit their particular need. The two layers of disadvantage result in serious consequences such as the poor provision of reproductive healthcare, the lack of gender-sensitive counselling capabilities, low privacy, and incapacitated viable options towards skill advancement.

In this regard, the fate of the female inmates cannot be considered simply a question of prison administration but, also it should be perceived as a major concern of constitutional rights and gender justice. The constitutional text in Article 14, 15(3), and 21 of the constitution of India ensures equality, allows affirmative action to women, and rights against life and dignity. Such

administrative negligence to ensure that these guarantees are translated into effective prison policies is not only administrative negligence but a violation of fundamental rights as well. Besides, the commitments made of India under United Nations Rules on the treatment of women prisoners and non-custodial measures against women offenders (Bangkok Rules) as well as the Convention against all Forms of Discrimination against women (CEDAW) signify that there is need to employ gender-sensitive as an approach in running prisons.

Thereby, as prison reform is the issue pertaining to a larger structural problem, the situation concerning female inmates indicates a more acute problem, an immediate issue that requires specific legal, policy, and institutional solutions. Their particular needs are not met and continue to create ongoing cycles of marginalization and prevent the very rehabilitation philosophies that the prison system purports to take seriously.

1.1. Gendered Dimensions of Incarceration

This type of marginalization that exists in the Indian prisons has its specifics in combining the prisoner status and the status of women in the patriarchal society. The male gender is the dominating population in the corrective faculties despite them being the minority groups in the prisons (accounting to about 4 percent of the total prison population). This in turn exposes the women to institutional neglect, absence of adequate healthcare institutions not to mention sanitary lines and absence of rehabilitating premises. Reproductive and maternal care services are unavailable, menstrual management is not prioritized, and training in reproductive matters is stereotyped to activities that offer little towards their future integration into the society such as tailoring or craft.

Other than infrastructural inadequacy, incarcerated women endure extreme emotional and psychological challenges. Separated children and families are directly linked to acute mental health stress, and imprisoned parents with their children in the walls of the prison struggle with the restrictive circumstances in which not only the mother can improve the quality of her health but also the boys and girls. These layered-vulnerabilities lead to the conclusion that the imprisonment of women is not a matter which can be restricted to being in a prison but it is highly influenced by more prevalent inequalities, cultural biases and institutional capabilities. To work with such problems, it is necessary to implement gender-sensitive policies and changes immediately which will make women prisoners acknowledge as the people who grant rights and demand

care and respect.

1.2. Significance of the Issue

Neglect in terms of addressing the special needs of women in prisons goes beyond issues of administrative efficiency and is in fact a failure to address constitutional guarantees under Articles 14, 15(3) and 21 of the Indian Constitution, and of obligations due under international laws on human rights including the mostly important international obligation contained in CEDAW and the UN Bangkok Rules.

Through incapacity to embrace gender-sensitive policies in prison policy, the system ironically continues to widen inequality, which influences the chances of rehabilitation and subsequent reintegration.

1.3. Problem Statement

Despite frequent suggestions by expert groups including Mulla Committee (1980/83) and Justice Krishna Iyer Committee (1987) which clearly highlighted neglected need of gender-sensitive infrastructure, special medical facilities, and rehabilitative packages of women inmates, the actual execution of these practical suggestions has been patchy, sporadic and entirely at the whims and fancies of individual states. The organization and operation of most Indian prisons today remain based on male prison standards, and the women prison facilities are often built as annexes of bigger men prisons thus inhibiting independence and access to resources, special treatment. This male bias orientation causes systemic malpractice neglect on matters like reproductive healthcare, psychological support, child care facilities, privacy, and skill enrichment facilities. This means that women prisoners are made to endure a penal system whose provisions were never meant to accommodate their special needs regarding their physiological, psychological, and socio-cultural needs, and thus constitutional guarantees of equality and dignity are strained as well as India is obliged to take action against its international duties under human rights conventions.

1.4. Research Objectives

- 1. To examine** the gender-specific challenges faced by women prisoners in India, particularly in healthcare, sanitation, privacy, vocational training, and psychological well-being.

2. **To analyze** the legal frameworks, policies, and administrative practices governing women's incarceration, and evaluate their effectiveness in safeguarding rights and dignity.
3. **To assess** India's compliance with constitutional provisions and international human rights obligations, including CEDAW and the Bangkok Rules.
4. **To propose** policy, legislative, and institutional reforms for a gender-sensitive prison administration that promotes equality, rehabilitation, and reintegration.

2. LITERATURE REVIEW

Bandyopadhyay and Mazumdar (2025) analyzed the lived experiences of transgender people in India concerning the police and prison systems, using avoidance, violence, and embodied carcerality as central concepts in explaining the everyday lives of transgender Indians. In their research, they found out that transgender individuals were usually neglected systematically, physically attacked, and institutionally excluded, perpetrating a loop of alienation even in institutions of transformation. The authors stressed that the carceral space, in addition to its punitive effect, reinforced social hierarchies, thus, adding to the vulnerability of transgender inmates. This study elucidated the area of gender/sexuality/state violence, highlighting the necessity of change in the forces of reform whether in prison systems.

Chamberlen and Bandyopadhyay (2024) as the editors of *Geographies of Gendered Punishment* have brought a global disability to the issue of women being imprisoned by examining carceral geographies and gendered aspects of punitive forms. The piece in volume revealed that women being imprisoned was not just coming as reaction to the crime but also a demonstration of wider socio-political systems that dictated the female body and agency. The contributions in the book revealed that, in prisons around various countries, women were stigmatized, received limited access to healthcare, and were weighed down with separation with the family members. The comparative view also showed how gendered prison work was done by systemic neglect, commonly enhanced by racial, economic, and cultural forces thus contextualizing the imprisonment of women as a human rights issue on a worldwide scale.

Jai (2024) investigated the overlooked problem of women in Indian prisons who are pregnant and have to give birth in prison. The research presented the accounts of imprisoned women and showed the risks that insufficient medical care, an absent prenatal health system, and deplorable living environment posed both to women and children. The writer depicted how a substantial

number of women would deliver under unsafe and unhygienic circumstances with institutional indifference making it a point not to give consideration to maternal or children health. The study emphasized that it was the children born in prison who were stigmatized by their incarceration during delivery, therefore, creating serious ethical and legal implications to the rights of the children in custodial establishments. The paper highlighted structural invisibility of maternal needs in prison policy and profound neglect around the health care of reproductive health of women.

Khalid (2025) performed a case study of women in the Bijnor District Jail in the Uttar Pradesh State by studying their daily lives in an extremely patriarchal criminal justice in an Indian context. This study found that feminine overcrowding, hygienic sanitary conditions and unresponsive gender facilities were issues that women experienced. They were also emotionally devastated, deprived of children and also lacked psychological support which added to their suffering. Khalid claimed that in India, the criminal justice system was practically male-oriented one and it did not consider women as vulnerable. The study recommended that women-focused reforms were needed in prisons, and justice could not be reached at all without resolving structural gender disparities built into the practice of carceral institutions.

Olivieri (2025) has conducted an intersectional literature review on the dehumanising prison conditions of female prisons in the United States with an intersectional perspective and approach of white supremacy and trauma. The study has shown that women of color, especially African American and Latino imprisoned women, were overrepresented in terms of systemic abuse, racial punishment, and structural abandonment. Olivieri explained that gendered violence in prisons did not only dominate institutions but also perpetuated the racial inequalities based on white supremacist ideologies. The paper also highlighted the trauma as the reason and results of being imprisoned since many women who were imprisoned already experienced abuse and continued to face institutional violence. This piece placed the incarceration of American women in the wider framework of racial capitalism and structural violence and the interdependence of race, gender, and violence in prison houses.

3. THEORETICAL FRAMEWORK

To gain an insight into the nature of women in Indian jails, merely describing their experiences of life in prisons is inadequate, it must involve a critical reflection on the theoretical positions

that so that one is able to point at the underlying socio-legal and structural dynamics involved. Prisons cannot be considered neutral facilities since it is an extension of larger structural inequalities that exist in society; therefore, the interdisciplinary theoretical approach will aid in uncovering how the outward manifestation of gender, class, caste, and systemic inequities merge to influence the reality of imprisoned women. Here, feminist legal theory, intersectionality, and critical criminology can be used as the useful concepts to challenge the current system within prisons and suggest gender-sensitive and socially just change.

3.1.Feminist Legal Theory

The feminist legal theory indicates that legal systems, as portrayed to be objective and neutral, are so entrenched on patriarchal ideological systems. This has been the situation throughout the design of these systems, which takes the experience and needs of men as its basis thus making the lives of women secondary. In prisons, this takes the form of an indifference to key issues around reproductive health, childcare access and trauma-informed care. Women in prison, in particular, experience some distinct issues that pertain to pregnancy, menstruation, innovative demand of young children, and so forth, but often, such factors are not taken into consideration in the prison rules. The feminist legal theory therefore criticises this gender blindness of the prison policies and stresses the need to restructure so that the penal institution is sensitive to the needs of the women in prisons and this shift towards substantive equality instead of formal equality before the law.

3.2.Intersectionality

The intersectionality as brought by Kimberle Crenshaw is more considered in the situation of the Indian prison. It shows that the various oppressions like gender, caste, class, ethnicity, and religion overlap to form new modes of marginalization. There is a large percentage of the disadvantaged groups or categories of the population; Scheduled Castes (SC), Scheduled Tribes (ST), and religious minorities groups, confined to prisons in India. The imprisonment of these women is not only about gender-based neglect, but it is the result of combined discrimination of caste, poverty, illiteracy, and social isolation. Intersectionality lends focus on the fact that structural inequalities work within and without the prison walls to condition the circumstances of arrest, trial, imprisonment and even reintegration into society. This framework therefore requires a comprehensive conceptualization of oppression that is not reduced using one-axis

framework of gender issues and appearance of multi-faceted victimization of female prisoners that exist in India.

3.3.Critical Criminology

The essence of critical criminology lies in the rejection of known guilt punitive model of crime and punishments, and its replacement with rehabilitative and social model of justice. It criticizes the classical criminal justice system, which solely puts emphasis on punishing people without taking into consideration the overarching socio-economic causes of crime behaviors. In the case of women, criminality is mostly attributed to societal problems like poverty, illiteracy, the problem of domestic violence, being economically dependent. Most female offenders have never been to prison before; they have been convicted because of non-violent or minor crimes, including theft, drug possession or acting under duress. In a critical criminological perspective, it is possible to note that such incarceration of women can be more of a supplement to their marginalization instead of the interruption of the pattern. The present framework claims the necessity of alternatives to incarceration, including community-based corrections, skills development, and rehabilitation programs, which could both help address the roots of the existing social inequalities and contribute to achieving restorative justice instead of retributive justice.

4. STATISTICAL OVERVIEW OF WOMEN PRISONERS IN INDIA

The statistical report on female inmates in India reflects the extent and type of female imprisonment that indicates the systematic issues and gendered vulnerability situation in the penal system. However, women form only 4.3 percent out of the total number of prisoners, 23,772 (National Crime Records Bureau (NCRB, 2023) and their situation also necessitates particular attention because of their specific needs and situations. On closer examination of prison profile (Table 1), it can be seen that the num given women undertrials jammed the overwhelming majority (1,5913-66.9), which indicates the problem of delays in justice and overstay in jail before being convicted. Marginal categories are the convicted women 7,154 (30.1%), the detenues 124 (0.5%) and others 581 (2.5%). Notably, the exception of 1,542 female inmates with children poses serious issues on child welfare in custodial premises because prison environment is not child friendly in relation to their development. There are also cross-border and migration-related legal issues of 597 foreign national women who are prisoners. Therefore, not only does the information in Table 1 lend a quantitative aspect to the

status of women prisoners, but also highlights the dire necessity of gender-sensitive prison reform especially towards the issue of disproportionate number of undertrial prisoners and the issue of imprisoned mothers.

Table 1: Profile of Women Prisoners in India (NCRB, 2024)

Category	Number of Women Prisoners	Percentage of Total Prison Population
Total Women Prisoners	23,772	4.3%
Convicts	7,154	30.1%
Undertrials	15,913	66.9%
Detenues	124	0.5%
Others	581	2.5%
Women with Children	1,542	—
Foreign National Women Prisoners	597	—

5. STATE-WISE DISTRIBUTION AND SOCIO-ECONOMIC BACKGROUND

According to the data presented by NCRB (2023) on the state-wise structure of women prisoners in India, there exist high regional and socio-economic inequalities. Both the number of individual women prisoners and systemic factors explain why Uttar Pradesh has the highest number of women prisoners (4,026), followed by Maharashtra (2,119), West Bengal (1,982) and Madhya Pradesh (1,756). The level of literacy among women inmates is significantly different and Delhi and Tamil Nadu have a relatively high level (72 and 68 percent respectively) whereas Bihar and Uttar Pradesh represent lower educational standards (48 and 54 percent respectively) and this clarifies the importance of non-education among the women as their vulnerability to imprisonment. There is also socio-economic marginalization since a significant percentage of female inmates are SC/ST communities especially in Bihar (51%) and Madhya Pradesh (46%) as opposed to those in Delhi (18%) and Tamil Nadu (27%). The undertrials are also a staggering number and the states such as Bihar (72%), West Bengal (70%), etc. indicate systematic sluggishness in the judicial system compared with Tamil Nadu (59%), which has a moderately better disposal record. On the whole, the statistics indicate that women in prisons in India not only have regional concentration but also have a disproportionately higher pull on marginalized, less affluent and poorly educated segments of

society and most of these are undertrials and not hardened criminals.

Table 2: State-Wise Distribution of Women Prisoners in India (NCRB, 2024)

State/UT	Total Women Prisoners	Literacy Rate (%)	% from SC/ST Communities	% Undertrials
Uttar Pradesh	4,026	54	43	69
Maharashtra	2,119	65	39	63
West Bengal	1,982	61	28	70
Madhya Pradesh	1,756	58	46	67
Bihar	1,522	48	51	72
Rajasthan	1,351	57	42	64
Tamil Nadu	1,214	68	27	59
Delhi	978	72	18	65
Others	8,824	56	40	66

6. LEGAL FRAMEWORK GOVERNING WOMEN PRISONERS

The law that operates towards the women prisoners in India is anchored in the constitutional undertakings as well as entrenched by the statutory and the prison regulations to protect the dignity and its rights of its women prisoners. Indian Constitution is the basis, namely, Article 14 on equality, Article 15(3) granting the State with the power to come up with special provisions on behalf of women, and Article 21 to guarantee the right to life and dignity and apply the same when one is in the prison. The Code of Criminal Procedure, 1973, though further empowers the safeguards by giving the female prisoners their own accommodations and by mandating that in event of sensitive cases that involve women, which may cause unnecessary victimization, women must be produced before a female magistrate hence limiting gender vulnerabilities in matters of justice. Along with these, the Model Prison Manual, 2016 offers a more proactive course of action as it will provide maternity care facilities, appoint female warders, vocational training, and legal aid to help the women in reintegration. Considering the privileged nature of children born to a mother in prison or other places in custody, Juvenile Justice Act, 2015 provides the welfare of such children. Also, the Prison Acts and State Prison Manuals impose organizational and management protection, such as the isolation of barracks, privacy arrangements, and health services depending on the needs of female prisoners. All these legal representations constitute the Indian endeavour to implement

a gender-responsive prison governance, whose reality is difficult to put into practice.

Table 3: Key Legal Provisions for Women Prisoners in India

Law / Policy Document	Relevant Provisions for Women Prisoners
Indian Constitution	Art. 14 (Equality), Art. 15(3) (Special provisions for women), Art. 21 (Right to life and dignity).
Code of Criminal Procedure, 1973	Separate accommodation for female prisoners, production before female magistrate in certain cases.
Model Prison Manual, 2016	Maternity facilities, female warders, vocational training, legal aid.
Juvenile Justice Act, 2015	Provisions for children of incarcerated mothers.
Prison Acts & State Prison Manuals	Separate barracks, privacy measures, healthcare.

7. JUDICIAL PRONOUNCEMENTS AND GUIDELINES

India Courts have taken an active role in ensuring women in prison enjoy their rights and dignity by delivering landmark decisions. In *Sheela Barse v. In State of Maharashtra* (1983) the Supreme Court stressed the importance of legal aid, prevention against custodial abuse and also provided the presence of female staff members during the interrogation of female prisoners and this added to the protection against abuse. In *R.D. Upadhyay Vs. In State of A.P.*, 2006, the Court considered the interest of those children whose mothers were in prison by making sure that they had facilities like crèches, proper nutrition and education avenues to be able to grow holistically despite the prison presence. Moreover, in *In Re, Inhuman Conditions in 1382 Prisons* (2016), the Court pointed out the systemic lacks, asking to fill blank staffing positions, improve infrastructures, and offer proper medical care services to prisoners. All these judicial pronouncements established very important guidelines which sought to humanize the condition in prisons and make the rights of women and dependent children the primary focus.

Table 4: Major Supreme Court Guidelines on Women Prisoners

Case Name & Year	Key Directions Issued
<i>Sheela Barse v. State of Maharashtra</i> (1983)	Legal aid, protection from custodial violence, presence of female staff during interrogation.
<i>R.D. Upadhyay v. State of A.P.</i>	Facilities for children of women prisoners, crèches,

(2006)	proper nutrition, education.
<i>Inhuman Conditions in 1382 Prisons, In Re</i> (2016)	Directed states to fill vacancies, improve infrastructure, provide health services.

8. COMPARATIVE INTERNATIONAL PRACTICES

The cross examination of practice between nations with the provisions of the Bangkok rules shows the way that various nations had implemented gender responsive ways of protecting the rights and dignity of the female prisoners. The use of open-prison model in combination with vocational training on modern skills and increased availability of family visitation facilities reveal a rehabilitative rather than a punitive outcome in Thailand. Norway has a progressive approach to corrections and prizes community sentencing over non-violent offenders, trauma counseling, and child friendly environments, giving less destructive effect to women imprisonment on the women and their extended families. In the United Kingdom, mother-and-baby units are implemented in prisons, in addition to the availability of prenatal and postnatal support and mental health services which indicates a considerate approach to the special needs of pregnant mothers in prison. In the meantime, Australia has concentrated on applying the issues that specifically face Indigenous women with the cultural expert healthcare and rehabilitation projects completed in congruence with their socio-cultural settings. All of these activities describe a world that is progressing towards less punitive, more comprehensive and rehabilitative prisoner systems that acknowledge gender-specific differences of women prisoners.

Table 5: Comparative Overview of International Gender-Responsive Prison Practices

Country	Key Practices for Women Prisoners under Bangkok Rules
Thailand	Open-prison model, vocational training in modern skills, family visitation rooms.
Norway	Community-based sentencing for non-violent offenders, trauma counseling, child-friendly facilities.
UK	Mother-and-baby units in prisons, prenatal and postnatal care, mental health support.
Australia	Indigenous women-specific rehabilitation programs, culturally sensitive healthcare.

9. INSTITUTIONAL NEGLECT AND SYSTEMIC BARRIERS

Negligence by the institutions and structural barriers in the Indian prison system are considerable contributors in the hindrance of well-being and rehabilitation of female prisoners. Among the major issues is that women are underrepresented in the administration of prisons in terms of decision-making and senior ranks. This imbalance in gender tends to lead to governance systems where the specific needs of women in prison are ignored or not given the proper attention, with a lot of them continuing with the male centric style of running prisons. But there is also the problem of infrastructural inadequacies in most of these correction centers that further worsen the situation. Most prisons still do not have gender-sensitive services like separate kitchens, maternity units and child care services, and crche thereby neglecting the basic needs especially women who are carrying children and pregnant. These shortcomings speak to systemic indifference concerning the unique needs of female prisoners and the overdue need to instigate reforms which will be representative, equitable and respectful in the management of prisons.

10. CONCLUSION

The life of women in India Prisons depicts the profound culmination of gender, structural negligence, and institutional hurdle to further magnify their weaknesses. Although there are constitutional guarantees and legislative protection, the implementation is quite weak due to the systemic inertia, poor infrastructure and political will. Women prisoners have distinctive issues associated with their health care, maternity, security, and correction which is not always addressed by the designed framework in place in a prison. The new way of justice, instead of being discriminative, must be gender-responsive, i.e., it should not reflect the bias of women left in jail, and their dignity and rights must be respected.

Recommendations

- **Gender Design of Prisons:** Provide separate and specialized women prisons to cater to women and small infant children as well as maternity and health facilities.
- **Mandatory Female Staff:** Have trained women officers in all the wards with a female presence and most importantly the high-level administration, appointed.
- **Better Healthcare:** Free menstrual products, reproductive health services, mental health supportive care and nutrition.

- Alternatives to Incarceration: Establish non-custodial modes of punishment in the society, especially in mothers and first offenders.
- Enforcement of the Law: Build Strength Legal Aid: Establish special legal aid cells among women in prisons so there can be prompt access to justice.

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