AN ANALYSIS ON WOMEN PRISONERS IN CHENNAI

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Abstract

India is a pluralistic country which houses multi-religious, multi-cultural, multi-ethnic, multilingual and multi-racial population in its system with the democratic concept of “Unity in Diversity”. The framers of Indian Constitution framed the fundamental rights in a way, so that it does not leave out any minority inside the Union of India. Minority is “a disadvantaged group who are in smaller numbers as opposed to the dominant social group” (Healey, 1972 (Eighth Ed.)). So, the constitution guarantees protection of interest of its minority inside the territory of India and takes care of redressal if any through article 32 and 226 of Indian Constitution. The idea of giving some special rights to minorities is not to treat them as privileged but to give them a sense of security (Bakshi, 2001, 8th Edition). Before divulging into issues faced by the minority group in the present scenario of Indian politics, let us run through the rights conferred by the Indian constitution to minority.

Key words: Minorities, Human Rights.

INTRODUCTION

Modern society seems to have a variety of modes in the control of crime. In general, imprisonment is one of the most common mode of handling the guilty. The concept of crime is elusive, complex and multidimensional. Although the decline of values and violation of norms may be done by anyone irrespective of sex, yet it appears that the world of crime is a man’s world. Generally, the criminal behaviour of women has been considered as a neglected area.

There is a greater need to study women criminals at present because the role of women in the Indian society has undergone changes during the last decade or two leading to a greater involvement in criminal activities by them. It is distressing to note that there is an increasing trend in the criminal activities by women. Hence, there is a need to understand the socio-economic cultural dynamics of crime by women. This article attempts to find out the socio-economic background of women who have been convicted in Chennai and the circumstances under which the women committed crime.

ORIGIN OF WOMEN PRISONS

Prisons form part of the criminal justice system functioning under the State Government. Being a part of the criminal justice system, a prison has a formal organization and specified functions to perform. The main objective of prison department is not only to punitive the prisoners and deter them from committing offences in future but also to reform, rehabilitate and resocialise them so that they can freely mingle with the society after the release and become useful citizens.

“Prison”, the synonym of the word ‘Jail’ or ‘gaol’ or ‘Penitentiary’ has been defined as a place properly arranged and equipped for reception of persons who by legal process are committed to it for safe custody while awaiting trial or for punishment. (Rekha Saxena : 1994). During the period of the Sultanate, there were no regular prisons. Only old forts and castles were used for confinement. During the time of Emperor Akbar, there were two kinds of prisons. One for criminals who had committed serious offence and other for ordinary criminals. Important nobles and princes guilty of treason and rebellions were imprisoned in fortresses situated in different parts of the country. (Rekha Saxena: 1994). The provision for prop-
er building for jail or prison in the whole of India is the contribution of the British. The native Governments did not maintain proper jail buildings. During the British rule, Lord Macaulay, a member of Indian Law Commission initiated the Prison Reform in 1835 for the first time in India. Indian Prisons Act of 1894 regulated the prison system in the country. At that time there were 43 civil, 75 criminal and 68 mixed jails in India. These jails were run by District Magistrates. (Report of the Department of Prisons: 2016)

The Presidency Jail for women in Vellore, was the first prison constructed in Tamil Nadu during the year 1830 followed by Madras “Penitentiary” during the year 1837 and thereafter all other prisons were constructed one by one up to the year 1872. After Independence Central Prison is the only prison constructed during the year 1981 (Policy Note: 2011) and some additional accommodation was made in other prisons. All the prison buildings are more than 150 years old.

At present, the Prison Department, Government of Tamil Nadu maintains 136 prisons in all. These include 9 Central Prisons, 3 Special Prisons for Women and 87 Sub Jails housing men and 8 accommodating Women, 2 Special Sub Jails for men and 3 Special Sub Jails for Women, 3 Open Air Prison and 12 Borstal School. (Report of the Department of Prisons: 2016) The Department is headed by a senior IPS Officer in the rank of Additional Director General of Police. He is assisted by 4 Deputy Inspectors General of Prisons one each for Chennai, Coimbatore, Trichy and Madurai Ranges and one Deputy Inspector General of Prisons (Headquarters) in the Chief Office. Superintendent of Prisons control the administration of Central Prisons and Sub Jails under their jurisdiction. The total authorised accommodation of all Prisons put together is 22101 and actual prison population as per the year 2014 for male is 13334 and female is 615. (Report of the Department of Prisons: 2016)

Apart from two Special Prisons for Women at Trichy and Vellore which are exclusively manned by women staff, the Government have declared the following 5 Sub Jails and 3 Special Sub Jails as women jails for confining women Prisoners to be handled by female staff. Sub Jail, Villupuram, Sub Jail, Krishnagiri, Sub Jail, Tiruvarur, Sub Jail, Nilakottai, Sub Jail, Paramakudi, Sub Jail, Thuckalay, Sub Jail, Sathur, Sub Jail, Coonoor, Sub Jail, Saidapet, Special Sub Jail, Salem, Special Sub Jail, Kokkirakulam and Special Sub Jail, Trichy. Keeping in view the severe over-crowding in Central Prison, Chennai and the need for increasing the capacity, new prison complex at Puzhal was constructed at a total cost of Rs.77 crores in November, 2006. (Report of the Department of Prisons: 2016)

The Government of Tamil Nadu have invested a substantial amount of money under the scheme of Modernization to improve the living conditions of prisoners, upgrade the prisons and improve the infrastructure in Prisons while making them also highly secure. One such version of modernization scheme is the present Puzhal prison complex. Accepted as “Asia’s largest and most modern prison”, it is more of a reform centre. A “model prison” for the entire South Asia. Tihar Jail in Delhi can accommodate more inmates than any other prison in the country. But Puzhal is bigger in terms of size and facilities available to prisoners. Each block has a public address system. There is also a quarantine block and a courtroom with video-conferencing facilities so that a prisoner whose remand is extended need not have to be moved out. “It is a place not for punishment but transformation,” said Roopmathy Anand, the architect who designed it. “We saw and studied a lot of prisons,” she added. These included prisons in Yeravada, Vellore, Hyderabad and Bangalore and Tihar Jail. (The Hindu: 2006)

The Puzhal prison complex was inaugurated on 26.11.2006 and has started functioning since then. It consists of three prisons viz. Central Prison I, Puzhal with a capacity of 1250, for accommodating convict prisoners, Central Prison II, Puzhal with a capacity of 1250, for accommodating remand prisoners and Special Prison for Women, Puzhal with a capacity of 500 for accommodating women prisoners. The prison complex is situated in a sprawling area of about 212 acres. The construction works were carried out by the Tamil Nadu Police Housing Corporation Limited. The 1st phase of prisoners were shifted from Central Prison near Parrys to the Puzhal prison complex on 14.12.2006. (Policy Note: 2006-2007)

A number of schemes under modernization of prison administration funded by Government of India with a grant from State Government in the ratio of 75:25 have been implemented for improving security arrangements. The main thrust is given to the provision of modern equipment like communication equipment, closed circuit televisions with recording system, cell phone de-activators, live wire fencing, lighting arrangements, bomb detection equipment, metal detectors, night vision binoculars, watch tower, deep search metal detector, small arms stimulator etc. Modern training has been accorded to prison personnel to take care of the safety and security of the prisoners and the staff. High security enclosures have also been built in Puzhal...
as is in existence in the other Central Prisons at Tiruchirappalli, Salem, Coimbatore and Vellore. (Policy Note: 2007-2008) A jail court with video-conferencing is one major facility the Puzhal prison boasts of.

The prison has a large meditation hall, well stocked library, amphitheatre and an auditorium. Yoga and meditation classes are imparted to improve the physical and mental health of prisoners. Government has permitted voluntary organizations and individuals to conduct yoga and meditation, counselling, lectures on ethics, free medical treatment camps, vocational training etc in prisons. (Policy Note: 2016-2007) In addition to these, India’s first Integrated and Counseling Centre (ICTC) aimed at providing HIV counseling and testing of convicted prisoners was inaugurated at Puzhal prison complex in June, 2008. (Policy Note: 2009-2010) The Prison plays a vital role in the administration of Criminal Justice system and assisting the courts in the due execution of the sentences awarded by them.

WOMEN PRISONERS IN PUZHAL

“Now a days”, women are involved in wide varieties of crimes like murder, theft, Adultery, kidnapping, Black-mailing, smuggling, Dacoity, illicit distillation, Drug trafficking, prostitution. The pattern of crime varies from place to place and time to time. It is noted from the official statistics that crimes by women are higher in States like Tamilnadu, Andhra Pradesh, Assam, Kerala, Maharashtra, West Bengal, Himachal Pradesh and Jammu and Kashmir. Tamilnadu is the 11th largest State in India, and is ranked 7th position in the country, in the incidence of crime and is one among the five state to have recorded the highest number of theft cases during the year 2016. Criminality among women was the highest in Tamilnadu when compared with other states at the National level. (Report of the National Crime Records Bureau :2016) Hence, an attempt is being made to explore the various offences committed by women for this purpose, women inmates of Puzhal Prison were interviewed, details of which are given below.


A sample survey was made on 60 women at random who had committed offences under different categories listed. (Interview with 60 women inmates at Special Prison Complex for Women: 2009)

1. (a) Indian Penal Code–Sections 302 (Punishment for Murder)
   (b) Section 304-B (Dowry Death)
   (c) Section 307 (Attempt to Murder)
   (d) Sections 323 & 324 (Voluntarily causing hurt by dangerous weapons and means)
   (e) Section 379 (Theft)
   (f) Section 497 (adultery)
2. Tamilnadu Prohibition Act, 1937
3. Immoral Trafficking (Prevention) Act, 1956

A total of 60 women inmates of the Puzhal prison were interviewed with a structured questionnaire. Of them, 59 agreed to participate in the interview while only one woman inmate declined. (Interview with 60 women inmates at Special Prison Complex for Women: 2009)

- Women convicts undergoing imprisonment for committing the offences under Sections 302 & 304(B) of the Indian Penal Code declined to accept their act. As many as 20 among the interviewed are said to have murdered their husbands.
- From most of the records available with the Puzhal prison and on the interview conducted, it is revealed that a large number of women were imprisoned under the Preventive Detention Laws, particularly for prohibition offences. The women prisoners have justified their actions and the crimes committed by them profess that they the same was done for their sustenance and survival.
- Tamil Nadu has recorded the maximum number of cases under the Immoral Trafficking (Prevention) Act in the country in 2007, according to the Annual Crime Statistics released by the National Crime Records Bureau. Tamil Nadu accounted for 33.6% of cases nationwide, that is, 1,199 cases of the 3,568 cases booked nationwide in 2007. Many women detained under this category do not want their parents to know about their alleged involvement in prostitution. While the number of cases booked across the country under the Immoral Trafficking (Prevention) Act has shown a steady decline over the past five years, Tamilnadu has shown an increase in the number of cases. As a
sample of this, Chennai city police have shown an increase in number of women rescued from probable prostitution over the last three years. In 2006, city police rescued 98 women and 129 in 2007.

• Under the Narcotic Drugs and Psycho-Traffic Substances Act, two foreign women nationals who are undergoing imprisonment as convicts do not admit their guilt. But however, they claim that they could have been implicated without their knowledge. Other convicts interviewed admit their actions of committing the offence.

From the analysis, it is revealed that there are various reasons responsible for the crime committed by women. They are broadly classified into social, economical, psychological and biological. Lack of education, competition, conflicts, poverty, social disorganization, and mobility are some of the main factors classified under social causes. The economic causes include desire to acquire more and easy way of accumulating wealth, extravagance, murder for gain, ownership and urbanization. Under the psychological causes, emotional instability, neurosis and psychosis are listed. Insanity, hormonal changes, defective nervous system etc. are some of the biological causes. There are specific reasons like selfishness, disobedience, narrow mindedness, suspicious nature and illegitimate relationships have also contributed their share to female crimes.

The study reveals the physical hardship while in detention, women convicts undergo mental agony. They undergo mental agony more because of the concern and welfare they have for their family and children. Women detainees suffered prolonged separation from their families. Though reforms had been introduced, the plight of women and the undertrial, it appears that prisoners needed to be further mitigated. Provision of all facilities would not make prison a home. More than 70 per cent of them are mothers. The feeling of separation from their families the inmates suffered could never be compensated. The overall study further revealed that most of them are in the age group of 35 and 50. More than 90 per cent of women prisoners were from rural areas. The percentage of literacy was less than five. Although the prison inmates are largely illiterates, they still have good knowledge of the day to day events and are conversant with the legal acts and rules and their implications. For instance, an illiterate woman convict has said, “we are the properties of the Government and are protected by the Human Rights Commission”. Such are the exposures among the inmates at the Puzhal prison complex.

Besides being modern, the puzhal prison also inculcates work habits to prisoners. Various trades and handicrafts have been introduced in prisons where training is imparted in simple trades like brick making, plumbing, sign board painting, electrical wiring, weaving, book binding, tailoring, tags making, wax, shoes mending, phenyl, tapes, soaps, cumbly, flat file making etc. to enable them to take up self-employment after their release. Wage earning scheme for prisoners is in force in the prison and a separate block houses women prisoners. They are paid wages at the rate of Rs.60/- for skilled work, Rs.50/- for semi-skilled work and Rs.45/- for unskilled work per day. Besides agricultural operations on the 250-acre campus, the prison intends to have an export-oriented unit to encourage labour. Since eco-friendly bags are in demand in developed countries, the prison authorities are thinking of imparting training to prison inmates by roping in the expertise with the help of Non-Governmental Organisations. (Views of Director General of Prisons Shri. R. Natraj as published in The Hindu : 2008)

Rehabilitation of inmates will be meaningful only if they are employed after release and for that purpose educational facilities should be introduced or upgraded. Many inmates have completed 8th standard exam offered by the Government of Tamilnadu. Medical facilities and periodical check-up are given to the prison inmates. If a woman prisoner delivers a baby, her child is allowed to be nursed by the mother prisoner until the child attains 6 years of age. A magazine named “ULOi” was published on 15th January, 2009 exclusively by, of and for the prisoners, which aims at expressing literary skills of the prison inmates. (The Times of India:2009) It has provided a window of opportunity for the inmates to put their thoughts into prints but has not ensured complete freedom.

Despite several steps having been taken to improve the conditions of prisons, much more is required to be done. Central Government along with NGO's and prison administration should take adequate steps for effective centralization of prisons and a uniform jail manual should be drafted applicable throughout the country. The uniformity of standards can be maintained all over the country. One factor that appears obvious is the high rate of incidence of crime committed by women in the State of Tamilnadu as compared to the other states of the country. In any case, the high rate of crime should be brought down. For this purpose, a committee of experts may be constituted to go deeper into the facts and advise remedial measures. With a view to preventing high incidence of crime, the committee aforesaid may also be requested to device ways...
and means to reduce the number of crimes by which the same could be reduced if not altogether avoiding.

Thus, such practices will help in abolishing the traditional and colonial outlook of the Indian Prison System and also help the prisoners to become more responsible, creative and potential citizens. The fact that high rate of incidence of crime may be due to the extreme poverty prevalent in the southern states in general and Tamilnadu in particular compared to other prosperous states in the north. As has been revealed at the time of survey, it has come out on record that women are induced to commit a crime for reasons of sustenance and survival. On the other hand, women also take advantage of the fact that she being a woman, would hardly be suspected by the society that she is and would be capable of committing the crime.

The society has to keep in mind mainly that the criminals who are released after completion of their sentence or earlier should not be viewed with prejudice. Nothing should be done to give an impression to these people that they are being singled out in matter of association and other social mingling up. But at the same time, women released from the prisons have to realize their responsibilities and they should conduct and behave themselves in such a manner that they do not give room to any kind of presumption in the minds of others.

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