

Women Incarceration: Issues and Challenges

Shabeeba. N Noorainganakam

Department of Social Work, University of Delhi, India

Abstract

Incarceration has destructive consequences for men and women alike. However, women are more often the ones affected. The physical and mental health trauma that women prisoners experience is significant. Women prisoners in Kerala have been noticed nowadays, but research on women prisoners' issues has been very limited in this field. However, the recent trends towards the rise in female crimes have gathered curiosity among researchers to know more about the life of women prisoners. However, when it comes to women in prison, there is a paucity of literature on the situation of these women. The present study delves deep into life inside jail, the effects of incarceration and its cascading effects on both family members and dependent children, as well as the coping strategies adopted to overcome it. The paper focuses on women's imprisonment, their issues, and challenges. This study used a qualitative, descriptive approach and non-probability sampling, using a snowball sampling method. The findings of the research show that most of the women had problems with their physical and mental health as a result of their incarceration period. The study also found differences in how women adjusted and how much stress they felt during the first few days versus later on. It also found that women who did not have a lot of social support inside or outside of prison found it hard to deal with being imprisoned. As a way to cope, many women did things in prison or spent time alone. The study shows that social workers need to help women on trial deal with the incarceration process and its effects by getting more involved.

Keywords: Women under trial, prisoners, coping, incarceration, correctional settings.

1.Introduction

The prison's role as a correctional facility in society is significant. A prison's main goal is to place people who break the rules somewhere they can be helped to change and improve. Prisons are still the most important part of the criminal justice system and one of the pillars that hold it together, even though abolitionists have argued over the years about how important they are and what role they play in helping people change and preventing them from going back to crime. As the importance of prisons has grown, so have prisoners' rights. The United Nations (UN) has established conventions, treaties, and laws to protect prisoners' rights and civil society organisations such as Amnesty International, Human Rights Watch, and others work to ensure they are followed. Prisoners' rights are also part of the Universal Declaration of Human Rights (UDHR). In addition to outlining articles on detention, equality before the law, and other principles, the declaration states that everyone has the right to life, freedom, security, and a life

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free from discrimination (Universal Declaration of Human Rights, 1948).

As in other jails around the world, prison life in India is marked by a lack of food, isolation, violence in many forms, and the worsening of serious physical and mental disorders. The exchange rate of oneself, as well as feelings of anger, frustration, and anxiety, is intimately connected to life in jail (Bandyopadhyay, 2010). Most prison documentation is still paper-based. The manual says everything should be digitised to make documents easier to find and speed up the process. One of the most important parts of the manual is that people on death row must have regular mental health checks. The manual says an Under Trial Review Committee includes a secretary, the district legal service authority, the district judge in charge, the district magistrate, and the district superintendent of police. This is because the majority of prisoners in Indian prisons are awaiting trial. The committee's primary objective is to identify offenders who have served half of the maximum term or the maximum duration allowed by law for the specified offence (Model Prison Manual, 2016).

According to List-II of the Indian Constitution's Seventh Schedule, prison administration is a state subject. As a result, the prison administration system is not standardised. According to the Indian Constitution ensures equality before the law and equal protection under the law. However, the regulations governing how prisoners are treated differ from state to state. The government needs a unified approach to running prisons so it can apply reformative measures effectively behind prison walls. The central government created the Model Prison Manual of 2003, and state governments based their own regulations on it (BPRD, 2007).

There are too many people in prison because more people are waiting for trial than in other categories. Over 64% of states and union territories have more people in jail who are waiting to be tried than are in jail right now. Due to trial delays, some detainees who are awaiting trial have already spent more than five years in jail while waiting for a judgment, which is the cause of this overcrowding. In this case, the system's reasons for delaying the accused's trial were not good enough (PSI, 2020).

As of December 31, 2020, the country had only 29 women's prisons, which held 3,084 women (15.4% of the 20,046 women in prisons nationwide). 22 states and UTs lacked a dedicated women's prison. Rajasthan had the most women's jails with six, but only 39.2% of them were filled with women. Kerala has three women's correctional homes, followed by Tamil Nadu with five and Andhra Pradesh, Bihar, Gujarat, and Delhi with two each (Prison statistics in India, 2020).

The total number of inmates in 29 women's prisons as of December 31, 2020, was 3,094 (occupancy rate: 50.1%), which included ten (10) transgender convicts. The total number of in these prisons was 6,179. The capacity for women inmates in other categories of jails (i.e., jails other than women's jails) was 21,577; however, as of December 31, 2020, these jails housed 16,962 women inmates (occupancy rate: 78.6%). Women imprisoned with children as of December 31, 2020, there were 1,427 women incarcerated with 1,628 children. Of these female inmates, 1,184 were awaiting trial and had 1,345 children with them, while 214 had been found guilty and had 246 children with them (Prison statistics in India, 2020).

According to the National Crime Records Bureau, Kerala had 7,499 people in prison as of 2019. 41.7% of the inmates are criminally convicted, and 57.7% of them are awaiting trial. There are more male prisoners (85.7%) than female prisoners (5.3%). Also, the total number of people in prison in Kerala exceeds the prisons' actual capacity. It is also noted that the majority of undertrial prisoners are between the ages of 30 and 50, with the fewest being over 50. In total, there were 3,131 prisoners, and 658 were between the ages of 18 and 30. NCRB data also show that 1,683 of the 4,330 inmates awaiting trial belong to this group (Methal, 2020; Das & Halder, 2020).

2. Review of Literature

Prisons are structures of imprisonment, often reflecting the society that oversees them; these "structures" manifest the state's aim to confront offenders. Prisons have always been a popular topic of discussion in criminology, but it is only now that studies that try to understand what it is like to be imprisoned are getting more attention. The literature review focuses on women prisoners, psychosocial challenges, coping strategies, and the impact of women prisoners.

2.1. Women prisoners and Psycho social challenges

There is a high occupancy rate of female prisoners relative to the available capacity in most prisons across states in India. It is worth noting that there are fewer women's prisons exclusively built for women compared to men's prisons; hence, there is natural overcrowding in prisons allotted for women. The Indian Penal System provides special provisions for women accused of bailable offences who are on trial, giving them priority in obtaining bail and, hence, speedy release. However, the outcome of such special provisions has not been significant in terms of records, and women under-trial prisoners still dominate the prisons (Sadiq, 2011).

According to India's prison system, the under-trial and convicts are to be housed separately in exclusive spaces, but in reality, these separations cannot be maintained because of severe space constraints. In fact, children of the prisoners (below 6 years) also end up being housed together and are exposed to unfavourable living conditions. Further, due to space constraints, these women are displaced to distant jails away from their homes, which affects their ability to keep in touch with their families and limits their ability to visit (Ministry of Women and Children Development, GOI, 2018).

In the Indian context, Sahni Shekhar (1988) focused on the legal processing of under-trial prisoners. There has been a focus on pointing out the inefficiencies of the judicial system that prolong the status of an "under-trial" prisoner, which, of course, further prolongs the prisoner's confinement in prison without conviction- "giving rise to the apt image of an under-trial prisoner 'languishing in jail'". Some of the physical health issues suffered by prisoners, across all contexts, and in commonality are obesity or malnourishment, diabetes, thyroid, heart problems, cataract, asthma, chronic fatigue syndrome, respiratory illnesses, etc. (Young, 2000). Indig, McIntyre, Page, and Ross (2009) conducted a study entitled 2009 NSW Inmate Health Survey: Key Findings Report to explore the health status of prisoners in the New South Wales prison population and found that over half of the participants were overweight; the largest increase in overweight and obesity was found among women. Moreover, the most common conditions reported by women were poor eyesight, asthma, arthritis, and back problems

(Young, 2000; Parveen, 2019).

In the Indian context, this is also highlighted by Parveen (2019), who states that not only is there a dearth of medical facilities, but there is also a lack of trust on the part of prison staff in dealing with the health complaints of women prisoners. She highlights that it is the staff first who try to deal with the health issues of the prisoners by providing medicines, and only when the issue escalates and their 'diagnosis' fails to work do the staff refer the prisoner to the doctor. In her study, while most participants complained about the abysmal state of health care facilities, others accepted that health care facilities and access to a doctor are not always possible. These participants argued that doctors are 'big people' and 'god-like' and therefore one cannot expect to be able to be treated by them as and when need be. Despite being given the same medicine for most illnesses, which failed to work, some of the women said that because doctors were highly educated and higher in status, they had no choice but to listen to them (Parveen, 2019).

A study in 2008 reported suicide as a cause of 11 per cent of prison deaths (Bhaumik & Mathew, 2015). This risk of death by suicide in Indian prisons was further confirmed by the study conducted by NIMHANS (2011) in Bangalore Prison, which showed that a total of 5.8 per cent of the inmates harboured suicidal risk at the time of the study. A study reported that 13 per cent of the prisoners attempted suicide and 17 per cent were self-mutilators (Carli, 2010).

2.2. Coping strategies

Coping is a term commonly used across settings to describe the psychological process of adjustment. The concept of 'coping' is defined as a process of managing demands, both external and internal, that a person perceives as exceeding their resources. The process entails two stages of recognition: first, whether the demand appraisal is worth addressing, and second, what can be done about it. Coping is supposed to serve two purposes: first, to address the identified problem ("problem-focused coping"), and second, to regulate emotional reactions to it ("emotion-focused coping"). However, a gap remains between what people generally mean by 'coping' and how researchers use the concept. Researchers have also attempted to measure coping with checklists that lack sufficient premises for validity. The outcomes of using various coping strategies remain largely unexplored. Most importantly, some coping strategies for a specific problem may not apply to the same problem in another situation or event, or in cases with a certain stigma attached to them (Anderson & Wilebrand, 2003).

In prisons, the pressures of isolation, inactivity, loss of control, and constant regulation and surveillance can cause a great deal of distress, and for certain vulnerable categories, the degrees may vary and be much more severe. There have been studies looking at skills and personality development in prisons in order to make prisoners able to be productive once they are released. There has been negligence toward investigating the psychological distress that tends to be a pulling factor among these inmates to recover from the damage caused in prison and lead a so-called "normal life" (Liebling, 1999).

When dealing with a situation, an individual may first respond emotionally, feeling overwhelmed, and may either adopt the same approach to manage the stressor or shift to a problem-focused approach to resolve the issue. Thus, coping strategies are interconnected and

support one another rather than being applied individually (Gullone, 2000). For Lazarus, stress is a transaction between the individual and the environment: anything that negatively impacts an individual's resources is considered stressful (Aldwin, 1985).

This model is based on the idea that how one experiences and deals with stress, and finds ways to cope with it, depends on how an individual appraises it. Appraisal, or cognitive appraisal, refers to how an individual assesses and evaluates a situation, event, or issue to determine whether it is threatening or harmful. Further appraisal is understood to be primary and secondary. In primary appraisal, individuals ask themselves whether the issue or situation before them is a problem. In secondary appraisal, the individual evaluates whether they can cope with the stressor and what they can do to overcome it, which leads to adopting coping styles or strategies.

2.3. Impact of imprisonment

According to Garg and Singhala (2012), the situation of the majority of women prisoners continues to be failing at a concerning rate. Over the years, prisons have been seen as places where all unruly activities take place. There have been an excess number of suggestions to improve the conditions of prisoners, but none were taken into consideration. If the women are poor and helpless, then they rot in jail, as there will be no one to bail them out or think about them. The most common woes faced by both under-trial and convicted women prisoners are distress, unworthiness and mental trauma that has intensified during the entry point of crime, which has left a deep impact on their mental balance. (Garg and Singhala, 2012). Lee et al. (2014) explained that imprisonment of a family member has multilateral effects that affect the family economically and emotionally and also change the whole equation with other family members. The absence of one family member who contributes to the family income results in monetary loss. Research suggests that parental incarceration often causes homelessness and financial distress, ultimately resulting in poverty. Incarceration is a major blow to those in the lower sections of society (Lee, Porter and Comfort, 2014).

Pandey & Singh (2006) mentioned that, in their study, the children of women prisoners show behavioural and psychological problems, and the atmosphere in the prison is not suitable for their overall development (Pandey & Singh, 2006). The various problems displayed include bed-wetting, sleeping and eating problems and mental distress. Moreover, such children are at high risk of developing deviant behaviour (Cunningham & Baker, 2004; Sadiq, 2011). In order to counter this and make this problem heard, women convicts can keep their children who are below 6 years of age. However, studies prove that the atmosphere around the prison not only hampers mental peace but also affects their growing years. Female crime hurts the institution of marriage, the stability of the family and the overall development of society (Das, 2013).

2.4. Literature gap

There is scarce literature about women prisoners in Kerala; the most literature, if any, is focused on male prisoners. The family pathways of these women after their arrest need to be explored, especially the socialisation of children and how their background and growing years are affected by the imprisonment of their mothers. Moreover, the subject that is going to be dealt with is prisoners, and hence it is even more important to understand the trauma, trials and

tribulations these women go through and how the family members and society accepted them.

2.5 Rationale of the study

This study aimed to fill a gap in the literature on the issues experienced by Kerala women prisoners. The goal of the study was to better understand the situation of women who are now being remanded and the issues and challenges they face in their prison journey. Also important to understand the length of time spent in prison; imprisonment has negative effects on humans, particularly on women who are given social responsibility for family and society; the impact may also affect their families and other acquaintances. There is a fear, and in turn, a discreet practice, of social exclusion and discrimination towards these women as well as their families and other ties. Getting back to a normal life after having a history in prison often becomes a challenge that leads to these women isolating themselves from the expectations and virtues of society.

The focus of this study is even more on understanding how people deal with prison life and how remand women prisoners try to deal with psychological emancipation. While the majority of the prisoners are on trial in Indian prisons, most of the studies on prisoners have focused on male convicts. Women in prison are more likely to be hurt because they are in an institution made for and run by men. As a result, their needs are often ignored. Coping and the ability to cope vary from person to person and differ between men and women. Gender roles significantly affect how individuals cope with imprisonment. As a result, there are differences in how women experience and cope with incarceration.

3. Methodology

The objective of the study is to understand the issues and challenges faced by under-trial women prisoners and their experiences. This study was qualitative in nature. In this study, the Researcher wants to know how women on trial cope with incarceration, what factors help them cope, and how the women make sense of their incarceration and have thus adopted a coping strategy. The present study uses a descriptive design—this study aims to understand how women who are on trial cope with incarceration. To better understand differences in coping over time, the Researcher selected participants based on their time in prison: 4 months to 1 year, 1-2 years, 2 years, and above, as under-trial detainees. The researcher used non-probability and purposive sampling for data collection. Thematic analysis was conducted using the primary data collected during the study to identify themes and sub-themes. With participants' consent, the Researcher collected and recorded the data for analysis. Consent was a major ethical concern throughout this research. The Researcher was aware of the participants' rights, needs, and values and respected them throughout the data collection process. The study aimed to gain sensitive, in-depth insights from participants.

4. Findings and discussion

The fact that the women come from different family backgrounds and commit different crimes is why it takes so long for them to adjust to each other. They have preconceived notions that are hard to break. Some people are even extremely close and consider each other family. The main goal was to find out how much their families made so we could estimate their income.

Although I could not guess how much money the family made, our conversation helped me understand their financial situation. The other participant, Participant 4's husband, had left his job years earlier due to health problems, and before going to prison, she worked as domestic help. Participant 9 was financially dependent on her husband, who worked on construction sites for a daily wage. Accordingly, these participants indicated that both were from low-income families. Six of the fifteen participants had jobs other than housekeeping or self-employment that brought money into the family. The participants' jobs also showed what their financial situation was like before they went to prison. According to the data, most people with education up to and below the matriculation level were either in low-paying jobs or were homemakers. They belonged to the lower middle class or, at most, the middle class, and their lives were financially difficult.

Participants' education varied. They ranged from illiteracy to post-graduation. Only three were graduates; one had completed post-graduation, and two had completed higher secondary education. One person's education detail was not recorded, and one inmate was illiterate. When asked why they stopped going to school, they cited family problems and said education did not matter in those situations. Marriage, household responsibilities, and financial crises also contributed. Some of these women also came from families whose jobs were tied to their caste. Because the same job was passed down from generation to generation, education was not seen as important. *Participant 5 remarked that "I never went to school because my family could not afford to send me." My mother is a homemaker, while my dad works as a daily wage worker (coolie). I have three sisters, and no one in our family has completed more than fourth grade. "We were not told how important education is, and we have no notion."*

The family members of these women inmates believe that women should only be educated on how to care for their homes, cook, and, most importantly, reproduce. The female prisoners are taught and encouraged to think that women are just machines made to do specific jobs and that it is wrong for them to be smarter than men. Bell Hooks (2020) asserts that "visionary feminism is smart and compassionate politics." It comes from respect for both men and women, so it is wrong to favour one over the other. The dedication to eradicating the patriarchal dominance of women and men, as well as that of girls and boys, is at the heart of feminist politics. "Any relationship built on coercion and dominance cannot be founded on love" (Ross, p. 111, 2016).

Of the 15 people interviewed, seven are women aged 20 to 30. The remaining women are aged 31 to 45. Of these, only one woman is over 45. Most of the women were being tried for crimes related to NDPS (Narcotic drugs and psychotropic substances). The fact that most of the women in prison are young and in the prime of their productive lives is a significant source of concern. The superintendent of all three women's jails says the number of NDPS cases has increased. It is particularly high among students aged 22–25. The age group of individuals involved is a concern. Most of the women who were arrested were part of gangs that sold drugs like MDMA, also called ecstasy or molly, party hash oil, LSD, and stamps. Also, they discovered that the majority of MDMA users were women. Even though most of them were from outside the state and came from low-income families, women were involved in smuggling ganja. However, over the last three years, police have caught students and IT workers joining the rackets.

For all of the participants, whose lives they said had been turned upside down and left them helpless, being arrested was the worst thing that could have happened. It causes not just emotional disturbance but also disruptions to their lives on physical, social, and general levels. Some of the people have said that they feel like "victims" because they were wrongly accused and put in jail. Because of their socioeconomic situation and lack of networks and resources, they felt stuck. The fact that some people ended up in jail because of misbehaviour was one thing noted during the interview process.

Conclusion

The goal of this research was to learn more about the lives of incarcerated women, both before they went to prison and while they were there. This research aimed to collect in-depth qualitative data through flexible interview schedules and observation. Because the study was qualitative, it could not include a larger number of women inmates. However, many women inmates not included in this study spoke with the researcher about their everyday life in prison. Correctional settings must treat prison and imprisonment as the primary means of punishment. Since the global scenario is moving away from a punitive justice system and toward a restorative justice system, the prison system should include social reintegration activities for both convicted and remand prisoners to help their rehabilitation and reintegration into society. A prison is a place where thoughts and discrimination are expressed; it may be perceived as both stigmatising and creative. These interventions matter if the prison system is to change and inmates are to grow as people. It can significantly improve individual inmates' functioning. They can reduce mental health problems and improve physical health. Professional help can support a better social life in the future.

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