

# When women run afoul of the legal system

The demands made by family—whether for dowry or children—are often the reason women end up behind bars

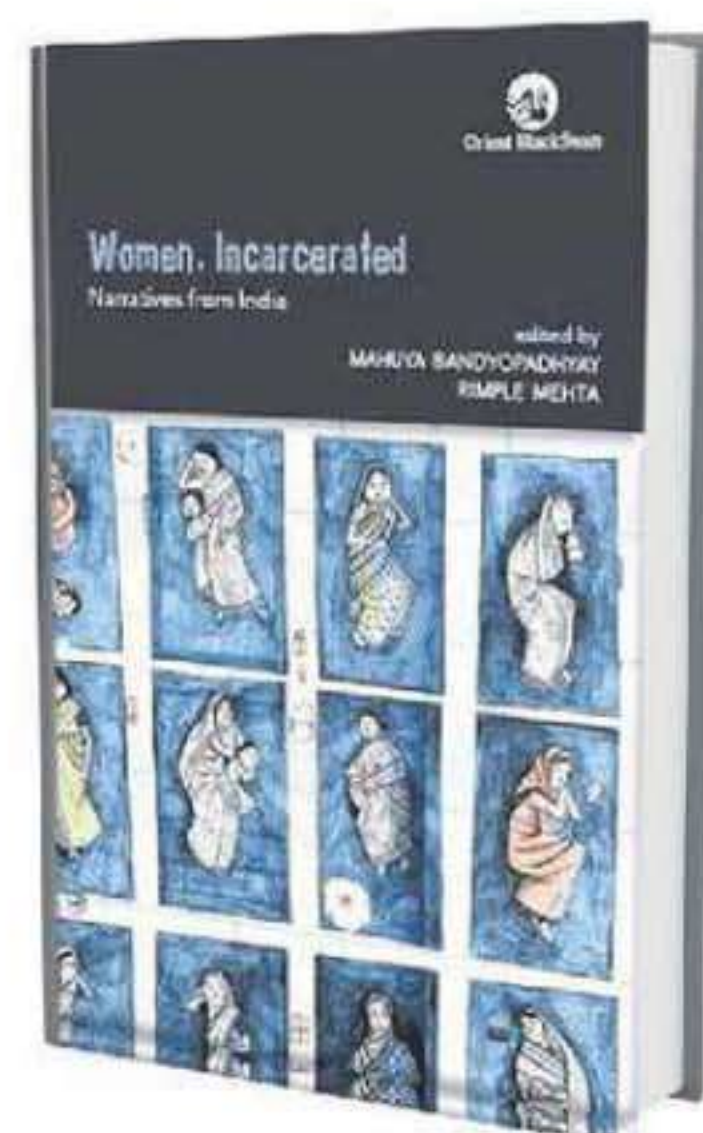
Jyoti Punwani

Indians swear by two institutions—family and democracy. Yet, reading *Women, Incarcerated: Narratives From India*, a book of essays about female prisoners in Indian jails, leaves one wondering whether we really value either institution as highly as we claim to. For, as the book reveals, family is the main reason most women end up behind bars, and the treatment they endure makes one question our adherence to democratic ideals.

Indian society revolves around the family, not the individual. And as the 12 essays illustrate, most women either commit crimes against their family—to escape dowry harassment, an abusive relationship with a spouse and in-laws, desertion, infidelity or worse—or are accomplices of male family members. The third category of women in crime are those driven by a desperate need to support their families financially. So, does that make the family a destructive institution for women?

Maybe. The proportion of women behind bars has remained at around 4% of the total prison population for many years (even though a worrying statistic reveals that from 2000-18, the rate of increase in women prisoners in India was double that of the world). If the numbers are so low, surely there must be something wrong with this 4% and not with the institution of the family? This is where the case studies in the book bring us face to face with a reality we can't ignore: None of the women offenders in these studies were in any way different from the woman next door.

Each of the 12 essays in this book, edited by Mahuya Bandyopadhyay and Rimple Mehta, both professors of social sciences, argues that a woman who commits a crime cannot be judged without taking into account the circumstances that drove her to it. Most of the time, she herself is a victim. Who, however, is going to make that point in court? Given that the majority of women offenders are poor and unlettered,



**Women, Incarcerated—Narratives From India:**  
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the only lawyers they can afford are those on legal aid panels who don't think it is necessary to inform their clients about the progress of the case. Some women don't even know if they have a lawyer; they assume their families must have hired one for them. That doesn't always happen. Men are needed back in the family, so lawyers are hired for them.

In her insightful chapter on women in Aligarh District Jail, sociology professor Shereen Sadiq quotes 70-year-old Akbari, who says her worst nightmare is dying in jail. Her husband and son, co-accused in a dowry death case with her, got bail but the family hadn't bothered to get her out. Another prisoner tells Sadiq she longs to see her little son. Her lawyer, however, has made no effort to set up a meeting because he feels she doesn't deserve it; hadn't she been unfaithful to her husband, after all?

It's not just a denial of legal rights; the average male prisoner too suffers this. Physically too, women have it worse in jails. Since an overwhelming 96% of prisoners are men, jails are designed for them. Only 13 out of 37 states and Union territories have women's prisons. In the rest, women must remain confined to their barracks—a jail within a jail. Uttar Pradesh, with the highest number of women prisoners, has just one jail for women. Madhya Pradesh, with the third highest female prisoner population, has none. Not surprisingly, Tamil Nadu and Kerala have the most number of women's jails.

Very often, women find themselves pushed to a corner; their only way out seems to be to commit a crime. Sadiq cites cases of women who committed human sacrifices under the influence of witch doctors because of the unbearable pressure to have a child, or to rid themselves of the "curse" that caused the death of a child. Their acts are not as shocking as the absence of guilt: They did not think they had done anything wrong. For them, it was a matter of life and death—their own.

That this state of affairs can prevail in a country that has been independent for 75 years is a reflection on our governments. The darkness that surrounds the lives of poor women, especially in villages, isn't divinely ordained. Nor is the darkness that envelops many of them in prison. Here, one is not even referring to the casual sexual abuse that women in custody are subject to, cited in the chapter co-authored by Mangala Honawar and Vijay Raghavan, based on Honawar's fieldwork among women offenders in Mumbai. More horrific are the rarely told stories of the systematic torture women political prisoners have faced, described in detail by Delhi University professors Uma Chakravarti and Sharmila Purkayastha.

These political prisoners were young women driven by an idealistic vision of the country, the Naxalites of West Bengal in the late 1960s and early 1970s. Purkayastha's chapter on Malaya Ghosh, based on the latter's prison diary, describes how continuous torture at Kolkata's Lalbazar police station left the schoolteacher a physical mess, pus oozing from her wounds, lice in her hair. Chakravarti's interviews with women who were jailed for their political beliefs include Rajashri Dasgupta, who later became a journalist. More than her torture, Dasgupta recalls how her fellow prisoners, many of them accused of petty crimes, helped her cope, giving her their petticoats to wear under her sari to blunt the force of police boots. Her cell mate, accused of thievery, would lull her to sleep after she returned from torture sessions at Lalbazar.

Chakravarti also brings to life actress Snehalata Reddy, whose only crime was being part of a socialist circle that included George Fernandes and intellectuals who were critical of Indira Gandhi's Emergency. Like Ghosh, Reddy was never produced in court all through her incarceration. Deprived of hospitalisation



Tihar jail in Delhi. The proportion of women behind bars has remained at around 4% of the total prison population for many years.

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despite her worsening asthma, Reddy died soon after being released on parole, aged just 45.

Notwithstanding the torture, the authorities could not get these women to do as they desired; you marvel as you read how their spirit remained unbroken. It has become quite the trend of late to glorify the Congress era, even whitewash the Emergency. But these two chapters on political prisoners in those "good old days" make us wonder if we were ever a democracy, except during the first flush of independence.

Chakravarti's interview with Khatija Ansari, 16-year-old member of the Communist Party of India's student wing, who was jailed in 1949, and Koteswaramma, jailed just before independence for taking part in the Communist revolt in Telangana, reveal they suffered far less in jail than those who inherited their legacy. Indeed, both could recall joyful experiences behind bars. Their successors bore the brunt of the state as we have known it in the past five decades—ruthless in crushing any real or imagined threat.

But *Women, Incarcerated* does not leave you entirely in despair. Two chapters make for joyful reading. The first is Kanupriya Sharma's essay on women finding love behind bars in Punjab. They take the

initiative, and choose the male prisoners they want without familial or societal disapproval weighing on them. This is love between equals, love that gives women a sense of self, the kind that is only a dream for most Indian women.

The other such chapter is by B.D. Sharma, a former inspector general of police in charge of "correctional services", as jails are called in West Bengal from 1992. He started as a police officer who despised "pampering of prisoners" but eventually transformed lives in the Berhampore Central Correctional Home by introducing them to theatre in 2006. His determination to see his dream come to life ensured that the prisoners performed Rabindranath Tagore's plays not just inside the jail but also outside, as a recognised theatre troupe that could stage shows without police escort.

*Women, Incarcerated* is a collection of scholarly articles, some weighed down by academic jargon, others engaging and absorbing. The wealth of case studies offers unique insight into the lives of women who end up behind bars. This is a book that breaks stereotypes about women criminals being a breed apart from you and me.

Jyoti Punwani is a Mumbai-based journalist.

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