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Losing more than freedom

Imprisonment of women not only leaves a mark on the prisoner but also on her children. Why are there no non-custodial options that allow the offender to reform, asks ANINDITA RAMASWAMY.

"Ask a man what he fears most in prison and he'll say loss of freedom. Ask a woman the same question and she'll be worried about her children."

SUDHA tried to appear nonchalant and indifferent. But her comment exposed her vulnerability and deepest fears. Convicted for murdering her sister-in-law, Sudha is currently serving time in Jaipur women's prison. She has a husband, daughter and three sons in Jaisalmer. She insists she isn't upset that her sister has moved into her house, has a relationship with her husband and may even marry him. "But she is worried about losing her son Akash, who lives with her in jail, but will have to leave when he turns six. There is something sad and destructive about a women's prison, with its air of families destroyed and children abandoned. Imprisoned mothers can keep their children with them until a certain age, usually six years, after which they are sent to relatives or homes run by non-government organisations (NGOs). With the state abdicating all responsibility in such cases, NGOs play a critical role.

Director General (Prisons), Tihar, Ajay Agarwal, said, "There are cases when both the father

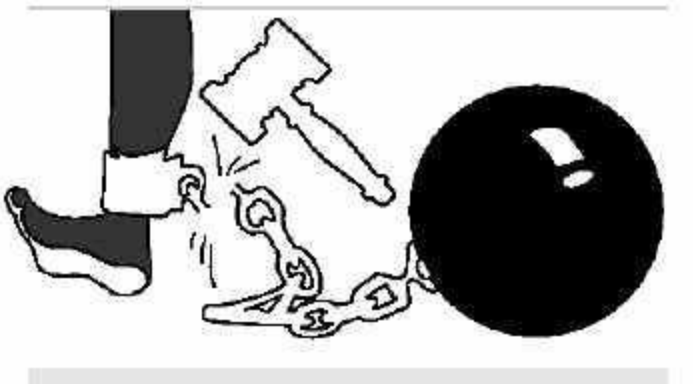
and mother are in prison, or one parent has killed the other. There is no one to care for the children. There are many NGOs in Delhi that feed, clothe and educate them. I make an effort to bring the children to see their mothers every three months. It has a good effect on the women."

India Vision Foundation — set up by former head of Tihar Prisons Kiran Bedi from her Ramon Magsaysay Award in 1994 — works for the education and rehabilitation of children of Tihar inmates through its Crime Home Children project. In 1985, a former prison chaplain set up five homes, called Precious Children's Homes, for prisoner's children in south India (one each in Kerala, Tamil Nadu and Karnataka and two in Andhra Pradesh). Kunjumon Chacko, who worked in jails for over three decades, said, "In our work with victims of crime, we noticed the breeding of a second generation criminal." The children are given food, clothing, education and medical care. " The incarceration of women impacts families because women are often the primary caregivers. When a man goes to prison, wives, sisters, mothers and aunts often work to keep the family together. But, what happens when a woman goes to prison? Prayas, a criminal justice project of Tata Institute of Social Sciences (TISS), Mumbai, has published a book, **Forced Separation: Children of Imprisoned Mothers**, which highlights the role of the state, as individuals and NGOs have limited means, reach and resources.

Arasangudi Ramasamy Palanisamy, a former bank employee, didn't let the prohibitive costs deter him. In 1982, he established the Society for Educational and Employment Development (SEED) at three centres in Sriperumbudur near Chennai, to provide food, shelter, education and vocational training for the children of prisoners. There are certain conditions: One parent should be sentenced to life imprisonment; the child should have no property and no immediate relative to care for her/him. Recognising his efforts, the State Government has given SEED financial aid, sanctioned the setting up of a vocational skills institute in 1997 and allowed him to visit central jails, meet convicts serving life terms and enquire if their children need help.

This kind of care and nurturing is essential because these children are at greater risk of being neglected, getting lost in the foster care system and committing crimes. Studies have shown that a mother's incarceration adversely affects a child's ability to form bonds and sense of security.

Some may be stigmatised, or physically and emotionally harassed by other children. Others live in fear for their mothers that she is not all right or is in danger. The women are disadvantaged, damaged and dependent. Often, prison serves to exacerbate the problems that forced them into the crime initially. Criminologists say that a majority of female offenders pose a low risk to the public and that women react more adversely to custody than men. Imprisoning mothers also has a disproportionately disruptive effect on family life.



Why then do so many women languish in jail with their children, when they could be easily let out on bail? At a workshop on New Models for Accessible Justice in November 1999, then chairperson of the National Commission for Women Vibha Parthasarathi said, "Is imprisonment effective in protecting society from women who commit crimes? Their stay in prison will probably leave them more prone to crime and will have damaged those elements that bond them to family, friends and society."

Prisons are overcrowded, inefficient and degrading places, which usually make people and crime worse, defeating the purpose of imprisonment. The government must explore other non-custodial sentencing options, which recognise the crime, but allow the offender to remain in the community and to reform. Some senior police officials have suggested the setting up of "soft prisons" for women, which would be like sheltered hostels where they are allowed to move freely and have family members visit them.

As Sudha put it, "Prison doesn't work. The longer your sentence, the worse you'll come out. A negative experience can only have negative effects. I understand why I am here and accept Imust be punished. But, why don't they let people out as soon as they are rehabilitated? Why must they keep us here so long?"

(Names of prisoners have been changed to protect their identity.)

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