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"Women's Health and Dignity in Indian Prisons: A Critical Analysis of Constitutional Safeguards, Gender-Responsive Policies and Institutional Reforms."

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Abstract
The health, hygiene and dignity of women prisoners constitute an essential yet frequently neglected aspect of human rights protection within the Indian criminal justice system. Women prisoners face distinctive physical, reproductive and psychological health challenges, particularly concerning menstrual hygiene, access to clean water, adequate sanitation, personal hygiene products and gender-responsive healthcare facilities. Despite constitutional guarantees under Article 21 of the Constitution of India, which encompasses the right to life with dignity and access to healthcare, the practical conditions prevailing in several correctional institutions reveal significant gaps between legal protections and their actual implementation.
The present research paper critically examines the health and hygiene conditions of women prisoners in India, with particular emphasis on menstrual hygiene management, sanitation facilities, reproductive healthcare and institutional responsibilities. It analyses the constitutional framework, relevant judicial pronouncements and international standards, including the United Nations Bangkok Rules, Nelson Mandela Rules and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The study further highlights the inadequacies in the implementation of existing prison policies, institutional neglect, infrastructural deficiencies and the limited awareness of gender-specific healthcare requirements.
The research also examines documented prison experiences and institutional practices to identify the challenges faced by incarcerated women in accessing basic hygiene necessities and healthcare services. It argues that deprivation of essential sanitary facilities and healthcare provisions not only compromises women's physical and psychological well-being but also undermines their constitutional right to live with dignity. The study advocates a comprehensive, gender-responsive approach to prison administration through improved sanitation infrastructure, free access to menstrual hygiene products, healthcare awareness programmes, staff sensitisation, effective monitoring mechanisms, stronger legal and institutional frameworks, and collaboration with civil society organisations.
The study concludes that imprisonment should not result in the deprivation of basic human rights and that ensuring health, hygiene and dignity for women prisoners is a constitutional obligation rather than an institutional privilege.
Keywords: Women Prisoners, Article 21, Right to Health, Menstrual Hygiene, Prison Reforms, Human Dignity, Gender-Responsive Healthcare, Sanitation, Constitutional Rights.

1. Introduction:

Over 11 million people are incarcerated worldwide, and women make up a growing minority—roughly 7% of all inmates. Even though they make up a smaller percentage, incarcerated women suffer distinct difficulties that are frequently disregarded, especially

when it comes to personal hygiene. Inadequate sanitary facilities, limited access to menstrual hygiene products, and a lack of seclusion have a significant impact on the physical, psychological, and reproductive health of women who are incarcerated. The purpose of this essay is to examine the hygienic circumstances of female inmates with an emphasis on the consequences for their health and dignity. The analysis identifies discrepancies between legislative requirements and real-world circumstances and suggests practical changes. Women make up around 4.13% of all inmates in India, and roughly 80% of them are of reproductive age. The state of cleanliness and hygiene in women's prisons is still frighteningly poor despite this large percentage.

This article explores the sanitary issues that female inmates experience, with an emphasis on menstrual hygiene, water access, and general facility conditions. Unlimited sanitary pads, hot water, and appropriate waste disposal are examples of facilities that are either nonexistent or inadequate. Furthermore, the problem is made worse by the lack of staff and prisoner sensitization initiatives.

Female inmates in Indian prisons are a particularly vulnerable and doubly disenfranchised subpopulation. The Supreme Court has consistently upheld the fundamental right to life and personal liberty guaranteed by Article 21 of the Indian Constitution, which includes the right to health, human dignity, bodily integrity, and access to medical care for those who are incarcerated (State of Maharashtra v. Prabhakar Pandurang Sanzgiri; Parmanand Katara v. Union of India). Additionally, comprehensive, gender-responsive healthcare, maternal protection, regular gynecological access, and sanitary standards within custodial facilities are required by international instruments, most notably the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules). In Indian jails, female enclosures sometimes lack basic medical facilities despite these normative commitments. Correctional facilities fail to meet the physiological, reproductive, psychological, and hygienic needs of female inmates because they are built around male-centric punitive models.

Undertrial women—unconvicted people who are legally assumed innocent—face excruciating physical pain, untreated chronic illnesses, reproductive tract infections, and untreated psychological trauma. [1]

2. Hygiene Issues Confronting Women in Correctional Facilities:

The health, dignity, and general well-being of women incarcerated worldwide are negatively impacted by serious hygiene-related issues. Inadequate sanitary infrastructure is one of the most urgent problems. Many jails are overcrowded and ill-equipped to handle the volume of inmates they house, particularly in low-income nations. Because there are frequently few restrooms and bathrooms in facilities, women are forced to wait a lengthy time or forsake personal hygiene. Bathrooms lack basic privacy measures like doors or walls and are frequently shared. Inmates find it challenging to maintain even the most basic hygiene practices due to inconsistent or restricted access to clean water. [2]

[1] "Health and Medical Rights of Women Prisoners: A Critical Study with Special Reference to Central Jail, Bhopal", IJCRT - International Journal of Creative Research Thoughts (www.ijcrt.org), ISSN:2320-2882, Vol.14, Issue 10, page no.a96-a108, October-2026, Available :https://ijcrt.org/papers/IJCRT2610011.pdf

[2] U.S. Department of Justice, Bureau of Justice Statistics, Census of Jails: Medical and Sanitary Conditions, 2020.

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Menstrual hygiene management is another important issue that is often disregarded or inadequately handled in prison environments. Menstrual waste is typically not properly disposed of, and women frequently do not obtain an adequate quantity of sanitary pads or tampons. Menstruation-related stigma and shame are frequently caused by jail staff's lack of empathy and support. Additionally, it is uncommon to have access to clean underwear, painkillers, or a private area during menstruation, which exacerbates discomfort and psychological suffering. Another major problem is the availability of personal hygiene supplies. Essentials including shampoo, soap, toothpaste, and razors are either sporadically or never supplied. Women are compelled to purchase these necessities from commissaries in certain jails, frequently at exorbitant costs that are out of reach for the majority of detainees. Urinary tract infections (UTIs), skin conditions, and other reproductive health concerns are all made more likely by a lack of personal cleanliness. Finally, in many jail systems, gender-specific health requirements are largely disregarded. With little to no access to proper prenatal or postnatal care, pregnant and postpartum women routinely suffer from extreme neglect. Despite the high levels of trauma that many women prisoners have endured, gynecological treatments and mental health therapy are rarely offered. Furthermore, facilities seldom meet the needs of moms and their kids, putting them in settings that are inappropriate and even detrimental to their emotional and physical growth. All of these hygiene issues point to a systematic disregard for the particular requirements of women in jail, underscoring the critical need for prison reform that prioritizes human rights, health, and dignity. A survey by the NGO Boondh and the Commonwealth Human Rights Initiative (CHRI) found that 80% of Indian prison women are menstruating. Nevertheless, many prisons do not have adequate mechanisms for managing menstrual hygiene. According to the survey, most prisons lack hot water, sanitary pads, or adequate facilities for disposing of waste. [3]Furthermore, the lack of a uniform menstrual hygiene policy results in uneven access to essential supplies.

According to their needs, female inmates should be given sterile sanitary pads, according to the Model Prison Manual of 2016. States differ in how they apply this rule, nevertheless. For female convicts, many prisons lack proper water and sanitary facilities. The fight for basic essentials like water, sanitary napkins, detergent, and soap during menstruation is made worse by overcrowding. About fifty women are compelled to share just two restrooms in certain prisons for all of their daily needs, such as washing clothes and utensils, changing napkins, and excreting. Women are forced to conserve water due to the intermittent water supply, which takes considerable space in the few available restrooms. Urinary infections are more common in unclean restrooms because regular use is discouraged. Sanitary napkins given by non-governmental organizations are essential to many jail administrators.

These groups make decisions on the kind, caliber, and quantity of menstrual absorbents, which frequently leads to the delivery of inferior goods. Furthermore, women incarcerated frequently lack knowledge about menstrual health, covering topics like the reasons behind monthly periods, irregular menstrual cycles, sanitation, and disposal techniques. Regular awareness camps should be organized for both personnel and female detainees.[4]

Some prisons have made efforts to enhance hygienic conditions in spite of the difficulties.

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[3] International Journal of Environmental Sciences ISSN: 2229-7359 Vol. 10 No. 6s, 2024 https://www.theaspd.com/ijes.php Hygiene Behind Bars: A Study on Sanitation Conditions Among Women Prisoners

[4] Van den Bergh, Brenda, et al. "Imprisonment and Women's Health: Concerns about Gender Sensitivity, Human Rights and Public Health." Bulletin of the World Health Organization, vol. 89, no. 9, 2011, pp. 689–694.

For example, 20 pads are provided by the Women Prison and Correctional Home in Kannur, Kerala, with the option to obtain more if needed. In a similar vein, the Special Prison for Women in Tiruchirappalli, Tamil Nadu, complies with biological waste management regulations and has separate dustbins with lids and secure biomedical bags in each block as well as the staff area. After that, the bags are delivered to the appropriate environmental garbage department. Depending on the jail, female inmates may only receive eight to twenty-five sanitary pads. Alternative menstruation products are hard to come by, and these pads are sometimes of poor quality. Additionally, it is frequently neglected to dispose of used menstrual products, which puts both staff and prisoners' health in danger.[5]

3. Legal Structures and policies:

The foundation for guaranteeing the rights and dignity of imprisoned women, particularly with regard to their menstrual hygiene, has been established by a variety of international legal instruments and standards. Gender-sensitive jail management is particularly emphasized by the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules, 2010). These regulations emphasize the responsibility of jail officials to offer sufficient sanitary goods and facilities to guarantee women's health and dignity and acknowledge menstruation as a fundamental biological function. Furthermore, Nelson's United Nations Standard Minimum Rules for the Treatment of Prisoners Mandela Rules) set the minimal requirements for how every prisoner should be treated. Among these are rules pertaining to access to sanitary facilities, cleanliness, and personal hygiene, which are crucial for preserving the health and welfare of prisoners, particularly women who are menstruating. Moreover, the States must abide by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Parties must end prejudice against women in the criminal justice system and all other domains. According to CEDAW, women's unique requirements, like access to menstrual hygiene, must be acknowledged and addressed, guaranteeing that women who are detained receive the same consideration and respect given to those outside of jail walls. [6]

Menstrual hygiene in prisons has been addressed by national legislation in a number of nations, albeit the efficacy and consistency of these regulations differ greatly. The Model Prison Manual (2016) in India acknowledges the requirement for menstruation health and makes explicit provisions for the provision of sanitary napkins to female convicts. Nevertheless, the actual execution of these official principles is still inadequate and uneven among many governments and organizations, frequently as a result of a lack of control and budget limitations. The First Step Act, which requires free menstruation supplies to be provided in all federal prisons, is a major legislative breakthrough in the United States.

This illustrates how the carceral system is beginning to acknowledge menstruation fairness as a fundamental human right. In a similar vein, Brazil has established a policy for the distribution of sanitary pads in jails; however, this policy's actual implementation varies by state. Access is nevertheless inconsistent in many areas, indicating a disconnect between practice and policy. These instances show that although menstrual hygiene is becoming more and more included in legislative frameworks as a right, successful implementation is still a significant obstacle.[7]

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[5] "Women in Prison: A Report by the World Health Organization on Reproductive Health and Hygiene in Female Detention Facilities," WHO, 2018.

[6] United Nations Office on Drugs and Crime (UNODC), Handbook on Women and Imprisonment, 2nd ed. (Vienna: UNODC, 2014), 81–89.

[7] Smith, Brenda V. "Sexual Abuse and Exploitation in Prison: Reforms and Recommendations." Yale Journal of

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5. Practical Illustrations:

Examining menstrual hygiene management in women's prisons around the world reveals unique but concerning trends, as several case studies have shown. According to a 2023 National Human Rights Commission assessment, just 60% of women's jails in India had sufficient sanitary pad supplies. Due to a shortage of basic menstrual supplies, prisoners are compelled to reuse pads or turn to unhygienic substitutes like rags, which raises their risk of infection and exacerbates their humiliation. Although access to menstrual products in jail facilities is required by federal law in the United States, there is still a glaring gap at the state and local levels. Tampons and sanitary pads are routinely withheld from jailed women, sometimes on purpose as a method of control or punishment, according to numerous reports that have surfaced, highlighting systemic abuse and neglect. In a similar vein, a 2021 study conducted in Kenya revealed serious issues with menstrual hygiene in jails. It has been claimed that many women detained did not regularly have access to soap and clean water, which are necessary for maintaining cleanliness during menstruation. Menstruating prisoners were also frequently segregated because of ingrained cultural taboos surrounding menstruation, which exacerbated their emotions of stigmatization, loneliness, and shame. Together, these case studies highlight the critical need for human rights safeguards and legislative reform to guarantee that women who are detained receive the respect and medical attention they are entitled to. Women who are detained face a variety of health issues as a result of poor prison cleanliness. These include a number of skin conditions, urinary tract infections (UTIs), and reproductive tract infections (RTIs), all of which can be brought on by a lack of access to sanitary goods, clean water, and appropriate facilities. Poor hygiene has detrimental effects on mental health in addition to physical health. Because of unsanitary conditions, many women who are detained suffer from shame, a loss of dignity, and low self-esteem, which can lead to persistent psychological discomfort and mental health issues.[8]

6. Proposed Interventions:

Several comprehensive procedures should be put in place within the prison system to guarantee the dignity and well-being of those who are detained, particularly women. First and foremost, sanitary pads, soap, and other personal hygiene supplies must be freely available in all jails. Maintaining health and respecting human rights depend on this fundamental provision. Furthermore, there is an urgent need to make the current prison infrastructure more gender-sensitive. This entails setting up appropriate waste disposal systems, guaranteeing a consistent and sufficient water supply, and improving restroom and bathing facilities to protect privacy. To promote a more courteous and knowledgeable atmosphere, prison employees should receive training on gender sensitivity, menstruation, and the unique health requirements of women. Regular audits carried out by independent human rights organizations to evaluate adherence to hygienic standards are another way to boost monitoring and accountability procedures. Furthermore, to increase protections for those who are incarcerated, more legal reforms must be sought, and current prison hygiene standards must be strictly implemented. Lastly, it is crucial to cultivate ties with non-governmental organizations (NGOs) and civil society organizations. These collaborations can promote awareness initiatives targeted at enhancing the general hygienic conditions in

Law & Feminism, vol. 12, no. 1, 2021, pp. 27–45.

[8] United Nations Office on Drugs and Crime (UNODC), Handbook on Women and Imprisonment, 2nd ed. (Vienna: UNODC, 2014), 81–89.

prisons and enable the steady provision of hygiene supplies. When combined, these suggestions offer a comprehensive strategy for protecting the health and hygiene of the women inmates.[9]

a. Free Distribution of Menstrual Hygiene Products:

It is imperative that all prisons give inmates free sanitary pads, soap, and other personal hygiene items. Access to these essentials promotes human rights, health, and dignity, especially for women and those who are menstruating.

b. Development of Women-Centric Prison Facilities:

To maintain privacy, a steady supply of water, and appropriate waste disposal systems, prisons must upgrade their restrooms and bathrooms. To protect the physical health and dignity of female prisoners, gender-sensitive infrastructure is essential.

c. Education for Prison Employees:

Employees should be trained in menstruation, gender sensitivity, and women's unique health needs. Such instruction increases empathy, lessens prejudice, and creates a more compassionate atmosphere in prisons.

d. Observations and Accountability:

Independent human rights organizations should perform routine audits in order to uphold high levels of hygiene. These audits assist in finding loopholes, guaranteeing conformity, and holding authorities responsible for upholding suitable conditions.

e. Strengthening of Legal and Institutional Frameworks:

Strict enforcement of present jail cleanliness standards is necessary, and legal protections should be increased to close existing gaps. To protect the rights of prisoners and institutionalize hygienic norms, policy changes are required**.**

f. Engagement of Voluntary Organisations and Social Institutions:

In order to provide hygienic supplies and run awareness programs, prisons should actively collaborate with NGOs and civil society organizations. These partnerships strengthen support networks and guarantee that inmates' health and dignity remain a priority.

7. Conclusion:

In conclusion, even though cleanliness is a basic human right, institutional negligence and gender-insensitive practices continue to result in subpar circumstances for female inmates worldwide. Maintaining human dignity, advancing health, and honouring the rights of those confined are all important aspects of prison hygiene, which goes beyond merely upgrading facilities. Reforms must be thorough, based on human rights, and tailored to the particular requirements of women incarcerated to effect significant change. Women's prisons in India now have poor sanitation and hygiene conditions, with major deficiencies in the management of menstrual hygiene, water supply, and general facility upkeep. The government, jail officials, and civil society organizations must work together to address these problems. It is feasible to guarantee that female inmates have access to the fundamental hygiene standards they are entitled to by putting in place consistent norms, enhancing facilities, and increasing awareness.

For female inmates, inadequate sanitation facilities have detrimental effects on their health. Menstrual cycle abnormalities and reproductive tract infections are made more likely by poor menstrual hygiene habits, such as the use of inferior sanitary items and inappropriate

[9] The Mandela Rules (United Nations Standard Minimum Rules for the Treatment of Prisoners), Rules 12–17, adopted by the UN General Assembly in 2015

disposal techniques. Poor menstrual hygiene practices and menstrual cycle problems among female prisoners were found to be significantly correlated in a Padang City study. Additionally, the lack of hygienic and private restrooms causes people to refrain from urinating, which can lead to UTIs and other health problems. In addition to endangering the convicts' health and the environment, improper waste disposal systems also have an impact on the nearby towns.

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