



EDUCATION STATUS OF CHILDREN OF WOMEN PRISONERS IN INDIA

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS



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PREFACE & ACKNOWLEDGEMENT

The prison system in India faces myriad challenges in the present scenario, which includes overcrowding of prison, shortage of manpower, inadequate and poor living conditions and health facilities, violation of prisoner's rights and so on. It is a discouraging fact that even today our current prison system bares the legacy of the British rule. Mahatma Gandhi critically acclaimed that the existing laws pertaining to the prison system in India failed to understand the relevance or prior knowledge of indigenous social & cultural ethos of our country. He strongly advocated for enacting a new prison act that is tailored as per the needs of the society. Therefore, the so-called agenda of prison reform found incapable of fulfilling the need of indigenous people, excluding the condition of children of women prisoners.

Imprisonment of parent, specially, mothers, can have detrimental effects on child's overall development. These children with no fault of their own are forced to live in prisons depriving them of not just a normal childhood but also affects the rights of these children making them more vulnerable to all forms of harm. National Policy for Children, 2013 has recognized the 'children of women prisoners' among other groups as 'children in need of care and protection' has laid special emphasis on ensuring the rights of these children and have access to right to education. Despite several reforms and implementation of various guidelines and progressive legislations based on universally recognised standards and principles, children of women prisoners continue to form the most vulnerable section of our society.

The National Commission for Protection of Child Rights (NCPCR) emphasizes the principle of universality and inviolability of child rights and recognises the tone of urgency in all the child-related policies of the country. It believes that it is only in building a larger atmosphere favouring protection of children's rights, that children who are targeted become visible and gain the confidence to access their entitlements. The Commission as per its function under section 13 (l) (a) and 13 (l) (g) of CPC Act 2005 has undertaken a research study on the '*Education status of Children of Women Prisoners in India*'.

The study reveals the educational situation of children of women prisoners living in prisons which is far from perfect. Similarly, it also examines the education status of education children of women prisoners residing in institutional care.

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This study aims to analyse the situation and the factors affecting their development so that pathways can be devised for their reintegration to society.

I take the opportunity to thank Sh. Prashant Chauhan for conducting the study on behalf of the National Commission for Protection of Child Rights. The work done by him is highly appreciable for he has gone to the field and interviewed prison officials, women prisoners, conducted visits and interviewed the Superintendent of children homes and hostels. He further interacted with the children of women prisoners living in CCIs.

I convey my thanks to Smt. Rupali Banerjee Singh, Member Secretary of NCPCR for administrative support to the study. I would like to acknowledge the contribution of Dr. Madhulika Sharma, Advisor (Education/ PP&R Division), National Commission for Protection of Child Rights for her inputs and coordination in the project and providing guidance to Sh. Prashant Chauhan on this study. I also thank Ms. Mahima Lal, Consultant (PP&R) for her contribution in the study.

I would like to extend my gratitude to IG (Prisons) & DG (Prisons) of all the five States- Delhi, Maharashtra, Uttar Pradesh, Andhra Pradesh and Bihar for facilitating the NCPCR official in conducting the visits in jails. The District Child Protection Officer, Mumbai & Pune, Maharashtra; District Child Protection Officer & Child Development Programme Office (CDPO), Rajahmundry; Deputy Collector & Programme Director, ICDS, Kadapa along with District Child Protection Officer, Kadapa; District Probation Officer, Lucknow and all the officials of the concerned departments for facilitating the visits with the children and community members as well as the concern authorities and officials.

The National Commission for Protection of Child Rights (NCPCR), strongly believes that the study will further contribute in reducing the vulnerability of these children to any kind of harm and ensure that these children do not fall out of the society safety net and receive necessary care and support from the concerned stakeholders. The study will initiate dynamic but essential reforms and help formulating policies and set operating procedures for smooth transition of children of women prisoners.

Jai Hind-Jai Bharat



(Priyank Kanoongo)

31.03.2021

LIST OF ACRONYMS

NCPCR- National Commission for Protection of Child Rights

SCPCR- State Commission for Protection of Child Rights

MHA- Ministry of Home Affairs

MWCD- Ministry of Women & Child Development

NCRB- National Crime Records

UNCRC- United Nations Convention on the Rights of the Child

ICESCR- International Covenant on Economic, Social and Cultural Rights

CEDAW- Convention on the Elimination of All Forms of Discrimination against Women

CRPD- Convention on the Rights of Persons with Disabilities

SDG- Sustainable Development Goal

RTE- Right to Education Act, 2009

JJ ACT- Juvenile Justice Act, 2015

POCSO- Protection of Children against Sexual Offences Act, 2012

CLPRA- The Child Labour (Prohibition and Regulation) Amendment Act, 2016

DCPO- District Child Protection Officer

AWC- Anganwadi Centres

AWW- Anganwadi Workers

ICPS- Integrated Child Protection Scheme

ECCE- Early Childhood & Education Programme

DPO- District Probation Officer

DEO- District Education Officer

CWC- Child Welfare Committee

CCI- Child Care Institutions

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1.

HISTORICAL EXCURSIONS OF PRISON SYSTEM IN INDIA

The historical relevance of prison reform system goes back to early 20th Century in the United Kingdom that led to the transformation of the idea of prison from depriving freedom for acting against the law to the facilitation of reforms in the behavioural pattern of the prisoners. The enactment of the U.N. Charter on Human Rights emphasised the benevolent and humane treatment of the prisoners, which was further fortified by the U.N. Standard Minimum Rules for the Treatment of Prisoners, 1955. However, in the context of India, the codification of laws relating to the Prison Reforms owes its allegiance to the British Empire with the enactment of Indian Penal Code of 1860 and the Prison Act of 1894, granting powers to the state government to regulate and maintain the structure of prison system which falls in their jurisdiction. It must be noted the implementation of the laws mentioned above failed to recognise the relevance of humanitarian treatment of prisoners and continue to strengthen the nature of punishment for violating the legal code of conduct. After the culmination of the Republic of India as an independent and Sovereign nation, several committees were appointed to reform the existing prison system. The Pakwasa Committee of 1949 advocated using the man force of prisoners for the construction of roads. The Model Prison Manual of 1960 provided guidelines for the management of prisons in India and offenders' treatments. In 1980, the Mulla committee recommended the need to improve food, clothing, health and sanitation and proper training and sensitization of the staff and establishment of correctional services. It was only in 1987 when Justice Krishna Iyer Committee recognised the need for evaluating the residing conditions of women prisoners and recommended the requirement of more women police force for handling the situation of women and children happened to be in the prisons. The realisation of changing scenario and the outdated model of prison reform system followed since the colonial rule prompted the deliberation on developing the indigenous proposal catering the local issues related to the prisoners' well-being. The draft on the Prison Administration and Treatment of Prisoners Bill, 1998 was put forward on the table to replace the age-old Prison Act of 1894. However, the Government of India mobilised the support for the Model Prison Manual of 2003 and formed the committee in the pursuit of changing the existing model prison manual with the objective of transforming the institutional framework of prison system in India. In 2005, another high-powered committee under the chairmanship of Director General, Bureau of Police Research and Development (BPR&D) was formed citing reference to the reports submitted by the Justice Mulla Committee & Justice Krishna Iyer Committee advocating numerous

adjustments to modernise the prison system. Meanwhile, the Supreme Court of India has also advised the state government to follow several guidelines for the upliftment of prison administration and management. In the case of R.D Upadhayay vs State of Andhra Pradesh, the court sought to enhance the status of women prisoners and their children. The court contends that *“a lot is required to be done in the States and Union Territories for looking after the best interest of the children”* and recommended several reforms upholding the values of constitutional morality of protecting the rights of children and women prisoners related to the presence of institutional structure to provide medical facilities, legal aid, proper nutritional food and arrangement for the education of children. In 2015, the Supreme Court adjured to assess the Model Prison Manual to address the changing context and directed the Ministry of Home Affairs to introduce significant reforms keeping in context the changing circumstances and the availability of technology since 2003. The Government of India prepared the dossier of Model Prison Manual of 2016, focusing on modernising the prison system with the help of computerisation in order to strengthen the uniformity of rules and regulations of the prison administration. The Manual also apprehended the need for special arrangements for the women prisoners and their children and timely visits for better management.

Children are the supreme asset of any country and despite constituting 39 percent of the total population of India they are the most vulnerable section of society. Thus, state should ensure that children as the citizen of India enjoy the fundamental rights guaranteed to them by the Constitution of India which includes: -

- Article 21- Right to protection of life and individual liberty.
- Article 39 (e) - Securing the tender age of children by ensuring that they are not abused or forced to enter avocations unsuited to their age or strength and provide opportunities.
- Article 39 (f)- Children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.
- Article 45- The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.
- Article 46- The State shall promote with special care the educational and economic interests of the weaker sections of the people, and shall protect them from social injustice and all forms of exploitation.
- Article 21 (a) Every child should get the basic right to education.
- Article 15 (3)- Empowers the State to make special provisions for women and children.

In 1992 India had also ratified the United Nations Convention on the Rights of the Child (UNCRC) binding on India to translate the said treaty into national and local legislation. Since then, various progressive and enabling laws such as- Commission for Protection of Child Rights Act, 2005, Juvenile Justice (JJ) Act, 2015, Right to Education Act, 2009, Protection of Children against Sexual Offences Act (POCSO), 2012 and The Child and Adolescent Labour (Prohibition and Regulation Act), Amended 2016 were formulated and simultaneously amended with an objective to protect the rights and dignity of every child in India. Children in their developing years need the protection of life and liberty and, most importantly, needs education that plays a pivotal role in their overall development. Many international treaties specify dimensions of the right to education and are mostly covered in- the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Rights of the Child (1989), the Convention on the Elimination of All Forms of Discrimination against Women (1979) and the Convention on the Rights of Persons with Disabilities (2006) and recently Sustainable ambitions for education are captured in Sustainable Development Goal

4 (SDG 4) of the 2030 Agenda which aims to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all” by 2030¹. It is an established fact that primary education improves the level of human well-being, especially regarding life expectancy, infant mortality, nutritional status of children, etc. Studies have shown that universal primary education significantly contributes to economic growth.² The Commission has observed that children of women prisoners are deprived of their most fundamental right to education. Furthermore, National Policy for Children 2013 asserts that “*State shall take necessary measures to ensure out of school children such as child labourers, migrant workers, trafficked children, children of migrant labourers... children of women prisoners etc. are tracked, rescued, rehabilitated and have access to their right to education*”³. According to the report published by the National Crime Records Bureau (NCRB) in 2015 purports that around 450 children of women convicts and 1,310 children of women under trials were housed in various prisons with their mothers⁴. If we closely analyse the data published by NCRB, we would realize that more than 1700 children are being deprived of not just a normal family environment but also their basic rights and entitlements. Despite several constitutional and legal safeguards for the protection of children from all hazard and exploitation, the children of women prisoners are more vulnerable and live in an adverse and hostile situation⁵. In this light Justice Krishna Iyer’s Committee seems very significant to look into the living conditions of children of women prisoners. The Committee observed that children of women prisoners were callously placed in prisons in general except in a few central jails for women where the child care was satisfactory. It also stated that education and re-educational facilities for such children were mostly neglected, and their emotional and developmental needs were not adequately taken care of by the State Government. Further, it was observed that prevalent arrangements for looking after these children were entirely inadequate⁶.

¹ Leading SDG 4- Education 2030

UNESCO Website- <https://en.unesco.org/themes/education2030-sdg4>

² Sarva Shiksha Abhiyan accessed at <http://www.educationforallinindia.com/ssa> on 14 september 2019

³ National Policy for Children, 2013, https://wcd.nic.in/sites/default/files/npcenglish08072013_0.pdf

⁴ Prison Statistics India 2015, Nation Crime Record Bureau

⁵ Chattoraj, B.N., Children of Women Prisoners in Indian Jail, JNIN National Institute of Criminology and Forensic Science, Ministry of Home Affairs, Government of India

⁶ Children of Women Prisoners in Jail: A study of Uttar Pradesh, Pandit Govind ballabh Pant Institute of Studies in Rural Development Lucknow, 2004

2.1 Rationale of the study

Given the present living condition, jails are not the appropriate environment for a child's development. Even if a child is residing with their mother in prison, then the State shall ensure that children enjoy their rights entitled to them, such as, necessary educational facilities, appropriate and wholesome meals and typical nurturing environment are available to them. These children live in isolation with no communication with the outside world and are forced to live within the prison, surrounded by other female prisoners. Under such circumstances, their mental growth and development tend to get affected. The rationale of the study is to understand the theoretical vis-a-vis empirical educational status of the children of women prisoners in India. Further, the study seeks the general impression of the stakeholders' role in helping the children of women prisoners.

Henceforth, the National Commission for Protection of Child Rights (NCPCR) set up under the Commissions for Protection of Child Rights (CPCR) Act, 2005 decided to conduct a research study on '*Educational Status of Children of Women Prisoners in India.*' To realise this aim, Section 13 (g) of the said Act mandates the Commission to "undertake and promote research in the field of child rights." Also, the Section 31 of the Right of Children to Free & Compulsory Education (RTE) Act, 2009 and Section 109 of the Juvenile Justice Act, 2015 has mandated the Commission to monitor the implementation of the provisions of this Act.

2.2 Objectives of the study

- To study the arrangements made available by the prison administration to impart Early Childhood & Early Education (ECCE) programme to children of women prisoners.
- To understand the nature of the problem of children residing in prison.
- To evaluate overall measures taken up by the Governmental authorities, Non-Governmental Organisations, and other related institutions to ensure the fundamental rights of the children.
- To understand the education needs and examine the education status of children of women prisoners living in child care institutions.
- To provide recommendations regarding the education status of children of women prisoners.

3.

- METHODOLOGY OF THE STUDY
- SCOPE OF THE STUDY
- SAMPLING DESIGN

3.1 Methodology

The research design of this study focused on initial desk research followed by a primary survey, which was both quantitative as well as qualitative in nature.

3.2 Scope of the study

The study has been conducted in two phases. In the first phase, the letters from the Commission were sent to all the concerned Director-General/ Inspector General of Prisons in all four states selected during the study (**Copy of the letters are enclosed along with the report as Annexure-I**). The concerned officials were apprised of the visit of the researcher and sought information regarding-:

- a) Total number of women prisoners living with their children in prison.
- b) Total number of children between 3-5 years of age.
- c) Total number of children of women prisoners living in Children Homes / Hostels.
- d) Total number of NGOs working within the prison facility.

Meanwhile in the second phase, the children homes, hostels and schools were visited by the researcher to analyse and examine the educational arrangements that were made available to children of women prisoners in these settings.

3.3 Sampling Design

The study adopted stratified random sampling method for the study. The study covered four states from each of the four zones in the country- North, South, East and West. The States were selected from the data published in the Prison Statistics India Report maintained and published by the National Crime Records Bureau (NCRB)⁷.

⁷ Prison Statistics India Report, NCRB
https://ncrb.gov.in/sites/default/files/psi_table_and_chapter_report/TABLE-1.2_2014.pdf

3.

- DATA COLLECTION
- RESPONSES COLLECTED FROM CONCERNED STAKEHOLDERS

REGIONS	STATES	DISTRICT	NAME OF THE JAILS
North	Uttar Pradesh	Lucknow	Nari Bandi Niketan
		Ghaziabad	District Jail, Ghaziabad
South	Andhra Pradesh	Rajahmundry	Special Prison for Women
		Kadapa	Special Prison for Women
East	Bihar	Patna	Beur Jail
		Muzaffarpur	Shaheed Khudiram Bose Jail.
West	Maharashtra	Mumbai	Byculla Jail
		Pune	Yervada Jail

Table- 1: Selection of States for the study

In the initial phase, a pilot study was conducted in Delhi to examine the feasibility of research design before embarking on the main research in four regions of India.

3.4 Data collection

In primary research the data was collected through field survey, questionnaires were prepared and finalized for the concerned stakeholders in consultation with the Commission. The data was collected through the Interview schedule and Observation Method. Five structured questionnaires were developed for all the concerned stakeholders which were directly associated with the children of women prisoners living in prison with their mothers and Children Homes and Hostels.

In the secondary research, various child related schemes and policies formulated by the Central Government were studied, research studies conducted by other subsidiary bodies of Central Government, Government reports, official data of Government Departments, guidelines and advisories issued by the Central and State Governments regarding children of women prisoners were referred during the study to avoid any form of bias while conducting the research study.

3.5 Responses from concerned stakeholders

A total of 144 responses were recorded for this study. Around 58 responses were collected from women prisoners living with their children between the age group of 3-5 years, around 35 responses were collected from children between the age group of 6-18 years living in

Children Homes & Hostels, 26 responses collected from the In-charge/ Superintendent of Children Homes & Hostels, 17 from the head of schools and lastly eight 8 responses collected from the prison officials.

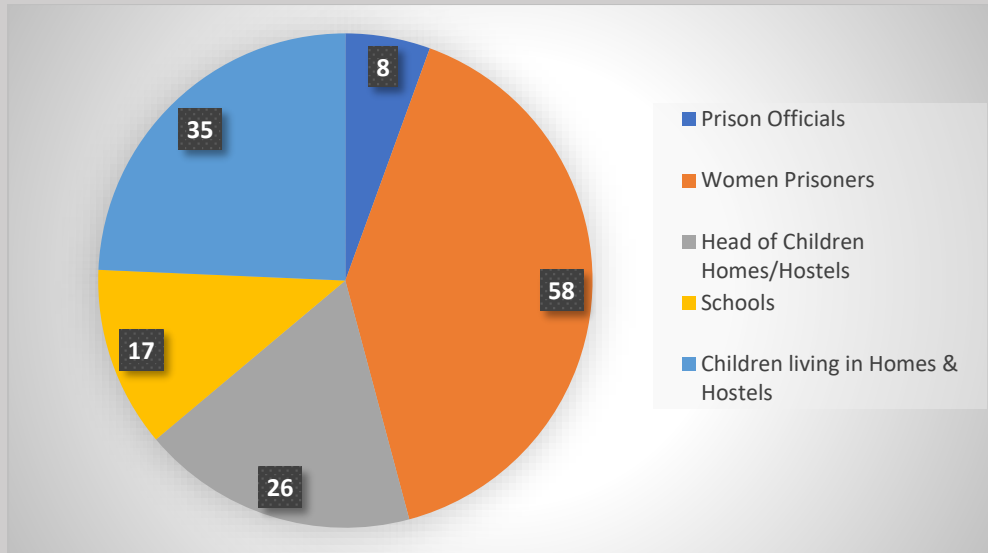


Figure.1 Category wise break-up of the survey conducted with various stakeholder

This research analyses not just the role and responsibilities of the concerned stakeholders towards ensuring the rights of the children of women prisoners but, on the other hand, it also highlights various lacuna in the current prison system and challenges faced by them when it comes to their education. Therefore, this research further divides educational status of the Children of Women prisoners into two significant parts-

- (i) Caged Childhood: Children residing in prisons.
- (ii) Children residing in Children Homes and Hostels.

(i) CAGED CHILDHOOD: CHILDREN RESIDING IN PRISONS

Prison officials play a significant role in examining the overall facilities provided to children living with their mother in prison. In April 2006, the Hon'ble Supreme Court of India in the case of *R.D. Upadhyaya vs State of Andhra Pradesh & Ors (Civil Writ Petition No. 559 of 1994)* wherein the Court had issued guidelines for providing various facilities to the children of women prisoners and asked the States to implement the said guidelines and make arrangements for food, shelter, medical care, clothing, **education and recreational facilities** as a matter of right. In this context, the Ministry of Home Affairs issued an Advisory on May 2006 to all Principal Secretaries/ Secretary Home of all the States and Union Territories to implement the said orders of the Supreme Court⁸. Recently, the Ministry of Home Affairs issued an Advisory to all Principal Secretaries/ Secretary of all the States/ UT based on the resolution adopted during 5th National Conference of Head of Prisons of States/ UTs on Prison Reforms. One of the objectives of the conference focused on revising the existing Prison Manuals by incorporating the provisions of Model Prison Manual 2016, thereby bringing uniformity in the prison rules and regulations⁹. The researcher conducted the visits in all the eight (8) prisons and interviewed the nodal officer of the respective prison to examine the facilities and infrastructure made available to these children.

⁸ Letter No.V-17013/9/2006-PR, GOVERNMENT OF INDIA/BHARAT SARKAR, MINISTRY OF HOME AFFAIRS/GRINH MANTRALAYA
<https://mha.gov.in/MHA1/PrisonReforms/NewPDF/GuidelineChildrenofWomenPrisoner15052006.pdf>

⁹ Letter no. 16011/02/ 2016-PR, Government of India, Ministry of Home Affairs
https://mha.gov.in/MHA1/PrisonReforms/NewPDF/ResolutionsAdvisory_08052017.pdf

The information related to facilities provided to these children by the prison authorities, especially related to their early childhood care & education are summarized below in tabular format.

STATES	PRISONS	Type of ECCE Centre		Where is the ECCE Centre located	
		Creche	Anganwadi Centre	Within Prison	Outside Prison
Maharashtra	Byculla Jail, Mumbai		Yes		Yes
	Yerwada Jail, Pune		Yes		Yes
Uttar Pradesh	District Jail, Ghaziabad	Yes		Yes	
	Nari Bandi Niketan, Lucknow	Yes		Yes	
Andhra Pradesh	Special Prison for Women, Rajahmundry	Yes		Yes	
	Special Prison for Women, Kadapa		Yes		Yes
Bihar	Beur Jail, Patna	Yes		Yes	
	Shaheed Khudiram Bose Jail, Muzafarpur	Yes		Yes	

Table.2.- Early Childhood Care & Education (ECCE) facilities for children of women prisoners provided by prison authority

Table.2 highlights the significance of three questions raised during the visits. The aim of questions was to understand whether the said prisons are adhering to the guidelines issued by the Supreme Court of India in the case of **RD Upadhyay Vs State of Andhra Pradesh** which clearly states that- *“There shall be a crèche and a nursery attached to the prison for women where the children of women prisoners will be looked after... the prison authorities shall preferably run the said crèche and nursery outside the prison premises”*. The objective of the said provision was to create a suitable environment for children's upbringing as close as possible to that of a child outside prison where child is with minimum security restrictions, and has the opportunity to socialize with peers outside prison.

Although, all the prisons have ECCE centres and found to be operational within and outside the jail premises, it was found that around 62.5% of prisons were having creches which were functioning within the jail premises and 37.5 % prisons had Anganwadi Centres (AWC) functioning outside the prisons. As informed by the prison officials of Special Women Prison, Rajahmundry that *“Children attaining the age of five years were enrolled in nearby nursery schools by the prison authority.”*

Table.2.1 further elaborated on the education facilities provided to the children of women prisoners by the prison officials like- Mode of Instruction used while imparting education to

children, number of volunteers engaged in Creches and Anganwadi Centres (AWC) and whether those volunteers regularly visit the centres.

STATES	PRISONS	Mode of Instruction used while imparting education?	Number of volunteers engaged in Creche/AWC	Are those volunteers trained?
				Yes/ No
Maharashtra	Byculla Jail, Mumbai	Marathi, Hindi & English	3	
	Yerwada Jail, Pune	Marathi, Hindi & English	2	Yes
Uttar Pradesh	District jail, Ghaziabad	Hindi & English	2	
	Nari Bandi Niketan, Lucknow	Hindi & English	1	Yes
Andhra Pradesh	Special Prison for Women, Rajahmundry	Telugu & English	1	Yes
	Special Prison for Women, Kadapa	Telugu & English	1	Yes
Bihar	Beur Jail, Patna	Hindi & English	2	Yes
	Shaheed Khudiram Bose Jail, Muzafarpur	Hindi & English	2	Yes

Table.2.1- Early Childhood Care & Education (ECCE) facilities for children of women prisoners provided by prison authority

Mother tongue/ vernacular language is closely linked to child's identity and emotional security and it is only in local language a child could freely express his/her thoughts. National Early Childhood Care & Education (NECCE) policy focuses on introducing the use of local language in the early years which would play a significant role in developing their overall personality. In light of the above, a question was posed to the prison administration about the mode of instruction/ language used while providing early education to the children. The prison administration stated that- “the volunteers engaged in the Creches and Anganwadi Centres uses vernacular language for education and simultaneously developing proficiency in the second language, that is, English”. It was noted that the women imprisoned in jails of other states with their children find it difficult to understand and communicate in the native language spoken by the prison staff. They further reiterated that children are not receiving education in their mother tongue which directly hampers their learning. Some women from Haryana and Punjab are housed in Rajahmundry prison. Similarly, women from West Bengal, Uttar Pradesh and Bihar are housed in Byculla Prison, Mumbai. Further, the researcher enquired about the number of volunteers engaged in the centres to which the prison administration stated that, “At least one volunteer is officially from the prison and some volunteers were appointed from the NGOs working with these children in prison”. In addition to this, around 75% of the prison officials

informed that “volunteers were properly trained for providing early education to children and 25% of prison officials during the interview were found to be unaware of educational background of the volunteers”.

PARTICIPATION OF WOMEN PRISONERS

A mother plays a significant role in the early years of their children’s life. They are the strongest role models for their children’s education. Every mother feels that their children should be raised in a healthy and conducive environment where they could prosper and do well in their life. Thus, the second part of the analysis focuses on assessing the role women prisoners in determining the ‘educational status’ of their child who are living with them in prison and those who are living in children homes/ hostels. Mothers who are incarcerated do not want her child to be caged in a prison with them. Due to no fault of their own some children between the age group 0-6 years dependent upon their mothers end up in jail with them. Thus, in their formative years they are surrounded by criminals, confined in small space, facilities to children like education, proper wholesome meals, other needs are not adequately provided which adversely affect the child’s mental health and cognitive capabilities. Thus, in this controlled environment with very limited resources, the role of a women prisoner becomes much more important.

The *Table.3* reveals the problems faced by the women prisoners regarding the educational status of their children living with them in jails and children living in CCIs and seek their impression on the educational facilities provided to children by the prison administration.

S.No	Existing Facilities	Yes (Number of Female Prisoners)	No (Number of Female Prisoners)	Other (Number of Female Prisoners)	Total (Number of Female Prisoners)
1	Creche/AWC Facilities	28 (100%)	0	0	28
3	Recreational Facilities	27 (96%)	1 (4%)	0	28
4	Adequate Food/Meals	28 (100%)	0	0	28

Table.3- Responses of women prisoner regarding the availability of educational and other facilities for children

During the visit the women prisoners informed that Creche or Anganwadi Centres were functional and children are enrolled in the Creches and Anganwadi Centres. In addition to this, 96% of female inmates informed that the recreational facilities are provided to their children and only 4% has criticized the jail authority for not providing recreational facilities to their children. Further, the researcher enquired about whether the children are provided nutritious and wholesome meal by the prison authorities to which all the women prisoners stated that,

“Prison officials are providing adequate food/meals to their children when they are in Creche/Anganwadi Centre.”

S.No	Questions related to education of Children living in prison with mothers	Yes (Percentage of Female Prisoners)	No (Percentage of Female Prisoners)	Other (Percentage of Female Prisoners)	Total (Percentage of Female Prisoners)
1.	Whether children are provided study material?	57%		43% Not Aware	100
2.	Whether course material is age appropriate?	54%	3%	43% Not Aware	100
3.	Whether aware of number of volunteers engaged in facilities?	79%	3%	18% Not Aware	100
4.	Whether aware of education qualification of volunteers?	39%	50%	11%	100
5.	Whether aware of mode of instruction used by the teachers while imparting education to children?	86%		14% Not Aware	100
6.	Whether children are taught in Mother tongue?	86%	14%		100

Table.3.- Responses of women prisoner regarding the availability of educational and other facilities for children

- It was found while interviewing the women prisoners that only 57% of female inmates were aware of the learning materials provided in the Creche/Anganwadi Centre like- colouring books, charts, oral learning, cursive books. Around 43% were found to be unaware of the study material provided to their children.
- Only 54% female inmates find the course taught to their children or material provided to them was age appropriate. On the other hand, 43% were found to be unaware of the course material being age appropriate for their children. Further, 3% of women prisoner proclaimed that children are not being provided any educational material to their children.
- Around 79% of women prisoner were aware about the number of volunteers engaged in facilities and 39% were aware about the education qualification of the volunteers engaged in the facilities. Similarly, around 18% of women prisoners were not aware of the number of volunteers engaged in the facility and 3% stated that the prison authorities did not engage volunteers to the Creche and Anganwadi Centres.
- Around 86% of women prisoners informed that their children were receiving early education in local language and 14% of women prisoner who are sentenced in different

region had raised the issue of children not receiving their education in their native language creating hinderances in their formative years.

Table 3.2 reveals whether women prisoners were satisfied with the educational and other developmental programmes for children initiated by the prison authority.

S.No	QUESTIONS	Yes	No	No Comment
1	Whether prison authority successfully meets the needs of your child education?	21 (75%)	3 (11%)	4 (14%)

Table. 3.2 Response of women prisoner regarding whether women prisoners satisfied by the programmes run by the prison authority.

First question was related to whether prison authority successfully meet the need of the children especially related to education. Around 75 percent women informed that they were satisfied with the programmes run by the prison administration, around 11 percent have showed their dissatisfaction towards the role played by the prison authority in fulfilling the needs of the children and the rest 14 percent had abstained themselves from answering the question asked during the interview.

In continuation to this, two more responses were recorded highlighting mother’s involvement in administering/ assessing the progress of children’s education and other question shed light on the role played by the educational institutions and prison officials in communicating the progress report of these children to their mothers. The objective of these questions was to assess the engagement between parents, in this case, female inmate and volunteers so that challenges faced by these children could be addressed and benefit them to reach their academic potential. The women inmates informed that “volunteers engaged in the facility or prison officials do not present any progress report of them rather they are dependent on their children who share their everyday experience in the Creche and Anganwadi Centre.” Further, female prisoners were asked about the issues or problems faced by the children regarding the educational facilities provided by the prison authority. It was noted that most of the women prisoners had reluctantly answered that “*children are happy and do not have any major problems regarding the educational services provided by the prison officials*”. Some women prisoners had apprised the researcher regarding the lack of proper care and services within the jail premises and some had abstained themselves from furnishing any information on the subject.

PROBLEMS IDENTIFIED DURING THE VISITS

I. ISSUES OBSERVED IN JAILS

- ❖ Creches in Nari Bandi Niketan in Lucknow, Beur Jail in Patna and Shaheed Khudiram Bose Jail in Muzaffarpur, Bihar were not well equipped- learning materials and recreational activities were found inadequate in the facility.
- ❖ During the visits, it was observed by the researcher that in Beur Jail, Patna was found to be running vocational training centre for women prisoners in the creche facility. Both the children and women prisoners were sharing the same facility for their education.
- ❖ Superintendent of Shaheed Khudiram Bose Jail, Muzaffarpur claimed that the prison department is running a creche facility within the jail premises. It was noted during the visit that children were found studying in the open area of prison.
- ❖ The Jailor in Nari Bandi Niketan, Lucknow addressed the issue of massive shortage of manpower or staff in the jail premises. She further provided the data where 124 positions out of 156 are vacant in the prison. (**Annexure-II**)
- ❖ The Juvenile Justice Act, 2015 defined these children as “Children in need of Care and Protection” and makes it binding on the State machinery to ensure that these children do not fall prey to institutions which not only compromises with their safety and security but denies them the right to preserve identity, including nationality, name and family relations as recognized by the law without unlawful interference (UNCRC). It was observed during the visits that the prison administration of Nari Bandi Niketan in Lucknow has given permission to an NGO to impart moral and religious teachings of Bible to children of women prisoners belonging to different religion. The researcher found more than 10 Bibles were stacked in the creche facility. It was also observed during the pilot study conducted in Delhi the same NGO working in Nari Bandi Niketan, Lucknow has a registered children home in Noida, Uttar Pradesh under the name of Asha Sadan where children of women prisoners from Tihar, Mandoli and Ghaziabad are admitted.¹⁰ Thus, it is a gross negligence on the part of state machinery who fail to bear the responsibility towards these children, eventually provide access to these vulnerable children and further perpetuate their vested interests.

¹⁰ <https://www.prisonministryindia.org/rehabilitation-centres.html>

II. ISSUES HIGHLIGHTED BY THE WOMEN PRISONERS

- ❖ One female prisoner from Nari Bandi Niketan Jail, Lucknow, Uttar Pradesh apprised the current situation of her two children above six years of age who are intellectually disabled and are not receiving any form of education within jail premises.
- ❖ Four female inmates from Special prison for Women, Kadapa, Andhra Pradesh found to be unaware of the engagement of volunteers in the Anganwadi centre and qualification. The major reason the Anganwadi Centre (AWC) is situated outside the prison and the prison officials or teachers themselves have not provided the necessary information to the women prisoners.
- ❖ Three female inmates from Special Prison for Women, Rajahmundry, Andhra Pradesh informed the Commission that fellow women prisoner along with teacher appointed in the creche are helping their children in education.
- ❖ Two female inmates from Yerwada Jail, Pune, Maharashtra highlighted that their children are not getting study material from the facility.

(ii) CHILDREN RESIDING IN CHILDREN HOMES AND HOSTELS

Role of Children Homes & Hostels and schools

Children Homes or Hostels run by any Government or voluntary organizations has a major role to play in protecting these children who are admitted in these facilities from any harm and abuses, provide opportunities in terms of education, recreational activities, vocation or job-oriented trainings and at the same safeguard their safety and security during their stay. Moreover, it was observed during the field visit that some children were admitted to hostels of educational institutions and their management does not fall under purview of Juvenile Justice (Care and Protection of Children) Act, 2015. Thus, facilities for ideal living conditions in hostel, individual entitlements for ideal living conditions in hostel for children need to be elucidated in a very clear manner to ensure a safe and secure childhood especially even when the children are not residing with their parents¹¹. Therefore, the Commission had developed the 'Regulatory Guidelines for Hostels of Educational Institutions for Children' with the objective to ensure safety and security of children and their rights in hostel premises. During the field survey a total of 20 Children Homes and four Hostel and 17 schools were visited. The

¹¹ Regulatory Guidelines For Hostels of Educational Institutions for Children, National Commission for Protection of Child Rights
<https://ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=1354&lid=1557>

list of all the Children Homes, Hostels and schools visited are attached to this report as **(Annexure-III)**

STATES	DISTRICTS	A	B	C
		CHILDREN HOMES	CHILDREN HOSTELS	Total (A+B)
Andhra Pradesh	Kadapa	1	0	1
	Rajahmundry	5	1	6
Uttar Pradesh	Lucknow	3	2	5
	Ghaziabad	0	1	1
Maharashtra	Mumbai	7	0	7
	Pune	4	0	4
Bihar	Patna	0	0	0
	Muzaffarpur	0	0	0
TOTAL		20	4	24

Table. 4- Information on total number of homes and hostel visited by the Commission

The responses were collected from the Head of the Children homes and hostel to examine the education and other basic amenities provided to children in the said facilities. The findings are summarized below in following tables.

- I. Educational and other basic amenities provided by the Children Homes & Hostels **(Table.4.1)**
- II. Information about the school attended by the children of women prisoners **(Table. 4.2.)**
- III. Role played by Children Homes and Hostels in establishing link between the children and their mothers living in prisons **(Table. 4.3.)**

I. Educational and other basic amenities provided by the Children Homes & Hostels

- ❖ Around 71% of child care institutions (Children homes and hostels) have enrolled children in nearby schools, 12% have enrolled these children through National Institute of Open Schooling (NIOS), 13% of the child care institutions (Children homes and hostels) have not enrolled the children to any educational institutions but providing bridge courses or informal learning to them within the facilities and around four percent (4%) have neither enrolled the children to schools nor providing any bridge courses to them.

- ❖ Meals and other basic amenities like- books and related stationary, school uniform, essential supplies, recreational facilities like- indoor and outdoor games and visits, clothes etc. are provided to the children.
- ❖ Only 33% were found to be providing Market oriented vocational training to children like- Embroidery, IT courses, Handicrafts, painting, cooking beautician courses, jewelry making and electrical courses etc.
- ❖ Around 83% of children homes and hostels are providing tuition/referral classes after school hours and have engaged at two teachers in the premises.
- ❖ As informed, Counselling facilities were provided by 94% of Children Homes & Hostels. Majority of them provide need-based counselling whereas only few assess these children periodically. It was noted that in some homes and hostels, the position of counsellor was either vacant or less than the prescribed norms of the JJ Act, 2015. No trained counsellor was found to be present during the visits.

(ii) Information about the schools attended by the children of women prisoners

- ❖ Eight children homes/ hostels are running schools in the same campus and nine children homes/hostels have enrolled children of women prisoners in nearby schools. Further, most of the Children homes/ hostels were not providing any transportation facilities because schools were either situated within the same campus or enrolled near the facility. In addition to this, some Children homes/hostels have ensured travel arrangements for children attending schools which is far from the said facility.
- ❖ It was informed by the staff of the children homes/ hostels that to ensure the safety and security of children one staff member is engaged from the facility to accompany the children to their schools.

(iii) Role played by the Children Homes & Hostels in establishing link between the children and their mothers living in prisons

As per the information, around 79% of the said child care institutions are taking adequate steps to ensure that children meet their mothers in jail, 13% did not share any information or provide any response during the interview and 8% have not arranged periodic meeting between the children and their mothers residing in prison. Further, most children homes and hostels have highlighted that the visits are irregular and occurs after a wide gap because the homes where children are admitted are in different city and far away from the prison. The child care

institutions further asserted that “the process for arranging visits for these children takes time because the application submitted for the visit was either not approved or delayed by the concerned authorities”. While some child care institutions arrange the meetings periodically, that is, monthly or once in three months.

NAME OF THE STATES →	A. Andhra Pradesh				B. Uttar Pradesh				C. Maharashtra				Total	
	Kadapa (1)*		Rajahmundry (6)*		Ghaziabad (1)*		Lucknow (5)*		Mumbai (7)*		Pune (4)*		A+B+C	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
A. Basic entitlements of children														
• Whether enrolled in schools?	1		4		1		4		4		3	1	17	1
• Whether enrolled through NIOS?			1						2				3	0
• Not enrolled in schools but getting their education within CCIs- (Bridge course, Informal learning etc.)			1				1		1				3	0
• Whether books and other important stationaries provided to them?	1		6		1		5		7		3	1	23	1
• Whether proper meals provided?	1		6		1		5		7		4		24	0
• Whether School Uniform provided?	1		6		1		5		7		3	1	23	1
• Other important basic amenities provided (clothes, food, grocery, entertainment facilities)	1		6		1		5		7		4		24	0
B. Types of education facilities provided within the CCIs/Hostels														
• Whether Market oriented vocational training provided to children?			2						4		2		8	0
• Whether remedial classes provided to children?	1		5	1	1		5		5	2	3	1	20	4
C. Whether counselling facilities provided?	1		4	2	1		5		7		4		23	1

Table. 4.1 – Education and other facilities provided to children of women prisoners by the CCI/Hostels

[*Note: Numbers highlighted in () signifies the total number of homes visited in the districts of the selected States where children of women prisoners are currently residing.]

	A.		B.		C.		D.
NAME OF THE STATES →	Andhra Pradesh		Uttar Pradesh		Maharashtra		Total
RESPONSES OF CCI & HOSTELS ↓	Kadapa (1)	Rajahmundry (4)	Ghaziabad (1)	Lucknow (4)	Mumbai (4)	Pune (3)	A+B+C
	Yes/ No	Yes/ No	Yes/ No	Yes/ No	Yes/ No	Yes/ No	Yes/ No
A. Where is the school located?							
• Hostel/children home and school are in the same campus	Yes 1		Yes 1	Yes 2	Yes 2	Yes 2	8
• Hostel/Children Home and School are in different location		Yes 4		Yes 2	Yes 2	Yes 1	9
B. Distance between the school and children home/Hostel							
• Within 3 Km		Yes 4		Yes 2			6
• Between 3-5Km					Yes 2	Yes 1	3
• Above 5 Km							
C. How do children travel to school?							
• Local Transport		Yes 1					1
• School Transport				Yes 1	Yes 2		3
• Others		Walking 3		Walking 3		Walking 1	7
D. Whether someone from the children homes/hostels accompany them to schools?	School & Home/Hostel in same campus	Yes 4	School & Home/Hostel in same campus	Yes 4	Yes 4	Yes 3	15

Table. 4.2 – Basic information about the schools attended by the Children of Women Prisoners who are admitted in CCIs & Hostels

[*Note: Numbers highlighted in () signifies the total number of homes visited in the districts of the selected States where children of women prisoners are currently residing.]

	A.		B.		C.		D.
NAME OF THE STATES →	Andhra Pradesh		Uttar Pradesh		Maharashtra		Total
RESPONSES OF CCI & HOSTELS ↓	Kadapa *(1)	Rajahmundry* (6)	Ghaziabad* (1)	Lucknow* (5)	Mumbai* (7)	Pune* (4)	A+B+C
	Yes/ No	Yes/ No	Yes/ No	Yes/ No	Yes/ No	Yes/ No	Yes/ No
A. How often do children visit their mothers in prison?							
• Weekly							
• Monthly	Yes (1)				Yes (1)	Yes (2)	4
• Quarterly			Yes (1)				1
• Irregular meet with mothers		Yes (3)		Yes (3)	Yes (6)	Yes (2)	14
• Never Met after placed in CCIs		Yes (2)					2
• Other		No response (1)		No response (2)			3

Table. 4.3- Information about the role of CCIs & Hostels in establishing link between children and mothers.

Children living in Homes & Hostels are the focal point of our research study and their views are absolutely necessary to assess the roles and responsibilities of the prison officials and Hostels/ Homes and get an overview of the entire facilities, especially educational and other basic facilities provided to them by Children homes and hostels. During the visits around 34 children placed in these facilities were interviewed. Their responses were recorded and summarized below: -

Around 85% of children were enrolled in nearby schools, 9% were pursuing their education through National Institute of Open Schooling (NIOS) and 6% were not enrolled in schools. They also informed that education entitlements like- books, uniform, meals are provided to them and also participate in recreational and sports activities in schools.

As per the information, children are provided remedial classes or extra classes by the teachers engaged in the said facilities. Children also highlighted that if they encounter any problem in their daily life or any issues related to their education, they inform their teachers and warden from hostels for their assistance. They further informed that “children are satisfied with the facilities and staff of the said children homes and hostels listen to their grievances.” During the interview, around 12% of children further informed the researcher that their classmates bully them and make fun of their mother being imprisoned in jails which may result in physical, psychological, social or educational harm.

Role of Women Prisoners in administering the progress of children's education who are admitted in CCIs & Hostels

During the visits in various jails the women prisoners stated that "Children mostly spend their time in the Children Homes and Hostels and meet them either periodically or after a wide time gap because the facilities in which they are admitted are far from the prison. In some cases, children have met their mothers after one year". Women inmates informed the Commission that they could only assess their progress when they meet them in prisons Further the social worker accompanying their children during the visit provide information about their children's progress verbally and do not carry or provide any assessment report (report cards/ Assessment cards) to them during the visit in jails.

PROBLEMS IDENTIFIED DURING THE VISITS OF CHILDREN HOMES & HOSTELS

- One Children home in Pune does not cater to the needs of children of women prisoners who are afflicted with cerebral palsy. Due to which they are not enrolled in schools and spend their day in children home. Children home had written various letters to the authorities to transfer these two children to special home where they could properly be taken care of but no response was received from the concerned department. In view of the above facts, the Commission has sent a letter to District Magistrate, Pune District to take immediate action and shift the children to a home exclusively meant for children with special needs and disability. Copy of the letter is enclosed to this report as *(Annexure-IV)*
- During the visits in a children home in Lucknow the Superintendent of the said home highlighted that the children were reportedly being bullied by their classmates in school for their mothers being imprisoned in jails.
- Asha Deep Foundation in Ghaziabad was found imparting religious teaching of a particular religion other than one practiced by the children. The Commission conducted a surprise visit and retrieved around 26 Bibles from the lockers and rooms of the non-Christian children.

While conducting the pilot study in Delhi, the Commission found major gaps in the existing prison management system where children placed in hostels without the proper orders of Child Welfare Committee or District Collectorate or Department of Social Welfare which compromises with the safety and security of these children. NGO working within the prison

also assist prison authority in admitting children in various children homes/ boarding schools which directly violates the norms of Juvenile Justice Act, 2015. According to the guidelines issued by the Supreme Court of India children once attain the age of 6 years they shall be placed with their guardians. If children are deprived of normal family environment then Superintendent of Prison must inform the Directorate of Social Welfare about all children of that age for placing them in a Home run by the Social Welfare Department. Also, Juvenile Justice Act, 2015 defines these children as “Children in need of special care and protection” and appoints Child Welfare Committee (CWC) as the nodal authority to ensure that children of Women Prisoners who are dependent on their mothers are placed in protective custody of homes/ hostels registered under Government Department. Therefore, the Commission enquired about: -

- a) The procedure adopted by prison officials in admitting the children to child care institutions.
- b) How often do children meet their mothers in prison?

a) Procedure adopted by the prison officials in admitting Children in Children Homes & Hostels

In Maharashtra and Andhra Pradesh, the prison administration was found to have been following the proper laws and guidelines relating to ‘admitting or placing children to Child Care Institutions’. In Maharashtra mothers who are locked in prison, having children above six years (whereby the law does not permit the children to be brought inside prison), lacking stable home are admitted to different Child care institutions through the Child Welfare Committee (CWC) by the prison department or upon application made by the mother before the trial court. In Andhra Pradesh children of convicted prisoner are placed by the orders of CWC and children of undertrial prisoners are admitted to child care institutions by the orders of District Magistrate. Moreover, Uttar Pradesh presented a unique case where one district, that is, Lucknow followed proper procedures and guidelines 2015 for admitting children in Child Care Institutions laid down under JJ Act, 2015. Whereas, another district, that is Ghaziabad, was found to be not complying with the procedures and guidelines established under JJ Act, 2015.

It was reported to the researcher that the prison administration had appointed an NGO who has been working for women prisoners and their children for a long time, for placing these children in Children Homes & Hostels associated with them. It is through the NGO that these children are placed in our facility. The Superintendent of the said home further informed that “Children

of women prisoners from Tihar and Mandoli Jails situated in Delhi are also admitted in this facility”

During the visits, the Superintendent of Beur Jail, Patna and Shaheed Khudiram Bose Jail, Muzaffarpur, Bihar reported that “the prison officials had not yet received any cases where children need to be placed in protective custody and they further informed that children of women inmates above the age of 6 years were living with their relatives or guardians. While interacting with the female inmates in both the prisons in Bihar it was reported that “Six (6) women from Beur Jail and Three (3) from Shaheed Khudiram Bose Jail having children above 6 years who are living outside with their siblings without the supervision of the elders or guardians which clearly contradicts the claims of prison officials who stated in the interview that children of all women prisoners are living with their relatives/guardians.”

The Commission observed in Byculla prison that the list provided by the prison officials containing information of the Children homes where children are admitted was not updated. While inspecting the children home, the NCPCR official unravelled the negligence of prison officials where many of the children were not found in the home described in the primary document submitted by the prison authority. These children were already transferred to some other CCIs and list was never revised.

b) Meeting of Children with their mothers in Prison

As per the guidelines issued by the Supreme Court of India in ***RD Upadhyay Vs State of Andhra Pradesh*** a child should be allowed to meet their mothers at least once a week so that mother prisoners could maintain healthy relation with their children living in Children Homes¹². It was observed during the visits that Children from Byculla jail were allowed to visit their mothers in prison at least once every quarter and children from Yerwada Jail visit their mothers once a month. In Andhra Pradesh the visit between the children and mothers were irregular and may not even occur for a long time because most of the institutions where they are admitted are far from the place where women inmates currently lodged. The Jailor from Special Prison for Women, Rajahmundry, admitted that “there was no certainty as to when will children meet their mothers but we write to the head of children homes/hostels to arrange meeting with the mothers”. In Special Prison for Women, Kadapa the child is admitted to nearby home permitted to visit her mother every month. In Nari Bandi Niketan, Lucknow,

¹² Guidelines for Children of Women Prisoners issued by Supreme Court of India,

Children are permitted to visit their mothers on special occasions such as- festivals, national holidays and so on. In District Jail, Ghaziabad, Children visit their mothers once every three months. As informed by the prison authorities the women communicate to their children when they come to prison to meet their mothers. Apart from that there are no other ways of communicating with the children who were living in child care institutions and hostels.

During the interview another question was asked about ‘how often do women prisoners meet their children in prison? To which around 60% of women prisoners replied that the visits conducted between their children are often irregular because the Children home/hostels where they are admitted are far from the place where they are currently lodged and often admitted to CCIs in different city but in the same State. While 17% prisoners said that their children visit them once in three months; 10% stated that children visit them monthly and 13% women said that they have never met their children. One female prisoner from Pune has kept her child in Nagpur and doesn’t want her to know that the mother is in prison. While three cases were related to mothers were abusing their children and thus not permitted to meet their children.

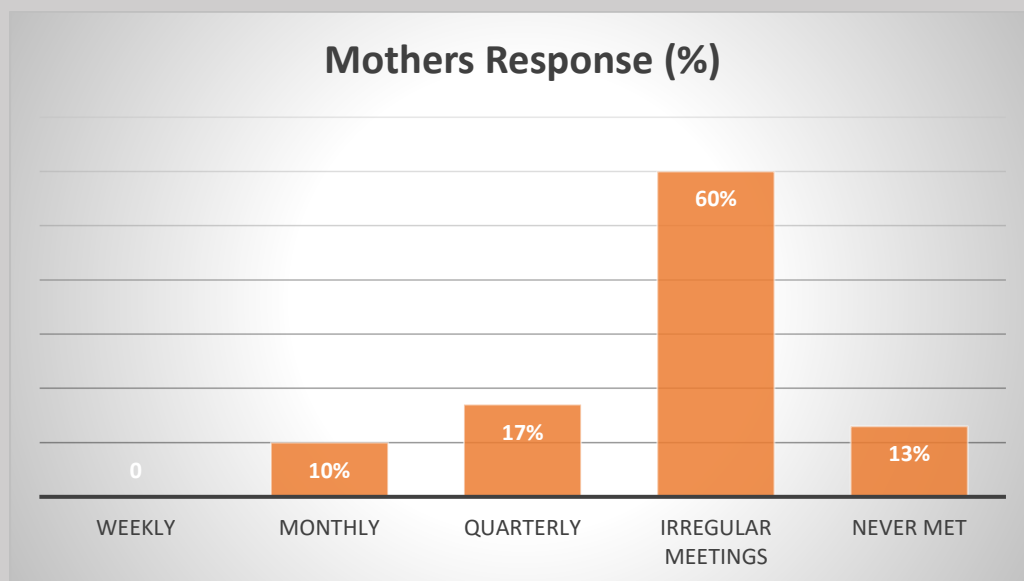


Figure.2 Information on how often do children meet their mothers in prison.

RECOMMENDATION TO STATE GOVERNMENTS

This is to recommend the State Governments to align the State Prison Manuals with the provisions prescribed under National Model Prison Manual 2016 and should be adopted strictly in all the respective Jails in the States. The Manual ensures that the children living with their mothers in prison are entitled to their basic rights like- early education, recreational facilities, nutritional requirement, medical care and clothing of children as per the guidelines issued by the Supreme Court of India in *RD Upadhyay Vs State of Andhra Pradesh*.

The State Government must ensure that prison staff which should be sensitized about the legislations related to child rights like- RTE Act, 2009, JJ Act, 2015 and other important schemes like- ICPS and ICDS and raising of awareness on child development.

RECOMMENDATIONS TO DEPARTMENT OF PRISONS

The report has highlighted major negligence on the part of prison officials to maintain the data of children living in Child Care Institutions. It was observed in Byculla Prison that the children enrolled in home/hostel were not found in the home described in the primary document submitted by the prison authority. These children were already transferred to some other CCIs and list was never revised. Similarly, the prison authorities in Bihar were not aware of the children of female inmates above 6 years age are living outside with their siblings without the supervision of the elders or guardians. Therefore, it is significant to address the major lacunas and recommend to the Inspector General (Prisons) to ensure the following: -

- ❖ The prison administration shall strive to create a suitable environment for children's upbringing which is as close as possible to that of a child outside prison. e.g. airy room with adequate natural light, minimum security restrictions, outdoor play area, opportunity to socialize with peers outside prison if not available within prison etc.
- ❖ To ensure that the superintendent of all the jails in the State to ensure that the children of women prisoners are only admitted to Child Care Institutions by the orders of Child Welfare Committee (CWC).
- ❖ To revise the list of all the children living in protective custody of State-run/administered children homes/hostels and their current living status in children homes/hostels with detailed description periodically.

- ❖ To revise the list of all those women who have not shared the information about their children and if the children are not staying with their guardian then these children admitted to respective CCIs.
- ❖ The Inspector General must ensure that children between the age of 3-5 years enjoy the benefits of early childhood care and education as per National ECCE policy 2013 and pre-school education under Section 11, RTE Act.
- ❖ The Inspector General must ensure that Children with disability who are above the age of 6 years and are still placed in jails with their mothers are immediately rehabilitated to children home as per the provisions of Juvenile Justice Act, 2015 where proper care and protection is extended to them.
- ❖ A proper screening should be conducted of children with special needs living with their mothers in prison and ensure that disability certificates are issued and benefits of ‘disability pension’ are extended to them.

RECOMMENDATIONS TO STATE CHILD PROTECTION SOCIETY/ DEPARTMENT OF WOMEN & CHILD DEVELOPMENT

As per ICPS Scheme the functions of DCPU is to assess the number of children in difficult circumstances and create district specific databases to monitor trends and patterns of children in difficult circumstances; Support implementation of family based non-institutional services including sponsorship, foster care, adoption and after care; Network and coordinate with all government departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, volunteers, Police, Judiciary, Labour, State AIDS Control Society, among others; Supervise and monitor all institutions/agencies providing residential facilities to children in district. Thus, the role of District Child Protection Officer becomes very significant when it comes to ensuring the rights of children of women prisoners residing in Child Care Institutions¹³. The Commission would recommend the DCPU to ensure: -

- ❖ To ensure that the children of women prisoners living in respective homes/hostels are enrolled in nearby schools. DCPO with the support of District Education Officer (DEO) must ensure that every child between the age of 6-14 years are enrolled in nearby Government schools and no charge/expenses are levied on them which may prevent

¹³ Revised ICPS Scheme, Ministry of Women & Child Development, Pg-14
<http://cara.nic.in/PDF/revised%20ICPS%20scheme.pdf>

these children from pursuing and completing the elementary education (Section 3, RTE Act, 2009)

- ❖ The benefits of 'Sponsorship Scheme' under Section 45 (1) of Juvenile Justice Act, 2015 may extended to the children of women prisoners to meet their educational and developmental needs who are fulfilling the eligibility criteria.
- ❖ To develop proper Individual Care of Plan (ICP) and Social Investigation Report (SIR) of each child shall be prepared and produced before the Child Welfare Committee (CWC) and must be reviewed every three months till their stay in homes/hostels.
- ❖ A proper screening shall be conducted of children of women prisoners with special needs living in institutional care and ensure that disability certificate is issued and benefits of 'disability pension' are extended to them.
- ❖ To ensure that one counsellor/Psychologists is appointed in children homes/hostels.
- ❖ To ensure that the Child Care Institutions may be linked with SAMVAD (Support, Advocacy and Mental Health Interventions for Children in Vulnerable Circumstances and Diseases) Cell launched by The National Institute of Mental Health and Neuro-Sciences (NIMHANS) in collaboration with the Ministry of Women & Child Development.

RECOMMENDATION TO STATE EDUCATION DEPARTMENT

- ❖ To ensure that the vacant posts of teachers are filled within a stipulated time frame in all the State-run Child-Care Institutions. Till then, temporary teachers should be appointed on temporary basis so that children could continue with their education.
- ❖ To ensure that every child between the age of 6-14 years is enrolled in nearby Government schools and no charge/expenses are levied on them which may prevent these children from pursuing and completing the elementary education (Section 3, RTE Act, 2009).
- ❖ To ensure that children of women prisoners may be included under the definition of children belonging to weaker and disadvantaged section by suitable amendments in the State RTE Rules.

RECOMMENDATION TO CHILD WELFARE COMMITTEE (CWC)

The Child Welfare Committee being the primary body for addressing development needs of children in need of care and protection plays a crucial role in ensuring that children are not abused or exploited or neglected at any stage. Therefore, the Commission recommend the CWC to ensure that: -

- ❖ CWC should establish a coordination with the Superintendent of Jails and children of Women prisoners who are dependent on their mother for their survival, once attain the age of 6 years are admitted to State run children homes/hostels by the orders of the Committee.
- ❖ The Committee may coordinate with the concerned medical authority to avail clinical care to the children with special needs residing in jails with their mothers. If children are above 6 years and still residing in prison. The Committee can pass necessary direction to transfer these children to specialized unit where could receive proper care and support.
- ❖ Child Welfare Committee (CWC) may visit the jails where children of women prisoners are residing.

ANNEXURE-I (Letter of Request to DG Prisons of four States visited by the Commission)



श्री जगन्नाथ पति
Dr. Jagannath Pati
रजिस्ट्रार
Registrar

राष्ट्रीय आयोग
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली - 110 001
New Delhi - 110 001
D.O. No. 25017/12/2019/NCP/CR/EDU
Date: 24th July 2019



Subject: Request for permission to visit Women Jails in Maharashtra for the research study.

1. Sir/ Madam,

The National Commission for Protection of Child Rights (NCPCR) has been constituted as a statutory body by Government of India under section 2 of the Commission for Protection of Child Rights (CPCR) Act, 2005 for dealing with the protection of child rights and related matters.

2. The Commission ensures that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. Further, NCPCR monitor the implementation of important acts related to child rights namely:

- J. J. Act, 2015 (Section 109 and Rule 91)
- POCSO Act, 2012 (Section 44 and Rule 6) and
- RTE Act, 2009 (Section 31 and Rule 5)

3. The Commission as per its function under section 13 (1) (a) and 13 (1) (b) of CPCR Act 2005 has undertaken a research study on the 'Educational status of Children of Women Prisoners in India'. The part of the research study includes:

- Interviewing the women prisoners living with their children in the prison.
- Interviewing the respective prison authority regarding the education facilities provided to the children of women prisoners.
- Visiting Child Care Institution where the children are sent after attaining the age of 6 and interaction with the authorities of Children home.

4. A team from NCPCR will be visiting women jails in Maharashtra. The team comprises of Mr. Prashant Chauhan, (TBC) and Ms. Mahima Lal (Consultant). Below is the schedule:-

S. NO.	NAME OF THE WOMEN JAIL (Maharashtra)	VISIT DATE
1	Hyeulla Women Jail	1 st August 2019
2	Yerwada Women Jail	2 nd August 2019

श्री जगन्नाथ पति, राष्ट्रीय आयोग, 36, जयपथ, नई दिल्ली - 110 001
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दूरभाष / Ph. : 011-23478204, फैक्स / Fax: 011-23724028
Web: www.ncpcr.gov.in, e-mail: registrar.ncpcr@nic.in, Lodge your complaint at: www.ebaaaidr.nic.in

The Commission would request the ADG (Prison) to be present for Video Conference and provide us with detailed information on the following matters:-

- Total no. of women prisoners residing in the respective prisons.
- Total no. of children below the age of 6 years living with women prisoners.
- Total no. of children above the age of 6-18 years living in Child Care Institutions.

5. We would request the prison department to take necessary action for facilitating NCPCR in conducting the visit in jails as per the schedule.

6. Information related to the visit of officials from NCPCR may kindly be forwarded to the respective prison facility as mentioned above. In case of further information you may contact, Mr. Prashant Chauhan (+91-9999486030), email: mahima.ncpcr@nic.in

Thanking you,

Yours sincerely
Jagannath Pati
(Dr. Jagannath Pati)

श्री. सुनील रामानंद
APCI Prison (HQ)
Durg, Maharashtra



श्री जगन्नाथ पति
Dr. Jagannath Pati
रजिस्ट्रार
Registrar

राष्ट्रीय आयोग
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली - 110 001
New Delhi - 110 001
D.O. No. 25017/12/2019/NCP/CR/EDU
Date: 24th July 2019



Subject: Request for permission to visit Women Jails in Uttar Pradesh for the research study.

Dear Sir,

The National Commission for Protection of Child Rights (NCPCR) has been constituted as a statutory body by Government of India under section 2 of the Commission for Protection of Child Rights (CPCR) Act, 2005 for dealing with the protection of child rights and related matters.

2. The Commission ensures that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. Further, NCPCR monitor the implementation of important acts related to child rights namely:

- J. J. Act, 2015 (Section 109 and Rule 91)
- POCSO Act, 2012 (Section 44 and Rule 6) and
- RTE Act, 2009 (Section 31 and Rule 5)

3. The Commission as per its function under section 13 (1) (a) and 13 (1) (b) of CPCR Act 2005 has undertaken a research study on the 'Educational status of Children of Women Prisoners in India'. The part of the research study includes:

- Interviewing the women prisoners living with their children in the prison.
- Interviewing the respective prison authority regarding the education facilities provided to the children of women prisoners.
- Visiting Child Care Institution where the children are sent after attaining the age of 6 and interaction with the authorities of Children home.

4. A team from NCPCR will be visiting women jails in Uttar Pradesh. The team comprises of Mr. Prashant Chauhan, (TBC) and Ms. Mahima Lal (Consultant). Below is the schedule:-

S. NO.	NAME OF THE WOMEN JAIL (Uttar Pradesh)	VISIT DATE
1	Thane Women Jail, Ghazipur	13 th August 2019
2	Naini Thani Kishan Women Jail, Lucknow	19 th August 2019

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Web: www.ncpcr.gov.in, e-mail: registrar.ncpcr@nic.in, Lodge your complaint at: www.ebaaaidr.nic.in

The Commission would request the DG (Prison) to be present for Video Conference and provide us with detailed information on the following matters:-

- Total no. of women prisoners residing in the respective prisons.
- Total no. of children below the age of 6 years living with women prisoners.
- Total no. of children above the age of 6-18 years living in Child Care Institutions.

5. We would request the prison department to take necessary action for facilitating NCPCR in conducting the visit in jails as per the schedule.

6. Information related to the visit of officials from NCPCR may kindly be forwarded to the respective prison facility as mentioned above. In case of further information you may contact, Mr. Prashant Chauhan (+91-9999486030), email: mahima.ncpcr@nic.in

Thanking you,

Yours sincerely
Jagannath Pati
(Dr. Jagannath Pati)

श्री. आनंद कुमार,
1. DG Prison (HQ)
Lucknow, Uttar Pradesh.



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GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली - 110 001
New Delhi - 110 001



To
Director General (Prisons)
Prison Department, Andhra Pradesh

Subject: Request for Permission to visit Women Jails in Andhra Pradesh for the research study.

The National Commission for Protection for Child Rights (NCPCR) has been constituted as a statutory body by Government of India under section 2 of the Commission for Protection for Child Rights (CPCR) Act, 2005 for dealing with the protection of child rights and related matters.

2. The Commission ensures that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. Further, NCPCR monitor the implementation of important acts related to child rights namely:

- JJ Act, 2015 (Section 109 and Rule 91)
- POCSO Act, 2012 (Section 44 and Rule 6) and
- RTE Act, 2009 (Section 31 and Rule 5)

3. The Commission as per its function under section 13 (1) (a) and 13 (1) (b) of CPCR Act 2005 has undertaken a research study on the 'Educational status of Children of Women Prisoners in India'. Sh. Prashant Chauhan, (TBC) will visit the women jail and child care institutions in Andhra Pradesh. The part of the research study includes:

- Interviewing the women prisoners living with their children in the prison.
- Interviewing the respective prison authority regarding the education facilities provided to the children of women prisoners.
- Visiting Child Care Institution where the children are sent after attaining the age of 6 and interaction with the authorities of Children home.

4. The NCPCR official Sh. Prashant Chauhan, (TBC) will visit the women jails. Below is the tentative schedule:-

S.NO	NAME OF THE PLACE	VISIT DATE
1	Special Prison for Women, Rajahmundry	11 th December 2019
2	Special Prison for Women, Kadapa	18 th December 2019

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Web: www.ncpcr.gov.in, Lodge your complaint at: www.ebaaaidr.nic.in

5. We would request the prison department to take necessary action for facilitating NCPCR in conducting the visit in jails as per the schedule.

6. Information related to the visit of officials from NCPCR may kindly be forwarded to the respective prison facility as mentioned above. In case of further information you may contact, Mr. Prashant Chauhan (+91-9999486030), email id: prashant12979@gmail.com

Yours Sincerely

Raman Kumar Gaur
(Raman Kumar Gaur)
Sr. Consultant, NCPCR



राष्ट्रीय आयोग
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली - 110 001
New Delhi - 110 001



To
Shri Mithlesh Mishra, I.A.S.
IG (Prisons) Home Department
Old Secretariat, Bihar

Subject: Request for permission to visit Women Jails in Bihar

The National Commission for Protection for Child Rights (NCPCR) has been constituted as a statutory body by Government of India under section 2 of the Commission for Protection for Child Rights (CPCR) Act, 2005 for dealing with the protection of child rights and related matters.

2. The Commission ensures that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. Further, NCPCR monitor the implementation of important acts related to child rights namely:

- JJ Act, 2015 (Section 109 and Rule 91)
- POCSO Act, 2012 (Section 44 and Rule 6) and
- RTE Act, 2009 (Section 31 and Rule 5)

3. The Commission as per its function under section 13 (1) (a) and 13 (1) (b) of CPCR Act 2005 has undertaken a research study on the 'Educational status of Children of Women Prisoners in India'. The part of the research study includes:

- Interviewing the women prisoners living with their children in the prison.
- Interviewing the respective prison authority regarding the education facilities provided to the children of women prisoners.
- Visiting Child Care Institution where the children are sent after attaining the age of 6 and interaction with the authorities of Children home/Hostels.

4. NCPCR official Sh. Prashant Chauhan will visit women jails in Bihar. Below is the tentative schedule:-

S.NO	NAME OF THE PLACE	VISIT DATE
1	Model Central Jail (Women Section), Buxar	13 th January 2020
2	Shahed Akhbarin Jash	10 th January 2020

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Web: www.ncpcr.gov.in, Lodge your complaint at: www.ebaaaidr.nic.in

The Commission would request the DG (Prisons) to be present for Video Conference and provide us with detailed information on the following matters:-

- Total no. of women prisoners residing in the respective prisons.
- Total no. of children below the age of 6 years living with women prisoners.
- Total no. of children above the age of 6-18 years living in Child Care Institutions.
- List of NGOs working within the prison facility.

5. We would request the prison department to take necessary action for facilitating NCPCR in conducting the visit in jails as per the schedule.

6. Information related to the visit of officials from NCPCR may kindly be forwarded to the respective prison facility as mentioned above. In case of further information you may contact, Mr. Prashant Chauhan (+91-9999486030), email id: prashant12979@gmail.com

Thanking you,

Yours Sincerely
Raman Kumar Gaur
(Raman Kumar Gaur)
Sr. Consultant (NCPCR)

ANNEXURE-II (Vacant positions of prison officials in Nari Bandi Niketan, Lucknow)

अधिष्ठान


नवनिर्मित नारी बन्दी निकेतन, लखनऊ पर शासनादेश संख्या 1303/22-2009
160/2008 टी.सी. दिनांक 15.05.2009 के द्वारा सृजित पदों को सम्मिलित करते हुए
स्वीकृत पदों के विरुद्ध कार्यरत कार्मिकों का विवरण:-


क्र. सं.	पद नाम	स्वीकृत पद	कार्यरत कार्मिक	रिक्त पद
			---	01
1	अधीक्षक,	01	---	---
2	कारापाल	01	01	---
	उपकारापाल	04	02	02
4	महिला चिकित्साधिकारी	03	03	---
5	फार्मासिस्ट	01	01	---
6	नर्स	04	03	01
7	सहायक लेखाकार	01	---	01
8	कनिष्ठ लिपिक / टंकक	02	02	---
9	प्रधान शिक्षाध्यापिका	01	---	01
10	शिक्षाध्यापिका	01	01	---
11	सिलाई कढ़ाई प्रशिक्षिका	01	01	---
12	प्रधान रिजर्व बंदीरक्षक / जेल हेड वार्डर	03	02	01
13	रिजर्व बंदीरक्षक / जेलवार्डर	08	03	05
14	महिला प्रधान बंदीरक्षक	17	08	09
15	महिला बंदीरक्षक	105	04	101
16	स्वच्छकार	03	01	02
17	योग	156	32	124

ANNEXURE-III (List of Children Homes and Hostels visited during the research study)

STATES	DISTRICTS	NAME OF THE CHILDREN HOMES/HOSTELS		
Uttar Pradesh	Ghaziabad	Ashadeep Foundation		
	Noida	ASSISI Convent School, Asha Sadan		
	Lucknow	Rajkiya Bal Grah (Baalika), Motinagar		
		Rajkiya Bal Grah, Gokhale Marg		
		Rajkiya Kalyan Bhawan, Prayagnarayan Road		
		La Mateneirs, Lucknow		
Maharashtra	Mumbai	Bal Sudhar Gruha, Bhiwandi		
		Chembur Children Home, Chembur		
		Shree Manav Seva Sangh, Sion		
		Dongri Children Home, Umerkhedi		
		B.J. Children Home, Matunga		
		Asha Sadan Rescue Home, Dongri		
		St. Catherine's Home, Andheri		
	Pune	GyanDeep Children Home, Aadarsh Nagar		
		Mahila Sewa Gram, Karve Road		
		St. Cripsin Home, Karve Road		
		Maharishi Karve Stree Shikshan Sansthan, Karve Road		
		Andhra Pradesh	Rajahmundry	S.W. Boys Hostel, Katravalpalli
				Manavtha Ashryam, Lolla
Generation Yuva, Vishakapatnam				
Govt. Spl.- Cum- Children Home & Observation Home for Girls, Vishakapatnam				
Children Home, Vizianagaram				
Venkatpallam Navjeevan Children Village (Chigru), Vijaywada				
Kadapa	Maa Amma Vodi Children Hostel, Kadapa			

ANNEXURE-IV (Copy of the letter sent to District Collector, Pune from the Commission)


भारत सरकार
GOVERNMENT OF INDIA
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NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001 File No. 25017/12/2019/NCPCR/EDU
New Delhi-110 001 Date: 31/03/2021 211006



To

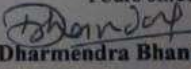
District Collector & District Magistrate
District Collector Office,
Opposite Sassoon Hospital
Station Road, Pune-411001.
Ph- 020-26114949
Email: Collector.pune@maharashtra.gov.in

Subject: Regarding providing proper care & protection to children of women prisoner afflicted with cerebral palsy.

Sir/Madam,

National Commission for Protection of Child Rights (NCPCR) has been constituted under the provisions of the Commissions for Protection of Child Rights (CPCR) Act, 2005 for protection of child rights and other related matters. The Commission as per its function under Section 13 (1) (g) of CPCR Act, 2005 undertook a research study on the '*Educational Status of Children of Women Prisoners in India*'.

- As a part of this study a team from the Commission visited various Child Care Institutions in Punedistrict where children of women prisoners were admitted for providing care and protection to children.
- During the visit the team from the Commission found that "two (2) children of female prisoner afflicted with cerebral palsy were admitted in a children home, named, Gyandeep Balak Ashram. It was further observed by the team that the said home was not well equipped to provide proper care and support to these children.
- In this regard, the children home had written a letter to the concerned authority requesting them to transfer these two (2) children to a home exclusively for children with special needs and disability. However, the home did not receive any response from the concerned authority. (Copy enclosed)
- In view of the above fact, as directed by Chairperson, NCPCR, you are requested to take immediate action to shift the children of women prisoner afflicted with cerebral palsy to a children home exclusively for children with special needs and disability to ensure that they receive proper care and protection.
- A factual report, along with authenticated copies of the relevant documents, be sent to the commission within **10 days** of issue of this letter.

Yours sincerely,

(Dharmendra Bhandari) 31/3/2021
PPS to Chairperson, NCPCR

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
5th Floor, Chanderlok Building, 36, Janpath, New Delhi-110 001
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Web. www.ncpcr.gov.in. Lodge your complaint at: www.ebaalnidan.nic.in



National Commission for Protection of Child Rights (NCPCR)
5th Floor Chanderlok Building, 36, Janpath, New Delhi
Website: ncpcr.gov.in

Note: The identity of the participants (both mother and their children) in this report have been kept confidential to protect their privacy. The report refrains from using names and other personal details of the participants.