

Protection of Women Prisoners in the State of Tamil Nadu – An Analysis

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Abstract

Crime is the violation of the rules and regulations enforced by the society from time to time for which definite punishment is prescribed by law. Members in every society are expected to act according to its established norms and laws. But when an individual finds it difficult to satisfy his needs and desires in socially accepted manner, he tries to find an alternative to meet out his desires and needs. The alternate chosen by him is criminality. It is not easy to sociologically define crime particularly because of its implicit roots in the concept of crime. The concept of crime depends on the ideas, Philosophies and culture of every society. It goes on changing when there is a change in the values and attitudes of society, what is considered as crime in one culture, may not be considered so in another culture. What act is looked upon as crime to day, may not have been regarded as such yesterday and vice versa. When the new regulations are imposed in society due to change, particularly of technological nature, the concept of crime assumes new meaning. The culture and philosophy of a society is determined to a great extent by the geographical environment of the region and accordingly the laws are made. Therefore, the laws differ from culture to culture. As the laws differ from culture to culture, the crimes also differ from culture to culture and from time to time. Half of the world's prison population of about nine million is held in the US, China or Russia. Prison rates in the US are the world's highest, at 724 people per 100,000. In Russia the rate is 581. At 145 per 100,000, the imprisonment rate of England and Wales is at about the midpoint worldwide. Many of the lowest rates are in developing countries, but overcrowding can be a serious problem. Kenyan prisons have an occupancy level of 343.7%

Key words: Prison, Women, Socio-cultural, Crime and Protection in Prison and etc.,

Introduction

Female criminality is not a new phenomenon; however, the study of criminal behavior has remained a relatively neglected area of research. The survey of literature also reveals that there is Paucity of empirical data concerning crimes committed by women. Due to low incidence of female criminality, there is less emphasis on research in this field. However, recently there has been increasing academic interest on female criminality since the industrialization, modernization, globalization, liberalization and marketization of economy and society has led to the growth of female crimes in India. The modernization process has brought certain fundamental changes in our socio-cultural life. Some of these changes have also affected the lives of women. In the liberalized and globalized era of economy, there are more opportunities for women's empowerment however, these opportunities have also led to emergence of new social conditions in which emancipation and liberation have become prominent. Indian women

are also experiencing considerable stress and strain due to the impact of modernization which are being increasingly compelled to deviate from our traditional norms and report to anti social or criminal behaviour.

Need of the study

Traditionally, the Indian woman has been the foundation of the family and society in general. She creates life, nurtures it, guards and strengthens it. In her task, as mother, she plays a vital role in the family. As wife and as mother, she is committed to serve the family; it is through her that the family is perpetuated. She is the transmitter of tradition, the instrument by which Indian culture is preserved. If the foundation is not solid or carefully maintained by those responsible for her protection, not merely the family but the society itself is bound to crack and disintegrate. Modernization, industrialization and urbanization have been invoked to account for the upsurge of female delinquency because they correlate closely with each other. As urbanization increases traditional roles decrease with increased mobility, people loose stability and continuous personal relationships are disrupted. There is a definite need for an in-depth and intensive study on female criminality to acquire greater insight into the problem. For the past two decades the discussion on women and crime has begun to draw much attention because of the interest shown in the academic circles on women and their development. There is a great need to study women in crime because the place and role of women in the Indian society has undergone considerable changes during the last two decades leading to a greater participation in the criminal activities by them. Since the research on women criminals is fragmentary in nature, scope and coverage, and is still in initial stages, the present study examines and explains women prisoners' status in the socio-economic context.

Crime has become a major area of public policy and political debate, and to politicians and public commentators it is often seen as a sign of underlying problems in society. Governments, academic researchers and other commentators ask many questions about crime. Why do women commit crime? What is their socio-economic status? How should offenders be dealt with? How can the rehabilitation process motivate the prisoners to lead a better life with values? These issues all arouse considerable discussion and debate. Enormous amount of information has been produced in the attempt to study the socio-economic profile of women prisoners. In Tamil Nadu, only a few studies worth their name have been conducted on prison life of women criminals in relation to their socio-economic background and prison life and as to how far the socio-cultural background influences a person to commit crime.

Statement of the Problem

Women's productivity was exploited under the manipulative feudal system in the society and patriarchal oppression within the family. Crimes committed by women are usually of domestic or sexual in nature i.e. theft, abortion, infanticide, receiving stolen property, poisoning, dowry deaths etc. Earlier we could rarely hear of women indulging in offences like dacoity, smuggling etc, but now it has become common and the women actively indulge in such offences. The increasing crime trend among women disturbs the social equilibrium. Her nearest and dearest and other relatives live in fear. Therefore, it is most essential to devise ways and means to prevent crime and reform the criminal. Statistically speaking crime amongst females is not a major problem in India, but on the other hand it is true that in recent years there has been an increase in female criminality. The present research is exploratory as the social, economic and other factors are investigated in order to know the profile of the Women prisoners and to give suggestions for their rehabilitation.

Scope of the Study

The study has been conducted in Tamil Nadu Central Prisons, mainly 3 central prisons namely Chennai, Madurai and Tirunelveli. The study is confined to convicted women prisoners. The study has provided data base and review of pertinent literature that is useful for formularize research as well as evolving strategies for tackling the emerging problems of women prisoners and their children living with them in prisons.

Objectives of the study

The study on Women Prisoners of Tamil Nadu was undertaken with the following objectives:

1. To study the various factors of criminal behavior of the women offenders in the study area.
2. To study the nature and pattern of crime amongst women in the study area.
3. To know the impact of prison life in the study area.
4. To study the future plan of the women offenders (Respondents) in the study area
5. To study the preventive measures of the women offences in the study area.

Hypothesis of the study

Taking into account the research problem and the objectives of the study, the following hypothesis are formulated for this research work.

1. High proportion of female Crimes are due to maladjustment in interpersonal relationships within the family.
2. Failure of male members to perform effectively their economic role is an important causative factor for female criminality.
3. Crimes committed by women are of domestic /sexual type.

Data Collection and Techniques

The study consists of primary and secondary source of data. Primary data was collected by a structured Interview Schedule from women prisoners. It consists of personal profile, socio – economic background, causes and nature of crime, attitudes and expectations of the respondents and their future plan after release. There were personal observations, interviews and group discussion. Through observation method various kinds of information were collected while being present in the prison. A number of hours spent in the prison enabled the researcher to understand the various functions of the prison. During the course of the interview close observation was possible to gather information regarding the behaviour of the inmates, their inter-personal relationships with the staff and inmates etc. During the administration of the interview schedule the researcher opted more for an informal rather than a formal interview. It was more or less like a discussion rather than questioning them. Focused group discussion technique to understand the attitude of prisoners was also very much helpful to establish a rapport with the respondents which made the purpose much easier to achieve. The respondents participated very well in the discussion and revealed information freely without any hesitation. Personal observation, discussion with the prison personnel and police officials and criminal records in the prison also form the part of data collection. The secondary data was collected from various books and journals in academic institution, libraries and also through the internet.

Socio Economic status & Protection Conditions of Women Prisoners in Tamilnadu

The studies on crime and criminality conducted by different researchers demonstrate that young persons irrespective of the sex are more susceptible to crime. The present study mainly concentrates on the prisonisation of women as a result of their criminality

Table.1
Age of the respondents

S.No	Age	No. of Respondents	Percentage
1.	20.-30 years	40	24.00
2.	30-40 years	57	35.00
3.	40-50 years	35	21.00
4.	50-60 years	29	18.00
5.	Above 60 years	04	2.00
	Total	165	100.00

Source: Primary data

The details of the age wise distribution of 165 women prisoners spread in seven Central Prisons of Tamil Nadu State represented in bar diagram. Majority of the women prisoners belong to the middle age group of 30-40 years numbering 57(35%) prisoners. This is followed by 40 (24%) prisoners belonging to 20-30 years. Totally 4 (2%) prisoners were belonging to above the age of 60 years. The conviction rate of the women prisoners point out that the point out that woman of the age group of 30-40 years is more prone to commit crimes. The age wise distribution of respondents is also depicted in figure.1.point out that there is no correlation of the age with the criminality of women.This is also been pointed out in the studies of women criminality conducted by Ahuja, (1969); Advani, (1978), Bhanot and Mishra, (1978), Rani, (1981) Therefore, young women and unmarried girls are less involved in the commission of crimes.The middle aged women are more aggressive in deviant behavior due to the hardships they have faced in the marital relationships. It is also noted that the young women and unmarried girls are protected by elderly members of the family.

Religion

The social restrictions on women, the people's notion about domestic and outside roles in general are derived from the religious beliefs. Hindu religion has numerous regulations and restrictions on women. These constraints continue to operate even in these days. Thus, religion as a system of belief as well as rituals continues to provide differential treatment to the women. Over the years these operational constraints on women have an impact on their personality patterns. In view of these realities, women may find it difficult to adjust with the changing social patterns in a culturally plural society like ours. The religious prejudices also have some impact on women as a result they become victims of crime. It is believed that religion plays an instrumental role in developing and maintaining morality. Since criminality and immorality are synonyms to some extent. It has influenced the behavior of individuals. By and large, the religious patterns and beliefs, guide the behavior patterns in the family also, then in the community, and then in the society.

Table.2
Religion of the respondents

S.No	Religion	No. of Respondents	Percentage
1.	Hindu	130	79
2.	Muslim	25	15
3.	Christian	10	06
	Total	165	100.00

Source: Primary data

It provides the religion wise distribution of female offenders. Of the 165 female inmates in Tamil Nadu State 130(79%) offenders were Hindus, 25 (15%) offenders were Muslims and 10 (6%) inmates were Christians. The religion wise distribution of the inmates is also depicted in the pie chart of figure.2.

Occupation

There is no doubt the fact that a number of crimes are being committed for economic reasons and economic condition of a person is dependent upon his/her occupational activity. In the present study, the influence of occupation on the offenders was significant. More than one third women offenders were dependent on labour work for their livelihood.

Table.3
Occupation of the respondents

S.No	Occupation	No. of Respondents	Percentage
1.	Housewife	49	30.00
2.	Coolie	58	35.00
3.	Government Employee	07	04.00
4.	Business	21	13.00
5.	Agriculture	21	13.00
6.	Others	09	05.00
	Total	165	100.00

Source: Primary data

The occupation wise distribution of respondents has been given in table 3 which shows that majority of the respondents were coolies 58 (35%) This is followed by house wives 49 (30%).There were only 7 female prison inmates (4%) who were the government employees. Equal number of respondents 21 (13%) were the persons belonging to business and agriculture.

Table.4
Marital status of the sample Respondents

S. No	Marital status	No. of Respondents	Percentage
1.	Married	156	95.00
2.	Unmarried	09	5.00
	Total	165	100.00

Source: Primary data

In the present study of the total 165 respondents 156 (95%) were married and only 9 (5%) were unmarried which has been given in table 3.6 and also represented by spiral diagram in figure 3.6. It may be legitimately inferred therefore that marital life in particular and family life in general in a female criminals career deserved special attention while analyzing the cause of female criminality. Marriage itself may not be a stabilizing element for women, as often assumed in India. In fact ,in a culture like ours ,most of the responsibilities are attached to marriage and socio-cultural expectations are always much more attached to married than unmarried. When these expectations cannot be fulfilled within the framework of right means, the woman may enter the criminal world.

Table.5
Whether Arranged / Love marriage of the sample Respondents

S. No	Whether Arranged / Love marriage	No. of Respondents	Percentage
1.	Arranged marriage	147	94.00
2.	Love marriage	09	06.00
	Total	165	100.00

Source: Primary data

Table 5 gives us the information whether the marriage of the respondents was arranged or was it a love marriage. Out of 156 married female offenders 147(94%) respondents marriage was arranged by the family members and 9 (6%) respondents were love married.

Table.6
No of Children of the Respondent

S. No	No of Children	No. of Respondents	Percentage
1.	0	56	34.00
2.	1	08	5.00
3.	2	52	32.00
4.	3	31	19.00
5.	4	09	5.00
6.	5 and above	09	5.00
	Total	165	100.00

Source: Primary data

The structure of the family in terms of its size is given in the above table.34% of the respondents did not have children,5% have one child,32% have two children,19% have 3 children and 5 % of the respondents have 4 and above 5 children .It is quite interesting to note that though majority of the respondents are illiterate, come from rural background still the number of respondents with more two children is considerably less.

Living conditions play an important role in determining the behavior of a person. Family accommodation affects the conditions of lodging, dwelling, amenities enjoyed, as also the sanitary conditions, which in turn, affects socialization, supervision and control of the members within the family. The situation in the family becomes more aggravated when the bigger sized families are housed in small, inadequate accommodation. The problem of adjustment is very much associated with the structure of family and its size. It is revealed from the study that 81 percent women offenders were belonging to joint family. About one fifth respondents reported that they belong to nuclear families .It is also evident from the survey that 94% of the respondents had their own house and only 6% were living in rented house.

Table.7
Distribution of women prisoners on the type of Crime committed under different sections of IPC. by Type of Crime Committed

Section	No. of Respondents	%	Section	No. of Respondents	%
302	73	44.2	397	4	2.4
498	18	10.9	342	2	1.2

309	12	7.2	304	2	1.2
448	9	5.4	409	2	1.2
120B	7	4.2	138	2	1.2
395	7	4.2	307	2	1.2
380	6	3.6	427	2	1.2
392	5	3	396	2	1.2
364	5	3	others	1	0.5
149	5	3	Total	165	100.00

Source: Primary data

Type of Offence Specifying the Sections

The study showed most of the crimes committed by women were covered under Sec 302 IPC 44.2 % , Sec.498 IPC 10.9 %, Sec.309 IPC 7.2 % Sec 448 IPC 5.4 % ,Sec120B IPC, Sec 395IPC 4 .2% each, Sec 380 IPC 3.6% , 3% each of Sec 392, 364, 149 ,2.4 % Sec 397 and 1.2 % each were under Sec 342,304,409,138,307,427,396 IPC the remaining 0.5% comprised of other categories. The above analysis clearly shows that women criminals though in small number compared to men are involved in cognizable crime.

Criminal process beginning with arrest, passing through conviction and incarceration and evading in release and readjustment with society may involve losses and consequent deprivations.

One of the methods generally used to prevent the offenders from repeating the crime in incapacitation by imprisonment in a prison. The prison tends to deprive the offenders of liberty for years. These are usually regarded as deterrent measures. There has been attempt to find out the way the prisoners feel the prison experience. Much depends on how inmates view the various experiences which they have undergone, or are currently undergoing once a prisoner has been put in a prison, it leads initially to physical isolation which may result in other kinds of deprivations, their keenness to face the reality of imprisonment and consequent deprivations may lead to evolution of habit patterns that satisfy the anxiety caused by pains and losses. Deprivation refers strictly to dispossession or loss of privileges, opportunities, material goods and the like.

Table.8
Prison Conditions

S.No	Facility	Yes	%	No	%
1.	Separate women ward	165	100.00	0	0
2.	Over crowded	138	84.00	27	16
3.	Adequate Clothing facility	121	73.00	44	27
4.	Adequate Light facility	142	86.00	23	14
5.	Adequate Food	147	89.00	18	11

Source: Primary data

The living conditions of different Central prisons in Tamil Nadu have been depicted in table 8.165 women prisoners are housed in seven Central Prisons of Tamil Nadu. There is no separate Central Prison for women in Tamil Nadu State. Out of 165 women prisoners 138 (84%) of the prison inmates opine that the prisons are overcrowded.121 (73%) women prisoners point out that clothing facilities in the prison is sufficient. 142 (86%) prison inmates state that there is lighting facility in the prison . majority of the women prisoners 147 (89%)

expressed that the food supplied to them is satisfactory. The living conditions of the prison is also depicted in figure 8

Programmes for Children and Women

The infant children also live with the mother in the prison. The children are dependent on the mother for feeding. Hence the provision has been made to keep the children with them during their stay in the prison. In all 14 children were living with their mothers in the prisons. (3 Central Prisons). A few programmes for rehabilitation of women prisoners have been implemented in jails. However, maximum 7 children were living with their mothers in the Chennai, Madurai and Tirunelveli. Various programmers have been devised by the prison authorities for the children and mother. The coverage and effective implementation of such programmes is limited and mainly confined to central jails and special jails. The educational, training, and professional job oriented skills enhancing programmes are being run in jails for women prisoners. However, the trades are traditional such as typing, data entry, sewing, knitting, preparing of furniture etc. All jails have arrangement through support of district government hospitals for medical and health checkup, treatment, safe delivery of pregnancies etc. of women prisoners.

Vocational Training in Prisons

The prison inmates are given the Vocational training to engage themselves in fruitful pursuits during their prison term. Such training not only inculcates in them a sense of value for one's work, but also helps the prisoners to learn the work that enable them to follow a honest work and earn a decent livelihood after their release from prison. Apart from regular vocational training in various trades and occupations, and the educational training schedules, correctional institutions in India have also started a large number of programmes to improve the personality and mindset of the prisoners. These are programmes on anger management, social skills training, counseling against drug and substance abuse, Yoga, Transcendental Meditation and Vipasana. Many prisons in India have tried these new approaches that have found to be extremely effective in changing attitudes of prisoners. Some of the NGO,s engaged in such programmes are the Art of Living, Jeevodaya etc. Encouraged by the effectiveness of such modules in one prison, other prisons in the country lose no time in adopting the same or similar modules. Many of these programmes are carried out by the prison authorities with the help of non-governmental organizations, which have expertise and trained resource persons in such fields.

Table 9
Testing of Hypothesis

One way Anova Test					
Particulars	Sum of Squares	Df	Mean Squares	F	Significance
Between Groups	48.717	3	16.239	25.513	.000
Within Groups	367.890	578	639		
Total	416.607	581			

Source: Calculated value

A hypothesis is a tentative statement about the relationship between two or more variables. It is a statement made at the beginning or before the commencement of the research work. With the theoretical framework in mind and for achieving the objectives of the research, some hypotheses were formed with a view to explore ultimately their validity. In the present research work there are six hypotheses which were framed, based on the objectives of the research. The analysis and interpretation of data has shown that the following hypotheses are proved. High

proportion of female Crime is due to maladjustment in interpersonal relationships within the family. The failure of the males to perform their economic role is an important factor in female crime. Women Criminality is socially viewed as more serious and it is reportedly on the increase. Most of the crimes committed by women are due to stressful family— situation and marital maladjustment.

The other two hypotheses Female Criminality is an urban area phenomenon.— Crimes committed by women are usually of domestic /sexual type. Could not be proved as the evidence of the analysis clearly state that most of the respondents belong to the rural areas. Women in the rural area commit the criminal acts without knowing their consequences This is due to their ill-literacy among the respondentse. The other hypothesis which failed to be accepted is due to the fact that though it is domestic but the root cause for the commission of offence is either economic or social factor.

Suggestions for the study

The following suggestions have been given to help women offenders to alter their life after their release. Since, majority of prisoners belong to the middle aged group, they can be— easily redeemed through counseling. They have the stamina and strength to work hard, the details of job opportunities and small business avenues may be explained to them and necessary help may be extended to them through prison aid societies. Measures may be initiated for free and compulsory education to the girls and also provide adult education to the adult women. Lectures on moral, ethical, and human values be arranged at regular intervals to convert the mind of the convicted persons that crime does not pay. Majority of the prisoners are married, counseling may be given to the members of the inmate's family to treat the woman with respect and dignity after her return from the prison. Awareness should be created among the rural people about the severe— consequences of commission of crime and its adverse impact on the family. Women prisoners like men should be informed of their rights under the law. On being brought to the prison, the arrested women should be informed of the grounds of arrest and communication of the arrest should also be sent to the nearest relatives of arrested women.

The prisoners should be aware of the amount earned by them and, they should have bank accounts where the amount earned by them during the conviction period could be deposited and they should be provided pass book of their bank accounts. The Prison authorities are maintaining the accounts, but the inmates do not know ,therefore the inmates should be kept aware of their account. Measures like premature release/remission of sentences of women prisoners suffering from serious ailments like Cancer, AIDS, TB, mental breakdown and depression and those above 60 years of age should be implemented.

Conclusion

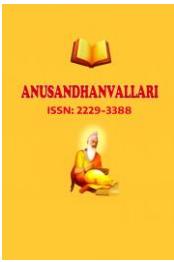
The present study has been an attempt to understand the criminal behaviour among women. The empirical evidence has shown that both socio-cultural, economic and protection factors have a vital role to play in female criminality. Thus, there is a considerable need for strengthening the loosening grip of the family and marriage over its members. These institutional control direct most of the behaviour of its member by internalizing in them certain values like loyalty, security, protection, love and affection and strict rules to its moral conduct. Again, poverty, illiteracy, lack of education and ignorance combined with a social system dominated by traditional value system affect adversely to women leading to criminal behaviour. Since a large number of crimes committed by women are due to adjustment problems of interpersonal relations in family, there is need to adopt a flexible sentencing policy for female criminals.

Another important observation is, notwithstanding the provisions in jail manuals that jail authority provide food, clothes, and necessary items for the survival of women prisoners and their young children but most of the jails are overcrowded and lack of basic amenities.. The children living with their mothers in women prisons used to be taken care of by the same medical staff that is meant for adult prisoners. There is hardly any pediatrician available in any jail to provide special medical treatment to a child .Mostly; the jail hospitals are not properly equipped for providing treatment to small kids. Even the physical infrastructure of jail is also not suitable for small kids since the jails are meant for adults only. Though, some forms of educational programmes are reported to be prevalent for the children in some jails, but these programmes are fulfilling the requirements of the children of different age groups. This is also true in case of recreational facilities as well as educational facilities. Though, in some jails where crèches are available to look after the children of women inmates, women inmates may participate in rehabilitation programmes but most of the jails lack such facilities.

It may also be noted that no specific staff or official is assigned to a specialized duty of looking after the children of women inmates. Secondly, jail staff is overstressed with assigned job and duties. Thus, the attitudinal change among the staff to understand the problems of the children is required.

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