



राष्ट्रीय मानव अधिकार आयोग
मानव अधिकार भवन, सी-ब्लॉक,
जीपीओ कम्प्लेक्स आईएनए, नई दिल्ली-110 023 भारत
National Human Rights Commission
Manav Adhikar Bhawan, C-Block,
GPO Complex, INA, New Delhi-110023 India

No. R – 14/ 1 / 2026 – PRPP (RU-2) dated October 23, 2026

Advisory on the Protection of Human Rights of Female Inmates and Their Children

The National Human Rights Commission (NHRC), established under the Protection of Human Rights Act, 1993, is mandated to protect and promote the human rights and dignity of all individuals, including persons in custody and other vulnerable groups. In furtherance of this mandate, the Commission issues advisories to the appropriate authorities to strengthen institutional safeguards and promote rights-based administration.

2. Within the broader mandate, the concerns regarding the rights of prisoners including the female prisoners and their children are a matter of continuous focus for the Commission. The Women prisoners and their dependent children constitute a particularly vulnerable group whose needs and rights require focused attention and a sensitive, gender-responsive approach. Their circumstances may be shaped by intersecting concerns relating to gender, motherhood, physical and mental health, socio-economic disadvantage and separation from their families. Ensuring their dignity and well-being requires more than custodial safeguards; it calls for humane prison conditions, adequate maternal and child healthcare, access to justice, preservation of family ties, protection of children's best interests, and meaningful opportunities for rehabilitation and social reintegration.

3. In view of the need to strengthen institutional safeguards and ensure that the specific rights and needs of women prisoners and their children are recognised and effectively addressed, the Commission finds it necessary to issue certain recommendations. Accordingly, the Commission has approved the **"Advisory on the Protection of Human Rights of Female Inmates and Their Children."** The Advisory seeks to reinforce a human-rights-based approach to prison administration and to encourage appropriate, coordinated and effective measures by the concerned authorities to protect the dignity, welfare and fundamental rights of women prisoners and their children.

4. All concerned authorities are requested to implement the recommendations contained in the Advisory and furnish an Action Taken Report (ATR) within a period of two months to keep the Commission informed of the progress in implementing the advisory.


(Piyush Goyal)
Secretary General

Enclosed: As above

To

- i.) Secretary, Ministry of Home Affairs, Government of India
- ii.) Secretary, Ministry of Women and Child Development, Government of India
- iii.) Secretary, Ministry of Health and Family Welfare, Government of India
- iv.) Secretary, Ministry of Social Justice and Empowerment, Government of India
- v.) Secretary, Ministry of Law and Justice, Government of India
- vi.) Secretary, Ministry of Education, Government of India
- vii.) Secretary, Ministry of Labour and Employment, Government of India
- viii.) Secretary, Ministry of Skill Development and Entrepreneurship, Government of India
- ix.) Secretary, Ministry of External Affairs, Government of India
- x.) Chief Secretaries / Administrators (all States & UTs)
- xi.) Director Generals of Police (DGPs) (all States & UTs)

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Copy to:

- i.) Member Secretary, National Commission for Women
- ii.) Member Secretary, National Commission for Protection of Child Rights
- iii.) Member Secretary, National Legal Services Authority
- iv.) Director General, Bureau of Police Research and Development
- v.) Director General, National Crime Records Bureau



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Women prisoners and their dependent children are among the most vulnerable groups in custodial settings due to multiple intersecting vulnerabilities such as gender, caste, age, parenthood, vulnerable health and mental health, socio-economic marginalisation, and separation from family, etc. International and national human rights norms call for gender-responsive prison management, considering the best interests of the child, maternal healthcare, safety, dignity, rehabilitation and reintegration. To ensure that female prisoners and their children are treated with dignity, their fundamental rights are respected, their specific needs are addressed, and they are provided meaningful opportunities for rehabilitation and reintegration into society consistent with national law and international standards. This Advisory is aligned with the NHRC's mandate to protect and promote the human rights of female inmates and their children in custody.

I. Pre-Admission, Arrest and Entry into the Prison System

i.) Immediate Safeguards at the Time of Arrest

- a.) Where a woman being arrested is the sole caregiver of minor children, or where both parents are arrested simultaneously, the arresting authority shall provide a reasonable time to make alternative childcare arrangements in the best interests of the children.
- b.) In situations where no immediate caregiver is available, the police shall inform the District Child Protection Unit and Child Welfare Committee (CWC) without delay to ensure temporary protective custody or institutional care as per the Juvenile Justice (Care and Protection of Children) Act, 2015.
- c.) Police authorities shall, in accordance with Section 47 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), immediately facilitate communication between the woman prisoner and her family members at the time of admission and thereafter, to ensure timely intimation, continuity of family contact, and necessary care and support arrangements.
- d.) As far as possible, and unless exceptional circumstances so warrant, a woman should not be arrested after sunset and before sunrise. Where such arrest is unavoidable, it shall be affected in accordance with the applicable legal provisions, including obtaining the requisite prior permission of the competent Magistrate. Where a woman arrestee is required to be kept in a police lock-up, appropriate arrangements shall be made to ensure her safety and dignity, including, as far as practicable, supervision by a woman police officer.



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ii.) Preliminary Social Investigation Report at Arrest Stage

- a.) Upon the arrest of a woman accused/ suspect/ arrested/ detained woman, the police authorities shall, in coordination with the Women and Child Development Department, prepare a Preliminary Social Investigation Report from the earliest stage of custody to assess her personal, familial, economic, health, and care giving circumstances, including the status of dependent children and family responsibilities, so as to facilitate a gender-sensitive and rehabilitation-oriented approach within the criminal justice process.
- b.) Every arrest of a woman by the police shall be intimated to the Women and Child Development Department authorities at the district level without delay and, in any case, before the production of the arrestee before the Magistrate. A Preliminary Social Investigation Report shall be prepared and submitted to the Court within 15 days from the date of arrest.
- c.) The Preliminary Social Investigation Report shall be placed before the competent court at the earliest opportunity to enable an informed assessment while considering custody, bail, non-custodial measures, community-based sentencing, probation, or other legally permissible lenient conditions, particularly in cases where incarceration is likely to adversely affect dependent children, caregiving obligations, or family stability, with a view to promoting rehabilitative and restorative justice and minimising unnecessary disruption to mother–child and family bonds.

iii.) Compliance with D.K. Basu Guidelines & JJ Act, 2015 in Inter-State Arrests

- a.) In cases involving the arrest of a woman in a State other than her native State, particularly where dependent children are residing in the native State, the arresting authority shall ensure strict compliance with Guideline No. 4 of D.K. Basu v. State of West Bengal judgment of the Hon'ble Supreme Court of India by immediately, and preferably within 8 to 12 hours of arrest, communicating the time, place of arrest, and place of detention to the relatives or nominated persons of the arrested woman.
- b.) The arrest/ detention information shall also be communicated to the jurisdictional police station and the concerned child protection authorities of the native State of the arrested woman, so as to ensure timely initiation of care, protection, custody



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arrangements, rehabilitation support, and other welfare measures for her dependent children left behind.

- c.) In furtherance of Sections 95 and 96 of the Juvenile Justice (Care and Protection of Children) Act, 2015, special provisions and Standard Operating Procedures (SOPs) shall be developed to ensure that children of prisoners belonging to other States are not denied admission, transfer, restoration, or continued care in Child Care Institutions (CCIs) on account of jurisdictional, residency, language, or documentation-related barriers, and effective inter-State coordination mechanisms shall be established to ensure continuity of care, family contact, rehabilitation, and protection of the best interests of the child.

iv.) Entry Communication and Family Notification

- a.) Upon admission of every women prisoner to the prison, a postcard or written communication is sent to the prisoner's family members/ nominated contact person to facilitate contact and communication. Such communication should contain details including the name of the inmate, parent name, barrack name, undertrial/convict number, FIR or case number, relevant sections of law invoked, police station name, court name, next date of hearing, status of bail, and the procedure for availing the mulakat facility.
- b.) Prison authorities shall ensure that the communication sent to the family members or nominated contact person of the inmate is dispatched within twenty-four hours of their admission and appropriate acknowledgement or proof of dispatch is maintained in prison records to ensure transparency, accountability, and continuity of family contact.
- c.) Illiterate women inmates, women inmates with disabilities, foreign national women inmates, and women inmates in general, who are unable to independently communicate due to mental health conditions, psychosocial disabilities, or language barriers shall be provided necessary assistance, interpretation support, and facilitation by prison authorities for communicating with their families, legal representatives, consular authorities, and for accessing admission-related information, legal aid, healthcare, welfare measures, and prison services.

II. Admission Records, Child Database and Documentation

i.) Mandatory Child Registration at Prison Entry



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- a.) At the time of admission, a separate digital record of all children (living inside and outside prison) of the woman inmate shall be created and maintained in a secure, centralised database with restricted access limited to the NHRC, the Ministry of Home Affairs, and the Ministry of Women and Child Development/ State Women and Child Development Departments to ensure confidentiality and inter-agency coordination.
- b.) The aforesaid database created under clause (i) shall be mandatorily integrated with the National Crime Records Bureau (NCRB) prison statistics on an annual basis so as to facilitate comprehensive policy planning, evidence-based decision-making, and effective national-level monitoring of children of prisoners.

ii.) Detailed Child Data Requirements

- a.) The digital record relating to the child shall contain essential particulars including the child's name, age, sex, permanent and present address, Aadhaar number (where available), birth certificate details, nationality, language known, health condition, disability status, immunisation status, educational status, name of school or Anganwadi (if enrolled), details of siblings, and particulars of the parent(s), including prison, FIR, or case details wherever applicable.
- b.) The record shall further contain the name, address, relationship, and contact details of the proposed guardian or caregiver in the event of arrest, detention, hospitalization, transfer, or incarceration of one or both parents, along with emergency contact details, Child Welfare Committee case details (if any), and any special nutritional, medical, counselling, psychological, rehabilitation, protection, or developmental needs of the child.

iii.) Admission Warrant Documentation

- a.) The admission order relating to a minor child and the court warrant or prison admission warrant relating to the mother shall specifically record the name and details of the prison, Child Care Institution, shelter home, or other institution where the mother and child are respectively admitted, housed, or placed.
- b.) Such records shall be maintained and updated in a coordinated manner to ensure traceability, production before competent authorities, continuity of family contact, inter-institutional coordination, and effective care, protection, rehabilitation, and welfare of the child, and for this purpose, a separate secured



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digital tab or module relating to children of prisoners may be created under the Inter-Operable Criminal Justice System (ICJS) framework for maintaining a centralized and coordinated database accessible to authorised authorities in accordance with law for special care of the child's and mother's well-being.

iv.) Documentation and Birth Registration

- a.) All children of mother inmates inside the prisons without birth certificates or Aadhaar cards shall be assisted by the District Child Protection Unit and local police officials in obtaining such documents within one month of mother's admission to prison.
- b.) In respect of all children born to women prisoners (inside or outside the prison), the prison authorities shall, in coordination with the District Child Protection Unit (DCPU) and the concerned police authorities, ensure the prompt registration of the child's birth and facilitate the issuance of the birth certificate.
- c.) Birth certificates of children born in prison shall not disclose the prison name as place of birth or address, and may add the nearest government hospital as place of birth, in order to protect the dignity and future identity of the child.
- d.) In case the mother/both parents are imprisoned and are unable to visit the hospital in-person to receive the same, proper arrangements from jail authorities, DCPU, DLSA & police are to be made so that the child receives the birth certificate immediately.
- e.) Notwithstanding anything contained in the foregoing sub-sections/ paragraphs, efforts should be made by prison authorities, in coordination with the DLSA, to ensure that a pregnant woman prisoner is released on interim bail or her sentence suspended for at least 6 months after delivery and one month prior to the due date to facilitate that she delivers the child in the comfort of her family environment. However, if the pregnant woman does not want to avail this concession, her opinion should be highly respected.

III. Health, Medical Care and Mental Health Services

i.) Mandatory Health Screening at Admission

- a.) Every woman inmate shall undergo comprehensive health screening at the time of admission in accordance with the provisions of the Model Prison Manual 2016,



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including pregnancy tests, mental health evaluation, screening for communicable diseases, HIV tests and substance dependence assessment etc.

- b.) All medical records shall be maintained digitally and separately for each inmate.

ii.) Continuity of Medical Records

- a.) A copy of Medical records shall be provided to inmates at the time of release, parole, furlough and suspension of sentence or temporary bail to ensure continuity of care in the community.
- b.) Prison authorities shall submit quarterly health reports to the Commission detailing health screenings, medical examinations, treatments, mental health assessments, pregnancy-related care, communicable disease surveillance, and other healthcare interventions undertaken for women inmates. Such reports shall be furnished in compliance with the National Human Rights Commission's earlier directions dated 11 February 1999 on the medical examination and health screening of prisoners, and other relevant instructions and guidelines issued by the Commission from time to time, concerning the periodic submission of medical and health status reports by prisons.

iii.) Institutional Healthcare Infrastructure

- a.) All prisons shall maintain appropriate healthcare facilities based on inmate population, including PHC-level facilities in smaller prisons and CHC-level or hospital-grade facilities in larger prisons.
- b.) Such facilities shall include diagnostic services, emergency care, mental health support, and referral linkages to civil hospitals.
- c.) A separate check-up room with a minimum of two beds should be created for medical check-up of female inmates in women's sections of all prisons.

iv.) Disease Control and Public Health Programmes

- a.) National TB control (DOTS), HIV/AIDS counselling services, de-addiction programmes, and communicable disease awareness programmes shall be implemented in all prisons. If required, the DOTS centres can be started inside prisons.
- b.) The Prison Departments of all States and Union Territories shall coordinate with the respective State AIDS Control Societies/Centres (SACS) for establishing



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dedicated HIV/AIDS counselling and support units within prisons. Such units shall facilitate awareness generation, counselling, testing, treatment referral, stigma reduction, and access to preventive healthcare services for inmates.

- c.) Regular awareness and health education programmes on HIV/AIDS, sexually transmitted infections, tuberculosis, hepatitis, and other communicable and high-risk diseases shall be conducted in prisons at least once every month in collaboration with public health authorities, trained counsellors, and DLSA.
- d.) De-addiction and rehabilitation centres/ programmes shall be established within prisons in collaboration with the Directorate of Health Services and the Ministry of Social Justice and Empowerment (MoSJE) under the 'Nasha Mukta Bharat Abhiyaan' for the identification, treatment, counselling, rehabilitation, and reintegration of inmates affected by substance abuse and drug dependence. Such facilities and services shall be made accessible without any discrimination and shall include medical treatment, psychological counselling, peer support, relapse prevention measures, skill development, and periodic awareness programmes on substance abuse and mental health.

v.) Mental Health and Counselling

- a.) Regular counselling services and listening sessions shall be provided by trained professionals to address the emotional and psychological needs of women inmates.
- b.) The counsellor/ psychiatrist in each prison should identify inmates exhibiting signs of mental health conditions, psychological distress, or psychiatric disorders and, where necessary, refer them to the nearest civil hospital or specialised mental health facility for further assessment, treatment, and care.
- c.) Provisions of The Mental Healthcare Act, 2017 should be complied with mutatis mutandis in respect of women prisoners with mental health conditions.

vi.) Emergency Medical Preparedness

- a.) All prisons, including sub-jails and temporary detention facilities, shall maintain adequate and standardised medical kits specifically equipped to address common illnesses, communicable diseases, infections, emergency medical situations, and other health conditions to which inmates are particularly vulnerable in custodial settings.



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- b.) Such medical kits shall be made readily available in all prison medical units, barracks, women's sections, and prison hospitals to ensure prompt first aid, emergency response, outbreak management, and immediate medical assistance in cases of sudden illness, injury, epidemic, or other urgent healthcare situations.
- c.) The contents of such medical kits shall be determined, periodically reviewed, and replenished by competent medical authorities in coordination with prison health services to ensure continuous availability of essential medicines, sanitary and preventive healthcare materials, emergency supplies, and basic diagnostic equipment, so as to strengthen preventive healthcare and safeguard the health, dignity, and well-being of inmates.

IV. Women Inmates: Living Conditions, Hygiene, Welfare and Sensitisation

i.) Accommodation and Infrastructure

- a.) Women inmates shall be housed in prisons close to their native place, taking into account care giving responsibilities and rehabilitation needs.
- b.) Transfer of female inmates from native districts should be avoided, as it results in loss of contact with family and children, causing further issues in rehabilitation. In case the prisoner is transferred to a prison in another location for administrative reasons, she may be brought to her native district at least once every two months.
- c.) Transfer of Convicted Women Prisoners to Native State after Trial: Where a woman prisoner is convicted in a State different from her native State and her dependent children reside in her home State, transfer to a prison nearer to her family may be considered after the conclusion of trial under Section 3 of the Transfer of Prisoners Act, 1950. Since regular production before the trial court is ordinarily no longer required after conviction, humanitarian considerations such as maintenance of maternal contact, rehabilitation, emotional welfare of children, and family reintegration shall be given due importance. Such transfers generally require the consent and coordination of both the concerned State Governments and prison authorities, and may also require permission of the competent court where appeals or related proceedings are pending. Women prisoners having minor children shall be treated as a particularly vulnerable category warranting compassionate consideration for inter-State transfer.
- d.) Dedicated barracks shall be provided for pregnant women and mothers with children to ensure safety and dignity.



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ii.) Nutrition and Diet

- a.) Special diets and nutritional supplements shall be provided to pregnant, lactating, anaemic, and medically vulnerable women inmates in accordance with recent ICMR guidelines, with due regard to age, health condition, pregnancy, lactation, and other special nutritional needs.
- b.) All prison canteens shall ensure that essential food items and necessary daily-use materials are made available to inmates at **subsidised and affordable prices**, keeping in view that prison wage rates are generally lower than prevailing wages in the open market.

iii.) Sanitation, Hygiene and Menstrual Health

- a.) Free sanitary napkin vending machines should be installed in every women's section of all prisons to ensure menstrual hygiene and the dignity of women inmates. Where installation of such machines is not immediately feasible, free sanitary napkins should be distributed on a monthly basis. Assistance from Registered Non-Profit Organisation (RNPO)/non-governmental organisations, corporate social responsibility initiatives, and other welfare organisations may also be utilised for this purpose.
- b.) Clean and potable drinking water, nutritious and hygienically prepared food, laundry services, adequate clothing and bedding materials, sanitation supplies, menstrual hygiene products, and necessary baby-care facilities shall be provided in all prisons as part of the minimum standards of health, hygiene, and dignified living, and prison authorities shall ensure regular inspection and strict compliance with such standards to prevent disease, malnutrition, infections, and deterioration of inmate health.
- c.) All prisons shall be provided with adequate, functional, accessible, safe, and hygienic toilets, bathing enclosures, drainage systems, continuous water supply, and proper sewage disposal mechanisms, and prison authorities shall undertake time-bound construction, repair, modernization, cleaning, and regular maintenance of such sanitation infrastructure through convergence with Swachh Bharat Mission initiatives, Public Works Departments, local authorities, and Corporate Social Responsibility funding, with priority being accorded to overcrowded prisons, women's prisons, and prisons lacking basic sanitation infrastructure.



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iv.) Clothing and Basic Necessities

- a.) Women under trial prisoners who do not possess sufficient private clothing, particularly those belonging to economically weaker backgrounds, shall be provided adequate clothing (including warm clothes where required) at Government cost in accordance with the provisions of the Model Prison Manual, 2016, while ensuring dignity, hygiene, climatic suitability, and basic human needs, and in cases of prolonged detention, particularly beyond one year, additional sets of clothing shall also be provided at State expense.
- b.) Adequate bedding materials, including a mattress, clean bed sheets, blankets, pillows, mosquito nets in mosquito-prone areas, and other essential sleeping materials suited to local climatic conditions, age, health condition, pregnancy, disability, and special needs, shall be provided to women inmates. Such bedding materials shall be regularly cleaned, disinfected, replaced, and maintained in hygienic condition, and no inmate shall be compelled to sleep on bare floors or in overcrowded and unhygienic sleeping spaces, as failure to maintain minimum bedding and sleeping standards adversely impacts the physical and mental health of inmates and increases the financial and healthcare burden upon the State due to preventable illnesses and infections.
- c.) Prison authorities shall maintain a separate register or digital inventory relating to the distribution of clothing, bedding, sanitary materials, and essential personal-use articles to women inmates, and periodic audits and inspections shall be conducted to ensure adequacy, timely replacement, transparency, and compliance with prescribed custodial standards.
- d.) Every female enclosure shall have provision for exclusive kitchen, canteen and library facilities, separate from that for male prisoners.

v.) Sensitisation

- i.) Mandatory sensitisation, parenting, and child-care workshops for incarcerated mothers shall be conducted within the first month of admission into prison and thereafter at regular intervals of at least once every six months, to equip women inmates with appropriate skills, awareness, and knowledge relating to child development, emotional well-being, positive parenting, nutrition, healthcare, education, protection, and the overall physical, emotional, psychological, and developmental needs of their children.



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- ii.) Awareness programmes on the rights and entitlements of women inmates and children, child protection laws, welfare schemes, nutritional and healthcare guidance for mothers and children, mental health and counselling support, and rehabilitation services and may be conducted with the assistance of child welfare experts, medical professionals, counsellors, social workers, legal services authorities, academic institutions, and credible RNPOs/ non-governmental organisations working in the fields of women's rights, child rights, health, and prison welfare.

V. Children Living with or Separated from Prisoners

i.) Residence of Children in Prison

- a.) Children below the age of six years shall be permitted to reside with their mothers inside the prison, in compliance with the directions issued by the Hon'ble Supreme Court in R.D. Upadhyay v. State of Andhra Pradesh, subject to verification of the relevant documents and particulars by the Prison Superintendent and due intimation to the Child Welfare Committee of the concerned district where the woman inmate is lodged.
- b.) The crèche, nursery, educational, nutritional, healthcare, and recreational facilities established for children residing with women inmates shall, on a non-discriminatory basis, also be made available to the children of women prison staff, including female warders and other female employees residing within or availing prison residential facilities. Such an arrangement shall promote inclusiveness, strengthen a gender-responsive welfare framework within prisons, and ensure uniform standards of care, protection, early childhood development, and well-being for all eligible children, irrespective of whether their mothers are inmates or prison personnel.
- c.) Where documents relating to the child are unavailable or incomplete, prison authorities shall coordinate with the District Child Protection Unit, Child Welfare Committee, local police, or other competent authorities for verification; however, no child below the age of six years shall be denied the right to remain with the mother solely on account of absence of documents or facilities, and in all such cases, the best interests, welfare, health, safety, and emotional needs of the mother and child shall remain the paramount consideration in the final decision.



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- d.) If a woman prisoner is desirous of bringing her children below six years inside the prison to reside with her, the prison authorities should ensure that such children are admitted to the prison with the help of the local police, upon a written application made by the woman prisoner addressed to the superintendent of the prison. In case the woman prisoner cannot write the application, the help of Para-Legal Volunteer or a social worker or RNPO may be taken for this purpose.

ii.) Child Development Facilities

- a.) There should be a balwadi-cum-crèche or Anganwadi Centre under the Integrated Child Development Services (ICDS) scheme in every prison for children residing with their mothers, in accordance with the directions and child welfare principles recognised by the Supreme Court of India. Such centres should provide a safe, child-friendly, non-custodial, and development-oriented environment with adequate space, nutrition, early childhood education, healthcare, recreational facilities, toys, and learning materials necessary for the physical, emotional, cognitive, and social development of children. The centres should preferably be situated within the prison premises but outside the secure custodial area to ensure that children are not exposed to the prison atmosphere to the extent possible.
- b.) Where the number of children residing with women inmates is insufficient to warrant the establishment or effective functioning of a dedicated crèche or nursery within the prison, such children shall be enrolled in the nearest Anganwadi Centre or other appropriate child-care facility under the Integrated Child Development Services (ICDS) framework. The prison administration shall ensure their safe access to and participation in such services. The welfare, care, protection, nutrition, health monitoring, early childhood education, and overall development of these children shall be jointly monitored and ensured by the Prison Welfare Officer and the concerned authorities of the Department of Women and Child Development. Such facilities shall support early childhood development through education, nutrition, play, and healthcare services.

iii.) Education and Sensitisation

- a.) Schools attended by children of prisoners shall be sensitised to ensure non-discrimination and protection of educational rights. The DCPUs shall organise sensitisation sessions with schools at the district level towards this end.



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- b.) Exposure visits, experiential learning activities, recreational programmes, cultural events, and other enriching experiences for children residing in prisons should be regularly organised with the assistance of RNPOs/ NGOs, educational institutions, child welfare agencies, and other concerned departments, so as to support their cognitive, emotional, social, and overall development. Individual Care Plans (ICPs) for such children should also be prepared and periodically reviewed with the assistance of Probation Officers and child protection authorities to ensure age-appropriate care, education, counselling, recreation, and rehabilitation support in the best interests of the child.

iv.) Healthcare for Children

- a.) A qualified visiting pediatrician shall be appointed or empanelled for every prison housing children below six years of age to conduct regular health examinations, monitor growth and developmental needs, provide immunisation and nutritional guidance, and ensure timely referral and treatment for specialised medical care wherever required.
- b.) Special provisions and support services shall be made available for children with disabilities and special needs residing in prisons with their mothers, including access to early intervention, therapy, rehabilitation, assistive devices, and inclusive educational support. Qualified specialists such as speech therapists, audiologists, special educators, and counsellors should be assigned or empanelled, wherever required, to address the specific developmental and healthcare needs of such children, including children with hearing impairments.
- c.) The immunisation charts, medical records, growth charts, and other health-related records of children residing in prisons with their mothers shall accompany the child at the time of transfer, release, or placement into any institutional or non-institutional care arrangement, so as to ensure continuity of healthcare and medical supervision. The prison authorities shall maintain updated immunization and health records of such children, and quarterly reports regarding immunisation status, health check-ups, and nutritional monitoring shall be submitted to the Commission on a quarterly basis.

v.) Child Protection and Welfare Mechanisms



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- a.) **Inter-State Coordination for Children of Under trial Women Prisoners:**
In the case of under trial women prisoners, transfer to the native State is ordinarily difficult because the accused must remain available before the court conducting the investigation and trial under the BNSS/ Code of Criminal Procedure. Consequently, where the woman's children remain in another State without adequate care or supervision, there is a need for coordinated intervention by the Department of Women and Child Development, Child Welfare Committee, District Child Protection Units, Prison Welfare Officers, and Legal Services Institutions of both States. Such coordination is necessary to trace and protect abandoned or vulnerable children, facilitate family-based care or institutional support where required, ensure access to nutrition, education, healthcare, and emotional support, and maintain communication between the incarcerated mother and her children. In cases where children are found to be abandoned, neglected, or without guardianship, proceedings under the Juvenile Justice (Care and Protection of Children) Act, 2015 may be initiated to secure their care and protection.
- b.) Special provisions and Standard Operating Procedures should be developed to ensure that children of prisoners belonging to other States are not denied admission, transfer, restoration, or continued care in Child Care Institutions (CCIs) on account of jurisdictional, residency, language, or documentation-related barriers. Effective inter-state coordination mechanisms should be established to facilitate continuity of care, family contact, rehabilitation, and protection of the best interests of the child.
- c.) The Investigating Officer of the concerned case should coordinate with the Station House Officer of the local police station in the area where the child ordinarily resides, so as to facilitate safe transfer, production before the appropriate Child Welfare Committee (CWC), enrolment in Child Care Institutions where necessary, and continuity of care and protection in the best interests of the child.
- d.) **Best Interest Principle:** All decisions relating to custody, foster care, or institutionalisation shall be guided by the best interests of the child in consultation with CWCs and WCD authorities.
- e.) A child should not be locked up with the mother/parent during daytime. Arrangements should be made outside the locked barrack to engage the children during day time. Locking up of mother of such children during daytime may be waived of so that they can stay outside the lock up.



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VI. Communication, Mulakat and Family Contact

i.) Visitation Rights

- a.) Regular and child-friendly mulakat facilities shall be ensured, including physical interaction between children and mothers at least once a week, and if not possible once a month.
- b.) Inmates and their children below 18 years of age should be permitted a special mulakat, wherein children are allowed to interact with their parents through direct physical contact and face-to-face communication in a child-friendly environment. Such meetings should be conducted at least once every month inside the prison in the presence of a Welfare Officer. The 'Galabhet' practice followed in prisons in Maharashtra may be adopted as a good practice by all States and Union Territories with the help of RNPOs/ NGOs.

ii.) Digital Communication

- a.) E-mulakat (video/audio visitation) facilities shall be implemented and conducted strictly in accordance with the provisions of the Model Prison Manual, 2016, and shall be made functional on a regular and equitable basis in all prisons to ensure that inmates are able to maintain meaningful and consistent contact with their families and children residing outside prison.
- b.) The E-mulakat slots shall be allotted in a fair, transparent, and equitable manner to all inmates to ensure that each prisoner is able to regularly interact with their families and children residing outside prison.

iii.) Infrastructure for Visitors

- a.) Facilities provided to families of prisoners during mulakat/visitation should be upgraded by establishing dedicated waiting areas equipped with adequate seating, safe drinking water, and hygienic sanitation facilities. Separate and accessible toilets for women, men, and transgender persons should be provided in accordance with the constitutional rights of transgender persons and applicable legal and policy frameworks.
- b.) During physical mulaqat proceedings in prisons, adequate seating arrangements shall be mandatorily reserved and maintained for pregnant women, elderly persons, and persons with disabilities, so as to ensure safe, accessible, humane, and dignified conditions during prison visits and waiting periods.



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- c.) During physical mulaqat interactions conducted through telephone interview glass partitions, adequate seating arrangements with chairs should be provided and maintained on both sides of the interview enclosure for women inmates and their visiting family members, and they shall be permitted to remain seated while communicating with each other so as to ensure humane, dignified, and respectful interaction, consistent with the reformatory and rehabilitative objectives of the prison system, particularly considering that family members of women inmates, in many cases, travel from distant places and belong to economically vulnerable backgrounds, and such interactions shall reflect the duty of the custodial system to treat women inmates with care, dignity, humanity, and sensitivity while maintaining and supporting their family and social relationships.

VII. Prison Administration, Legal Aid and Access to Justice

i.) Strengthening Legal Aid Systems

- a.) Para-legal volunteers, legal aid lawyers, and jail-visiting advocates shall be deployed regularly in prisons and their official contact details such as their name, court practice and the phone number and email ids should be properly displayed in the prison and court waiting rooms.
- b.) Legal aid systems shall be monitored and evaluated periodically for effectiveness.

ii.) Prevention of Sexual Harassment and Internal Committee (IC) Compliance

- a.) All prisons and prison departments shall ensure the constitution of an Internal Committee (IC), wherever applicable, in accordance with Section 4 of the POSH Act, 2013, and ensure the preparation and submission of annual reports in accordance with Section 21, read with Rule 14 of the POSH Rules, 2013, to the authorities concerned. The competent authorities shall regularly monitor compliance with these statutory requirements.

iii.) Bail and Legal Relief Mechanisms

- a.) In cases where women inmates have been granted bail but continue to remain in prison solely due to inability to furnish surety or pay bail-related amounts, such cases shall be promptly identified and processed under the Government of India's "**Support to Poor Prisoners Scheme**", as per the extant revised Standard Operating Procedure (SOP). The Superintendent of Prison shall, within a period of seven days of such identification or receipt of bail order, forward the details of eligible inmates to the concerned **District Legal Services Authority (DLSA) Secretary**. Upon receipt



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of such communication, the DLSA Secretary shall take immediate steps to constitute a **District Empowered Committee** to examine the eligibility of the inmate under the said scheme and facilitate necessary financial assistance in accordance with revised prescribed guidelines. The entire process shall be undertaken in a time-bound manner to ensure that no woman inmate continues to be detained solely on account of poverty or inability to arrange bail-related financial requirements, thereby upholding the principles of access to justice, equality before law, and personal liberty.

- b.) In matters relating to the grant of bail to women accused persons, courts are urged to adopt a **liberal and gender-sensitive approach** and, wherever legally permissible, consider release on **personal bond without insisting on additional surety conditions** that may be onerous or difficult to fulfill due to socio-economic constraints. Unnecessary insistence on third-party sureties, particularly where it results in continued detention despite grant of bail, shall be avoided in order to ensure that the benefit of bail is not rendered illusory. This approach shall be guided by the principles of **proportionality, substantive equality, and gender justice**, ensuring that poverty or lack of surety does not become a barrier to liberty once bail has been granted.
- c.) No under-trial woman prisoner, particularly belonging to economically and socially vulnerable backgrounds, shall be directly or indirectly persuaded, pressured, or induced to plead guilty or confess to an offence solely for the purpose of obtaining sentence reduction, expedited disposal, or release under the plea bargaining provisions contained in Chapter XXIII (Sections 289–300) of the Bharatiya Nagarik Suraksha Sanhita, 2023, and all such proceedings shall strictly ensure free and voluntary consent, informed legal assistance, and protection against coerced admissions of guilt arising from poverty, prolonged incarceration, ineffective legal aid, illiteracy, or social vulnerability.
- d.) To reduce the adverse impact of imprisonment and the social stigma associated with incarceration, persons accused or convicted of petty and non-violent offences should, wherever legally permissible, be considered for non-custodial measures such as probation, supervised community service, counselling, and community-based rehabilitation in accordance with the provisions of the Probation of Offenders Act, 1958 and the community service provisions introduced under the Bharatiya Nyaya Sanhita, 2023. Appropriate sentencing policies and procedural mechanisms



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should be developed to promote community sentencing, particularly for women, first-time offenders, and persons with care giving responsibilities.

iv.) Special Courts and Expedited Justice

- a.) Fast-track mechanisms, designated special courts, or periodic special court sittings for cases involving women prisoners, particularly undertrial prisoners, shall be established to ensure expeditious hearings, timely consideration of bail applications, reduction of prolonged detention, and speedy disposal of cases.

v.) Prison Welfare Administration and Legal Aid Services

- a.) The staffing norms relating to Welfare Officers in prisons should be revised to provide for at least one Welfare Officer for every 200 prisoners, in place of the existing recommendation under the Model Prison Manual, 2016, which advises appointment of at least one Welfare Officer for every 500 prisoners in central prisons. As far as possible, these posts of prison welfare officers should be full-time positions and the persons appointed to these positions should be qualified social workers with MSW or MA in Social Work qualifications.
- b.) The staffing norms relating to counsellors/psychologists in prisons should be revised to provide for at least one counsellor or psychologist for every 100 prisoners, in place of the existing recommendation under the Model Prison Manual, 2016, which provides for one psychologist/counsellor for every 500 prisoners.
- c.) Along with the appointment of a Law Officer in accordance with the provisions of the Model Prison Manual, 2016, additional para-legal staff and Para Legal Volunteers (PLVs) under the legal aid schemes of the National Legal Services Authority (NALSA) and the State Legal Services Authorities should also be appointed and regularly deployed in prisons. Such personnel should be adequately trained and provided appropriate honorarium/incentives as prescribed under the NALSA Scheme. Their primary responsibilities should include creating legal awareness among prisoners, organising legal aid clinics and camps, liaising with Legal Services Authorities for provision of free legal aid, assisting prisoners in accessing legal remedies, and drafting applications and petitions to courts and other authorities.
- d.) Advocates engaged under the Legal Aid Defense Counsel (LADC) System, along with other empanelled legal aid lawyers of the District Legal Services Authority (DLSA), should be deputed to visit every prison at least twice a week for the purpose of



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clarifying legal doubts of inmates, drafting applications and petitions on their behalf before courts and authorities, facilitating legal representation for unrepresented prisoners, identifying cases involving prolonged detention or delay, and bringing such matters to the notice of the concerned courts and Legal Services Authorities for appropriate action.

- e.) The performance of Legal Aid Defense Counsel (LADC) lawyers, empanelled legal aid lawyers, Jail Visiting Lawyers, and Para Legal Volunteers deployed in prisons should be periodically assessed by the District Legal Services Authority and State Legal Services Authority through prison inspections, prisoner feedback, case progress reviews, and monitoring of Prison Legal Aid Clinics. Appropriate corrective measures, including replacement or removal from the panel in cases of persistent non-performance or negligence, should be undertaken in accordance with NALSA guidelines and SOPs.
- f.) In line with the directions issued by the Bombay High Court in *Shabnam Minwalla v. State of Maharashtra* (1994), a dedicated squad of women police personnel should be constituted in every district for escorting women prisoners to courts, hospitals, and other authorised institutions, so as to ensure timely production, access to medical care, safety, dignity, and avoidance of unnecessary delays.

VIII. Gender-Responsive Facilities and Welfare Measures during Court Production of Women Inmates

- i.) **Separate Holding Facilities:** All courts and escorting authorities shall ensure that women inmates brought for court production are accommodated in separate, secure, and gender-sensitive waiting rooms or holding cells pending their hearings. Women inmates shall not be required to wait in lock-ups or holding cells occupied by male prisoners. Adequate measures shall be taken to safeguard their privacy, dignity, safety, and protection from harassment or any form of gender-based vulnerability.
- ii.) **Food and Drinking Water:** Women inmates brought for court production shall be provided with adequate food and safe drinking water during transit and while awaiting court proceedings, particularly where production extends for prolonged periods. Special consideration shall be given to the nutritional requirements of pregnant women, lactating mothers, elderly women, and women accompanied by children.



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- iii.) **Gender-Sensitive Sanitation Facilities:** All court complexes shall ensure the availability of separate, safe, hygienic, and functional washrooms for women inmates. Such facilities shall provide continuous access to water, adequate sanitation, privacy, and menstrual hygiene products wherever required.
- iv.) **Access to Basic Amenities:** Women inmates shall have uninterrupted access to clean drinking water, hand washing facilities, and other basic hygiene amenities while awaiting production before the court and during their stay within court premises.
- v.) **Periodic Infrastructure Assessment:** State Governments, High Courts, District Courts, Prison Departments, and concerned authorities shall periodically assess and strengthen court infrastructure to ensure that facilities for women inmates and their families are consistent with the principles of dignity, equality, accessibility, non-discrimination, and gender-responsive administration of justice.
- vi.) **Separate Facilities:** As far as possible, separate transportation facilities to travel between prisons and courts should be provided, respecting the privacy and dignity of the women prisoners.

IX. Rehabilitation, Post-Release and Social Reintegration

i.) Pre-Release Planning

- a.) The Prison Superintendent should identify women inmates, including convicts and undertrial prisoners, who may require shelter, rehabilitation, counselling, childcare assistance, or institutional support upon release, and shall communicate such cases sufficiently in advance to the concerned District Women and Child Development Officer and the District Probation Officer to ensure timely rehabilitation, safe accommodation, reintegration support, and linkage with appropriate welfare schemes and support services after release.
- b.) Before the release of a woman prisoner, the prison authorities should enquire whether or not the inmate has a place of shelter to stay post-release. If not, the prison superintendent should liaise with the nearest shelter home and arrange to send the released inmate with a police escort or with the help of a prison guard.
- c.) A district-wise list of shelter homes, short stay homes, Swadhar Greh facilities, and other rehabilitation institutions for women should be made available to the Prison Superintendent with the assistance of the Department of Women and Child Development. The same should also be prominently displayed on notice boards in



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the women's sections of all prisons in a language understood by inmates to ensure easy access to information and post-release rehabilitation support.

ii.) Post-Release Support

- a.) Released women prisoners, particularly those who are indigent, homeless, abandoned, or without family support, should be provided immediate post-release assistance, including an emergency financial assistance kit or subsistence grant, to meet urgent needs such as clothing, medicines, food, transportation, communication, and temporary accommodation.
- b.) Linkages with existing rehabilitation, livelihood, self-employment, and social welfare schemes should also be ensured to facilitate long-term reintegration and rehabilitation.

iii.) Rehabilitation and Employment

- a.) Vocational training and skill development programmes shall be provided to support reintegration and prevent recidivism.
- b.) Financial support shall also be extended for vocational training, skill development, and livelihood-oriented education for children of prisoners, particularly those at risk of drop-out of school, to ensure they acquire employable skills and are enabled to achieve economic independence and social reintegration in adulthood.

iv.) Wage and Financial Rights

- a.) All wage earnings of women inmates shall be recorded in a centralised, secure, and auditable online Prisoners' Wage Management System. Each inmate shall be assigned a unique identification linked to her prison account to ensure continuity of wage records across penal institutions.
- b.) The wages payable to prison inmates shall be aligned, with the **standard wage rates notified by the respective State Government/Union Territory under applicable wage orders**, ensuring fairness, dignity of labour, and consistency with general labour standards. All States and Union Territories shall undertake a periodic review of prison wage structures and take necessary steps to revise and standardise such wages in accordance with notified general wage orders, so as to promote equitable remuneration and support the socio-economic rehabilitation of inmates.



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- c.) The wages earned by prison inmates shall, wherever feasible, be placed in interest-bearing accounts or savings account or other secure financial mechanisms so that such earnings accrue interest in a manner similar to savings deposits of ordinary citizens in scheduled banks. It is further directed that the prison wage system shall be progressively linked with individual bank accounts or equivalent financial instruments to ensure that inmate earnings are eligible for applicable interest as per prevailing banking norms, while maintaining full transparency, security, and portability of funds during transfer between prisons and upon release. This measure is especially relevant in view of the fact that a significant proportion of women inmates in Indian prisons come from economically weaker backgrounds and rely on prison wages as a critical means of financial support and post-release rehabilitation. The competent authorities shall issue necessary operational guidelines to facilitate integration of prison wage accounts with formal banking systems to enable accrual of interest and to strengthen the financial rehabilitation and reintegration of women inmates.
- d.) A dedicated national-level welfare scheme shall be introduced for children of prisoners to ensure their holistic development, including access to quality education, adequate nutrition, healthcare, psychosocial support, and protection, with the objective of preventing vulnerability, social exclusion, and the risk of intergenerational incarceration.
- e.) Financial assistance shall be provided either directly to the children or to their relatives/guardians who are caring for them, to meet essential expenses relating to education, nutrition, healthcare, and daily subsistence. Such support mechanisms may be strengthened through child-centric welfare interventions for children of women prisoners being implemented in certain jurisdictions, including initiatives under the Government of the National Capital Territory of Delhi such as the Scheme for Financial Sustenance, Education & Welfare of Children of Prisoners, 2014, or the Bal Sangopan Yojana scheme in Maharashtra, aimed at facilitating education, care support, and structured financial assistance for children of incarcerated mothers.
- f.) The prescribed timelines for verification, approval, and disbursal under Financial Assistance Schemes (FAS) shall be strictly adhered to, and any delays shall be avoided by ensuring time-bound processing and streamlined coordination among implementing authorities, so that timely financial support is extended to children of prisoners without administrative bottlenecks.



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- g.) All woman prisoners are eligible to do work as per the prison rules and the prison authorities are required to provide work opportunities to the women prisoners for earning wages.

v.) Individual Correctional Planning

- a.) An Individual Correctional Plan (ICP) shall be prepared for every woman inmate at the time of her admission into prison, on the lines of Individual Care Plans under the Juvenile Justice system, to ensure a structured, individualised, and rehabilitative approach based on a comprehensive assessment of her educational background, vocational skills, physical and mental health status, addiction issues, family circumstances, and care giving responsibilities, including dependents.
- b.) The ICP shall be prepared, implemented, and periodically reviewed by a designated prison welfare officer or committee with mandatory involvement of the Probation Officer and/or Prison Welfare Officer, wherever available, to ensure professional assessment, counselling support, and linkage with welfare schemes, and it shall outline tailored interventions including education, skill development, counselling, de-addiction support, legal aid, and measures for maintaining family and child linkages as well as continuity of care for dependents.
- c.) The ICP shall remain a dynamic document subject to periodic updating based on the inmate's progress and changing needs and shall mandatorily include a structured pre-release reintegration strategy to ensure effective rehabilitation and smooth social reintegration upon release.

X. Foreign National Inmates

- a.) Calling charges for foreign women national inmates shall be provided at subsidised or concessional rates, and all prisons shall, wherever infrastructure permits, ensure regular and reliable access to both international telephone calls and video-based "mulaqats" in a secure, regulated, and dignity-preserving manner, so as to enable foreign women inmates to maintain consistent and meaningful contact with their children and family members, taking into account their socio-economic constraints and the high cost of international communication.
- b.) In cases where foreign national women inmates, including those suffering from mental illness, are lodged in prisons, the competent authorities shall make



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expeditious efforts for consular notification and coordination with the concerned foreign missions to ensure timely legal, medical, and humanitarian assistance.

- c.) Where permissible under applicable laws, bilateral agreements, and judicial directions, consideration may be given for early repatriation or transfer of such foreign inmates under established prisoner transfer arrangements, particularly in cases involving serious health conditions requiring specialised treatment, while ensuring strict compliance with international conventions, diplomatic protocols, and statutory procedures.
- d.) Appropriate provisions and flexible documentation procedures should be introduced to ensure that children of prisoners, including children whose parent or guardian is not an Indian national or does not possess an Aadhaar Card or other standard identity documents, are not denied admission, care, protection, or rehabilitation in Child Care Institutions (CCIs) on documentation-related grounds. Alternative identity and verification mechanisms should be accepted in the best interests of the child.
- e.) Menu for food, toilet facilities and other living conditions may be suitably modified, keeping in view the culture and living habits of foreign female inmates. As far as possible, women prisoners of one nationality should be lodged together.
