

# The Unknown Struggles of Children with Incarcerated Parents

Samana Kaur Sethi

Student, Modern School, Vasant Vihar, Delhi

Avni Khemka

Student, Shiv Nadar School, Faridabad, Haryana

## Abstract

This project explores the impact of parental incarceration on children in India, examining the psychological, social, and legal challenges they face. With a focus on the emotional and behavioural effects, the study delves into the trauma and mental health issues prevalent among these children, highlighting how factors such as disrupted attachments, exposure to negative environments, and societal stigma contribute to their struggles. The paper also investigates the living conditions of children within prisons, assessing the adequacy of space, hygiene, safety measures, nutrition, and access to child-friendly facilities. It examines how overcrowding, limited stimulation, and restricted mobility affect children during their most formative years. The study also examines the emotional impact of exposure to stress or conflict in the prison environment. Beyond the prison setting, it highlights the shortcomings of India's foster care and adoption systems, including inconsistent quality of care, limited supervision, and the risk of neglect or abuse due to gaps in oversight.

This paper further aims to examine the reintegration of children that have passed through the system into society, along with assessing the degree of reintegration these children will have to go through and the degree of alienation they face.

## Introduction

What happens to a child when their parent is sent to prison? Not for a day, or a week, but for their childhood?

Every year, 800,000-900,000 children in India (Sukhramani & Gupta, 2020) silently bear the burden of their parents' incarceration, facing emotional, social, and economic challenges that are often overlooked. They grow up in the shadows of

prison walls, bearing the weight of their parents' absence and the social stigma of incarceration. The incarceration of a parent is not just a separation; it creates a ripple effect that disturbs every aspect of a child's life. These young individuals are frequently moved between caregivers, their schooling is interrupted, and they face emotional distress with little to no psychological support.

Although India has constitutional guarantees and Supreme Court guidelines addressing the care of children of incarcerated parents, the reality experienced by these children reveals a mismatch between policy and practice. Children who live inside prisons grow up in environments fundamentally unsuitable for their holistic development, while those left outside face instability in caregiving arrangements, disrupted education, economic hardship, and deep social stigma (Venkiteswaran, 2018). This research problem is further compounded by the lack of psychological and social support systems tailored to the needs of these children. In line with the aforementioned, the research paper aims to answer the following question: To what extent do India's current legal and welfare frameworks protect the rights of children of incarcerated parents, and how can they be restructured to address existing gaps in safeguarding their psychological, educational and social well-being?

This project seeks to explore the challenges faced by children of incarcerated parents, with a particular focus on the psychological well-being, social integration, and overall development of these children. It will examine the current legal framework, societal stigmas, and regional disparities in India to highlight

the gaps in existing policies. By analysing these issues, the paper aims to propose solutions that can

enhance the welfare of these vulnerable children and ensure they receive the support they need.

## Background

Children of incarcerated parents are broadly divided into two broad categories: those who can live along with their mother in prison (up to the age of 6 years) and those who are left behind when their parent(s) is/are incarcerated. Children left behind could be living with the remaining parent, with other caregivers, in a child-care institution, or on their own as an only-child household. Information with respect to the number of these children is missing, except in the case of children living along with their mothers in the prison. Nonetheless, considering the fertility rate and the prison population within the reproductive age group, a rough estimate of children of incarcerated parents is more than 8 lakh in the country. The number of children living with their mothers in prisons across India was 1,942 at the end of 2016 (Sukhramani & Gupta, 2020).

The situation of these children is shaped not only by lived experiences but also by the legal and policy environment governing their care. Key provisions include the Juvenile Justice (Care and Protection of Children) Act, 2015, which identifies children of incarcerated parents as a vulnerable group requiring care, protection, and rehabilitation. India's constitutional commitments and its ratification of the UN Convention on the Rights of the Child (UNCRC) further mandate that the best interests of the child guide all decisions affecting them. For children residing in prisons, the Model Prison Manual, 2016, lays down specific requirements for nutrition, healthcare, education, and recreation. The Honourable Supreme Court, in its judgment in RD Upadhyay vs. State of Andhra Pradesh and Others, citing the recommendations made by the All India Committee on Jail Reforms, have laid down guidelines for care provision with respect to this category of children. They have emphasised that children living with their mothers in prison must be treated as children, not offenders, and provided with proper nutrition, healthcare, education, recreation, and facilities like crèches and nurseries. Equal focus is placed on the needs of pregnant and lactating women, including prenatal and postnatal care, special diets, and, where possible, temporary release or suspension of sentence for childbirth. Safeguards such as protecting the child's identity on official documents are also outlined, though evidence of

compliance largely comes from limited state-specific studies (Sharma & Himanshu, 2022).

While these legal protections are strong on paper, research consistently shows major gaps in implementation across Indian states, reflecting inconsistent compliance with both the Model Prison Manual and Supreme Court directions.

## Children Living in Prison

The early childhood years are most critical for physical, emotional, social and cognitive development. The social and physical environment in interaction with biology has an influence on development beginning prenatally and continuing through infancy, childhood and beyond. Prisons do not offer the physical and social environment that is needed for a child's development. It is in this context that interventions are required if children (below the age of 6 years) are to stay with their mother in prison.

Research by Sarkar and Gupta (2015) has revealed that separate space is not earmarked for female inmates and their children in all prisons. In cases where separate barracks have been earmarked, the challenge of overcrowding still remains. While crèches and nurseries are meant to provide children in prisons with education, recreation, and relief from the jail environment, their availability is limited and quality inconsistent, not following Supreme Court guidelines. Facilities often lack teachers, play materials, or child-focused spaces, and recreational options are minimal or poorly timed. Entertainment like TV typically caters to inmates rather than children, though in some cases NGOs arrange occasional outings.

Despite Court guidelines in the Model Prison Manual, 2016 (MHA, 2016), food provision for children in prisons remains inconsistent, with many lacking age-appropriate diets or special care for weak children. Pregnant inmates, too, were found to have no separate dietary plan across studies.

In the absence of a paediatrician in the jail premises, the health concerns of children are not necessarily attended to adequately. Jail hospitals were not found to be properly equipped for providing treatment to small children. In a more recent study undertaken in two prisons of Uttar Pradesh, mothers reported that in case of serious health-related concerns of children, the doctors from the district hospital were informed and requested to attend to the child, but the mothers were not satisfied with the medical facilities

provided to their children (Sarkar & Gupta, 2015). While most of the researchers have focused on the living, educational, health and recreational facilities available to children, there are very few studies that have tried to understand the physical, cognitive, social and language development amongst the children living with their mothers in prison. In one of the researches, which was done in a Delhi prison, the cognitive development of children was assessed through an observation checklist, as well as interactions with crèche staff, and language development was ascertained through interviews with the incarcerated mothers. Due to the lack of a stimulating environment, children who were born in prison or had started living in the prison at a very early age, displayed difficulty in recognition of alphabets and numbers, in pronouncing words and understanding age-appropriate instructions. In another study also carried out in Delhi prisons, a school readiness instrument was used to assess the skills that help children (aged 3-6 years) to adjust better in school as well as acquire the literacy and numeracy skills. The researchers found that most of the children had been able to master lower order thinking skills such as pre-number concept, simple pattern thinking but found the tasks associated with higher order thinking skills such as sequential thinking, classification of objects, reading readiness, and relative comparison of numbers, challenging. Significantly limited or no exposure to the outside world had an impact on the children's conceptual understanding of the outside world. Children were often afraid of men, including even their male relatives. Furthermore, being inside the prison for a long time was seen to transform the meaning of 'going outside' for children, restricting it in many cases to a court visit in a van. In another study by Bhandari (2016) the mothers stated that the absence of family life was having an effect on the social development of their children. The child misses out on playing with siblings, and the opportunity to understand and imbibe familial values and norms is denied to the child living in the prison. Furthermore, as found in a study by Gupta and Sarkar (2017), safety is a major concern for children in prisons. Prisons are not equipped with childproofing measures, and children are exposed to an environment rife with tension and the potential for violence. The presence of adult inmates and the general atmosphere of stress and conflict can create a hazardous environment where children might

witness or experience traumatic incidents. Such children were found to be more verbally abusive besides being engaged in violent fights and bullying.

### Children Living Outside the Prison

Research on children left behind upon parental arrest has been limited. The absence of any database of these children coupled with the lack of any documentation at the time of parental arrest, makes any research on this group a challenging process. Some research has been carried out by Prayas (2002), a field action project of Tata Institute of Social Sciences on children of women under trials. Additionally, the authors have also completed a study on children (aged 6-18 years) of convicted prisoners (unpublished data). Another study on children of women prisoners in Aligarh and Etah jails has also been published recently.

Children and caregivers experience extreme financial challenges consequent to parental incarceration due to the removal of the earning family member, as well as expenditure incurred due to the interface with the criminal justice system. These challenges result in having to borrow money for meeting basic necessities or taking them on credit or managing without them, skipping meals, dropping out from school or entry of children into the labor force.

Abject poverty may also result in the child pilfering things so as to ensure food in the family. Families are forced to sell off their assets to meet the day-to-day expenses. Retaining accommodation was seen to be a challenge in some of the cases where the families were living on rent. In cases of paternal incarceration, the mothers are caught off guard due to not having stepped into the world of employment prior to the incident and in some cases not having ventured out of the houses without their spouses. Visitation to the prison can also be financially draining for most of the families who already find themselves on the edge (India Today, 2019).

These children experience a range of untreated health issues, from minor illnesses to serious conditions. Skin problems increased if there was no one to bathe the children or wash their clothes. Malnutrition was a serious concern due to food shortages. Treatment of children having an illness requiring prolonged medication were often stopped after the mother's incarceration. At times, even essential medication was not provided on account of lack of attention or limitation of resources. Minor

health concerns got aggravated due to lack of required medical attention.

Children often experience deep emotional distress, especially during the initial period of imprisonment, marked by loneliness, sadness, fear, withdrawal, and disrupted self-care. Some develop anger, disappointment, or resentment toward the imprisoned parent, particularly if the parent's actions led to the loss of a loved one. Exposure to trauma, fear of abusive relatives or the police, and disrupted family life can trigger disturbed or deviant behavior, with hopelessness in some cases leading to suicidal tendencies. The intensity of these emotional consequences varies depending on the child's age and understanding, pre-incarceration relationship with the caregiver, the duration of imprisonment, and whether it is a first or repeated incarceration. Even while the opportunity for visiting the parent is available in the prison, the procedures associated with the same can be extremely unpleasant for some. For many children, a prison visitation means long hours of travel followed by repeated security checks, and then finally a conversation with a parent across a glass barrier, with, most often, no opportunity for touching the parent. The court visits by the children also expose them to the unethical practice of paying bribes to various functionaries in order to meet their parents, getting information for the case or making payments to the prosecutor.

Continuance of children in schools can become challenging in the absence of means to pay school fees, for their uniform, books and other essential things or to even provide for supplementary academic

support. Residential transitions due to parental imprisonment could also result in temporary educational cessation. When schools are located at a distance, discontinuation in case of adolescent girls due to the absence of anyone to accompany them and the perception of insecurity has also been seen. At times, the need to take care of younger siblings can also cause drop-out.

Children placed in foster care after a parent's imprisonment face instability due to inconsistent quality of care, limited resources, and a shortage of trained foster parents. Frequent placement changes and weak support systems often create emotional insecurity and disrupt their ability to form stable, trusting relationships.

Children of prison inmates may also be living in child care institutions, registered under the Juvenile

Justice legislation or even in hostels, but by and large they feel discomforted with this provision. They were found to long for their parents as well as their siblings who were at times separated from them because of institutionalization. For children living in hostels, the absence of visitors made them the subject of ridicule by others by being referred to as 'orphans' (NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS, 2021).

Institutional settings such as orphanages and child-care homes also present difficulties. These environments often lack individualized attention, adequate supervision, and the warmth of family life, leaving children vulnerable to emotional neglect and hindering their psychological development.

In cases where children have to assume the role of caregivers, they are overstretched and find it challenging to cope with the situation if other forms of support are not available over a prolonged period of time. In the presence of other co-occurring adversities such as death of a caregiver in close proximity of incarceration or disability of a child, the effects of parental incarceration become more pronounced.

### Neglect and Abuse

Neglect and abuse are critical issues that affect children of incarcerated parents across all care settings. In prisons, the lack of adequate supervision and support can lead to physical and emotional neglect. Children may suffer from unmet basic needs, such as proper nutrition, healthcare, and emotional support. The harsh

neglectful conditions within prisons can exacerbate these problems, leading to a heightened risk of developmental delays and psychological trauma.

Children in these environments may experience physical neglect, including poor hygiene and inadequate nutrition, as well as emotional neglect, such as the lack of consistent nurturing and supportive relationships. The instability and frequent changes in placements can further contribute to feelings of insecurity and abandonment.

Abuse, both physical and emotional, is also a serious concern. Children in foster care and institutional settings are at risk of various forms of abuse due to the lack of stringent oversight and accountability. Physical abuse can result from the presence of unqualified or abusive caregivers. Emotional abuse may include neglect of emotional needs, exposure to harmful environments, or verbal mistreatment. The

lack of proper oversight and regulation in some care settings can increase these issues, leaving children vulnerable to harm

### Psychological effects

The incarceration of a parent is not just a punishment for the individual behind bars; it is a life-altering event for the child left behind, often inflicting emotional and psychological trauma. Imagine a young child who, after visiting their father in prison, returns home clutching a drawing they made together, only to be consumed by the overwhelming sadness of knowing they must leave him behind again. This scenario is a stark reality for millions of children worldwide, including those in India. According to Scommegna (2014), these children were more than three times more likely to have behavioral problems or depression than similar children without an imprisoned parent, and at least twice as likely to suffer from learning disabilities, ADD/ADHD, and anxiety. The sudden separation from a parent, coupled with the stigma of having an incarcerated parent, creates a deep well of emotional distress that many children struggle to navigate.

Attachment theory, as proposed by John Bowlby and Mary Ainsworth, shows the importance of secure attachment during early childhood for healthy emotional and social development (Bowlby, 1969; Ainsworth et al., 1978). A secure attachment forms the foundation for a child's sense of safety and trust, which is essential for exploring the world and forming relationships. However, the imprisonment of a parent can severely disrupt this bond, often without the child fully understanding why the separation has occurred. This leads many children to experience feelings of abandonment, loss, and insecurity. These disruptions in attachment can manifest in long-term emotional and psychological consequences, including difficulties in forming stable relationships, heightened anxiety, and an increased risk of depression. Applying attachment theory to the context of parental incarceration helps to elucidate how the loss of a secure attachment figure can contribute to the emotional turmoil and psychological instability observed in these children. These children endure emotional and behavioral challenges that can have long-lasting effects on their mental health and development. According to D. Parke and Clarke-Stewart (2001) and Kjellstrand et al. (2012), 70% exhibit symptoms of emotional and psychological distress, significantly higher than their

peers. The absence of a parent due to incarceration often leaves these children dealing with feelings of abandonment, as they struggle to comprehend why their parent is no longer present. This sense of loss can manifest as deep-seated anxiety, making them hyper-vigilant and fearful about their own security and the well-being of the remaining family members (Beresford et al., 2020).

Anxiety is a common consequence, as children struggle with the uncertainty surrounding their parent's situation and their own future. This constant state of worry can lead to chronic stress, which, over time, can affect a child's physical health, cognitive development, and ability to form secure attachments. The psychological distress doesn't stop at anxiety. According to Scommegna (2014), children are three times more likely to experience depression compared to their peers. This depression often stems from the stigma associated with having a parent in prison, leading to feelings of shame, social isolation, and low self-esteem. Children with a parent in prison may experience low self-esteem, depression, disturbed sleeping patterns and symptoms of post-traumatic stress (Beresford et al., 2020).

Social learning theory, formulated by Albert Bandura, helps explain another dimension: the development of behavioural problems. According to this theory, children learn through observation and imitation, especially of parents or primary caregivers. Studies have shown that children with incarcerated parents are at a higher risk of developing aggressive or delinquent behaviours. When a child witnesses negative behaviors such as aggression, substance misuse, or criminal activity, either before or during incarceration, they may internalize these behavioral patterns.

This may be a coping mechanism for dealing with their internal turmoil or a reaction to the unstable environments they often find themselves in. Some children cope with their internal turmoil by acting out by showing aggression, taking risks, or resisting authority, while others internalize their distress, leading to low self-esteem and a higher risk of mental health disorders. The lack of positive role models and exposure to negative influences can intensify these behaviors, increasing the likelihood of school difficulties, conflicts with authority, and even early involvement in delinquency, ultimately perpetuating a cycle of incarceration.

The broader social context also plays a critical role. Strain theory, proposed by Robert K. Merton,

provides insight into how the socio-economic pressures associated with parental imprisonment contribute to psychological and behavioral difficulties. Many of these children experience poverty, social exclusion, and reduced access to stable schooling or resources. These structural disadvantages create a sense of strain, pushing some children toward maladaptive or delinquent behavior as a coping mechanism. The psychological burden of not meeting societal expectations, combined with stigma, further compounds their emotional strain. Ecological systems theory, developed by Urie Bronfenbrenner, offers a holistic understanding of how these factors interact(Bronfenbrenner, 1979). At the microsystem level, the disruption of the family unit introduces emotional and financial instability. At the mesosystem and exosystem levels, strained interactions with schools, social welfare institutions, and the criminal justice system shape the child's daily experience. Finally, at the macrosystem level, societal attitudes toward crime, stigma, and insufficient child-welfare policies influence how these children are treated and supported. This interconnected model underscores that the psychological effects of parental incarceration do not arise from a single cause, but from a complex web of environmental interactions.

Research indicates that nearly 70% of these children face disruptions in their education, further increasing their sense of insecurity and instability (Stanton, 1980). The lack of a consistent caregiver or support system can lead to a downward spiral of emotional and behavioral problems, making them more susceptible to long-term psychological issues (Shlafer et al., 2017).

However, resilience among these children is not uncommon and is often shaped by key protective factors. Strong family support can act as a critical buffer against the adverse effects of trauma. Children who maintain close relationships with a remaining parent or other family members are less likely to suffer from severe emotional distress. Access to counseling services is another crucial element in promoting resilience. Counseling helps children process their emotions, develop coping strategies, and manage the stress associated with their circumstances.

Community interventions also play a significant role in building resilience. Programs designed to support children of incarcerated parents, such as mentorship and peer support groups, provide them with a sense

of belonging and validation. Studies have shown that children who participate in these programs are 40% more likely to exhibit adaptive behaviors and positive emotional outcomes.

When discussing mental health services, it's crucial to consider that mental disorders can be genetically transmitted. Children of incarcerated parents who have these disorders might inherit them, making them particularly vulnerable. The environment these children are exposed to, both during their parents' incarceration and afterward, can act as potential triggers for these inherited conditions.

These struggles are further compounded by the stigma of having an incarcerated parent, which shapes how children are perceived and treated in their communities

### **Stereotypes Attached to Incarceration Social Stigma**

The social stigma associated with having a parent in prison is a pervasive issue that deeply impacts the lives of children. These children often face discrimination and prejudice from their peers, educators, and even within their communities. The stigma can lead to feelings of shame, isolation, and low self-esteem, as children may internalize the negative stereotypes associated with incarceration. This stigma can manifest in various ways, from bullying and social exclusion in schools to difficulties in forming friendships and trusting others. Additionally, the background of having an incarcerated parent often casts a long shadow over their lives, affecting their opportunities in education and employment. Children may struggle to access quality education or be unfairly judged based on their family circumstances, which can hinder their academic performance and long-term aspirations.

### **Public Perception and Awareness**

Public perceptions of children of inmates are often shaped by stereotypes and a lack of awareness about their unique challenges. Society frequently views these children through a lens of prejudice, associating them with the criminal behavior of their parents. This limited understanding can result in unjust assumptions that these children are more likely to engage in delinquent behavior themselves or that they are somehow inherently flawed. Media representations of children of incarcerated parents often reinforce these negative stereotypes, portraying them as victims of a doomed fate rather than as

individuals with potential and resilience. The lack of public awareness about the psychological, emotional, and social difficulties these children face further perpetuates their marginalization. Without a broader societal understanding, these children are left to navigate their challenges in isolation, often without the necessary support systems.

### **Anti-Stigma Initiatives**

In response to the damaging effects of social stigma, various initiatives have been developed to reduce stigma and promote acceptance of children of inmates. These initiatives aim to change public perceptions and provide support to these children to help them overcome the barriers they face. Programs led by NGOs, community organizations, and even some government agencies have focused on raising awareness about the plight of children with incarcerated parents, advocating for their rights, and providing platforms for them to share their stories. Educational campaigns have been launched to combat stereotypes and encourage communities to offer support rather than judgment. Some initiatives have also worked towards integrating these children into mainstream educational and social settings, ensuring they receive equal opportunities and are not defined by their parents' actions. However, while these efforts are valuable, there is still much work to be done to eliminate the stigma entirely and to create a society that fully understands and supports the needs of children of incarcerated parents.

### **Adoption System**

For children who cannot remain with their biological families, adoption is a potential solution, yet the adoption system in India presents its own set of challenges. The process is often slow and bureaucratic, leading to delays in finding permanent homes for children. Societal biases and a lack of awareness about the specific needs of children from incarcerated backgrounds can further complicate the adoption process. The result is that many children remain in temporary care for extended periods, missing out on the stability and permanence that adoption is intended to provide.

### **Post-Release Life**

#### **Reintegration Challenges**

Children of incarcerated parents face significant challenges when reintegrating into society, especially after their parents' release or when they

age out of the prison system at six years old. The transition back into society often involves adapting to entirely new environments, such as different schools, unfamiliar social settings, and potentially new caregivers or family structures. These children may struggle with reestablishing connections with their parents after a long period of separation, leading to complex family dynamics. The stigma associated with their parents' incarceration can also result in social ostracism, bullying, and difficulties in forming new friendships. As they attempt to rebuild their lives, these children frequently encounter emotional and psychological obstacles, including anxiety, mistrust, and fear of abandonment, which complicate their ability to adjust and thrive in a new setting.

### **Support Systems**

The availability and effectiveness of support systems play a critical role in the successful reintegration of these children. Post-release, social services and specialized programs designed to assist these children are often inadequate, inconsistent, or inaccessible. While some communities offer counselling services, educational support, and healthcare access, these resources are frequently underfunded and overwhelmed by demand. Many children do not receive the sustained, individualized support necessary to address their unique challenges, leading to gaps in care. Additionally, the lack of coordination between different agencies, such as schools, healthcare providers, and social services, often results in fragmented care that fails to address the holistic needs of these children. Without comprehensive support, children may find it difficult to catch up academically, access mental health care, or receive guidance on rebuilding family relationships, all of which are crucial for their overall well-being.

### **Long-Term Stability**

The long-term stability and development of children of incarcerated parents are often compromised by the challenges they face during and after their parents' imprisonment. These children are at a higher risk of experiencing ongoing emotional and psychological difficulties, which can hinder their ability to form and maintain healthy relationships. The disruption of their education and social development may limit their opportunities for pursuing higher education and gaining stable

employment in the future. Moreover, the cyclical nature of poverty and incarceration can trap these children in environments where they are exposed to crime, violence, and instability, further impeding their chances of achieving long-term success (Gupta & Sarkar, 2017). The lack of a stable foundation during their formative years can lead to a range of negative outcomes, including lower educational attainment, reduced job prospects, and an increased likelihood of engaging in delinquent behavior. Therefore, addressing the long-term needs of these children through sustained

support and intervention is crucial for breaking the cycle of disadvantage and ensuring that they have the opportunity to lead fulfilling, stable lives.

### Methodology

With the secondary research being complete now, the researcher wished to conduct primary research to further uncover findings and confirm much of what was analysed in the secondary research. This primary research had two parts to it - one part was the interviews with the children to shed light on their circumstances and hear from their first hand hands and the second part was the survey which was designed to capture public awareness and perceptions regarding the rights and lived experiences of children of incarcerated parents.

### Interviews

The interviews with 3 children of incarcerated parents were conducted anonymously in collaboration with the Sakhiri NGO to protect their identities and ensure their safety. Ensuring anonymity was crucial, as it created a safe space where these children could share their experiences without fear of judgment, stigma, or potential repercussions. These children, who already live under the heavy burden of societal scrutiny, often conceal their true emotions and experiences out of fear of being associated with their incarcerated parents. By guaranteeing their anonymity, we were able to protect their identities and allow them to open up about their feelings and experiences in a way they might not have otherwise. the interviews focused on eliciting their personal experiences, emotional responses, and perceptions of social stigma, allowing the researcher to gain insights that cannot be captured through quantitative questionnaires alone.

### Survey

To thoroughly assess public awareness and understanding of the rights of children of incarcerated parents, a primary survey was conducted using Google Forms. The survey consisted of 12 structured multiple-choice questions designed to capture respondents' knowledge of legal rights, awareness of the challenges faced by these children, and perceptions of the adequacy of existing support systems. It was circulated widely through social media platforms, educational networks, and community groups to ensure broad demographic participation. A total of 100 responses were collected from individuals of diverse ages, educational backgrounds, and regions. The multiple-choice format enabled ease of participation and facilitated clear identification of trends, misconceptions, and gaps in public understanding, thereby providing valuable insights to inform discussions on awareness-building and potential policy reform.

The data gathered from these responses offers valuable insights that contribute significantly to the overall research, highlighting critical areas where public knowledge is lacking and suggesting where further educational efforts might be necessary. These findings play a crucial role in the subsequent analysis and discussion sections of this paper, where they are used to support broader conclusions and recommendations.

### Data Analysis

#### Interviews

The interviews provided powerful qualitative insights into the emotional and psychological impact of parental incarceration on children. One child, for instance, spoke about the isolation they felt when their parent was taken away, expressing how no one stepped forward to offer support or understanding. This sense of abandonment was furthered by the fear of being judged if others knew about their parent's situation. The child revealed how the stigma surrounding incarceration led them to distance themselves from their parent, not because of a lack of love, but out of a need to protect themselves from societal backlash.

One of the children, a 14-year-old (Participant 1), described the deep sense of loss and abandonment she felt when her father was imprisoned. She recounted how her father's sudden removal from her life left her feeling like she had lost a part of her

identity. She shared that her schoolmates and even some teachers seemed uncomfortable around her once they learned about her father's situation, which was never her fault in any way. This discomfort, coupled with the lack of support from adults who could have offered guidance, led her to withdraw from her social circle. She expressed how the stigma surrounding her father's incarceration made her hesitant to talk about him, even with close friends.

Another participant, a 16-year-old (Participant 2), spoke about his struggle with social ostracisation and the burden of living with a secret. He described how he had to constantly navigate a dual reality: maintaining a façade of normalcy while struggling with the turmoil of his father's imprisonment. He mentioned feeling ashamed and isolated, particularly when he overheard classmates making degrading remarks about people with incarcerated family members. He admitted that all of this led him to develop a sense of self-blame, wrongly believing that his father's actions were a reflection of his own worth.

In contrast, a 12-year-old (Participant 3) shared how she felt a mix of fear and confusion when her mother was imprisoned. Her story highlighted the lack of adequate support systems for children in her situation. She spoke about the fear of not knowing what would happen to her mother and the uncertainty of her own future. The stigma made her reluctant to seek help or confide in others, furthering her sense of loneliness.

The anonymity of these interviews was crucial, as it allowed the children to speak openly about the emotional and psychological impact of having an incarcerated parent. Their accounts revealed recurring feelings of shame, guilt, and isolation, often leading them to withdraw socially or distance themselves from their parents to avoid stigma. These interviews have significantly informed the research, offering valuable firsthand insight into the complex challenges these children face. The experiences shared underscore the urgent need for stronger support systems and highlight the importance of protecting the privacy and dignity of these vulnerable children.

## Survey

The survey was completed by a broad age demographic, offering valuable insights into public perceptions and awareness regarding the rights and needs of children of incarcerated parents. The

questionnaire consisted of 12 multiple-choice questions that explored several core themes, including the need for government support (Q1), the respondents' familiarity with the issues faced by these children (Q2), and their awareness of whether children can live with their mothers in prison (Q3). Those who responded "yes" were further asked to identify the legal age limit for such arrangements (Q4).

The survey also assessed public knowledge of how these children typically receive their education (Q5), and whether respondents were familiar with existing laws and regulations related to children of detained parents (Q6). Another key area of focus was public attitudes toward awareness-building, captured through questions on whether campaigns should be introduced to reduce stigma (Q7) and what respondents believed was the most important issue to address to improve the lives of these children (Q8). Additional questions examined awareness of existing initiatives or policies (Q9), understanding of the psychological impacts of parental incarceration (Q10), and opinions on whether the government should allocate more resources toward improving healthcare and nutrition for such children (Q11).

When asked whether these children should receive extra support from the government, an overwhelming 90% of respondents agreed, underscoring a strong consensus on the necessity of additional aid. Furthermore, when queried about the provision of government-funded healthcare specifically targeted toward this audience, nearly 90% of participants expressed their agreement, highlighting a widespread recognition of the need for healthcare services.

However, despite this clear support for increased assistance, only 2% of respondents considered themselves very familiar with the issues faced by these children, while 24% described themselves as somewhat familiar. This stark contrast underscores a significant gap in public knowledge.

Furthermore, only 50% of the participants knew that children can legally live with their mothers in Indian prisons, and among those, only about one-third correctly identified the age limit as 6 years. Awareness of the legal framework was also low, with 74% of respondents unfamiliar with any of the laws presented to them.

When questioned about the need for campaigns to raise awareness about these issues, 89% of respondents supported the idea, with 10% expressing

uncertainty. This strong support suggests a public demand for educational initiatives to address these knowledge gaps. Additionally, awareness of existing initiatives to support these children was notably low, with 91% of respondents admitting they were unaware of any such programs. When asked about their awareness of the psychological impact of parental incarceration, only 13% considered themselves very aware..

### Conclusion

This paper set out to explore the multifaceted impacts of parental incarceration on children in India, with a particular focus on the legal and psychological aspects. Through a combination of secondary research, legal examination, and primary research from interviews and a survey, the study assesses the effectiveness of current legal systems while analysing the psychological challenges experienced by children of incarcerated parents. This approach allowed the paper to evaluate not only whether existing protections align with the lived realities of these children, but also to uncover the gaps between policy and practice. Ultimately, this research aimed to build a comprehensive understanding of how these children are impacted and the extent to which India's legal and welfare frameworks succeed or fall short in safeguarding their overall well-being.

India's current legal and welfare frameworks protect the rights of children of incarcerated parents to some extent, but the level of protection remains uneven and incomprehensive. On paper, India has several safeguards in the form of constitutional guarantees, child welfare legislation, and Supreme Court directives that recognise the plight and needs of these children. These frameworks establish a foundation for ensuring access to nutrition, healthcare, education, and holistic development, especially for children living inside prisons with their mothers. However, the findings of this research reveal that implementation is inconsistent across states and often inadequate, resulting in significant gaps between policy and reality. The primary research, particularly the interviews with children, highlights how these systemic shortcomings manifest in daily life. Despite existing policies, children continue to face distress, disrupted schooling, unstable caregiving arrangements, poor access to mental health support, and deep social stigma. The survey further reinforces these gaps,

showing widespread public unawareness of the provisions meant to protect these children.

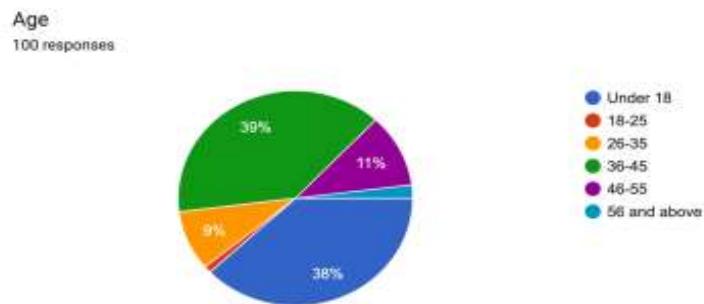
To address the gaps identified in this study, India's legal and welfare systems must be restructured. Strengthening protections begins with establishing more explicit, more specific legislative provisions that recognise the unique needs of children of incarcerated parents, supported by uniform national guidelines that reduce regional disparities. Equally important is the creation of robust monitoring and accountability systems to ensure that promised services, whether in prisons, foster care, or schools, are delivered effectively. Improving psychological well-being creates the necessity for accessible mental health support, trauma-informed counselling, and trained personnel who truly understand the emotional distress and stigma they experience. Educational stability also requires attention, with a focus on ensuring continuity in schooling, improving early learning environments within prisons, and supporting smooth reintegration into mainstream schools once children leave the prison setting. Ensuring stability in caregiving arrangements is critical, requiring rigorous monitoring of family and foster-care settings and sufficient financial assistance to secure safe, supportive homes for these children. A focused effort to counter social stigma is essential, involving comprehensive sensitisation in schools and sustained community awareness campaigns to safeguard children from isolation and discriminatory attitudes. Ultimately, protecting the rights and well-being of children of incarcerated parents demands stronger laws accompanied by a broader shift in societal attitudes. By responding to their needs with consistency, compassion, and accountability, India can ensure that these children are no longer overlooked within the criminal justice system.

### Reference:

1. National Crime Records Bureau, Ministry of Home Affairs. Prison Statistics India 2016
2. UNICEF. Early Childhood Development: Real Life Stories from Around the World [https://www.unicef.org/earlychildhood/files/ECD\\_Real\\_Life\\_Stories\\_from\\_Around\\_the\\_World.pdf](https://www.unicef.org/earlychildhood/files/ECD_Real_Life_Stories_from_Around_the_World.pdf)
3. Shonkoff JP, Garner AS, Siegel BS, Dobbins MI, Earls MF, McGuinn L, et al. The lifelong effects of early childhood adversity and toxic stress. Pediatrics.

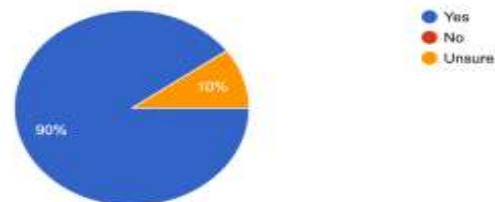
2012;129: e232-46.

4. R.D. Upadhyay vs. State of A.P. and Ors. Writ Petition (Civil) 559 of 1994. 2006.
5. Mulla AN, Sharma CY. Report of the all India committee on jail reforms 1980-83. New Delhi, Government of India press; 1983.
6. Bhandari A. Women prisoners and their dependent children: A study of Jaipur and Jodhpur central jails in Rajasthan <https://www.jstor.org/stable/26369541>
7. Sharma G. Being a prisoner's child: Effects of parents' imprisonment on the child [M.Phil.]. Department of Social Work, University of Delhi; 2013.
8. Pandit Govind Ballabh Pant Institute of Studies in Rural Development. Children of women prisoners in jails: A study in Uttar Pradesh [http://planningcommission.gov.in/reports/sereport/ser\\_stdy\\_jailwm.pdf](http://planningcommission.gov.in/reports/sereport/ser_stdy_jailwm.pdf)
9. Shakil M. Children of incarcerated mothers: Study of district jails of Aligarh and Etah, Uttar Pradesh [Ph.D.]. Department of Social Work, Aligarh Muslim University; 2017.
10. Sarangi S. Children of prisoners: A rights based perspective. Delhi Commission for Protection of Child Rights; 2012.
11. Ministry of Home Affairs, Government of India. Model Prison Manual. New Delhi; 2016.
12. Centre for Early Childhood Education and Development, Ambedkar University. Glimpses of 'Exploring Childhood' in Tihar <https://indiavisionfoundation.org/reports/TiharCECEDReport.pdf>
13. HAQ: Centre for Child Rights. Submission to the Committee on the Rights of the Child For the Day of General Discussion on "Children of Imprisoned Parents" <https://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2011/Submissions/HAQCentreforChildRightsIndia.pdf>
14. Forced Separation: Children of imprisoned mothers (An exploration in two cities) <https://www.tiss.edu/uploads/files/Dharmadikari.pdf>
15. *Children of Incarcerated Parents.* (n.d.). <https://indianpediatrics.net/mar2020/mar-199-203.htm#:~:text=A%20few%20children%20may%20also,t>
16. Parental Incarceration Can Be Worse for a Child than Divorce or Death of a Parent." American Sociological Association, 28 Sept. 2022, [www.asanet.org](http://www.asanet.org).
17. *Let Kids Be Kids: The Effects of Parental Incarceration on Children.* (n.d.). Center on Juvenile and Criminal Justice. <https://www.cjcj.org/news/blog/let-kids-be-kids-the-effects-of-parental-incarceration-on-children>
18. *Children of Incarcerated Parents / Youth.gov.* (n.d.). <https://youth.gov/youth-topics/children-of-incarcerated-parents>
19. *Parents' Imprisonment Linked to Children's Health, Behavioral Problems.* (n.d.). PRB. <https://www.prb.org/resources/parents-imprisonment-linked-to-childrens-health-behavioral-problems/>
20. Poehlmann-Tynan, J., & Turney, K. (2020). A Developmental Perspective on Children With Incarcerated Parents. *Child Development Perspectives*, 15(1), 3–11. <https://doi.org/10.1111/cdep.12392>
21. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9967200/>
22. *Children of imprisoned parents - Penal Reform International.* (2020, July 31). Penal Reform International. <https://www.penalreform.org/issues/children/what-were-doing/children-incarcerated-parents/>
23. *Hidden Consequences: The Impact of Incarceration on Dependent Children / National Institute of Justice.* (n.d.). National Institute of Justice. <https://nij.ojp.gov/topics/articles/hidden-consequences-impact-incarceration-dependent-children>
24. *Children of Incarcerated Parents.* (2024, July 22). Child Rights Connect. [https://childrightsconnect.org/working\\_groups/children-of-incarcerated-parents/#:~:text=It%20can%20lead%20to%20worse,who%20behave%20dangerously%20or%20disturbingly.](https://childrightsconnect.org/working_groups/children-of-incarcerated-parents/#:~:text=It%20can%20lead%20to%20worse,who%20behave%20dangerously%20or%20disturbingly.)

**Data from survey**

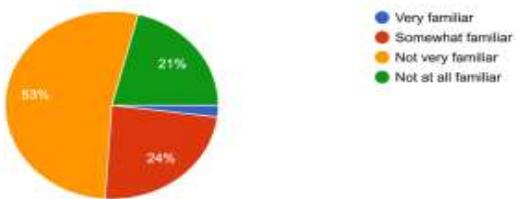
2.

Do you believe children of imprisoned parents should receive additional support from the government?  
100 responses



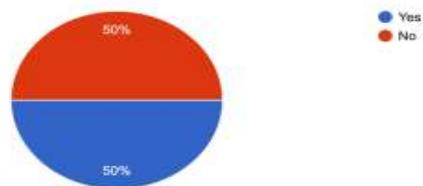
3.

How familiar are you with the issues faced by children of incarcerated parents?  
100 responses



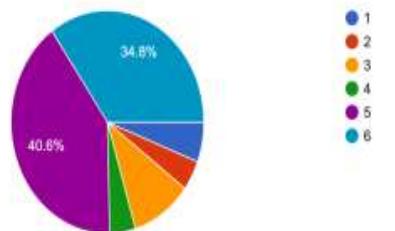
4.

Do you know if children can live with their mothers in Indian prisons?  
100 responses



5.

If yes, till what age can they legally remain with their mothers within a prison?  
69 responses



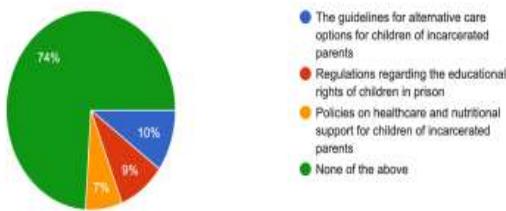
6.

Are you aware about how children of imprisoned parents typically receive their education?  
100 responses



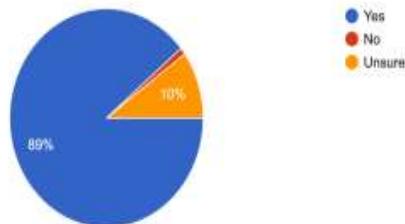
7.

Are you familiar with the following laws or regulations related to children of detained parents?  
100 responses



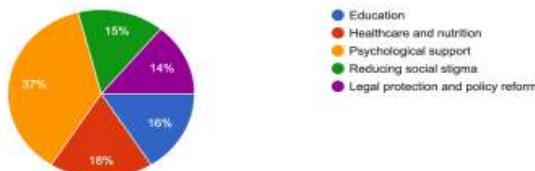
8.

Do you think there should be public awareness campaigns to reduce the stigma faced by children of imprisoned parents?  
100 responses



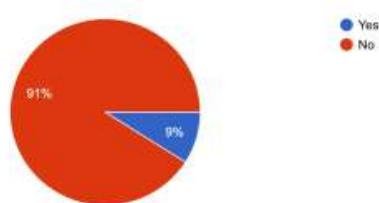
9.

What do you think is the most important aspect to address for improving the lives of children of imprisoned parents?  
100 responses



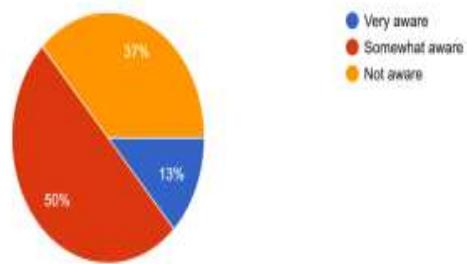
10.

Are you aware of any initiatives or policies currently in place to support children of imprisoned parents?  
100 responses

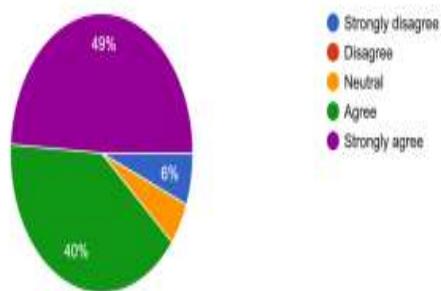


11.

How aware are you of the psychological impacts of parental incarceration on children?  
100 responses



In your opinion, should the government allocate more resources to improve healthcare and nutrition for children of imprisoned parents?  
100 responses



12.