Prayas has been a field action project of the Centre for Criminology and Justice, School of Social Work, TISS, attempting to address the legal and rehabilitation needs of persons being processed within the Criminal Justice System (CJS) or those at the margins of crime, victimisation or destitution. Over the last twenty two years, Prayas has attempted intervention at two levels:

a) The field, through social work intervention within the CJS; and through effecting alteration in procedures within this system, which support legal protection and rehabilitation of vulnerable groups.

b) Out of this grew the need to influence policy and rules pertaining to custodial conditions, legal rights and rehabilitation of persons affected by crime or commercial sexual exploitation. A dedicated unit was established for this purpose. Departments specifically addressed include Prisons, Law and Judiciary, Police, and Women and Child Development.

Intervention at both levels has been in operation simultaneously since the beginning. This has resulted in a unique blend of intervention at the field and system level. Field services and initiatives at influencing policy and procedure have resulted in increased attention to neglected groups within the CJS. While the field suggests initiatives for policy and advocacy, the latter further strengthens field initiatives, besides widening the scope for services to affected populations within the CJS. Policy and procedures govern the processing of persons within the CJS and hence intervention at this level assumes importance. This unit acts as a medium between the field and the system, over the years gradually highlighting issues relevant to the processing of custodial populations in an attempt to realign and strengthen already existing systems while also introducing the need for change therein.

System level initiatives have been undertaken for the following purposes:

a) To create a platform for reddressal of issues.

b) To realign procedures that protects the rights of affected populations and their families.

c) To introduce into law, policy and procedure elements that promotes increased access to rights and inclusion into social and economic (legal) structures.

The following indicators could assess initiatives attempted in this regard:

a) The extent to which issues in regard to processing of custodialised populations and their reintegration into mainstream society have been made visible to agencies in the government and the voluntary sector.

b) Fora created for addressing issues and deliberating change within the system, and Prayas membership in such fora.
c) Entry of other agencies into the CJS, as a result of Prayas’ attempts to facilitate the same.

d) Reviving, strengthening and alteration of existing law and procedure, to address the custodial and rehabilitation needs of custodial populations.

e) Inclusion of needs of affected groups in law, policy, procedure, schemes and services.

Initiatives made by this unit have been geared towards and have to an extent, built inroads for including affected persons into already existing structures while creating avenues (through alterations in law and procedure) for increased access to services within the system.

This document presents milestones over the last three years, towards achieving the aforesaid objectives. While some initiatives have borne tangible results, there are others that have been explored, informed future strategies and are still in the process of evolving towards demonstrating their relevance. The document has been classified into nine broad components:

1. Children of prisoners
2. Prison reform
3. Juveniles in conflict with law
4. Legal aid and courts
5. Co-ordination between sub-systems of the CJS and allied systems
   a. IDC for prisoners
   b. Issues relating to women in custody and institutions
   c. Probation services and schemes for prisoners and children
   d. Heath rights for persons in custody and institutions
   e. Activating prison libraries
   f. Department of Youth Affairs and Sports
   g. Municipal administration
6. Promoting new initiatives in the CJS
7. Police
8. Research and documentation
9. Bharuch Unit
1. Children of Prisoners

- A research exercise undertaken by a student while pursuing her Masters Degree in Social Work at the TISS in 1992, highlighted the debilitating circumstances of children of prisoners. The need for social work intervention with this group of children was demonstrated and this resulted in Prayas commencing full-time field intervention for families of prisoners, with special focus on children.

- Over the years, this intervention lent valuable knowledge and insight into their processing by the CJS, and the need for extending care and protection to these children became visible. Raising issues in regard to such children and highlighting their needs at various fora has resulted in increased visibility of this group to authorities concerned and NGOs alike.

Milestones (2008-11):

2008

- State level Workshop organised by Prayas in collaboration with the Office of the I.G. Prisons, Maharashtra, resulted in guidelines being issued to all prison superintendents in the State to take all necessary steps to implement the Supreme Court directions.

- A preliminary note was submitted to the Commissioner, ICDS, Maharashtra, to extend services for children of prisoners. On further exploration, Prayas was informed that a process of extending anganwadis under the ICDS for children with their mothers in prison had already been initiated.

- Simultaneously, Prayas had an opportunity to meet the Chairperson of the National Commission for Protection of Child Rights (NCPCR) at TISS in December 2007, to highlight the need to initiate pro-active steps for protection, care and rehabilitation of children of prisoners. The Chairperson asked for a note outlining the issue, which was immediately forwarded to her. The NCPCR has issued directions to all states and UT governments to inform the Commission about the steps taken with regard to children of prisoners. The Commission has also asked the Centre for Criminology and Justice at TISS to maintain liaison with the states and UTs to ensure that effective steps are taken to address this issue.

- As a result of the continuous liaising with the Probation Superintendent, DWCD, GoM, a circular is issued asking female probation officers in all districts to make regular visits to women’s sections of prisons and look into the welfare and rehabilitation needs of women prisoners and their children left outside.

\[1\text{Directions issued by the Supreme Court following suggestions presented by Prayas through its publication Forced Separation: Children of Imprisoned Mothers.}\]
2009-2010

- In response to the letter written to states and UTs by the NCPCR about the status of children of prisoners, Prayas took the responsibility of collecting data in regard to the services provided by state governments for children of prisoners across the country. Replies were received from Rajasthan, Haryana, Mizoram and Central Region in Maharashtra.
2. Prison Reform

- Prayas’ direct intervention in prisons has spread over the years, from one prison to a total of five prisons in Mumbai, Thane and Bharuch districts. Social workers of Prayas have also been visiting prisons across Maharashtra and Gujarat from time to time, to assess the situation of under trial and convicted prisoners and trying to promote developments with regard to their legal rights and rehabilitation through discussions and meetings with prison staff, police, judiciary, legal aid, probation, allied functionaries and NGOs at the field level. As a result of these efforts, Prayas regularly receives letters from prisoners from all over the State for legal guidance and family support, which are responded to by the Prison Unit, either by directly replying to them or by redirecting their problems to the authorities concerned – prison, legal aid or High Court.

- While attempting to create a forum for asserting the need for addressing the legal and rehabilitation needs of prisoners, Prayas intervened in a Suo Moto Writ Petition, Shabnam Minwala Vs. State of Maharashtra in 1993. Through this petition, Prayas raised issues such as inability of prisoners to understand the proceedings in court (due to the language of communication being in English), lack of legal aid facilities (due to poor honorarium paid to the legal aid lawyers), poor implementation of the Probation of Offenders Act, non-production of women prisoners on their court dates due to lack of police escort and lack of coordination between different wings of the CJS and related departments. In response to these issues raised by Prayas, the Mumbai High Court asked Prayas to give suggestions, based on which the High Court issued detailed directions and led to the following changes at the ground level:
  a. The lower judiciary was directed to use the local language i.e. Marathi as the language of communication in the courts.
  b. The honorarium paid to lawyers by the legal aid board was increased to Rs. 600/- and Rs. 900/- per case at the lower and Sessions courts respectively.
  c. Magistrates and judges were asked to use the various provisions of the Probation of Offenders Act on a regular basis.
  d. The Mumbai police formed a special squad to escort women prisoners to their courts.
  e. The State government was directed to constitute a State Level Inter Departmental Committee on Prisoners, headed by the Principal Secretary, Law and Judiciary, in which Prayas was given the status of an Invitee Member.

- Another landmark judgment of the Mumbai High Court in which Prayas was involved was PUCL Vs. State of Maharashtra in 2005, on the issue of prison conditions for women prisoners in Byculla District Prison. Prayas was a member of Committee constituted by the High Court to give suggestions to address the problems faced by women prisoners in the state. Besides highlighting the conditions of prisoners and suggesting changes therein, Prayas made a suggestion to create District level Inter Departmental Sub-Committees (IDC SCs), headed by the District and Sessions Judge to look into issues of under trial and convict prisoners, which was accepted by the Court and a G.R. issued by the GoM, subsequent to the order. Through these
committees, Prayas has actively explored and initiated dialogue to revive the relevant laws and procedure relating to rights of prisoners.

- A recent important development has been an in-principle acceptance of a proposal submitted by Prayas to the Principal Secretary, Home (Prisons) Department, GoM, to appoint trained social workers in prisons in the state. At a meeting called by the Principal Secretary which was attended by senior prison officials and Prayas, a decision was taken to start a three-year pilot project whereby trained social workers would be appointed in the nine central prisons and a few of the district prisons in the state. Prayas is following up this decision with the authorities concerned.

Milestones (2008-11):

2008

- The DWCD issues a circular, based on the recommendations of the SAJI-I Workshop and subsequent discussions with Prayas, nominating one probation officer in each district to act as a prison welfare-cum-liason officer, whose job will be to visit the prison at least once a week, attend to problems faced by women prisoners and their children and arrange for visits between children of prisoners living in the community or in institutions and their parents in prison.

- Prayas-CHRI National Scoping Study on NGO interventions in prisons leads to a publication called Community Participation in Prisons: A Civil Society Perspective. The study analysed the nature and extent of NGO intervention in prisons across the country. Prayas took up the responsibility of scoping the situation in the eight states in the Western and Southern regions namely, Maharashtra, Gujarat, Madhya Pradesh, Goa, Karnataka, Andhra Pradesh, Tamil Nadu, and Kerala. The data collection was done with the help of NGOs such as VARHAD, Amravati, Sudhar, Bhopal and Sahyadri, Solapur. Through this exercise, Prayas was able to establish links with like-minded organizations, leading to a working relationship with them, to meet with the long-term goal of the rehabilitation of prisoners and the issues relating to custody.

- With the culmination of the data collection phase of the project, a National Roundtable was organised by CHRI in Delhi, in January 2008. Prayas participated in the Roundtable and led the session on the Role of the Voluntary Sector in Custody and Rehabilitation of Prisoners.

2009-2010

- Towards strengthening the implementation of the Probation of Offenders Act, 1958, Prayas organised a meeting between the Superintendent of Byculla District Prison and the District Probation Officer. Following this meeting, a Prayas worker has been accompanying the Probation Officer for prison visits.
• Prayas team visits prisons in various parts of Maharashtra (as part of activating the District IDC Sub Committees) and Gujarat (as part of fostering new developments under the Mentoring Unit of Prayas) to highlight issues related to legal guidance and aid for under trial prisoners; services for children of prisoners; and vocational training, education and library facilities for prisoners. Prayas efforts have led to positive changes in Thane, Taloja, Alibaug, Sawantwadi, Ratnagiri, Buldhana, Akola, Aurangabad, Nasik, Nanded, Kolhapur, Jalgaon, Sangli, Dhule, Chandrapur, through the support of prison officials, district welfare departments, the judiciary and NGOs interested in prisoners’ welfare.
3. Juveniles in conflict with Law

Umerkhadi Observation Home, Mumbai

With the passing of the Juvenile Justice Act in 2000, the age of minor boys was increased from 16 to 18 years, thus reducing the population of male youth in prison and consequently leading to a substantial increase of minor boys in the observation homes across the country. These Homes were ill-equipped to handle this group of older boys, arrested in a range of minor and serious offences, both in terms of custodial care and rehabilitation. It was also found that the police continued to arrest boys in the 16-18 age group and send them to prison by ‘showing’ their age as above 18 years. Prayas came across many such cases which had to be brought to the notice of the judge concerned and then transferred to the JJB, after producing their age-proof certificate or getting their age-verification test done through court orders. As a logical extension of his work, the Prayas worker followed up these cases after they were transferred to the observation home in Mumbai. This led to the initiation of work with juveniles in conflict with law in Mumbai.

Milestones (2010-11):

2010

- A Prayas worker initiates an effort to identify and follow up cases of juveniles wrongly detained in prisons and later transferred to the Observation Home, Umerkhadi (as per the provisions of the JJ Act, 2000), from the point of view of their rehabilitation. The magistrate and members of the Juvenile Justice Board, Mumbai and Mumbai Suburban, in appreciation his efforts, request the Prayas social worker to remain present during the JJB sittings, so that cases in need to rehabilitation could be referred to Prayas.

- Referral of cases to Prayas starts from Observation Home and the David Sasoon Industrial School, a children’s institution under the JJ Act for juveniles in conflict with law.

2011

- Prayas received written permission from the Juvenile Justice Board, Mumbai to provide legal guidance to juveniles in conflict with law and work towards their rehabilitation.
4. Legal Aid and Courts

Efforts made in this area have resulted in increased attention to the legal needs of persons being processed by the CJS. In time, issues in regard to protection of legal rights and rehabilitation needs of the affected persons have become visible to this system. Being based within the CJS, social workers have attempted to sensitize the system and the create networks to strengthen procedures.

2007-2008

- The issue of increments to the employees of the DLSA Mumbai was pursued by Prayas at the meeting of the Mumbai District Legal Services Authority and a resolution was passed to give additional increments to legal aid staff, whose salaries are not at par with the court staff.

- A decision has been taken to increase the honorarium given to lawyers on the free legal aid panel. This raise in honorarium was from Rs. 600/- to Rs. 1400/- in the metropolitan courts and from Rs. 900/- to Rs. 1800/- in the session’s court. This is a significant development as the current rates do not even cover basic expenses incurred by the lawyers. The low honorarium paid to legal aid lawyers affects the quality of services provided by them. However, at the ground level, this decision is yet to be implemented.

- Prayas has also been highlighting the delay in the payment of honorarium to lawyers representing under trial prisoners while being produced on their court dates through the video conferencing facility. This affects the quality of legal services are provided to prisoners. Prayas has repeatedly brought this issue in the meetings of the DLSA, Mumbai.

- With a senior Prayas social worker attached to the DLSA Office, cases needing legal aid and guidance are being taken up. These were cases of minors who were processed and convicted by the adult system, persons undergoing exterment proceedings (even after they had been rehabilitated) and under trial prisoners eligible for release on personal bond under the amended section 436 of the Criminal Procedure Code.

- It had been observed that in petty matters being heard by the morning court (indecent behavior in public places, hawking in public places, ticketless traveling, etc.), accused persons were summarily tried and given sentences that were disproportionate to the nature of offences that they were accused of. Through continual dialogue with the magistrates of the morning courts, Section 3 (release of the accused on admonition) of the Probation of Offenders Act is now being used in cases of petty and first-time offenders. This is leading to avoidance of criminalization of petty and first-time offenders and positively impacting overcrowding in prisons.

- Prayas contributed to the State Legal Services Conference by raising the point of persons languishing in prison under preventive detention (Chapter Proceedings under the Cr. P.C.) and those arrested on suspicion (Section 122 of Bombay Police Act). The Executive Chairperson of the Maharashtra State Legal Services Authority directed all the
district judges in Maharashtra to examine the situation and take the necessary action to forthwith release such cases.

- **A seminar on Law and Poverty was organised by Prayas for the judiciary** to highlight the situation of weaker sections in prison. The possibility of using provisions of release on personal bond and the use of correctional laws to address problems faced by these sections were discussed in detail. Recommendations emerging from this seminar were compiled and forwarded to the High Court Legal Services Committee. Prayas is currently following up the recommendations to convert them into directions for the lower judiciary in the Criminal Manual.

- **A district level seminar** was held in Thane in co-ordination with the V.P.M.’s TMC Thane Law College & Thane District Legal Services Authority on “**Role of Duty Counsels and Legal Aid Lawyers: Issues and Challenges**”. It was attended by judicial magistrates & session’s judges from Thane district, prison officials, probation officers, legal aid lawyers and students and faculty of Thane Law College. The seminar was aimed at encouraging judicial officers to refer cases for probation, use of the personal bond for those who cannot avail of surety / cash bail, and to take steps needed to improve the legal aid scheme.

- A Prayas social worker, who was earlier based in Kalyan prison is placed in the Office of the Thane DLSA twice a week towards **identifying the role of a social worker in the legal aid system**. He also liaises with the social workers from Thane and Kalyan prisons to follow up cases requiring legal aid.

- With the active support of the Member-Secretary of the Mumbai Legal Services Authority, an **interaction between departments concerned is held to discuss the issues related to the rescue and rehabilitation of the victims of trafficking**. Judicial officers working under the Immoral Traffic Prevention Act, Superintendents and Probation officers from Special Rehabilitation Home for Minor Girls, Government Protective Home and Reception Centre and NGOs working towards the rescue and rehabilitation of trafficked victims attended the meeting to address the problems faced by the authorities while working for rescue and rehabilitation and how the same could be removed by ensuring proper co-ordination.

- In co-ordination with the Mumbai District Legal Services Authority, Prayas organises a **series of interaction sessions with judicial officers, probation officers, police, legal aid lawyers and NGO representatives**. These interactive sessions were organized at the Mumbai, Sewri and Dindoshi Sessions Courts, and the Esplanade, Dadar, Kurla and Vikhroli Metropolitan Courts. The subjects discussed were the use of the PO and Borstal Schools Acts, provisions relating to personal bond and the legal rights of children of prisoners.

- **A capacity building session for newly appointed legal aid lawyers of DLSA** is conducted during which skill inputs were provided by senior members of the bar.
• Legal awareness sessions are organized in collaboration with the District Legal Services Authority for slum dwellers (who were being criminally processed for not possessing residence proof documents prior to 1995 at the time of the survey conducted by the Collector under the Slum Rehabilitation Act), for slum dwellers on legal provisions of the Slum Rehabilitation Scheme, for BMC workers on recovery of loans by money lenders and for youth from Dharavi on legal rights of citizens.

2009-2010

Meeting with JOTI, Nagpur

• A meeting is held with the Director, Judicial Officers’ Training Institute (JOTI) at Nagpur, which is the nodal training institution for judicial officers of Maharashtra, with the following objectives:
  ➢ To include social legislations such as Probation of Offenders Act, 1958, Borstal Schools Act, 1929 and the Immoral Trafficking (Prevention) Act, 1956 in the syllabus of the judicial officers training; and
  ➢ To organize legal sensitization seminars for judicial officers in JOTI on the above mentioned topics.

Based on the directions of the Director, the social worker met the judge who was on the Syllabus Committee of the JOTI. He agreed to include the suggested syllabus proposed by Prayas and requested for reference material and resources persons for the same.

• Prayas social worker is included as a member of the MDLSA Committee for a period of three years

• The Maharashtra State Legal Services Authority (MSLSA) in a recent meeting passed a resolution pertaining to raising the honorarium paid to lawyers on par with that of public prosecutors. On implementation of the said resolution, lawyers of the legal aid panel will be entitled to an honorarium of Rs. 1000/- per day, a first in the country.

• Prayas initiated a pilot project of placing social workers in the court setting. A project proposal was submitted by Prayas and two meetings were conducted with Smt. Ranjana Desai, Hon’ble Justice and Shri J. N. Patel, Hon’ble Justice of the Mumbai High Court. In the second meeting, Justice J.N. Patel also the Executive Chairman of the Maharashtra State Legal Services Authority, accepted the proposal and agreed to provide space and the necessary permission to Prayas in the premises of the Mumbai Sessions and the Thane Sessions Courts on an experimental basis.

• Prayas started work in the Mumbai Sessions and the Thane Sessions Courts along with the district legal aid staff. As per the permission, Prayas workers were given space in the offices of the Mumbai & Thane District Legal Services Authority. Besides this, all the judicial officers of the Mumbai and Thane district were directed to look into cases referred by the Prayas workers for release on probation, personal bond, cases under the Immoral Traffic (Prevention) Act, 1956, cases for legal aid and cases of children of prisoners.
Based on the feedback received from the Superintendent of the Protective Home about the wrongful practice by the Mumbai Sessions Court of releasing rescued victims on bail (through advocates hired by pimps and gharwalis using fake identities of relatives), the social worker brought this matter to the attention of the Principal Judge, City Civil & Sessions Court. The recent Mumbai High Court judgment and other relevant material were also submitted. The Sessions Court has now refrained from releasing such victims on bail.

The Mumbai High Court with the help of National Legal Services Authority (NALSA) has been in the process of starting a permanent Lok Nyayalaya in the Mumbai criminal courts. The Maharashtra State Legal Services Authority (MSLSA) requested Prayas to provide a list of social workers to act as panel members in the permanent Lok Nyayalayas. Names of eight Prayas social workers have been submitted to establish permanent positions in the judicial set-up and to partially achieve Prayas’ objective of creating a cadre of social workers within the judicial system. The Mumbai High Court has started its first permanent Lok Nyayalaya at the Ballard Pier Metropolitan Court and the rest are in the formation process.

The NALSA appoints a Prayas worker on its Mumbai District Committee for conducting legal awareness programmes for CJS functionaries and the public.

In a joint venture with the DWCD, Mumbai District Legal Services Authority and Suburban Mumbai District Legal Services Authority, Prayas organised a seminar on the Probation of Offenders Act, 1958 at the Small Causes Court.

A sensitization-cum-legal awareness seminar for judges, magistrates and legal aid panel lawyers is held at the Police Club premises in Mumbai. More than 150 judicial officers from Mumbai Sessions Court and other Metropolitan Courts along with 50 legal aid panel lawyers attended the seminar. The seminar stressed on the loopholes in the present legal aid schemes and arrived at suggestions.

Prayas conducts a training programme for probation officers deputed to women’s institutions. This was done in the light of the fact that there were probation officers who had been transferred from other departments within the DWCD and had not been trained for their responsibilities. The Programme was conducted once a week over seven weeks. 28 probation officers were deputed to attend the training.

A series of awareness programmes have been organised with financial support from NALSA:

- A legal awareness program on rights of workers was organized in co-ordination with Kherwadi Social Welfare Association and Mumbai District Legal Services Authority (MDLSA) at Kherwadi. The Prayas social worker along with a retired
Labour Court judge spoke on the rights of the workers and Free Legal Aid scheme of MDLSA. More than 200 workers attended the programme.

- **A legal awareness program on the rights of woman prisoners** was organized in Byculla Prison.
- **A legal awareness programme on Women’s Rights & Law** was organized at the Korba Mithagar slum, Wadala, BDD Chawls at Worli and SNDT University. More than 300 women attended each of the programmes.
- **Prayas along with Mumbai District Legal Services Authority (MDLSA) organized an awareness program on the occasion of Workers’ Day for rag pickers in collaboration with Apnalaya.** The session focused on the rights of workers, the historical struggle of the workers’ movement, the ground realities of the unorganized sector and ways to redress the grievances of the workers.
- **A legal awareness programme on child rights and the JJ Act** was organized at Observation Home, Umerkhadi by Prayas and the District Legal Services Authority.
- **A legal awareness programme** was organized in the premises of the Thane District and Sessions Court by the Thane District Legal Services Authority (TDLSA) and **Prayas on the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and problems faced by the unorganized sector in getting their dues as workers from their employers.** This programme was significant as it was attended by people from the community in large numbers.

### 5. Coordination between the sub-systems of the Criminal Justice and Allied Systems

Prayas’ work with women and male youth under trial prisoners has resulted in the identification of specific areas which if attended to could impact on custodial conditions for persons being processed by the CJS. One major area that required addressing was the coordination between the prison department and other government departments that played a role in the lives of under trials.

In 1996 and 2005 respectively, responding to a suggestion made by Prayas in PILs, the Hon’ble High Court issued directions for State and District Inter Departmental Committees on Prisoners to reduce coordination problems in the CJS. However, since these structure are not functioning as they were intended to, Prayas has been confronted with the task of mobilizing the system.

**Milestones**

**A. Advocacy on issues relating to women in custody and institutions**

**Milestones**

**2009-2010**

- **Maharashtra State Rules for Immoral Traffic Prevention Act get notified.**

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2 Shabnam Minwala Vs State of Maharashtra in 1994 and PUCL, Sunil Shinde and Rajendra Bidkar Vs State of Maharashtra in 2005
Discussions are held with Dy. Commissioner (Women’s Development) of the DWCD and the District WCD Officer, Mumbai, to explore the possibility of an MoU with the Department, to establish a bridge service which links institutionalized women with the outside world, and to provide such women with post-release services. The DWCDO calls for a meeting with the Superintendents of the Protective Home, reception Centre for Women and Female Beggars’ Home and Prayas to work out the modalities of the tie-up. This meeting leads to an **MoU between Prayas and the DWCD** with following terms and conditions:

- **Space and infrastructure support** will be provided in the complex where Prayas will carry out an income generation programme and counseling of women residing in these institutions.
- **Income generation activities for women residing in the three institutions** will be organised by Prayas. Currently, these activities include embroidery and patch work items, which are used in making the Prayas product line. Women are trained and paid on a piece rate basis at this Centre. Cases are referred by the three institutions on a regular basis to Prayas for counseling, guidance and legal aid.
- Clients referred by the three institutions will also be sent for exposure to work in the various units in the institutions – kitchen, gardening, tailoring, office work, etc. whereby they will be paid a **monthly stipend to residents by Prayas** and their progress monitored by Prayas and the institutional staff.
- The Employment Unit of Prayas will liaise with the institutions to **find employment options for women** coming out of these institutions.
- **Security and health will remain the responsibility of the institutions**, while they are placed with Prayas.

This MoU has been a major step towards the Department recognizing the need to create rehabilitation services for institutionalized women. Services provided at this Centre include vocational training, educational support, repatriation, increasing connections with family and the placement of residents through the Prayas NGO Placement programme.

Over the last year, it was observed that while options for shelter have increased, procedures for admission continue to cause hurdles especially in the case of emergency situations. In 2009-10, Prayas has been in dialogue with the Superintendents of the institutions to explore possibilities for admission with minimum procedures. Prayas has been bringing up these issues at various fora and meetings.

- Prayas has been in dialogue with the Ministry for Women & Child Development, Govt. of India and the Department of Women & Child Development (DWCD), Govt. of Maharashtra, to highlight the need for a special scheme for women released from institutions.
- **Visits were made to various shelter homes** in an effort to identify issues relevant to rehabilitation of women living in shelter homes and incorporate them in a proposed rehabilitation scheme for persons released from custodial institutions. Visits were also made to the National Commission for Women, the Ministry of Women & Child
Development and to the NHRC to discuss the needs of women in the post-institutionalization phase and the need for a government scheme for their rehabilitation.

- A research on the status of rehabilitation services for women in institutions was undertaken in Maharashtra with the permission and support of DWCD. During this year, institutions for women and children in Mumbai, Raigad, Ratnagiri, Sindhudurg, Aurangabad, Paithan, Satara, Kolhapur, Sangli, Amravati, Yavatmal, Akola, Buldhana, Washim, Nagpur, Bhandara, Gondia, Chandrapur, Gadchiroli, and Wardha were visited.

- The findings demonstrated the need for specialised after-care services for women released from institutions. An interim report is in the process of being drafted.

- Simultaneously, during this period, dialogue continued with the DWCD, GoM on this issue. The above mentioned research culminated in a state level workshop on the issue of rehabilitation of women after discharge from institutions³.

2011

- A Committee to Prevent Atrocities Against Women, chaired by Hon’ble Justice Dharmadhikari (Retd.) is set up by the GoM, in response to the rising incidents of crimes against women in the state. Prayas is a member of this Committee.

- Prayas submits suggestions in regard to procedures for women in state homes, protective homes for women and prisons before the Justice Dharmadhikari Committee.

- This results in a GR relating to admission procedures, eligibility for admission, reasons for discharge, custodial conditions and rehabilitation of women in custody.

- Submissions for the rehabilitation of women in commercial sexual exploitation is made before the Panel of Sex Workers appointed by the Supreme Court in Budhadev Karamaskar Vs. State of West Bengal.

³ Some of the suggestions arrived at were later presented before the Justice Dharmadhikari Committee that led to notification of directions to state run and supported institutions.
B. Advocacy with regard to probation services and schemes for prisoners and their children

In addition to the regular work inside prisons, Prayas has consistently attempted to focus on implementation of the Probation of Offenders Act, 1958, the Maharashtra Grant-in-Aid Scheme for Released Prisoners and the Bal Sangopan Yojana for children of prisoners. Follow-up meetings with the District Probation Officer of Mumbai and Thane districts were held for this purpose. Lack of necessary documents is a major hindrance for access to most welfare schemes, as is the case with these schemes. Attempts at referring individual cases for this purpose are a result of post-release needs of prisoners and requests from Probation Officers to refer cases.

Milestones

2008-10

- Prayas has a meeting with the Superintendent, Byculla District Prison to discuss the need for mental health services for women prisoners. With his consent, Prayas decides to explore the possibility of placing students pursuing masters-level degree in counselling for their field work.

- To this end, Prayas writes to the Department of Applied Psychology, Mumbai University and thereafter, makes a presentation at the National Seminar on ‘Psychology in India’ on the need for psychological intervention in custodial institutions, with the aim of encouraging psychology professionals to initiate and support work within custody.

- Prayas begins a process of dialogue with organizations providing mental health services such as J.J. Hospital, K.E.M. Hospital and the Thane Mental Hospital. A plan is worked out whereby Prayas would organise awareness sessions in women’s institutions and cases would be identified to facilitate their access to specialised services. Three sessions on understanding and dealing with stress are organized and conducted in the women’s institutions.

- TISS social work students placed through Prayas collect data in women’s intuitions such as the Women Section of the Byculla District Prison, the Navjeevan Mahila Vastigruha, the Kasturba Mahila Vastigruha and the Female Beggars Home, to identify current health concerns within custodial institutions.

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4 The P.O. Act, 1958 provides for non-institutional and community-based rehabilitation of young offenders, first-timers and those arrested in less serious offenses. Under this Act, the court can call for a social enquiry report from a ‘probation officer’, and release the accused pleading or ‘found’ guilty on admonition or on a ‘bond of good behaviour’ with or without sureties and with or without additional conditions, for a period of one to three years. For details, refer to [Indian Kanoon website](http://indiankanoon.org/doc/167447/) and [Court of Maharashtra website](http://court.mah.nic.in/courtwb/criminal/pdf/chapter11.pdf) retrieved on November 8, 2011.

5 This scheme is implemented by the DWCD, GoM, under which children without parental support are supported through a fostership scheme, whereby the foster family gets a monthly grant of Rs. 400/- per child till the age of 18 years.
Prayas approaches the Directorate, Medical Education and Research (DMER) and submits a proposal requesting them to initiate health education programmes in custodial institutions. The Joint Director, DMER, issues a letter to four hospitals under its jurisdiction to respond to the Prayas proposal. Eventually, Prayas receives a copy of a letter from DMER to the Dean of Sir JJ Hospital, directing him to discuss the proposal with Prayas regarding the implementation of the programme within the boundaries of their rules.

2009-2010

Issues presented before the Director, Health Services:

- The spread of communicable diseases within custody with specific reference to TB and skin diseases.
- Requesting for free treatment for destitute persons in government hospitals.
- Highlighting the need for mental health services in shelter homes and institutions.
- Waiving the requirement of consent form to be signed by social workers/shelter home staff for admission to hospitals, in the case of destitute patients.

In the meetings, the following agreement was reached:

- The regular dissemination of health information through the National Health Programmes of the Health Department.
- Identification of short-term trainings through the available programs which would equip inmates with some basic skills to facilitate entry into the employment options in the health sector.
- Making available a list of NGOs that are associated with programmes of the Health Services Department and in order to facilitate admission of Prayas trainees in their programmes and services.
- An internship programme for ten Prayas trainees in a year through the Health Department.

Prayas follows this meeting up with a letter to the Director, Health Services and interactions thereafter with the Assistant Director. The focus of the discussions:

- The specific institutions in which the proposed programme would be conducted
- The specific National Health Programmes proposed during the initial phase namely, TB Control Programme, AIDS Control Programme, Maternal & Child Health Programme, Malaria Control Programme and the Mental Health Programme.
- Operational details.
- Health issues of persons without family support.

Prayas submits a proposal to the Directorate of Health Services based on the above discussions. This is accepted and the District Health Officer, Thane Zilla Parishad is identified by the Department to implement the proposed plan in Kalyan District Prisons (Women’s Section).
However, the TZP raises jurisdiction issues and rejects the idea. Prayas follows up with the Directorate, Health Services to take the matter forward. An appropriate authority is finally identified and a decision is taken to refer the matter to the Kalyan Dombivili Municipal Corporation. The first session on prevention of TB is conducted on 24th February 2009 in the Women’s Section in Kalyan District Prison. This is followed by a session on maternal and child health.
D. Activating Prison Libraries

This initiative was in keeping with the ideology of strengthening the right to education for custodial populations; access to books and reading resources is a concomitant to promoting education. Prayas requested permission from the office of the Inspector General, Prisons, Maharashtra to visit all the prisons in the state, so as to acquire an in-depth understanding of the situation with regard to prison libraries. Permission was granted but only for the prisons in the Mumbai and Thane districts. The Prayas social worker also met the Additional Director of the State Central Library, for more information on the government schemes that could be applicable to prisons. Subsequently, visits were made to the Mumbai and Thane Central Prisons; and Byculla, Kalyan, Dhule, Jalgaon and Buldhana District Prisons. These visits helped in understanding the situation of prison libraries. Discussion with the Directorate of State Libraries led to a circular being issued by the Director to district librarians in the state to extend their library facilities to the nearest prison in their jurisdiction.

Milestones

2008

- A meeting is held with officials of the State Libraries Department and they agree in principle to extend their library facilities to prisons and women’s institutions, to start with in Mumbai. Following this meeting, a letter is sent to the D.I.G. Prisons (Southern Region) apprising him of this development and requesting for his cooperation to start such a venture in Mumbai Central and Byculla District Prisons. Similarly, the Mumbai District Women & Child Development Officer is apprised of this initiative and he assured his full cooperation to get the library facility started under this scheme in the women’s institutions in Chembur.

- In November, 2008, the Prayas social worker attends a workshop on the Raja Ram Mohan Roy Library Scheme organized by Nashik. This helps in gaining an understanding about the functioning and maintenance of libraries as well as develop contacts with various library officials. During this workshop, the social worker comes to know about the 4-C Plan scheme as well as approach the Director, State Libraries Department, to get permission to extend the scheme to the prisons in the state.

- In November, 2008 the Indian Library Association in collaboration with TISS had organized an International Conference where Prayas makes a presentation on ‘Role of Libraries in Prisons’. The presentation was awarded with the ILA Platinum Jubilee Award by the Indian Library Association.

- In December 2008, the Director, State Libraries issues a circular to all District Libraries to extend the benefits of the 4-C Plan scheme to all the prisons in the State. Prayas forwards a copy of the circular to the D.I.G. Prisons (Southern Region), Mumbai DWCDO and superintendents of prisons in the state.

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6 A scheme under which the district libraries loan 25 books at a time to existing libraries on payment of a deposit of Rs. 500/- and Rs. 150/- as fees for two years.
2009-2010

- In July 2009, Prayas organises a one-day workshop for representatives of the Library and Prison Departments, Prayas staff and NGOs working in prisons, to address issues such as ways to strengthen prison libraries, available library schemes and the issue of co-ordination between prison staff and the district libraries. The recommendations of the Workshop were forwarded to the D.I.G. Prisons (Southern Region) for his perusal.

- On a suggestion made to DIG Prisons (Southern Region), a circular is issued to prison superintendents in his jurisdiction to report on the progress made in strengthening prison libraries with the support of the libraries department.

2011

- Ten prisons now have library membership (Mumbai, Thane, Taloja, Nasik (Borstal School), Nagpur, Aurangabad, Alibaug, Jalgaon, Wardha and Chandrapur prisons). Four prisons are in the process of obtaining library membership (Morshi Open Prison (Amravati), Amravati Central Prison, Nasik Central Prison and Akola District Prison).

- In response to a suggestion by Prayas, Additional D.G. Prisons issues a circular to all superintendents of the District Prisons, regarding the allocation of budget head for payment of library fees to district libraries. The deposit amount of Rs. 500.00 and membership fees for two years of Rs. 150.00 can be debited to the budget head of Prisoner’s Welfare Fund, thus removing the hurdle being faced by prison superintendents to where to debit this expenditure.
6. Promoting New Initiatives in CJS

As the work of Prayas has taken roots, it has spiraled off similar initiatives in other parts of the state and outside through the setting up of NGOs and field placements by colleges of social work and law in criminal justice settings, especially in prisons and women’s and children’s institutions. Prayas has attempted to actively support such initiatives through visits, organising workshops and meetings and sharing of experiences (through documentation). Prayas believes that a larger climate needs to be created for social work intervention in criminal justice and allied settings to take firm roots in the country, which in turn, would help in creating a lobby for law and policy change towards the social inclusion and rehabilitation of persons in custody or living at the margins of society.

*Milestones*

2008-2009

- **An NGO Forum meeting is organized in TISS attended by six organizations and twelve individual members** to share their experiences and views on issues relating to working with marginalized groups affected by criminal justice processing and related issues. Some of the issues identified during the meeting is the need for a rehabilitation policy for prisoners and the need to resist the deputation of police officers to the prison department. The idea of starting a newsletter highlighting work of the organizations, criminal justice reforms as well as preventive work at the community level is discussed in the meeting. This meeting is followed by three meetings during the year i.e. in June, October and December 2009.

2009-2010

- **The NGO Forum is named ‘Forum for Socio Legal and Rehabilitation Initiatives’**. The founding members of the Forum are Prayas, Sudhar, VARHAD, Sahyog Trust and Sahyadri. Besides, local NGOs from Mumbai working in the prisons of Mumbai, Thane and Kalyan are also invited.

- **The Fellowship programme** of the Unit got a boost in 2009 when Prayas receives proposals from individuals who desired to start work in custodial institutions. Based on a process of intensive scrutiny, **six Fellowships are granted for initiating work in the field of criminal justice** in Chandrapur (to work with women and youth offenders and their children), Amravati (to explore services for families of homicide victims), Akola (to explore extending the services of the District Legal Services Authority inside the Prison), Solapur (to work towards the rehabilitation of juveniles in conflict with the law), Bharuch (to explore the needs of families of the offenders housed in the Bharuch Sub-Jail and Bharuch ‘A’ Division Police Station) and Nagarcoil (to work with children of prisoners).
• **A three-day training program is organized for Fellows** in July 2009. The programme included topics such as social work in prison, court and police station; work with women prisoners, youth prisoners and children of prisoners; cases coming to the police station; and legislations such as Probation of Offenders Act, 1958, Juvenile Justice Act, 2000, IPC, Cr.P.C., etc. The programme helped in the interaction between Fellows, exposing them to newer avenues within the field of criminal justice and in gaining knowledge and information about the field.

• **A five-day training programme on ‘Legal Information & Documentation’** is organized for Fellows, staff of Prayas and other NGOs working in the field of criminal justice. The topics selected were:
  - Overview of the criminal justice system in India
  - Constitutional rights of prisoners and prison reforms
  - Bombay Police Act, 1951 and police reforms
  - IPC, Cr.P.C. and Evidence Act
  - Probation of Offenders Act, 1958 and its importance in rehabilitation
  - Immoral Traffic Prevention Act, 1956, its rules and implementation
  - Juvenile Justice, 2000 & Borstal Schools Act, 1929
  - Prevention of Beggary Act, 1959 & its process of rehabilitation
  - Right to Information Act, 2005 & its implementation
  - Personal Laws & Protection of Women from Domestic Violence Act, 2005
  - Documentation Skills

• Support and guidance is extended to two NGOs based in Yavatmal and Aurangabad. The NGO based in Yavatmal has initiated work in the prison through counseling on HIV/AIDS, adult literacy classes and career guidance to youth in prison. The NGO based in Aurangabad has initiated a library project in the prison.

• On 14th November, 2009 i.e. Children’s Day, a workshop on children is organised by Sahara Society, Yavatmal, with the support of Prayas. The Workshop was attended by various NGOs, students from MSW colleges, faculty, etc.

• Prayas presents a paper on **Role of Social Work in the Correctional Settings** at the **Eighth State Level Seminar on Correctional Administration organised by the Kerala Prison Department at Thrissur**. Participants included prison officials from district and central prisons of the State.
7. Police

In the course of its work, Prayas has had to liaise with the police on a range of issues such as re-arrest or preventive action against Prayas clients (due to past criminal record), rescue and repatriation of commercially sexually exploited women, admission of destitute persons into hospitals and shelter homes, and access to justice for marginalised sections through police action. This has been possible through a process of continuous dialogue with ground level and higher police officials, which has yielded rich dividends.

Milestones

City Police:

2009-2010

- Prayas decides to resume its efforts towards establishing social work services for persons reaching the police. Prayas receives permission from D.C.P. Zone VI to organize meetings with the police staff at the beat and police station level to discuss this issue with them. Meetings are held with police staff and the response of the police is positive.

- Prayas highlights the need for trained social workers at police stations before various fora such as the Minorities Development Department and the State level Committee on Implementation of the Sachar Committee Report.

Railway Police

One of the issues that emerged from the work of Prayas at police stations is that of the situation of destitute women and girls who have left their families and vulnerable to sexual and physical exploitation. It was felt that such women usually travel by buses and trains and reach the city alone or with a person/s who then push them into exploitative situations. In order to explore this issue further, Prayas initiated a study of destitute persons found on railway premises, leading to starting social work intervention at the CST Railway Police Station.

2008-2010

- Following the Mumbai terror attacks, there is increased and vigorous patrolling at all railway premises by the police, leading to the ‘removal’ of ‘unauthorised persons’ from railway premises. This leads to a situation whereby the poor, the homeless and those vulnerable to exploitation are forced to shift their base away from the railway premises to nearby areas of the city. Under these circumstances, it becomes increasingly difficult for Prayas to work at CST. Prayas ends work at CST Railway Police Station in the light of these circumstances.
9. Research and documentation

Over the years, Prayas has systematically focussed on generating knowledge from the field through documentation of its experiences which have helped in advocating changes at policy level, changing perceptions about persons in crime and rehabilitation of persons in custody, and generating teaching and learning resources for students of social work, law, counselling and allied subjects at the graduate, post-graduate and doctoral levels. Prayas has also engaged with the media with the objective of sensitizing the media and the public around issues of crime, commercial sexual exploitation, destitution, custodialisation of vulnerable sections and their legal rights and rehabilitation. Some of the documents and publications of Prayas include:

10. A Study of the Socio-Economic Situation & Rehabilitation Needs of Women in Dance Bars, 2005
11. Forced Separation: Children of Imprisoned Mothers, 2002
15. Annual and Biennial Reports

- Two short films of the durations of four and six minutes on Prayas and on the rehabilitation issue have been made by media students. Over the years, newspaper and magazine articles featuring on issues around which Prayas works include rehabilitation of trafficked victims, children of prisoners, problems of under trial prisoners, prison reforms, etc.
10. Bharuch Unit

Prayas Bharuch unit has been interacting with the system to bring about changes in government policies and programs:

2008-2010

- In addition to working with under trial prisoners in Bharuch Sub Jail, Prayas also intervened in the cases of convicted prisoners. The social worker wrote applications for parole and furlough, and followed up on them with the administration. The worker also extended support to prisoners and their families to avail of the Kaidi Sahay Yojna and other government schemes.

- Due to the intervention of Prayas, the lawyers of the District Legal Services Authority are using sections of Domestic Violence Act, and magistrates are encouraging lawyers to make use of the Act.

- It was observed that Nari Suraksha Kendra was not offering any rehabilitation programme for women in crisis. Thus, a training programme in tailoring and beauty treatment was organized for the inmates of Nari Surakshan Kendra, and for inmates of Juvenile Home for Girls.

- To reach out to women in crisis and youth in crime, Dy. Superintendent of Police issues letters to all police stations in the district, informing them about the work of Prayas and to contact Prayas in regard to the training and rehabilitation needs of the women and youth.

- I.G. (Prisons) shows interest in work of Prayas and is interested in facilitating such initiatives in other prisons of Gujarat. Prayas, Bharuch follows up the matter with the prison officials and also with I.G (Prisons). The I.G. directs prison superintendents to plan various welfare programmes in prison with the help of NGOs. Prayas co-ordinates various awareness programmes on van mahostav, vyasanmukti, use of library, and organising sports activities for inmates.

2011

- Prayas Bharuch starts work at Juvenile Justice Board and Observation Home in Bharuch to work with juveniles in conflict with law.

- Prayas starts work at the Mahila Police Station, Bharuch.