

**Prayas**  
**A Field Action Project of the Centre for Criminology and Justice, School of Social Work,**  
**Tata Institute of Social Sciences**

**Impact on Field, Policy, Law and Procedure (February 1990 – March 2023)**

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 thirty 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 redressal 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 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 ten broad components:

1. Children of prisoners
2. Prison reform
3. Children in conflict with law
4. Police
5. Legal aid and courts
6. Co-ordination between sub-systems of the Criminal Justice System (CJS) and allied systems
  - a. Women in custody and institutions
  - b. Probation services and schemes for prisoners
  - c. Health rights for persons in custody and institutions
  - d. Activating prison libraries
  - e. Department of Youth Affairs and Sports

- f. Municipal administration
- 7. Promoting new initiatives in the CJS
- 8. Training and capacity building
- 9. Research and documentation
- 10. 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**

### ***1993***

- The Family Support Unit of Prayas starts as a result of a study done by a student of Department of Criminology and Correctional Administration of TISS on the “Effect of Women’s Imprisonment on Their Children”. It was evident in the course of work in Mumbai Central Prison, that children of incarcerated women need support and assistance, both inside and those left outside.
- Through the work of Family Support Unit, Prayas is able to impact on the following aspects:
  - Service delivery: attempt made to address issues such as health, education, job placements, legal illiteracy, etc. of families of prisoners, especially children.
  - Identifying existing child welfare services in the city and match them with the needs of the target group, which involves networking and exploring existing suitable government and voluntary sector schemes and services available.
  - Providing support and alternatives to children who become vulnerable to deviance and destitution and may become delinquents or adult offenders at a later stage.

➤ Developing insights and preparing documents in order to bring the problems of this group into focus and try to effect changes in government policies as well as services offered by various child welfare organisations.

***1995***

● Action Research Study on children of prisoners initiated to study the issue of children needing care and protection left outside prison with the objective to make this group visible and help set up services for this group.

### ***1996***

- Prayas receives permission to set up a Research and Documentation Unit inside Tihar Prisons. This unit works towards the study undertaken on the issue of children of prisoners.

### ***1999***

- Prayas social workers receive permission from the Juvenile Welfare Board to meet and interact with children in the Observation Home (during the course of their work with juveniles transferred from prison to the Observation home).

### ***2000***

- The Executive Health Officer of the Public Health Department, BMC, issues a circular to all Medical Officers of Municipal Hospitals making it mandatory to include the permanent address of the mother in the birth certificate of children of imprisoned mothers (and not the prison address).

### ***2002***

- The study initiated in 1995 results in the first publication of Prayas “Forced Separation: Children of Imprisoned Mothers”.
- Efforts to include this group of children in the list of children in especially difficult circumstances results in the inclusion of children of prisoners in the definition of vulnerable groups of children in need of care and protection, in the Maharashtra State Policy on Children and the National Plan of Action for Children 2005.
- The UNICEF Country Report for the National Plan of Action for 2003–2007 includes this group in the list of children in need of care and protection. The report was an outcome of the deliberations in a regional workshop organized by UNICEF at TISS, where Prayas made a presentation on the situation of children of prisoners.

### ***2003-2005***

- I.G. (Prisons), Maharashtra State, issues a circular to Byculla and Kalyan District Prisons for construction of *balwadis* outside the prison premises.

- A Writ Petition filed by PUCL about the situation of women prisoners at Byculla District Prison in Mumbai High Court, leads to the formation of a Committee which gave several far reaching recommendations to improve the situation of women prisoners and their children. Prayas was a member of this committee appointed by the Hon'ble High Court. Based on the report of the Committee, the Hon'ble High Court passed the following directions:

- Setting up of a *balwadi* outside the prison premises for children inside prison, to be run by Pratham, to be funded by the Government of Maharashtra.
- Up scaling the diet of pregnant and nursing mothers and children inside prison, based on the recommendations of a Diet Committee set up by the Hon'ble HC.
- Up scaling articles of personal hygiene for prisoners and their children like soap, oil, sanitary napkins, etc.
- Appointment of welfare officers to look into the needs of women prisoners and their children
- Setting up of a panel of visiting doctors from JJ Hospital consisting of a gynaecologist, a paediatrician, a skin specialist and psychiatrist to visit the prison once a week.

- After the need to facilitate *mulakats* between mothers and children was brought up by Prayas, a G.R. is issued by the DWCD, directing Probation Officers to initiate meetings between imprisoned women and their children left outside and those residing in children's homes in the state.

## **2006**

- Prayas intervenes in a Supreme Court PIL on under trial prisoners (R. D. Upadhyay Vs. State of A.P. and Others), by presenting the findings of the study on children of prisoners. Following this, the SC passed orders for implementation of suggestions made in the book, in regard to setting up of balwadis outside prisons, up scaling the diet of pregnant women, nursing mothers and children, special provisions for health care of children, provisions for visiting paediatrician, and psychiatrist inside prison; and provisions for special clothing and utensils for children. In addition, SC passed orders wherein the mother's permanent address was to be declared in the birth certificates of the children (and not the prison address).

- In the light of the orders passed by the SC in R.D. Upadhyay Vs State of A.P., I.G. (Prisons) issues a circular to all prisons in Maharashtra to implement orders passed in regard to children of prisoners. Some of the directions in the order have been implemented.

## **2008**

- To ensure the implementation of the Supreme Court orders for children of prisoners, Prayas organizes a State level Workshop in Pune in collaboration with the Office of the I.G. Prisons, Maharashtra, whereby the prison administration, probation department and NGOs working with children of prisoners were brought together to discuss the implementation of the judgment. The Workshop was also used to draw attention to the adverse situations of children who are temporarily orphaned when their parents are arrested and more so their need for services which is not as yet recognized. Prayas forwarded copies of the judgment to governmental and non-governmental agencies so as to generate awareness about the development among concerned parties. The prison department issued guidelines to all prison superintendents in the State to take all necessary steps to implement the Supreme Court directions, as a result of the Workshop.
- Prayas identified the Integrated Child Development Scheme (ICDS) as a potential scheme to be applied within prison. A preliminary note was prepared for the ICDS Commissioner, Maharashtra. 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.

## **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. A format for data

collection was drafted by CCJ, TISS and *Prayas* and the same was sent to Secretaries of the DWCD and Inspector General (Prisons) in fourteen States. Replies were received from Rajasthan, Haryana, Mizoram and Central Region in Maharashtra. The issue however, did not lead to any concrete result due to the lack of response from most states and the lack of support from the NCPCR to push the issue with the state governments.

### ***2011 – 2012***

- The Prison Department issued a circular to all superintendents of prisons, to approach the officials from the DWCD at the district level to start Anganwadis in their respective prisons for children of women prisoners. Some superintendents approached the Child Development Project Officers requesting them to start Anganwadis under the ICDS in their prisons.

### ***2012 – 2013***

- In a meeting with superintendents and NGOs organized by the Addl. DG and IG Prisons, Prayas raised the issue of setting up Anganwadis for children of prisoners under the ICDS project. Prayas also continued correspondence with the Departments of Home and Women and Child Development to push for the issue.
- DWCD extends the ICDS for children living in prisons and sets up Anganwadis at Byculla Women's Prison and the Women's Section of Yerawada Central Prison, Pune.
- A sensitization workshop was organized by Prayas for the Police officers in Maharashtra regarding precautions to be taken by the police at the time of arrest of women, with regard to the care and protection of their children. This resulted in guidelines being issued by the Maharashtra Police regarding protection and care of children of women at the time of their arrest.

### ***2013 – 2014***

- In a meeting of the State Inter-Departmental Committee on Prisoners, Prayas raised the issue of setting up Anganwadis under ICDS in all Central Prisons in the state. The proposal was accepted in principle and assurance given that this would be implemented in a phased manner.

### ***2014-19***

- Based on the Prayas study on children of prisoners, titled *Forced Separation: Children of Imprisoned Mothers* (2002), the Bombay High Court has admitted a Suo Moto PIL in 2014



on the steps that need to be taken by the State to address problems faced by children of women prisoners left outside. Prayas was appointed as an Amicus Curae in the PIL. Prayas submitted a note on the issue in one of the hearings of the PIL on February 25, 2015, which includes recommendations for departments concerned to address the issue. During these hearings:

- The DWCD submitted an affidavit related to the schemes for children of prisoners and facilities to be provided to the women and their children inside.
- SLSA submitted an affidavit regarding the free legal aid facility for the prison inmates, increasing the honorarium of government appointed lawyers, allocating money for documentation, administration and travelling.
- The affidavit submitted by the Home Department was related to the facilities inside prison for the women and their children. They agreed to provide a refrigerator inside the Women's Section of each prison to store milk for consumption of children inside the prison with their mothers.

The final orders in this PIL were passed on 12<sup>th</sup> October 2017 and included:

- Appointment of lady Probation Officers in prisons to look into the welfare and rehabilitation of women inmates and their children.
  - Recognition of at least one NGO per district to look into the welfare and rehabilitation of women inmates and their children.
  - Suggesting an increase in the budget provision of the Grant-in-Aid for released prisoners from 12 lakhs to 2 crores.
  - Suggesting an increase in the sponsorship amount for children of prisoners left outside under the Bal Sangopan Yojana from Rs. 425/- per child pm to Rs. 1000/- per child pm.
- Due to Prayas efforts, anganwadis have been started under the Integrated Child Development Scheme (ICDS) 8 prisons in Maharashtra. (Byculla, Kalyan, Thane, Yerawada, Nasik, Nagpur, Aurangabad and Kolhapur prisons).
  - In 2017, a study was conducted at the request of Dr. Bhushan Kumar Upadhyay, ADG Prisons, Maharashtra, to understand the impact of the *Galabhet* scheme started by the Prisons Department, under which children of prisoners left outside meet their parents in prison once a quarter through face to face meetings. Prayas interviewed more than 150 prisoners, family members of the prisoners, and prison staff across Nagpur, Aurangabad, Nashik and Pune prisons. The major finding included the positive response of the prisoners to the programmes and improvement in their emotional state on account of meeting their children in person. The prison staff welcomed the programme and stated that it helped in better prisoner management due to improved mental condition of prisoners. Based on the study, the ADG Prisons recommended to the Home Department to issue a GR to officially

- Prayas submitted suggestions related to the amendments proposed by the Ministry of Women & Child Development in the Integrated Child Protection Scheme (ICPS), keeping in mind situation of children of prisoners.
- Prisons Department in Maharashtra issued a circular in 2019 to prison superintendents to allow mulakat between woman prisoner and her children left outside through Video Conferencing (VC) if the children lived in another district, based on advocacy by Prayas.
- Prayas initiated a study to understand and document good practices to improve contact between prisoners and their family members in 2019. The objective is to improve facilities to families during the mulakat, and to promote better systems for family contact.
- A letter of appreciation was issued by the Maharashtra Prisons Department in 2019 to Prayas in recognition of the work done for women prisoners and children of women prisoners.

### ***2020 - 2023***

- Prayas worked hard to ensure that the benefits of the Bal Sangopan Yojana were availed in 8 cases of children whose parents were incarcerated, the files of whom had been given in 2019 to the District Probation Officer in one of the districts (as a test case). Despite many administrative delays, change in authorities and sudden pandemic, the social worker in alliance with the District Women and Child Development managed to sanction the scheme in 5 of those cases (the other 3 became ineligible as their parents were released from prison) in 2021-22. Moreover, post sanction, the social worker faced a range of documentation challenges such as lack of bank accounts, resulting in the delay of the other children getting the benefit too (as the transfer would be done altogether, as told by the authorities). Despite meeting all criteria, the said amount took another 6 months to be processed for all beneficiaries, owing to the constant perseverance and follow-up displayed on the end of the social worker.
- Prayas arranged a mulakat session of a family (children and wife) with their imprisoned relative (father/ husband), even in the dreadful times of the COVID-19 pandemic in Kolhapur District. Devoid of physical contact since 2019, the social worker persuaded and requested the officials for the traditional Mulakat instead of the video conferencing facility. This rekindled family bond lasted in a 2 hour interaction between them and resulted in the expression of gratitude from the inmate towards Prayas for their unconditional support towards his family, in his absence.
- At the request of Prayas, the ADG and IG Prisons and Correctional Services, Government of Maharashtra issued orders to allow mulakat between incarcerated mothers and

their children left outside through video call, due to suspension of physical mulakats on account of the COVID 19 pandemic.

- At the request of Prayas, the Commissioner, Department of Women and Child Development, Government of Maharashtra, issued a circular instructing child care institutions to arrange video calls between children of prisoners living in these institutions and their parents in prison.
- Prayas completed a study on Mulaakat facilities across various states titled, “Prisoners’ Contact with their Families: Procedures, Practices and Experiences, 2020”
- Based on the above study, Prayas organized a series of Webinars to share the recommendations emerging from the study with prison department of southern and northern states in collaboration with the Academy of Prisons and Correctional Administration (APCA), Vellore and the Institute of Correctional Administration (ICA), Chandigarh. Prayas also submitted the report and the recommendations to the ADG and IG Prisons and Correctional Services, Maharashtra, for his consideration.
- A note on the situation of children of women prisoners left outside and suggestions to address the situation was submitted by Prayas to the National Commission for Protection of Child Rights (NCPCR).
- A note on the situation of children of women prisoners left outside affecting their developmental needs and problems faced in continuing education, and suggestions to address the situation were submitted by Prayas to Delhi High Court.
- Prayas wrote a letter to Maharashtra School Education Minister Shrimati Varsha Gaikwad highlighting the problems faced by children of imprisoned parent/s in terms of schooling and the need for educational support (schooling facility) for the children. Based upon the letter, the Ministry has responded for a meeting with Prayas. Prayas continues to follow up with the Ministry on the same.

## 2. Prison Reforms

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.

### *Milestones*

#### *1990*

- Full-time social work starts in Mumbai Central Prison (Young Male Section), to work with under trial prisoners after five years of student fieldwork through the Department of Criminology and Correctional Administration, TISS. The initial focus of work is on casework, group work, coordination with prison administration, legal services, and contacting the families outside towards improving access to justice and rehabilitation.

#### *1993-1994*

- Prayas was requested by the Bombay High Court to intervene as a *Party Respondent* in a Suo Moto Writ Petition on the situation of under trial prisoners in Maharashtra, (*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.

### ***1996***

- Impact of Prayas' work in the criminal justice system seen through the interest, generated amongst NGOs and individuals to initiate work in this area. In 1996, the then Commissioner of Bilaspur Division in M.P., Mr. Harsh Mander, requests Prayas to help the district administration with prison reforms initiated there. Accordingly, the Superintendent, Bilaspur District Jail makes a visit to Prayas along with his team. Prayas team subsequently goes to Bilaspur to conduct a training programme for NGOs and jail officials. Result of this collaboration takes shape in the form of a project (Kiran) in Bilaspur. Similarly, other organizations in Nashik (Abhivyakti), Ahmedabad (Gram Vikas Kendra), Jalgaon, Pune and other parts of rural Maharashtra start communicating with Prayas and express their desire to start work in prisons.

### ***1999***

- Prayas receives permission from the I.G Prisons' Office, Maharashtra to work in Thane and Kalyan prisons focusing on identifying women and young (male) prisoners who could be referred to judiciary for probation and other deinstitutionalization programmes.
- A corresponding development is permission received from the Director, DWCD, to work with Probation Officers in Thane district, towards developing the probation system.

### ***2000- 2001***

- Prayas receives permission to start work in Byculla District Prison.
- Prayas now covers all prisons in Mumbai and Thane districts. Work is undertaken in Mumbai Central Prison, Thane Central Prison, Kalyan District and Byculla District Prisons.
- A study is done on cases eligible under Probation of Offenders Act and Borstal School Act in Mumbai and Thane Prisons and submitted to the State IDC for follow-up with the concerned Magistrates/District and Sessions Judge. In each case the request of the prisoner concerned and the suggestions of Prayas is submitted - in terms of calling for the P.O.'s report, speedy trial, request for personal bond, release on bail, reduction of bail amount, legal aid etc. In many cases, action is taken based on this information.

## 2002- 2005

- As a result of State IDC meetings, the Dept. of Law and Judiciary writes a letter to the Registrar of Mumbai High Court, to prioritize cases of women and youth (16 to 23 years of age) in prison, for speedy trial.
- Prayas' intervention in criminal justice leads to the following initiatives in prisons, with guidance, support and technical assistance from Prayas, and financial assistance from the SDTT:
  - A student who did her field work in Prayas (Kalyan District Prison), an alumna of TISS, sets up Sudhar, an NGO based in M.P., working in prisons, juvenile institutions and community corrections.
  - An ex-worker of Prayas, and alumni of TISS sets up VARHAD, an NGO working in prisons, police and in the community in Vidarbha region of Maharashtra.
  - A human rights lawyer approaches Prayas with a desire to start work legal guidance and aid in prisons in Western Maharashtra (based in Pune) and sets up Human Rights and Legal Defenders, a project of Sahayog Trust.
  - The Solapur Unit of Prayas helps start field placements of student social workers from Bharatiya Vidyapeeth, Solapur. This leads to the setting up of Sahaydri Trust, an NGO based in Solapur working in prisons and sub-jails.
- Prayas submits a note on women prisoners, released prisoners and children of prisoners to Principal Secretary, DWCD, and Government of Maharashtra to include suggestions made by Prayas for this group in the proposed Maharashtra State Policy for Women.
- At the request of the Hon'ble Lokayukta of Maharashtra, Prayas submits a report related to suggested improvements of the *mulakat* system for prisoners and their families. Most of the suggestions are accepted by the Hon'ble Lokayukta and included in his recommendations to the GoM, which accepts the same and starts the process of implementation. Prominent among them were suggestions to improve facilities within the *mulakat* room so as to provide an element of privacy during *mulakats*, improving facilities for drinking water and toilet facilities in the waiting room/*mulakat* shed, increasing the *mulakat* timings, and replacing the earlier system of submitting a '*mulakat* form' by the relative concerned, by way of an entry in a '*mulakat* register' to be maintained by a prison guard, at stipulated timings every day.
- *Pratham*, an NGO working on child rights, starts balwadi and literacy classes in prisons in Mumbai and Thane districts, at the initiative of Prayas

## 2005-2006

- A writ petition filed by PUCL about situation of women prisoners at Byculla District Prison in Mumbai High Court, leads to the formation of a Committee which gave several far reaching recommendations to improve the situation of women prisoners and their children. Prayas was a member of this Committee appointed by the Hon'ble High Court. Based on the report of the Committee, the Hon'ble High Court passed the following directions:

- Setting up of a panel of visiting medical officers from JJ Hospital consisting of a gynecologist, a pediatrician, a skin specialist and psychiatrist to visit the prison once a week.
- Appointment of a full-time female medical officer for the Women's Section.
- Appointment of welfare officers to look into the needs of women prisoners and their children (yet to be implemented).
- Suggesting measures to improve the situation of lack of police escort for taking prisoners to court on their dates of appearance.
- The HC asks the State to submit data of all under trial prisoners in Maharashtra, to verify whether there are any under trial (UT) prisoners who have spent more than the maximum possible sentence under the charge for which they have been arrested. The said data of more than 25,000 UT prisoners was submitted to the Court by the prison department and was subsequently verified by Prayas, at the request of the Court. A list of prisoners was then submitted to the Court, after examination, based on which two under trial prisoners were identified who had exceeded their maximum sentence, both of whom were from Kalyan District Prison. The Hon'ble High Court immediately set the two prisoners free and the government was ordered to pay a compensation of Rs. 75,000/- and Rs. 50,000/- to each of them.
- *PUCL*, with the help of Prayas, also submitted a list of UT prisoners who have completed more than one-third, more than 50 per cent and more than two-thirds of the maximum sentence as under trials (in cases where the maximum sentence was less than ten years), praying that they may be released on personal bond. Accordingly, such prisoners were set free on personal bond.
- Based on Prayas' recommendation, the Hon'ble Court passed general directions for release of under trial prisoners on personal bond based on certain criteria - any under trial prisoner, who is arrested in a case where the maximum sentence is less than three years, and the prisoners has spent more than six months from the date bail was granted to him/her, the UT should be released on personal bond. Similarly, if an under trial prisoner is arrested in a case where the maximum sentence is less than seven years and the prisoner has spent more than one year as an under trial from the date that bail was granted to him/her, the prisoner should be immediately released on personal bond by the magistrate/judge in the said case.

- In a related PIL (*Rajendra Bidkar and Sunil Shinde Vs. State of Maharashtra*) on non-production of UT prisoners on their court dates, the HC asks the State to examine the feasibility of producing UTPs through the videoconferencing facility, instead of physically producing them in court, during the remand stage i.e. before the actual trials start in their cases in courts.
- Prayas sends a team of its workers to Andhra Pradesh to study the implementation of the videoconferencing facility in AP prisons. Based on the findings of the team, a set of guidelines were submitted to the Hon'ble HC, regarding precautions to be taken if this facility were to be started in Maharashtra. The HC passed an order incorporating many of these guidelines, a first in the country.
- The State IDC issues a G.R. constituting District IDCs in all districts under the chairmanship of the district judge to monitor problems of prisoners at the district level. Prayas suggests that NGOs working on prison issues should be included in these committees to increase transparency and bring field level problems to the notice of the authorities concerned. The G.R. is amended incorporating this suggestion.
- Prayas organizes a State Level Workshop on Social Work Intervention in Criminal Justice, in collaboration with the *Bombay Association of Trained Social Workers (BATSW)*, to promote field placements and projects by colleges of social work in Maharashtra and NGOs.

## **2006**

- Prayas initiates a scoping study in collaboration with the Commonwealth Human Rights Initiative (CHRI), Delhi, to create database on the civil society interventions within prisons across states in the country.
- Prayas team visits Nanded district and helps the Department of Social Work, *Swami Ramanand Teerth (SRT) University*, as a follow-up of the *Prayas-BATSW* Workshop, to start field placements of social work students in prisons and police stations. A workshop is organized by them with the support of Prayas on the Probation of Offenders Act and provisions relating to release on personal bond and legal aid.
- *Yuva Parivartan*, an NGO working on vocational training for youth in slums, starts vocational training activities in prisons in Mumbai and Thane districts, at the initiative of Prayas.
- Prayas receives a one-year funding support from UNDP for promoting legal access to justice for under trial prisoners in Mumbai and Thane districts, under the Strengthened Access



to Justice in India Phase I (SAJI-I), a joint collaboration of the UNDP and the Department of Justice, Ministry of Law and Justice, G.O.I., Delhi

## **2007**

- Prayas organizes two district-level Seminars for the judiciary and one State-level Workshop probation officers under the SAJI-I Project. The seminars and workshop were on themes related to release on personal bond, bail and the Probation of Offenders Act. The recommendations from these initiatives are followed up with government departments concerned and the judiciary, towards their implementation.
- The Prayas team visits Ratnagiri district to promote work in prisons amongst NGOs in the district. One of the NGO volunteers starts a library inside prison. The Principal of Law College, Ratnagiri, agrees to start a legal aid clinic inside the prison. *Pratham*, another NGO, agrees to initiate literacy and computer literacy classes inside the prison.

## **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-liaison 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 organized 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.

## ***2009-2011***

- 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.
- Prayas enabled 9 prisons in the state to get library membership of the nearest district libraries through a joint collaboration between the Prisons and the Libraries Departments, initiated by Prayas.

## ***2011-2012***

- A petition was filed in the Bombay High Court by the India Centre for Human Rights and Law as a consequence of a note prepared by Prayas highlighting the issue of the wrongful arrest of Nepali women travelling with false passports on their way to Middle Eastern countries. These women were trafficked by agents for the purpose of domestic labour. Instead of arresting the agents and traffickers, the women were arrested and lodged in Byculla District Prison. Through the intervention of student social workers placed in the prison for their field work, Prayas came across many such cases of women arrested under the Passports Act. It was realized that they were duped by agents who continued to control their lives through arrangement of lawyers and maintaining contact with them even after their arrest and imprisonment. Based on the note prepared by Prayas, ICHRL filed a PIL in the Bombay High Court which led to the Hon'ble Court passing orders that such women should be treated as victims and kept in a protective home and only after further investigation, may be arrested, if it was found that they were involved in the forging of passports or has some involvement in the illegal immigration process.
- Based on the orders of the Bombay High Court, The Ministry of Home Affairs, GoI, issues an *Advisory to State Governments* asking them not to arrest women with false/forged passports from neighboring countries and keep them in protective custody pending investigation regarding their involvement in the alleged offence.
- The Bombay High Court, in a PIL filed by the Commonwealth Human Rights Initiative (CHRI), passed an order that Prayas should be invited to be a member of the visiting

committees to be constituted by the district collectors, who are charged with the responsibility of administering the sub-jails in the various districts in the state.

### ***2012-2014***

- Prayas intervention enabled functional library facilities for inmates in institutions including Male Beggars Home (Chembur), Kasturba Mahila Vastigruha (Chembur), Navjivan Mahila Vastigruha, Satara Reception Centre for Women and in prisons of Satara and Sangli.
- As an outcome of Prayas raising the issue of starting PCO facilities for prisoners to communicate with their family members in the State IDC meetings, the Prison department starts PCO facilities for convicts in Thane Central Prison as a pilot project.
- The Principal Secretary, Home Department accepts the Prayas proposal to appoint trained social workers as Prison Welfare Officers in Central Prisons in the state. A proposal to this effect is sent by the Home Department to the Finance Department based on a note submitted by Prayas to the Home Department. A decision in this regard is pending with the Finance Department.
- A note on ‘Under Trial Women Prisoners – Problems regarding Rehabilitation’ was submitted to the UN Special Rapporteur on Violence against Women, Ms. Rashida Manjoo, during a meeting organized by Akshara, an NGO working in Mumbai on issues relating to violence against women. The meeting was held in Yashwantrao Chavan Auditorium on 26th April’13. About 30 NGOs were present for the meeting where issues related to the problems of women were discussed.
- Prayas is requested by the Allahabad High Court to visit prisons in the state of Uttar Pradesh and submit a report to improve the situation of prisons in the state (Criminal Writ-Public Interest Litigation No. 2357 of 1997 read with Criminal Appeal No.2773 of 2005). Accordingly, a team from Prayas visits prisons across the state of UP and submits a comprehensive report giving short-term and long-term suggestions and recommendations to improve the condition of prisoners and prisons in the state. The Hon’ble Court has passed detailed orders asking the prison and allied departments to implement the recommendations made by Prayas in its report.

### ***2015-19***

- In 2015-16, Prayas submitted suggestions to improve the situation of women prisoners and children of women prisoners to the Supreme Court in a PIL (Re-Inhuman Conditions in 1382 Prisons) through the Amicus Curae appointed in the case, Adv. Gaurav Agrawal.

- Prof. Vijay Raghavan, Project Director, Prayas, was invited as a member to attend meetings of the Advisory Committee on Prisons and Correctional Administration by the Bureau of Police Research & Development (BPR&D), MHA, GOI.
- Prof. Vijay Raghavan, Project Director, Prayas, was invited as a member Member, Prison Training Manual Drafting Committee, BPR&D, MHA, GOI.
- Prof. Vijay Raghavan was invited as a member, Dr. Justice Radhakrishnan Committee on Prison Reforms, Maharashtra, and Prayas was able to include many suggestions relating to prison reforms in the report.
- Prayas suggestion of allowing under trial prisoners to make phone calls to their relatives through the PCO facility (initially for convicted prisoners) was accepted by the Maharashtra Prisons Department and the same was extended to them.
- In 2017, members of the Maharashtra State Commission for Women (MSCW) visited the Byculla District Prison after the custodial death of a woman prisoner, Mamjula Shetye. The National Commission for Women asked Prayas for a report on the work carried out by Prayas and its experience with the prisoners and the prison staff. Prayas prepared a note in which insights gained from our work with the prisoners and the members of the staff were included.
- In 2017, Prayas was invited to submit suggestions to MCSW Special Investigation Team to investigate the death of Manjula Shetye. Prayas suggested:
  - Measures to improve the mental health of the prisoners as well as the staff members. This included space for staff to rest and for lunch.
  - Regular sessions on mental health.
  - A space for women prisoners to meet and interact with their children.
  - Regular escorts to produce the prisoners on their court dates.
  - A telephone facility for the prisoners to talk to their children
- Based on Prayas suggestion to the Dr. Justice Radhakrishnan Committee on Prison Reforms, a GR was issued in 2018 by the Home Department on remission for convict prisoners who returned late from their parole. Earlier, if a convict prisoner returned late from their parole, they would not be eligible for remission. The new GR states that such prisoners are eligible for consideration for remission, based on their good behaviour in prison.
- Based on advocacy by Prayas, a circular was issued by Addl. DG and IG Prisons, Maharashtra, in 2019, stating that convict prisoners who complete their SSC, HSC, graduation,

post-graduation, M.Phil or PhD will get additional remission in their sentence (which means lesser number of days to serve as a prisoner).

- A notification has been issued in 2019 by Telangana Prisons Department advertising for posts of social workers in prisons. This is an outcome of discussions with the DG Prisons and prison officials of the Telangana Prisons Department.
- A Pilot Project on Welfare and Rehabilitation of Prisoners in Maharashtra was initiated through a MoU between the Tata Trusts and the Home Department, Government of Maharashtra, in 2017. Under this MoU, social workers were appointed in 5 central prisons of Taloja, Yerawada, Nagpur, Nasik and Aurangabad and the Borstal School in Nasik. Prayas was appointed as the training and mentoring partner in the pilot project. Prayas was involved in designing the job description of the social workers, drafting the advertisement for the posts of 18 social workers, participation in the selection committee of the social workers, planning and implementing the one month induction training of the selected social workers and quarterly refresher trainings over three years of the project.
- Prayas initiated a legal aid and bail project from May 2018 in 6 prisons to facilitate legal aid for under trial prisoners at Mumbai, Thane and Taloja Central Prison; and Byculla, Kalyan and Latur District Prisons, supported by the Azim Premji Philanthropic Initiatives. Under this project, 20 Social Work and Legal Fellows have been appointed to work in these prisons under the supervision of Prayas social workers. Prayas is implementing this project in coordination with the SLSA and has placed its Fellows in the District Legal Service Authorities in Mumbai, Mumbai Suburban, Thane, and Latur districts, to improve access to legal aid and bail for under trial prisoners.
- A GR was issued by the Government of Maharashtra to constitute a Project Implementation and Monitoring Committee for the project. This will help in conducting regular meetings with the prison officials to improve the work on legal aid for under trial prisoners.

### **2020 - 2023**

- After the expiry of the MoU between the Tata Trusts and the Home Department in 2021, a MoU was initiated between TISS and the Home Department to continue the pilot project for another 3 years. As per the MOU, Prayas and the Prisons Department have together placed 11 social workers in the 5 central prisons and one Borstal School.
- The social workers work as mediators between prison administration and prisoners to resolve the various difficulties of prisoners. They reach out the inmates in prisons, understand the request made by the inmates and provide various services such as counselling, legal guidance, legal counselling to prisoners family members, visiting court for meeting the

advocates, appoint advocate for prisoners, follow up of cases, provide assistance for health and education for prisoners of children, help to get parole and furlough (contingent leave), support for prisoners family, skills development of inmates, enhancing employment opportunities after released and home visits.

- Based on the legal and bail project implemented by Prayas and National Law University, Delhi in 8 prisons in the state, a joint report was published titled, *Legal Representation for Undertrials in Maharashtra (2018-21)* which was released at a report launch event at the YB Chavan Centre in Mumbai, on 31<sup>st</sup> January, 2023. The report was released by Hon'ble Justice P.S. Narsimha, Judge, Supreme Court and Hon'ble Justice R.D. Dhanuka, Judge, Bombay High Court and Chairperson, Maharashtra State Legal Service Authority. The event was attended by MSLSA and DLSA officials, members of the judiciary, retired High Court judges, prison officials, members of the bar and NGOs working in the field of criminal justice. The report launch was well covered by the print and visual media.
- In February 2023, Prayas submitted a note on a scheme for supporting prisoners towards access to legal aid and facilitating bail for undertrial prisoners to the PMO. The Prayas note suggested a scheme whereby social workers could be appointed on contract basis in prisons across the country - including their role, overall budget, no of beneficiaries and cost saving to the government if such a scheme were to be implemented.

During the Budget Session of Parliament in 2023, the Hon'ble Finance Minister announced a provision whereby the government would create a bail and penalty fund for poor prisoners. Subsequently, on 27th February, 2023, the Ministry of Social Justice and Empowerment, the Ministry of Law and the Ministry of Home Affairs jointly organized a webinar called the Budget Webinar whereby Prof. Vijay Raghavan was invited as one of the speakers to make suggestions on how to develop an implementation strategy to utilize the budget announcement. Prayas suggestions included criteria to identify poor prisoners and its main implementation strategy suggested was to appoint social workers in prisons through a scheme whereby the DLSA or the prison department could be designated as nodal office to appoint social workers OR NGOs could be given grants to appoint social workers.

Based on the presentations made by 16 experts, a three member working committee has not been appointed by the government to work out details of the scheme. One meeting of the committee was held by the Ministry of Home Affairs chaired by the Addl. Secretary, Mr. Shyamal Mishra. Prof. Vijay Raghavan was nominated as one of the members of this working committee. The committee met twice to discuss the architecture of a proposed scheme and submitted its suggestions to design the scheme.

- Submitted three important suggestions on prison reforms to the Parliamentary Standing Committee on Home Affairs: increasing the honorarium for legal aid lawyers, bail reforms and appointment of social workers in prisons.
- Prayas initiated a Wall Painting Programme in Thane Central Prison for a year (March 2022-April 2023) in collaboration with Akzonobel India Ltd and implemented by Global Hunt Foundation. It offers prospects for prisoners (whose case is completed) to join a multinational company, allowing apprenticeship for 2 months in Chennai and 2 years in Mumbai.
- Prayas's work during the COVID crisis (first wave) was recognized and appreciated by the Thane Prisons Department. In the second wave, an appreciation letter was given by the Superintendent of Byculla District Prison for supply of sanitary napkins for women prisoners through Prayas.
- Based on a suggestion made by Prayas before the Bombay High Court in the Suo Moto PIL on the situation of children of women prisoners (Writ Petition No 107/2014), the Government of Maharashtra has increased the budget of the Grant-in-Aid to Released Prisoners from 12 lakhs to 1 crore for the financial year 2020-21.
- An orientation programme was organized for newly appointed prison officers of Bharuch District Prison to discuss the role of Prayas social workers and prison officers in the rehabilitation of prison inmates. 22 prison officers along with the prison Superintendent and Jailor participated in the programme. A detailed presentation of the rehabilitation work of Prayas was discussed in the programme. The programme helped the social workers in restarting work in the prison after the COVID- 19 pandemic. Most of the prison officers were new but they were able to understand the work of rehabilitation done by Prayas. The programme proved helpful in developing a rapport with the new prison officers. The prison officers became aware of their role as rehabilitation officers.
- Prayas organized webinars for prison officers on rehabilitation of prisoners in collaboration with the ICA, Chandigarh. Prayas also organized online training programmes for prison and probation officers in Bihar in collaboration with the Bihar Institute of Correctional Administration (BICA).

### **3. Children 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 Juvenile Justice Board (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 children in conflict with law (CCL) in Mumbai.

#### ***Milestones***

##### ***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.

##### ***2011-12***

- 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.



### ***2012-14***

- Prayas is given space in the Observation Home by the Juvenile Justice Board to work with juveniles in conflict with law inside the observation home.
- Prayas enlarges its networks with de-addiction centers, sponsorship organisations and NGOs to access welfare and rehabilitation services for the rehabilitation of juveniles in conflict with law.
- The Juvenile Justice Board starts a system of referral of children to Prayas for counselling, community service, supervision, rehabilitation and also asking for its opinion in specific cases while passing orders.

### ***2015-19***

- Balak Palak Melavas are organized annually for released children. Every year there is an increase in the number of the children's participation. It gives an opportunity for the children to share about vocational training courses they have completed and achievements about their placement, challenges and problems that they face post release with the family and police. The platform also gives an opportunity for the family members to share their experiences and support provided by Prayas. Another important highlight is that it facilitates meetings of Juvenile Justice Board (JJB) members, parents and released children. Guests for this annual event include Metropolitan Magistrates, JJB members, Superintendent of Observation Home, police, DWCD officers and donors. Vocational training institutes are also invited to share information about their institutes to the children, exposing them to new courses.
- Prayas has intervened in cases where police refused to issue passports to CCL owing to their criminal background. Prayas spoke to the police officials and based on Prayas intervention, police now provides NOC and passport is issued for such children.
- Police would keep original documents like Aadhar card and birth certificate of the children at the time of their arrest. Prayas brought to their notice that they cannot keep any original document with them; and if need be, to keep attested copies and hand over original documents back to the child.
- Due to Prayas intervention, police officials are regularly informed and made aware about the fact that they should not reveal the identity of a CCL i.e. photographs of the child. Prayas social workers have intervened in cases where they have requested the police officials to delete the finger prints and photographs of a CCL.

- Prayas had a discussion with the police officials on the need to work together on a regular basis. Based on the discussion, a WhatsApp group between Prayas and police officials was formed. The group acts as a platform to discuss and exchange information with police officials on a regular basis on issues pertaining to CCL. Earlier, Prayas social worker had to physically visit police station to discuss any issue. Now, due to the WhatsApp group, trust is developed with the police officials, hence the frequency of Prayas social worker's visits to police station have reduced and discussions with police is held over the phone.

### **2020 – 2023**

- The lockdown period did not undermine Prayas social workers to intervene and help children in conflict with law and their families. Backing in the form of medical assistance, legal aid, ration kits, educational supplies and monetary support was also provided.
- Electrical and driving vocational classes were started in July 2021 at Kopar Khairane and Panvel. Furthermore, through the contacts of the Juvenile Justice Board (JJB), electrical and mobile repair classes were initiated in December 2021 for the benefit of inmates and released clients of the Observation Home. The classes were conducted in 2 batches - morning and afternoon with minimum 10 students in one batch.
- In the year 2021-22, 15 clients appeared through NIOS (National Open School) for the 10th and 12th exams. A donor paid the fees of these 15 students.
- Facilitation by Prayas resulted in the helping of payment of the clients' school and college fees by individual donors, firms and NGOs such as Tata Motors. Over 122 children (boys and girls) were supported financially, among whom a student was pursuing his higher education in Aircraft Maintenance Engineering.
- 470 children were proven to successfully benefit from the diverse programmes under the umbrella of Prayas; while 10 clients were placed in a de-addiction centre free of cost and yielded positive results, 77 children were provided with vocational training. 6 trainees were paid a stipend on a monthly basis. 220 children were provided with legal guidance and information while 122 children were provided with educational support.
- Given the positive relationship with concerned stakeholders, a total of 200 cases were referred to Prayas by the Juvenile Justice Board (JJB) itself, while 20 were self-referrals. Besides, on the special request of the JJB, Prayas submitted 40 Social Investigation Reports.

Popularly known to determine family care options, this report tends to adopt a holistic approach with respect to a child in conflict with law i.e. administering his/her basic details, family relationships, living and economic conditions, history of abuse (if any), social relationships and community support, among others. To conclude, a section is also dedicated for the concerned authority to analyze the given condition of the child and the circumstance in question.

#### **4. 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 marginalized 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:**

##### **1993**

- Prayas starts work at Deonar Police Station, Mumbai with the placement of two full-time social workers after fieldwork placements of TISS students at Matunga and Deonar police stations shows considerable scope for placement of trained social workers in police stations. The groups identified for psycho-socio intervention identified are women, children, youth, psychologically and emotionally disturbed persons, and senior citizens.
- Prayas social workers and students of TISS are actively involved in relief work with victims of the communal riots in Shivaji Nagar area. A Citizen Facilitation Desk is created and one police officer from the Police Commissioner's Office is specially deputed to liaise between the citizens approaching the police station and the social workers based there.
- Work shifts to Shivaji Nagar Police Station, as a result of creation of a new police station after the riots.
- A circular (P.N. Para) is issued by D.C.P. Crime (Preventive) permitting Prayas to issue letters of identity to persons being rehabilitated. Further, the police is directed to inform Prayas if and when a case is registered against such persons.

- TISS submits a proposal to the Director General of Police, Maharashtra, for the need for a cadre of trained social workers in the criminal justice system. The DGP calls for a presentation by TISS on the proposal before a team of senior police officers at his Office.
- Based on the presentation made by the TISS team, the DGP appoints a Police-TISS Committee to examine the Need for a Cadre of Trained Social Workers in the CJS.
- The Committee submits its report to the DGP after six months of deliberations, recommending the need for such a cadre. The recommendation is based on the experiences of the Prayas model and the Special Cell for Women and Children, another field action project of TISS.
- The DGP recommends the creation of a cadre and forwards it to the Home Department, GoM.
- Prayas and the Special Cell for Women organizes a one-day workshop with retired and serving officers from police, prisons, judiciary, probation, women and child development and NGOs to strengthen the need for a cadre of social workers in CJS. The report of the workshop is sent to the Home Department, GoM.

#### ***1994***

- Shivaji Nagar Police Station project ends in 1994, as the scoping of work done and Prayas intends to explore new areas of social work intervention.
- Full-time work starts at Chembur Police Station, focusing on girls, male youth and women in the communities; and police personnel and their families at police lines. Cases mostly get referred under non-cognizable offences, including family conflicts, marital disputes, neighborhood disputes and property matters.
- Prayas initiates work at the police lock-up with first time offenders and young offenders. The services rendered include legal information and advice, and paying home visit.
- A mutually supportive yet non-interfering relationship is developed with the police. After four years of work in police stations, the social worker's presence is seen as a necessary service by the staff at police stations.

- Acceptance also comes in the form of a separate sitting arrangement for the social worker inside the station house and a regular referral of cases from the police. It is also seen that the social worker's presence in the police station subtly makes a difference to reduce corruption and human rights violation.

### ***1996-1997***

- Prayas holds a series of meetings with local youth groups and NGOs to create a lobby for the appointment of social workers at police stations.
- Prayas receives permission from the Addl. C. P., North-East Region, Mumbai to commence work in police stations in Zone VI. Work is initiated at the Ghatkopar Police Station and the lock-up situated there, through student field work.
- As a result of Prayas's continuous work, the role of a social worker in police station gets recognised by the police. The changed outlook of the police towards social workers is evident when Prayas is invited to speak about the role of social work in police stations at a Communal Harmony workshop organized by the D.C.P. Zone V for police station staff.
- As work stabilizes, a positive change is visible in the behaviour of the police towards the citizen approaching the police station, especially in cases of alcoholics, mentally disturbed and women complainants. Awareness increases amongst members of the public about how to access the police station and use its services,
- The presence of social workers in the police station helps lower the number of Non-Cognizable cases being registered with the police, as the socio-legal counseling and pre-litigation work done by social workers helps to settle disputes leading to lowering of formal registration. Another impact of Prayas's work in the field is that community based organizations such as *mahila mandals* and youth groups feel more comfortable in the presence of the social worker at the police station, in pursuing cases they have taken up. Hence, the presence of social worker helps bridge the gap between police and the organizations.
- Prayas receives permission from the D.C.P. Zone II to start work at Nagpada Police Station, with the objective of exploring the role of a social worker working with police towards rescue and rehabilitation of trafficked women and girls. Services include:
  - Socio-legal counselling and information giving,
  - Mobilizing police action towards effective rescue of children/relatives/siblings from the brothel, and recovery of the rescued person's property from the brothel.

- Liaising with the police of Zone II (V.P. Road, D.B. Marg and Nagpapda Police Stations) to carry our 'genuine' raids resulting in rescue of minors and women forced into prostitution.
  - Having regular meetings with the D.C. P. of Zone II and the Addl. C.P. (South Region) to highlight issues and procedures related to rescue, escort, recovery of property, rescue of children / relatives, etc.
  - Conducting sensitization and training programmes with local police to the provisions under the Immoral Traffic Prevention Act and IPC sections relating to rescue and prosecution of traffickers.
- Prayas's intervention makes the following impact:
    - Gives a humane face to the post-rescue phase, when the woman / minor is brought to the police station.
    - Provides the rescued person with moral and emotional support.
    - Exploding myths in the rescued person's mind about being treated as a criminal by the police on being rescued (as oriented by the brothel keepers / pimps),
    - Provides information about procedures being followed and legal rights of rescued persons.
    - Informs the rescued person about possible options to get out of prostitution.
    - Changes the procedures relating to rescue and bringing it in line with the provisions of the ITPA e.g. production of women after rescue before the magistrate within 24 hours of rescue starts, instead of the earlier practice of sending them to the rescue home only with a police referral note. The new practice reduces the scope for manipulation by brothel keepers and traffickers to try to retrieve the person back, by using undue influence on the police, since now every rescued person is under the custody of the magistrate.

## **1999**

- Prayas receives permission from D.C.P. Zone IV to start work in Mahim Police Station. Considering the absence of a victim relief and assistance programme, Prayas decides to take up work with criminally victimized persons and their families. The types of cases include families of homicide victims; cases of neighbourhood disputes; victims of sexual abuse, marital dispute and alcohol abuse; mentally disturbed and their families; harassment of senior citizens; cases of destitute women and young girls in prostitution; burn victims; and children requiring assistance.

## **2001**

- Work at Nagpada Police Station ends, as rescue process changes whereby women / minors now being directly taken to the rescue homes and produced before the magistrate the

next day. This leaves little scope for the social worker at the police station to interact with the women / minors after being rescued. However, the experience leads to the next step, viz, setting up of an Income Generation and Training Centre for Women at Mumbai Central, in response to the issue of alternate options for livelihood for women coming out or willing to come out of prostitution.

- Work at Mahim ends as the social workers at the police station are increasingly being referred cases of family disputes, mentally disturbed persons, marital conflicts, etc. instead of cases of victims of criminal cases, as per the original plan.

### ***2004-2007***

- Social Service Branch of the Mumbai Police issues a circular (P.N. Para) to all police stations in its jurisdiction to extend co-operation to Prayas for cases taken up for the purpose of rehabilitation.
- A meeting is held with the Jt. C.P. (Crime), Mumbai Police to discuss the rehabilitation of youth offenders. This is followed by a suggestion that the D.C.P. Preventive (Crime Branch) of Mumbai Police and Prayas, along with other agencies, should enter into a formal collaboration to rehabilitate youth in crime.
- The initiative taken by the Joint Commissioner of Police (Crime), Mumbai is formalized with the formation of a Youth Offenders' Rehabilitation Cell in Crime Branch, with the D.C.P. Preventive as the Liaison Officer for this Cell. The Cell is to liaise with police stations from across the city to refer cases of youth offenders in the age group of 16 to 21 years to NGOs working for vocational training and rehabilitation of youth.
- A letter is sent to the Addl. Chief Secretary, Home, requesting her to examine the possibility of implementing the recommendations of the Police-TISS Committee on Need for Trained Social Workers in Criminal Justice, which had given its report to the DGP, Maharashtra (in 1993), recommending the creation of a cadre of trained social workers in the CJS. An article appears on this issue in the DNA, whereby the ACS, Home is quoted saying that the government is open to such a proposal.

### ***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.

### ***1998***

- Prayas receives permission from the Chief PRO, Central and Western Railway and S.P Railways, to undertake a survey of women residing in and around stations and officials concerned to identify the dimensions and extent of the problems, effectiveness of existing formal or other responses and resources available to avoid crime against women.

### ***1999-2003***

- As an outcome of this study, Prayas starts work in C.S.T Railway Police Station to intervene in cases of women and children coming to or living in railway premises, whether as victims, complainants or accused persons. Regular patrolling is done to identify cases of women and children in need/distress.
- A circular is issued to railway police stations in the jurisdiction of Mumbai Railway Police Commissionerate to refer cases of women and children to Prayas for psychological and rehabilitative intervention. Cases referred include runaway children, mentally disturbed women, accused persons, women in prostitution, women found begging, etc.
- Work at CST reaches a point where the issue of runaway girls and trafficking of women and minors is being taken seriously by the railway police. Two police constables are deputed to



carry out patrolling and anti-trafficking work at the police station in response to Prayas' suggestion made to the Commissioner of Railway Police.

- Work starts with women found soliciting in railway premises and vulnerable to being arrested under Section 145 B of the Indian Railway Act (indecent behaviour in public place), to motivate them to consider options other than prostitution. Women and young girls found in the station premises by the police are now regularly referred to the Prayas Women's Development Centre and to shelter homes in Mumbai for rehabilitation.
- Prayas presents its work before officers and constables of Railway Protection Force, to sensitise them about Prayas' work with vulnerable women and children and convince them to refer cases.

#### ***2004-2007***

- Prayas gets regular referrals of cases of vulnerable women and children from the GRP and RPF. The two constables engaged in anti-trafficking work at CST work as a team with Prayas social workers, toward the rescue and rehabilitation of women and children found at the railway premises.

#### ***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.

### **5. 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 create networks to strengthen procedures.

### ***1991***

- Prayas receives permission from the Chief Metropolitan Magistrate (C.M.M.), to look into the need for social work intervention in courts. Permission to meet under trials in the lock-up in Esplanade Court (where the Office of the C.M.M. is based) is granted, in view of their rehabilitation.

### ***1992***

- A legal aid worker is appointed to visit prison and identify cases for free legal aid, provide legal counseling to inmates, write applications for them and follow up of cases in courts.
- Prayas builds a strong network of lawyers to take up cases either free or for an honorarium at the Metropolitan and the Sessions courts. This becomes possible due to an increasing appreciation amongst the lawyers about the role being played by Prayas in the CJS.
- Prayas develops a good working relationship with the probation system, whereby cases are referred to probation officers or mutually discussed with them, before the social investigation reports are submitted to court by them.

### ***1993-94***

- A writ petition about the condition of the under trial prisoners, is filed *Suo Moto* by the Chief Justice of Mumbai High Court based on an article published in Times of India on the issue, where Prayas' work is featured. Prayas is made a *Party Respondent* to the PIL by the High Court to assist the Court. Prayas brings several pertinent issues to the notice of the Court, e.g. arrangement of police escorts for female under trial prisoners, under use of government legal aid scheme, grant of bail on personal bond, implementation of Probation of Offenders Act, etc.
- In pursuance to the orders of the High Court based on suggestions made by Prayas, the State constitutes an Inter Departmental Committee to look into custodial issues and bottlenecks in rehabilitation of prisoners in CJS in Maharashtra.
- As legal aid work stabilises, prisoners from all over Maharashtra, namely Thane, Kalyan, Yeravada, Nashik Road, Amravati, Kolhapur and Ratnagiri send requests to Prayas for legal aid and guidance. Prayas responds by giving them relevant legal information, referring

them to appropriate authorities, offices or agencies and in certain cases, to the High Court, I.G. (Prisons), NHRC, etc.

- Prayas starts work at CMM Court at Esplanade Court Complex Mumbai to explore the role for the social worker in courts, which includes helping people approaching the court with legal awareness and counseling, writing applications on their behalf, networking with lawyers for legal aid, referring deserving cases to the magistrates for probation and presenting psycho-social facts of a case at the request of the magistrates.
- Judiciary (magistrates/judges) starts referring cases to Prayas for social investigation reports and for rehabilitation purposes.

### *1995*

- Prayas receives permission from the Principal Judge, Sessions Court, Mumbai, to bring cases of under trial prisoners to the notice of the judiciary from the point of view of their rehabilitation. Permission to meet the judges and interview under trial prisoners brought to court premises is also granted through this permission.

### *1997*

- Prayas starts an information counter at Esplanade Court. At this counter, accused persons, complainants, litigants and their families coming to court are provided guidance with regard to the various court procedures and general directions in the court.

### *1998-2000*

- At the request of the C.M.M., Prayas organises a month-long legal awareness campaign on making domicile certificates for students approaching the metropolitan courts to get their domicile certificates made (after passing their S.S.C and H.S.C. examinations, to get admission to professional colleges). This experiment is a major success with hundreds of students benefitting from the campaign and getting their domicile certificates made without paying bribes or being exploited by touts. Based on suggestions made by Prayas after this exercise, the GoM simplifies the application form and decentralizes the domicile certificate-making process by increasing the number of court centres where these could be obtained.

- Prayas makes active efforts to improve the functioning of the legal aid system and following up this issue with the C.M.M. and officials of the Greater Mumbai Legal Services Authority, the office bearers of the Bar Association and the lawyers.
- As a result of these efforts, legal aid camps are organized in prisons in Mumbai and Thane, with the help of Prayas from time to time, where lawyers from the legal aid panel give legal guidance to prisoners, and requests made by prisoners for free legal aid are forwarded to the Legal Services Authority for appropriate action.

### **2001**

- As a result of Prayas' continuous follow up with IDC, since 2001, senior students of the Government Law College start visiting Mumbai Central Prison and later also Byculla District Prison to carry out legal guidance work and write applications on behalf of the prisoners (as part of their graded field work). An average of 400 applications are written each year by these students on behalf of under trial prisoners on issues as release on bail, reduction of bail, release on personal bond, release on probation, etc.
- As a result of Prayas' efforts, the government legal aid panel is revised and *Duty Counsels* appointed in Mumbai and Thane prisons.
- The need to appoint lawyers for under trial prisoners through the Prayas panel is reducing with each passing year, due to improvements in the legal aid system.

### **2002**

- Prayas is appointed as a member of Mumbai District IDC where it presents cases and requests for cooperation of the probation department and police in the rehabilitation of these cases.

### **2004**

- Prayas is appointed as a member on the Committee of Mumbai District Legal Services Authority. This has helped in raising field issues relating to access to legal aid for under trial prisoners and others from vulnerable sections of society and also improved the quality of legal aid services through networking and advocacy.

## **2005-06**

- Prayas organizes legal awareness camps on Probation of Offenders Act, Immoral Traffic Prevention Act, provisions relating to bail and personal bond, Slum Rehabilitation Act, labour laws, laws relating to women's rights, etc. in prisons, protective homes, and in the community in collaboration with the Mumbai District Legal Services Authority. These awareness programmes, funded by the National Legal Services Authorities (NALSA) are now an annual feature.
- Prayas organises a one-week legal training programme for NGOs working within CJS. NGOs working in the CJS from Maharashtra, Gujarat and M.P. participate in the course.

## **2006-2007**

- Prayas undertakes a small study with the help of TISS social work students placed in prisons, on the implementation of the guidelines issued by the Hon'ble Mumbai High Court on production of under trial prisoners through the video conferencing facility in Mumbai and Thane districts.
- The findings of the Study are presented along with findings from the SAJI-I project (implemented by Prayas in Mumbai and Thane districts) at the *National Round Table on Access to Justice* in Delhi, organized by the UNDP and the Department of Justice, Ministry of Law and Justice, G.O.I. Most of the recommendations made by Prayas have been included in the final recommendations to be submitted to the government by the SAJI-I Team.

## **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 externment 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 behaviour 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 organized 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.
- 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***

- 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 attended by Prayas 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 organized a seminar on the Probation of Offenders Act, 1958 at the Small Causes Court.
- Prayas organises a Sensitization Seminar for judges, magistrates and legal aid panel lawyers 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.

#### ***2011-2014***

- Prayas suggested the reduction of the minimum experience for eligibility of lawyers on the legal aid panel from 7 years to 5 years and the same has been accepted as the Mumbai District Legal Services Authority, as it has been difficult to get lawyers with 7 years' experience on its panel. Prayas helped the Sessions Court Legal Aid Committee to identify 10 experienced lawyers to join the legal aid panel.
- In September 2013, Prayas organized a meeting in co-ordination with the Mumbai District Legal Services Authority for magistrates of Mumbai city under the chairmanship of the Chief Metropolitan Magistrate on the implementation of the Probation of Offenders Act, 1958, and suggestions to improve the functioning of Jail Courts. After due deliberations, it was decided that magistrates, instead of hearing cases pertaining to any of the courts, are now required to hear cases of under trial prisoners whose cases are being heard in their respective courts. Secondly, the magistrates now consider cases for release on Personal Bond, bail or probation. Earlier, the practice was to take up only cases of under trial prisoners who pleaded guilty and give them set-off sentence under section 428 Cr.P.C. The Prayas worker sits with the Magistrate in the Jail Court and helps him or her to decide cases by keeping in mind the rehabilitation of the accused persons who plead guilty.
- In order to strengthen the Jail Court project, the Hon'ble C.M.M. directed the Magistrates to bring their laptops for drafting orders and judgments. On a suggestion made by Prayas, he directed the Chief Public Prosecutor to depute an Assistant Public Prosecutor of

each Metropolitan Magistrate's court to remain present in the jail court so that bail and P.R. Bond applications could be decided after hearing their say.

### ***2015-2019***

- In 2015-16, the honorarium of legal aid lawyers was increased from Rs.600 to 1200/- to Rs. 7500/- per case due to Prayas's continuous follow up with MSLSA and Law and Judiciary Department.
- Due to the efforts of Prayas, the honorarium provided to Duty Counsels to visit prisons to provide under trial prisoners legal guidance is proposed to be increased from Rs. 60/- per visit to Rs. 500/- per visit. This decision was taken in the State Inter-Departmental Committee on Prisoners meeting, which was called at the request of Prayas.
- A circular has been issued by Maharashtra State Legal Services Authority instructing the DLSAs of Mumbai, Thane, Raigad, and Latur to inform legal aid lawyers to cooperate with Prayas Social Work and Legal Fellows working on access to legal aid for under trial prisoners. This will help the Prayas Fellows to coordinate better with lawyers in terms of follow-up of cases.
- A GR was issued by the Government of Maharashtra in 2019 constituting a Project Implementation and Monitoring Committee for the Legal Aid and Bail Project initiated by Prayas and NLU Delhi, with the support of Azim Premji Philanthropic Initiatives (APPI). This will help in having regular meetings with the prison officials to improve the work on legal aid for under trial prisoners.

### ***2020 - 2023***

- Based upon the ongoing efforts directed by Prayas, suggestions to SLSA Chairperson regarding issuing different color vakalatnama was addressed by issuing a circular stating that legal aid lawyers do not need to submit vakalatnama anymore;
- Prayas is a member and convener of the National Forum on Prison Reforms, which filed an intervention application in the Supreme Court in the *Suo Moto Writ Petition (Civil) No 1 of 2020 (COVID Contagion and Prisoners)* .
- Prayas assisted the Bombay High Court in *Suo Moto Public Interest Litigation (PIL) on Prisons and the COVID situation* and has raised important issues like vaccination of prisoners

who do not have ID proof documents and review of cases who can be released on bail by the UTRC.

- Based on invitation by the amicus curiae in a PIL in Odisha, Prayas submitted suggestions to discuss ways to reduce overcrowding and improve situations of UTs in prison. The online meeting was chaired by the Vice Chancellor, National Law University, Odisha.
- Bombay High Court passed an order allowing Prayas to make a representation before the High Powered Committee (HPC) in Maharashtra (set up by the orders of the Supreme Court in the COVID Suo Moto PIL on Prisons) about implementation of the Probation of Offenders' Act, 1958. Based on the letter written by Prayas, the HPC passed an order asking the Secretary of Maharashtra State Legal Services Authority to write to the Registrar General of the Bombay High Court to issue directions to all judicial officers in Maharashtra to follow section 4, 5 and 6 of PO Act.
- Maharashtra Prison Department constituted a Committee to revise the Maharashtra Prison Manual 1971 in line with the Model Prison Manual 2016. Prayas was appointed a member of this Committee and submitted its suggestions to be included in the Manual.
- TISS-Prayas was part of the drafting committee on State Policy for Women, 2021. Suggestions given by Prayas were included in the draft policy with regard to shelter and livelihood of released women prisoners and women exiting commercial sex.
- VISION 2030- Policy document: Participated in the National Prison Heads Conference, Delhi (7<sup>th</sup>- 8<sup>th</sup>, October 2021) organized by BPR&D. As a part of a sub group, submitted suggestions on the need for uniform national prison policy and legislation.
- Prayas prepared a Training Manual for Social Workers in Prisons, and shared with the DG, BPR&D, MHA, Government of India.
- Suggestions to issues of under-trial prisoners: Based upon the Meeting with Addl. Chief Secretary, Home Department (ACS) to discuss issues largely pertaining to overcrowding of under trial prisoners (especially in small offences); insufficient honorarium paid to legal aid lawyers (payment not on time) with lengthy as well as cumbersome reimbursement process; lack of awareness of rules amongst court staff; causes for languishing in prison (lack of surety, cash, ID proof document, delays in trials, non-production in court, lack of police escort, not having competent legal aid); HPC guidelines for release of under trial prisoners on bail and lack of system to track the outcome of bail applications based on HPC guidelines. These issues

were discussed and possible suggestions to each issue were proposed by Prayas, in the form of a note / document submitted to ACS, Home Department.

- Submitted suggestions for reduction of under trial prisoners to the Parliamentary Standing Committee on Pre- and Post-Legislation Legislative Impact Assessment Status;
- Presented recommendations for the reduction of under trial prisoners to Hon'ble Justice Shri A. A. Sayed, Executive Chairperson of Maharashtra State Legal Services Authority.
- Completed a knowledge document on DLSA policy and practice through the first-hand experience and knowledge gained from the field for setting up socio-legal support in prisons – Submitted an Article titled Dynamics of Securing Legal Aid and Bail for Disadvantaged under trial prisoners through Legal Aid services; Experience of Prayas in the Mumbai Metropolitan Region and Latur District based on our work with DLSAs to the Journal of National Law University Delhi.
- A desk review of legal aid honorarium structure in other states: A desk review was conducted to do a comparative analysis of legal aid honorarium structure across states as a follow up of the meeting APPI representative had with the Home Secretary, Government of Maharashtra. It emerged from the desk review that the honorarium ranges from Rs. 7500/- per case to Rs. 50000/- per case for a trial and honorarium for bail ranges from Rs. 500/- to Rs. 5000/- per application. *A note was submitted by Prayas to the Home Secretary about the changes that should be made with regard to the honorarium structure for legal aid lawyers and the changes to be made in the procedures to ease the functioning of the legal aid system.*
- Prayas conducted 9 Legal awareness programmes on bail rights, bail compliance, modification procedure, and cash bail support, for 354 under trials of Mumbai Central, Byculla District Prison, Thane Central Prison and Talaja Central Prison.
- A legal awareness session was organized in coordination with the DLSA of Rajpipla on 27th August 2021 for inmates of Rajpipala District Prison in which 55 male inmates participated. The session was inaugurated by the Member Secretary of the DLSA during which legal issues faced by the inmates were discussed.
- A program was conducted inside Byculla District Prison along with Mumbai DLSA including a team of one legal aid lawyer, two retainer officers in High Court and 3 staff from High Court Legal Services.
- On the occasion of Women's Day in 2021-22, a session on Rights of Prisoners was conducted in Thane Central Prison.

- Distributed pamphlets giving information about DLSA work, laws related to domestic violence, legal benefits for senior citizens, Lok Adalat, etc. in the area of Chaityabhumi in Shivaji Park.
- Vashi-Belapur TLSC and Prayas jointly organized a program in Taloja Central Prison: Legal aid session reaching out to 60 aftercare inmates. Aftercare refers to new inmates of the prison. Another session was conducted on the Probation of Offenders Act.
- Prayas aided in augmenting the DLSA lawyers' network through meetings and thereby re-activating the panel of lawyers. It also provided introductory meeting/training of a new panel of advocates for legal awareness programmes.
- Hon'ble Judge Smt. J.P. Shirale - Addl. Chief Metropolitan Magistrate (Jail Court Bhoiwade) orally acknowledged the efforts taken by Prayas to identify prisoners languishing in prison, especially those who are unable to pay the fine amount and reluctance of the advocates to work on such cases, thereof.
- Pandemic had affected the strength and active functioning of the DLSA panel of lawyers. In 2021-22, Prayas met with Mumbai DLSA to re-activate the panel resulting in the appointment of 15 new panel lawyers in Mumbai DLSA, 3 Para legal Volunteers (PLVs) in Sessions Court office and 2 PLVs in Dindoshi Sessions Court. Prayas facilitated the first introductory meeting/training of a new panel of advocates for legal awareness programmes and the appointment of 1 PLV in the DLSA office for clerical work to maintain the register of inmates.
- On the recommendation of Prayas, the DLSA office issued circular no. 17/2022 on 31st March, 2022 stating that the trial courts should mention in the remand warrant of the under trial prisoner whether he/she has a private or legal aid lawyer and also the name of the lawyer thereof ensuring assistance to the prison authorities and social workers to contact the lawyer of the prisoner at a later stage.
- As part of "Azadi ka Amrit Mahotsav" initiated by the National Legal Services Authority (NALSA), a pan India awareness and outreach campaign aiming to spread legal awareness and free legal aid, Prayas in collaboration with DLSA Mumbai, Thane, Bharuch, and Vashi- Belapur TLSC created awareness about legal rights and services provided through the free legal aid system in court, prison and community reaching out in the interiors to general masses and college students. People were educated about services provided by the DLSA/

TLSC machinery and appraised about the work of Prayas. Pamphlets on legal knowledge and rights were also distributed.

- Prayas got an opportunity to interact and present its work in front of some esteemed dignitaries like Hon'ble Justice Shri U. U. Lalit, Judge of the Supreme Court & Executive Chairman, NALSA, Hon'ble Justice Shri A. A. Sayyed, Judge Bombay High Court & Executive Chairman, MSLSA, 3 Judges of Bombay High Court, Secretary of MSLSA and Secretary of DLSA upon their visit to Byculla District Prison and Mumbai Central Prison.
- As a part of impactful community intervention, Prayas along with coordination from DLSA Thane in the area of Kisan and single-handedly at Yeoor (tribal belt in Thane) with respect to raising awareness about Lok Adalat, its utility and also providing free legal aid.
- In Latur District Prison, a good working relationship with DLSA staff and Secretary, leading to reduced time for the appointment of legal aid lawyers from 22 days to a week. To avoid duplication of advocates appointment, the inmate is made to sign an affidavit (format prepared by DLSA), stating no DLSA or private lawyer is appointed in his/her case. DLSA secretary Shrimati Ausekar madam personally scrutinizes all the applications to avoid duplication and fasten the appointment process. This initiative is the outcome of efforts taken by Prayas fellows, by bringing the issue of duplication of advocates before DLSA, Latur.
- Over the years of work, Prayas has maintained a relationship with stakeholders, thus owing to the good working relationship, Prayas received an invitation from Judge Shrimati Deshmukh Naik, Vashi-Belapur Court also TLSC President Vashi-Belapur legal aid to attend an online session on law and victim compensation in the open premises of the Vashi-Belapur court.
- Judge Shri A.Y. Thatte, visited Taloja Central Prison through Alibaug legal aid to understand the problems of the under trials and guide them accordingly. In such visits, Prayas remains present and does further follow-up on the issues raised by the inmates with President and Secretary DLSA Alibaug.
- The work of Prayas was particularly appreciated by the Judiciary resulting in the allowance of the bail application in Sessions Case No. 299 of 2020 (C.R. No. 3282/2019, C.C. No. 2601300/PW/2020).
- Prayas facilitated a meeting between Hon'ble Judge Smt. Deshmukh-Naik and Shri U.T. Pawar, Superintendent, Taloja Central Prison. The meetings help to bridge a gap between the

prison department and judiciary. This meeting also acted as a catalyst to conduct street plays and legal aid programs under "Azadi ka Amrit Mahotsav" initiated by the National Legal Services Authority in Taloja Central prison through Vashi-Belapur TLSC.

- Mumbai DLSA Secretary Mr. Hitendra Wani conducted an online meeting of 15 legal aid panel advocates to arrange legal awareness programmes in the communities. Based on the meeting, Legal awareness programmes in 4 slum communities in Mumbai suburbs namely Shantilal Compound, Indira Nagar Pipeline, Sanjay Gandhi Nagar and Behram Pada, Bandra East, reaching out to people, majority of whom were women and girls. Apart from community members, Prayas also reached out to an NGO Nyaan Sagar working on children's education, informing them about legal aid.

- A survey was conducted in coordination with Bharuch DLSA to know about the situation of the inmates' families who were affected during the Tauktae cyclone. In this regard, the Prayas social workers and PLVs of the DLSA held individual discussions with prison inmates whose families were affected by the Tauktae cyclone. 34 inmates were interviewed and data was collected after the discussions. Out of 34, 28 inmates' families were located in Bharuch district while 6 inmates' families were located in the other districts. Information about the inmates' families of other districts was given to Bharuch DLSA who forwarded the data to the concerned DLSAs for further follow-ups.

## **6. 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,<sup>1</sup> the Hon'ble High Court issued directions for State and District Inter Departmental Committees on Prisoners to reduce coordination problems in the CJS. Prayas is a member of the State and District Inter-Departmental Committees. Prayas regularly attends meetings called by these Committees and highlights issues faced by prisoners and make suggestions to address the same. Continuous follow up with various departments and authorities concerned with providing custodial justice and rehabilitation of prisoners and children of prisoners has helped in better inter-departmental coordination and improved service delivery for prisoners and their families.

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<sup>1</sup>Shabnam Minwala Vs State of Maharashtra in 1994 and PUCL, Sunil Shinde and Rajendra Bidkar Vs State of Maharashtra in 2005

Prayas has raised many issues in these meetings like the lack of police escorts to take prisoners to court (on their court dates) and hospitals, poor honorarium of legal aid lawyers, poor health facilities in prisons, vacant posts of medical officers, need to improve library and education facilities, situation of women prisoners and children of prisoners, etc. Based on discussions during the meetings, improvements have been made with regard to these issues vide circulars and GRs being issued and through better in-departmental coordination.

## **7. Women in custody and institutions**

### ***Milestones***

#### ***1995***

- Prayas receives permission from the DWCD, GoM, to interview women in the Govt. Protective Home, Mumbai.
- Prayas receives permission to start social work intervention with women/girls rescued from prostitution, with a full-time social worker placed in the Government Protective Home for Women (persons above 18 years of age) rescued from prostitution.

#### ***1996***

- In February 1996, the Mumbai Police raids red light areas in Central Mumbai, in response to a writ petition filed *Suo Moto* by the Chief Justice of Mumbai High Court and rescues around 484 minor girls from prostitution. Prayas submits a report on its observations and suggestions related to rehabilitation to the Hon'ble Court.
- Due to Prayas' involvement in rehabilitation effort, the government requests Prayas to start vocational training activities at the Special Home for Juveniles (which was set up under High Court orders) at Deonar.

#### ***1996-99***

- Prayas receives permission from Director, Women and Child Welfare, Pune, to start work at the Special Juvenile Home at Deonar, with focus on vocational training and networking towards repatriation. During this phase, Prayas is engaged in pioneering efforts to identify gaps in the implementation of the ITPA, in terms of the role of the police, the judiciary, protective home and NGOs towards the rescue and rehabilitation of victims of commercial sexual exploitation.



## Specific Changes:

### *Vis a Vis* Police

- Increased focus on the role of the police in rescue of women/girls from prostitution.
- Improved coordination between Protective Home and rescuing police stations regarding arrangement of escorts, recovery of property etc, through creation of a platform where both exchange their specific problems and ask for advice/suggestions.
- This effort results in a circular (P.N. Para) issued by the Commissioner of Police, Mumbai to all police stations in January 1997, instructing the police to recover personal property of rescued persons, rescue of children / relatives, provision of escort to a specified NGO where the person is being sent, and coordination with Protective Home staff and Prayas in connections with all issues above.
- The D.C.P. (E.O.U.) made the liaison officer for Prayas and the other NGOs working on the issue of rescue and rehabilitation of women from prostitution
- The practice of producing rescued persons before a magistrate re-started (as per section 16 of ITPA), which has ensured that no rescued woman is handed over to persons of dubious background.

### *Vis a vis* Judiciary

- As an outcome of continuous sensitization of magistrates about the provisions of the ITPA, the report of the probation officer is now being called for (as per section 17 of ITPA) by the magistrates before deciding each case.
- Organising regular meetings with magistrates to clarify the role of different implementing agencies including that of NGOs like Prayas with regard to various sections of the ITPA.
- A workshop is organized by students of TISS placed through Prayas, attended by the Hon'ble C.M.M., the magistrates of Mazagaon, Girgaon and Mulund Courts, the D.C.P. of Zone II, police officials from Nagpada, D.B.Marg and V.P.Road police stations, staff of rescue homes and DWCD officials regarding the implementation of the ITPA.

### *Vis a vis DWCD*

- A Probation Officer is appointed at the Protective Home, after Prayas demonstrates the need for a welfare officer and raises this issue with the Department for Women and Child Development. A Medical Officer and medical unit is also attached to the Home. The PO and the Prayas social worker reach a stage where they work in close collaboration with each other to work out a plan of action in each case.
- Networks are established with NGOs working in vulnerable districts from across the country from where women / minors are trafficked for the purpose of sexual exploitation.
- Prayas is made an Invitee Member in the Guidance and Monitoring Committee for custodial institutions for rescued women and minors, set up under the orders of the Mumbai High Court to improve the rehabilitation process. Prayas has been actively participating in the meetings of the said committee along with other NGOs like Prerana, CCDT, IJM, FACSE, etc.

### ***2001-2004***

- The Superintendent of Female Beggars Home, Mumbai requests Prayas to initiate vocational activities for the residents of the Female Beggars' Home.
- Prayas attends meetings called by the Central Advisory Committee to Combat Trafficking of Women and Children, by the MWCD, GOI.
- Prayas organizes a two-day National Workshop on Laws Related to Trafficking: Towards a Rescue and Post-Rescue Strategy, in collaboration with the NHRC (27<sup>th</sup>-28<sup>th</sup> February, 2004), in Mumbai. Participants from the departments of women and child development, social welfare, police, probation, judiciary, advocates, legal aid authorities and representatives of NGOs from eleven States participate in the workshop to deliberate about the issues and problems relating to prevention of trafficking, rescue and rehabilitation. Detailed recommendations emerge from the workshop, which is forwarded to the NHRC.
- The report of the National Workshop on Laws relating to Trafficking, organized by Prayas in collaboration with the NHRC, is released at a formal function by the Chairperson, NHRC in New Delhi on 24<sup>th</sup> August, in the presence of the members of the Commission, government officials, NGOs and the media. The Commission adopts the recommendations of the report and forwards the same to the Department of Women Child Development, GOI for its consideration.

- Prayas submits suggestions on the draft amendments to the Immoral Traffic Prevention Act, based on the recommendations of the National Workshop to the DWCD, G.O.I.
- Prayas is an invitee member to the National Expert Committee of the Swadhar Scheme, a grant-in-aid scheme of the MWCD, GOI, for NGOs working with ‘women in difficult circumstances’.
- Meeting with the Home Minister, GoM:
  - The Governor of Maharashtra had written to the Chief Minister asking him to examine a proposal to legalise prostitution in the State. In response to this letter, Prayas requested Justice Dharmadhikari (Retd.) to call a meeting with the GoM to oppose the move. In our view, legalisation of the trade would lead to increased trafficking of women and children and would be detrimental all efforts at rescue and rehabilitation of this exploited section of the population.
  - At our request, Justice Dharmadhikari wrote to the Home Minister, Shri R.R. Patil who convened an Inter-Departmental meeting on this issue at Mantralaya on the 12th of July, 2004. The meeting was attended by senior officials from the Departments of Home, Women and Child Development, Law and Judiciary, Technical Education, Commissioner of Police, Mumbai, NGOs, and members of the press.
  - The meeting took a policy decision that Government of Maharashtra will not take any steps to legalize prostitution in the State (as had been suggested by the Governor through a letter to the CM) and resolved to take all steps necessary to combat the menace of trafficking of women and children and make all possible efforts to rehabilitate victims of trafficking. The meeting was widely reported in the marathi press and had the desired effect to counter any move to legalize the trade. As a result of this meeting, the Mumbai Police Commissioner undertook a major initiative to carry out sustained raids on beer bars, massage parlours, hotels, lodges and red-light areas to rescue minor girls and women forced into this trade.
  - A decision was taken to form a State level Advisory Committee on Immoral Traffic chaired by the Home Department. Accordingly, A G.R. has been issued by the Home Department constituting such a Committee chaired by the Addl. Chief Secretary (Home). Prayas and a few other NGOs working in the field are members of this Committee. This forum has given a space to Prayas and others working in this field to raise issues relevant to rescue, rehabilitation and trafficking with the government.

### **2004 – 2006**

- Prayas submits detailed suggestions to the GoM towards a draft State Policy on Rescue and Rehabilitation of Trafficked Women and Children.

- Prayas drafts the State Rules for the Immoral Traffic Prevention Act and submits them to the DWCD, GoM. The Draft Rules under ITPA are adopted by the DWCD, after a series of consultations with government departments concerned and civil society organizations working in the field of trafficking of women and children.
- Prayas is invited by the Central Advisory Committee to Combat Trafficking of Women and Children to be a member of the Sub-committee on Rehabilitation. The Sub-committee is constituted to prepare a rehabilitation scheme for victims of commercial sexual exploitation.
- Prayas receives a grant from the Ministry of Women and Child Development (WCD), Government of India of Rs. 4.7 lacs for the work it is doing towards the rehabilitation of women and minors in prostitution. This is in addition to the annual grant of Rs. 2.5 lacs from the Central Social Welfare Board that we have been receiving for our work with women and children.

#### ***2006-07***

- Prayas organizes a two-month training programme for care-taking staff of government institutions for women in Mumbai on socio-legal aspects of care and rehabilitation.

- Ministry of WCD, G.O.I. suggests that Prayas applies for a grant under a newly formed scheme for the rehabilitation of trafficked women and children, Ujjawala.<sup>2</sup>

- The Superintendent, Govt. Protective Home requests Prayas to initiate the NGO Placement Programme for residents of the Protective Home.

#### ***2008-2010***

- Prayas prepares Draft State Rules for the Immoral Traffic Prevention Act in 2008 and submits to the DWCD for consideration. The Draft Rules are discussed with all stakeholders through a series of consultations organized by the DWCD and suggestions received are incorporated in the Draft Rules.

- Maharashtra State Rules for Immoral Traffic Prevention Act get notified in 2010.

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<sup>2</sup> 2011: Application for grants under scheme Ujjawalla still pending as Prayas does not run a shelter home ( but is instead exploring non institutional shelter options).

- 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 organized 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.

The MoU is a major step towards the DWCD 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 years, 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 initiated a dialogue with the superintendents of women's institutions to explore possibilities for admission with minimum procedures.

- 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.
- A Seminar on Rehabilitation of Women in Institutions was organized by Prayas in co-ordination with the Department of Women and Child Development (DWCD), Government of Maharashtra. A copy of the draft minutes received from DWCD and minutes prepared by Prayas were compiled and issues for follow up were identified. These issues of women in institutions were raised before the Justice Dharmadhikari Committee for Prevention of Atrocities against Women and District ITPA Advisory Committee.

### ***2010-2011***

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 raised the following issues of the women residing inside the institutions and custody and the same were included in the reports submitted by the Committee to the government for implementation:

- Hospitalization and treatment of destitute women in the absence of escorts
- Aanganwadis for the children living inside custody with their mothers
- Issuing BPL ration cards to women discharged from institutions.
- Starting a Grant-in-Aid Scheme for persons released from custodial institutions
- Publication of an Information Booklet for women on government schemes
- Increasing the grant under Maher Yojana for women living in institutions
- Voluntary admission for women to shelter homes
- Issuing Aadhar cards to shelter home inmates, with their consent
- Inclusion of inmates of residential institutions in the census
- Starting education and certified training courses for inmates of women's institutions
- Opening of post or bank account of inmates living in residential institutions
- Inclusion of women living in residential institutions in the BPL survey
- Filling up vacant posts in women's institutions across the state

- Setting up of an Inter-Departmental Committee to address issues/problems faced by residents of women's shelter homes
  - Arranging regular meetings between mothers and their children (when mother is in custody and child is in institution or mother or children are both in different institutions for shelter).
  - Creating a post of Desk Officer in the DWCD to look into issues of women in custody
  - Admission and help to physically and mentally challenged individuals inside the institutions.
  - Admission / reservation in working women's hostel for those discharged from the institution.
  - Formation of an Information and Guidance Centres to help and guide the institutionalized inmates after discharge.
  - Issuing State Rules for the administration of women's shelter homes.
  - Visits by Duty Counsels to women's residential institutions to provide free legal aid and increasing the honorarium for Duty Counsels
- 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.
  - Prayas makes submissions regarding the rehabilitation of women in commercial sexual exploitation before the Supreme Court appointed Panel for Sex Workers in the Budhadev Karamaskar Vs. State of West Bengal case.

#### ***2012-2014***

- Prayas participated in the preparation of the Draft State Plan of Action to Combat Human Trafficking. A meeting to discuss the Draft Plan of Action was held on 23rd April 2013, chaired by the Hon'ble Minister, Women & Child Development. A subsequent meeting was held on 7th September 2013, chaired by the Principal Secretary, DWCD to fine tune the suggestions. A two-day workshop was organized by the DWCD on 11th and 12th March 2014, to finalise the State Plan of Action on Anti-Human Trafficking and Rehabilitation of Victims. Prayas made useful suggestion on issues relating to the rehabilitation of victims of human trafficking in these meetings.
- Some of the recommendations made by Prayas as part of the Justice Dharmadhikari Committee accepted by the government include:

- Appointing social workers in prisons.
- Increasing the salaries of social workers appointed in the Special Cells for Women attached to the police at the district and taluka levels.
- Setting up Help-desks for women at all major railway stations and ST Depots across the state.
- Enhancing the honorarium of Duty Counsels and legal aid lawyers.
- Filling up posts of Probation Officers in women's and children's institutions.
- Designing a comprehensive rehabilitation scheme for women and children released from institutions/shelter homes
- Free medical treatment of destitute women (living in institutions or homeless women without support).
- Providing BPL ration cards to women released from shelter homes/institutions.
- Amending the Bombay Prevention of Beggary Act to prevent the criminalisation of poverty.

### ***2015-2019***

- Prayas was a member of the Manodhairya Scheme Drafting Committee appointed by the Bombay High Court in 2019:
  - A letter was submitted to the Section Officer, DWCD, at Mantralaya requesting that the benefits of the 'Manodhairya Yojana' be extended to the women rescued from prostitution as we believe that these group of women are also victims of sexual exploitation.
  - Prayas attended a meeting in the High Court regarding modification of the Manodhairya Yojana proposed by the state with regard to victim compensation. Submitted suggestions on the Manodhairya Yojana to the High Court panel of judges, Justice Bhatkar & Justice Kulkarni, highlighting the need to include victims of commercial sexual exploitation as beneficiaries of the scheme.
  - Prayas submitted additional suggestions with regard to proposed changes in the Manodhairya Yojana as per the orders of the Bombay High Court in the PIL No. 35 of 2013, especially on adding a budget head on vocational training for women inmates in the shelter homes of the state.
- Prayas was a member of the Drafting Committee of the Maharashtra Anti-Trafficking Policy
  - A meeting was held on 6<sup>th</sup> June 2016, to discuss about the protection, prevention and rehabilitation issues of trafficked persons for the Bill on Human Trafficking floated by the Ministry of Women & Child Development, GoI. Prayas put forth suggestions related to the support services, rehabilitation and social integration of these women.



➤ Later, another meeting was held at TISS on 22<sup>nd</sup> July 2016 by the Ministry of Women & Child Development related to the Bill on Human Trafficking. Prayas highlighted the issues of Bangladeshi women who have not been repatriated since a long period of time. We also informed about the irregular visits of the Duty Counsels to the protective homes and the need to formulate a concrete rehabilitation programme. In the meeting held in Mantralaya on 8<sup>th</sup> March, 2017 to discuss the State Plan of Action on Anti-Human Trafficking, Prayas contributed its suggestions in the State Plan.

### **2020 – 2023**

- Facilitated legal awareness session by legal aid advocate and Probation Officer of Navjeevan Mahila Vastigruha on ITPA Act and victim compensation for the 24 inmates of the institution.
- On April 12, 2021, the government declared lockdown again due to the second wave of the COVID-19 pandemic due to which there was no permission to do regular work inside Navjeevan Mahila Vastigruha. But the Superintendent gave permission for piece rate work whereby the social worker would visit once a week or once in 15 days to collect and give the raw material for the piece rate work. There were 16 women in the month of April 2021, 20 women in May 2021 and in June 2021 there were 19 women involved in the piece rate work.
- Later in June 2021, when the lockdown was relaxed, hand embroidery activity was conducted for the inmates in the 1st and 2nd week of June 2021. And on 24th June 2021, a tailoring class was conducted where the activity teacher taught the trainees how to stitch clothes of newborn children.
- Prayas was invited to be a member of the Advisory Committee constituted under the Chairpersonship of the Hon'ble Minister, Department of Women and Child Development, Government of Maharashtra, in 2021. The Committee has met twice so far to understand the situation of women and children in the state and various suggestions have been made by members including Prayas with regard to women in shelter homes, rescued women and children in conflict in need of care and protection.
- Prayas has been regularly conducting various recreational, vocational and education activities and awareness sessions at the Navjeevan Mahila Vastigruha and Shanti Sadan, which are designated Government Protective Homes in Mumbai and Thane for women rescued from commercial sexual exploitation.

## 8. Probation services and schemes for prisoners

In addition to the regular work inside prisons, Prayas has consistently attempted to focus on implementation of the Probation of Offenders Act, 1958,<sup>3</sup> the Maharashtra Grant-in-Aid Scheme for Released Prisoners and the *Bal Sangopan Yojana*<sup>4</sup> 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*

#### *1991-2005*

- Prayas starts collaborating with the District Probation Office to promote better implementation of the PO Act. Social workers from Prayas regularly refer cases identified from prisons to probation officers and request magistrates/judges to call for the report of the Probation Officer in eligible cases under the PO Act.
- Prayas gets official permission from the office of the Hon'ble CMM to refer cases to magistrates and submit social enquiry reports to them under the PO Act.
- Cases are referred to Prayas by magistrates for social enquiry reports from time to time.
- Probation officers request Prayas to help with information about under trial prisoners whose social enquiry reports have been called for by magistrates, and in rehabilitation of probationers who have been released on probation under the PO Act.

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<sup>3</sup> 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 <http://indiankanoon.org/doc/167447/> and

<http://court.mah.nic.in/courtweb/criminal/pdf/chapter11.pdf> retrieved on November 8, 2011.

<sup>4</sup> 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.

## ***2006-2008***

- With the support of the District and Sessions Judge, Prayas organizes seminars for the judiciary on the relevance and use of the P.O. Act, 1958. Likewise, interactions with probation officers help in eliciting their experiences and views. These interactions have sensitized judicial officers and helped bring out their views on the use of the Act. Interactions with probation officers has helped in understanding their grievances vis a vis their department and the judiciary. Some of these included the inadequacy of cases being referred by the judiciary, poor staff strength and burdening them with additional responsibilities by their department.
- As a part of the overall development of correctional services in the state, Prayas initiates and organises a two-day workshop on correctional laws in collaboration with the Department of Social Work, SRT University, Nanded. The workshop aimed at raising issues before the judiciary regarding the utilization and implementation of the Probation of Offenders Act, the Borstal Schools Act, and provisions relating to release on Personal Bond.
- Prayas organizes a State Level Workshop on “Probation Services: Issues and Challenges” for probation officers, in collaboration with the Department of Women and Child Development, GoM, in Pune October 2007. The Workshop was attended by officers from the Probation Wing and discussions were directed towards addressing operational issues. The outcomes from the Workshop included the creation of a first-ever discussion forum on ground level issues, identification of specific bottlenecks at the ground and policy level and an assurance by the Jt. Commissioner, DWCD, GoM, to set up a Committee to examine the recommendations from the Workshop and revise the State Rules under the P.O. Act accordingly.

## ***2008-2010***

- Prayas initiates exploration of the option of use of probation services for women prisoners, and organises a meeting between the Superintendent, Byculla District Prison and the District Probation Officer, Mumbai District. The meeting was conducted in the office of the Superintendent, Byculla District Prison. Issues such as procedures for increasing Probation Officers’ visits to Women Barracks, and referral of cases to Probation Officers were discussed. Following this, the social worker accompanied the Probation Officer on prison visits, and followed up on the decisions taken in regard to strengthening of probation services for prisoners.
- Prayas undertakes a ground-level understanding of the existing probation services in Mumbai city. Services of probation officers are available for different categories of vulnerable

persons, namely prisoners, juveniles in conflict with law, children in need of care and protection, and women residing in institutions (such as Female Beggars Home, State Homes, reception Centres and Protective Homes). One social worker of Prayas was deputed to study the structure of services provided. Initially, the focus of the study was the probation system at Observation Home, Umerkhadi, followed by a study of the same in Mumbai District and its suburbs. The study focused on obtaining an understanding about the role, process, gaps and procedures of decision-making regarding children. Different aspects relating to the implementation of the Probation of Offenders Act, 1958 were explored. Literature on the probation system in other countries, to understand the principles, policies and objectives behind the implementation of the Act in developed countries, was also studied.

- In order to promote the access of schemes for prisoners and their children, meetings with probation officers in Mumbai and Mumbai Suburban are held to explore availing government schemes for women and for children of women in custody. The social workers of Prayas were directed to get in touch with NGOs who receive funding under the *Bal Sangopan Yojana*. A form was drafted to be filled up by women prisoners for referral to the *Bal Sangopan Yojana*. A meeting was held in this regard with the Superintendent of Byculla District Prison to work out the modalities. It has been decided that cases will be referred to the Probation Officers by the prison and Prayas will follow up the cases.

#### **2012- 2013**

- Prayas organized a one day workshop on “Role of NGOs in the Rehabilitation of Offenders and Probationers” at the TISS. The objective of this workshop was to generate awareness about the role that NOGs can play in towards the better implementation of the PO Act. The issue of granting recognition to NGOs working in the field by the government, as per the PO Act Rules was discussed in the workshop. Probation Officers from the DWCD, social workers from Prayas and NGOs representatives from Maharashtra, Gujarat and Odisha attended the workshop.

#### **2013 – 2014**

- A workshop on the implementation of the Probation of Offenders Act, 1956 was organized by Prayas in collaboration with the Thane District Legal Services Authority. The workshop was organized towards the sensitizing judicial officers, lawyers attached to the TDLSA, Probation officers and Prison officers from Thane district. About 100 Judicial officers, Probation officers, prison officials and lawyers participated in this workshop.
- A state level workshop for District Probation Officers on the Implementation of the Probation of Offenders’ Act, 1958 and Rehabilitation of Prisoners was organized by Prayas in

collaboration with the DWCD. The workshop raised many practical difficulties faced by probation officers and made several recommendations to improve the functioning of the probation wing in the DWCD. Shri Ujjwal Uke, Principal Secretary, DWCD gave the valedictory address and promised to implement the recommendations in a phased manner. He suggested the setting up of a working group with members from Prayas and DWCD to ensure the implementation of the recommendations.

- As a result of a series of meetings with senior officials and continuous follow up with the DWCD, a circular was issued that District Probation Officers and two Probation Officers should be fully dedicated in every district to look after implementation of the Probation of Offenders Act and rehabilitation of prisoners.
- The DWCD has agreed in-principle that the post of Liaison Officer will be re-created in all the Central Prisons in the state.
- The DWCD sets up a Correctional Wing under the Jt. Commissioner's office towards the better implementation of the PO Act and schemes for the rehabilitation of prisoners.

### ***2020 - 2023***

- An official order (No. 842) has been released by Office of Women and Child Development, Maharashtra for the District Probation Officers of regions like Mumbai, Thane, Raigad, Latur, Pune, Aurangabad, Nashik and Nagpur to work in coordination with Prayas for the rehabilitation and reformation of those incarcerated inside the prison. This would also enable the concerned officials to be able to effectively implement the multiple provisions as prescribed in the Probation of Offenders' Act, 1958.
- The Bombay High Court passed an order allowing Prayas to make a representation before the High-Power Committee (HPC) about the implementation of the Probation of Offenders Act (PO Act). Based on the letter written by Prayas, the HPC passed an order asking the Secretary of Maharashtra State Legal Services Authority to write to the Registrar General of the Bombay High Court to issue directions to all judicial officers in Maharashtra to follow section 4, 5 and 6 of PO Act.
- Prayas conducted number of online training sessions for probation officers from Maharashtra and Bihar, at the request of the DWCD, Government of Maharashtra, and the IG Prisons' Office, Government of Bihar, during the pandemic period.

## **9. Health rights of persons in custody and institutions**

Prayas has been working to secure access to basic health services for custodial populations and those vulnerable to destitution since its inception. While most of this work has been on a case-to-case basis, attempts have been made from time to time to bring it to policy level with some success. Post 2008, Prayas began a systematic exercise wherein issues concerned with the health of women in custodial institutions were enlisted for the purpose of bringing them to the attention of the health authorities. Some of these issues were: the need for para-medical workers attached to shelter homes, the difficulties confronting persons without family support in accessing in-patient treatment in government hospitals, facilities for persons with special medical needs (pregnancy, HIV, etc), age verification procedures conducted on female inmates by male doctors, the spread of communicable diseases within custody, mental health issues, etc.

Prayas established contact with the Directorate of Health Services, Government of Maharashtra with the aim of raising before them the health issues of persons in custody. The initial contact was made within the context of proposing the increased participation of the Health Department within custody as well as during the post discharge/release phases.

### ***Milestones***

#### ***1996-1999***

- A Medical Officer and medical unit is also attached to the Protective Home, Mumbai as a result of discussion with the Secretary, DWCD, GoM, regarding problems faced by women rescued from commercial sexual exploitation residing in the Protective Home.

#### ***2000***

- A circular is issued by the Municipal Commissioner, B.M.C. instructing all municipal hospitals to admit destitute persons referred by Prayas without a 24-hour full-time escort being provided with the patient during the hospitalisation period.
- The Executive Health Officer of the Public Health Department, BMC, issues a circular to all Medical Officers of Municipal Hospitals making it mandatory to include the permanent address of the mother in the birth certificate of children of imprisoned mothers (and not the prison address).

## **2006**

- Prayas intervenes in a Supreme Court PIL on under trial prisoners (R. D. Upadhyay Vs. State of A.P. and Others), by presenting the findings of the study on children of prisoners. Following this, the SC passed orders for implementation of suggestions made in the book, in regard to setting up of balwadis outside prisons, up scaling the diet of pregnant women, nursing mothers and children, special provisions for health care of children, provisions for visiting pediatrician, and psychiatrist inside prison; and provisions for special clothing and utensils for children. In addition, SC passed orders wherein the mother's permanent address was to be declared in the birth certificates of the children (and not the prison address).

- A writ petition filed by PUCL about situation of women prisoners at Byculla District Prison in Mumbai High Court, leads to the formation of a Committee which gave several far reaching recommendations to improve the situation of women prisoners and their children. Prayas was a member of this Committee appointed by the Hon'ble High Court. Based on the report of the Committee, the Hon'ble High Court passed the following directions:

- Setting up of a panel of visiting medical officers from JJ Hospital consisting of a gynecologist, a pediatrician, a skin specialist and psychiatrist to visit the prison once a week.
- Appointment of a full-time female medical officer for the Women's Section.

## **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.
- 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 24<sup>th</sup> February 2009 in the Women's Section in Kalyan District Prison. This is followed by a session on maternal and child health.

#### ***2011-2014***

- Prayas continues discussions with the Health Department, GoM, to start health awareness programmes and short-term trainings inside prisons for women prisoners. The Health Department has accepted the proposal in-principle and efforts continue to implement the same.
- The Disaster Management Cell of the MCGM organises orientation programme for women released from prisons and shelter homes on disaster preparedness, at the request of Prayas.
- Indian Red Cross organises training programme on first aid for women clients of Prayas.
- MCGM agrees to the placement of Prayas clients with community health workers for exposure and training as health workers.

#### ***2015-19***

- Prayas has been organising regular awareness sessions and short-term trainings on health issues in custodial institutions with the help of government agencies and NGOs and has reached out of around 1500 prisoners and women in custody annually on issues such first aid, HIV, TB, tobacco addictions, mental health, suicide prevention, etc. This has led to inclusion of custodial populations by government agencies and NGOs in the ambit of their work.

## *2020 – 2023*

- Prayas reached out to women in institutions and prisons who usually lack education, training and are socially and economically marginalized. Their positions in family and community are weak and disturbed. Mental health of the inmates is largely ignored by both the outside world and within custody. It has worked with various NGOs, for example:
  - Nriyjanjali – Prayas has been working in collaboration with Nriyjanjali, an NGO working on mental health through recreation and arts. We have been organizing sessions and activities for the residents of Navjeevan Mahila Vastigruha (Government Protective Home) from November 2021. The sessions were with interactive games. An approximate of 20-25 residents participated in each activity. Around 25 sessions were conducted and around 470 women/girls benefitted through these sessions. Since the institutional population is floating, we have a limited time on our hands with them. As the group kept changing, same topics were repeated for new members joining the group. Within that time period, we were to establish basic rapport with them. Women’s Day programme preparation was done for them by practicing speech, dance, singing and drama. The Women’s Day programme was conducted by managing activities as per proper timings.
  - Vanashakti – The importance of plants and the environment in human life was taken up as an activity through Vanashakti, an NGO working on environment issues. Around 4 sessions were taken for 46 trainees who are presently in our rehabilitation process. Growing micro green vegetables, indoor plants, seasonal fruits, eco-bricks and waste management topics were covered during the sessions.
  - United Way is one of the reputed organizations working towards improving the lives of millions of people. During the pandemic, the mental health of almost everyone was affected. The situation of the lockdown had a negative effect on our clients and their source of income became evident. We could sense the feeling of helplessness and loss. Prayas tried its best to help by providing basic necessities like rations, support to pay for medicines, electricity bill, etc.
  - Prayas conducted sessions on mental health awareness and other informative sessions on diseases like breast cancer with the coordination of KEM Hospital, Mumbai.
  - A medical officer from Ambernath Civil Hospital took a session on COVID 19 for Shanti Sadan residents and Prayas clients. 117 female prison inmates attended the sessions.

- Prayas also conducted sessions on diseases like COVID 19, TB, HIV and gynecological health problems. Around 23 female inmates from Shanti Sadan attended the session. It was an awareness session and gynaecology camp at Shanti Sadan for 38 female residents.
- Maharashtra Nasha Mukti Mandal – A session on addiction was organized in Byculla District Prison both for male and female inmates. Around 52 male and 58 women attended the session.
- Activities in Kasturba Women’s shelter home - Prayas engaged many mentally ill or challenged women from the shelter homes in singing, drawing, painting, and craft activities like making boats, etc.

## **10. 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<sup>5</sup> 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 DWCD and superintendents of prisons in the state.

### ***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.

### ***2011-2012***

- 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.

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<sup>5</sup> 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.

- Prayas succeeds in connecting prisons in various districts of Maharashtra with the nearest district libraries to increase the choice of books available for prisoners.
- In response to a suggestion by Prayas, the Director of the State Central Library issued a circular wherein books from government recognized libraries run by NGOs were made available to prisoners in Amravati (Nagar Vacahnalaya), Osmanabad (Nagar Vacahnalaya), Aurangabad (Balwant Mofat Vacahnalaya), Parbhani (Ganesh Vacahnalaya, Nanal Peth) and Jalgaon (Vallabhdas Valji Vacahnalaya).

#### ***2013-2014***

- A circular is issued by the Addl. DG and IG Prisons at the request of Prayas to increase the circulation of newspapers for prisoners in the state from the earlier ratio of 1 newspaper for 20 prisoners to 1 newspaper for 10 prisoners.

#### ***2014-2018***

- Library started in Parbhani, Nanded, Beed and Solapur with the help of nearest district libraries.
- Prayas attended a meeting called by Symbiosis College of Management to plan for starting advanced computer training programme for the inmates of Yerwada Central Prison. This has led to Symbiosis College of Management starting a basic course on computers at Yerawada Open Prison. The Prayas social worker supported and guided this process.
- In 2015-16, Libraries were activated in the following prisons and institutions:
  - Ahmednagar District Prison
  - Visapur Open Prison
  - Jalgaon District Prison
  - Navjeevan Mahila Vastigruha (Protective Home)
  - Ulhasnagar Observation Home for Boys
  - Ulhasnagar Observation Home for Girls
- ***Circulars issued***
  - Circular dated 1/8/16 issued by Maharashtra Libraries Directorate regarding extending library facilities in prisons and custodial institutions for women and children
  - Circular dated 18/3/2017 issued by Maharashtra Libraries Directorate regarding donation of books for prisoners by district libraries.

- In 2017, Prayas was able to get donation of 8500 books from the Maharashtra State Directorate Library Department which were distributed to the prisons, women and children institutions.

### **2019 -2023**

- A circular dated 04/11/2019 was issued by the Office of the Assistant Director, Libraries Department, Pune, to donate old periodicals and Diwali issues from districts like Satara, Sangli, Kolhapur, Solapur and Pune in their respective regional prisons for the benefit of inmates (male and female). The listing and distribution of books was facilitated by Prayas staff in Yerawada (Pune) and Kolhapur Central Prisons in 2019-20.
- As instructed by the ADG Prisons Office, Pune, a circular was issued by the DIG Prisons (Western Region) on 12/11/2021 for all prisons in the said region (specifically for the female sections) to apply for the library membership and get books for the female inmates, thereof. This further resulted in the appointment of a lady teacher for the female division of Kolhapur Central Prison.
- Vidhi Centre for Legal Policy organized a virtual round table conference on understanding the functioning of prison libraries and ways to improve it in Maharashtra. Organized in February 2022, the conference was attended by stakeholders including representatives from State Library Department, FNL as well as Prayas.
- As an acknowledgement of Prayas's efforts, Free Library Network (FNL), New Delhi, published the work done by Prayas in the field of activating prison libraries in their quarterly edition of December 2022.
- Being an active member at Bombay Science Librarians' Association (BOSLA), Prayas participated in the seminar conducted on 'New Horizons in Open Access Era', jointly organized by BOSLA and KES' Shroff College of Arts & Commerce, Mumbai on 11/02/2023.

### **11. Department of Youth Affairs and Sports, Ministry of Human Resources Development**

Through its social work intervention, research and other interactions in the field (both in and outside Mumbai), Prayas has had some success in widening the perspective towards the client group, or affecting procedures which promote the objective of re-integration of vulnerable groups process by the CJS. Individual cases have been taken up with the local administration,

meetings have been called, and the scope of existing programmes and services has been extended.

### ***Milestones***

#### ***1993-2005***

- Prayas receives financial assistance from the Department of Youth Affairs for the work it does with youth in prison for the year 1993-94.
- At the request of the Department of Youth Affairs & Sports (Ministry of Human Resource Development, GOI), Prayas organises a National level Symposium on '*Youth in Conflict with Law*' in 1995 to arrive at suggestions which would form part of a National Perspective Plan for Youth 1995-2020. The seminar is well attended by a wide variety of delegates across the country and leads to the emergence of practical suggestions towards a comprehensive government policy on youth and crime. It provides a forum for representatives of many marginalized and ostracized groups of the society such as released prisoners, children of prisoners and women in prostitution, transgender, homosexuals, ex-criminal tribes, youth groups and people having a close understanding of rural crime to put up their issues and problems on an equal footing before government officials, academicians and policy makers.

## **Municipal Administration**

Prayas has been making efforts to highlights concerning civic rights of marginalised sections coming in contact with the CJS from time to time. It has also liaised with the municipal administration to get space to conduct its activities, resulting in securing two room each in two municipal schools on rental basis to initiate its contact-cum-rehabilitation centres for its clients.

### ***Milestones***

#### ***2000-2007***

- Prayas gets space for its rehabilitation activities with women at a municipal school in Mumbai Central, through the intervention of the Municipal Commissioner, MCGM.
- MCGM conducts a vocational training course on wiremanship and electrical repairs through the *Swarna Jayanti Shahari Rozgar Yojana (SJSRY)* with male youth in Mumbai Central Prison, at the request of Prayas.
- MCGM gives financial assistance for vocational training (under the *SJSRY*) for released prisoners referred to its Community Development Officers in various wards.
- The Executive Health Officer of the Public Health Department, MCGM, issues a circular to all Medical Officers of Municipal Hospitals instructing Municipal Hospitals to admit patients referred by Prayas, without making it mandatory for their having to appoint escorts for the patient during stay at the hospital.
- Prayas gets space for its rehabilitation activities with male youth from MCGM at a municipal school in Byculla.

#### ***2012-2014***

- Prayas women clients are placed in a municipal hospital (as part of the Prayas Placement Programme) attached to the community health workers.
- The Disaster Management Cell of the MCGM conducts training programme for Prayas women clients on disaster preparedness.
- The Health Department of the MCGM conducts training programme for Prayas women clients about health programmes.



## **12. 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*

#### *1998-2007*

- Lok Vikas Samajik Sanstha, an NGO initiated by an ex-faculty of a social work college based in Nasik, approaches Prayas for guidance and capacity building to start work in prison. Two of their workers are placed with Prayas for one month and exposed to work in prisons and the criminal justice system. Lok Vikas later initiates work in Nasik Central Prison.
- Prayas initiates supervision of field work in prison and police station with students of social work from Solapur, leading to the setting up of an NGO, 'Sahaydri' focusing on social work intervention in Solapur District Prison and Pandharpur Sub-Jail.
- Support and guidance to an alumna of TISS (who had done field placement at Prayas) to initiate work in prisons in M.P. leads to setting up of Sudhar, an NGO working in prisons, the juvenile justice system and community corrections based in M.P.
- An ex-worker of Prayas initiates works in Amravati Central Prison. This initiative is given guidance and support by Prayas and leads to setting up of VARHAD, an NGO based in the Vidarbha region, working in prisons and community corrections.
- A lawyer based in Pune approaches Prayas for guidance and support to initiate legal aid work with prisoners in Western Maharashtra. Discussions and support to him leads to setting up of Human Rights Law Defenders, a project of Sahayog Trust, working with prisoners in Pune and Western Maharashtra.

## **2006-2008**

- The Bombay Association of Trained Social Workers (BATSW) and Prayas jointly organise a two day state level workshop on social work intervention in criminal justice in April 2006, attended by colleges of social work, NGOs working within the CJS, social work professionals, and criminal justice officials. The workshop resulted in a consensus on the need to foster developments in the field. Two follow-up meetings were held with interested participants. This was followed by local and region-wise meetings with colleges of social work in Maharashtra.
- The Department of Social Work, School of Social Sciences, Swami Ramananda Tirtha Vidyapeet, Nanded initiates student field work in prison. Prayas extends specific inputs to the faculty and also conducts a two-day training programme for students of social work on work in prison.
- NGOs working on prison issues come together at the behest of Prayas to discuss issues, share experiences and information and initiate a forum for NGOs working in prisons to take relevant issues forward. Meetings of the forum have focused on sharing of experiences and creating a platform to advocate issues with the government.
- Prayas initiates a meeting of government and non-governmental organisations in Ratnagiri in December 2007 with the support of the District IDC Sub Committee. Local NGOs and the law college are among the participants at the meeting. Prayas presents the need for intervention with prison inmates and requested NGOs to consider extending their services. Pratham expresses willingness to start computer literacy classes and the Principal of the Law College makes a donation for the purchase of library books.
- In February 2008, Pratham starts computer training classes for prisoners at Ratnagiri District Prison. Pratham is now considering extending their services to four more prisons in Western and Central Maharashtra, for which they have requested for continued inputs from Prayas.
- Prayas provides guidance and facilitation to Sahyadri in Solapur by extending professional guidance, organising a two-day para-legal workshop for their staff and assisting them in getting permission from Juvenile Justice Board to work with juveniles in conflict with the law.
- Prayas initiates dialogue with the Dean, School of Rural Development, TISS to start fieldwork in the Osmanabad District Prison. It assists the TISS Rural Campus faculty in

writing to the DIG Prisons (Central Region) for permission to place students for fieldwork in the Osmanabad District Prison and for an orientation visit by BSW students to the Osmanabad District Prison and briefs the students about the need for social work in prisons prior to their visit to the prison.



### **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.
  - Prayas presents a paper on Role of Social Work in the Correctional Settings at the Eighth State Level Seminar on Correctional Administration organized by the Kerala Prison Department at Thrissur. Participants included prison officials from district and central prisons of the State.
  - A quarterly newsletter is started named *Dialogues in Criminal Justice and Rehabilitation*, as a forum for NGOs, field practitioners, CJS functionaries or clients to write about their experiences and views on issues relating to the legal rights and rehabilitation of persons processed by the CJS.

#### ***2011-14***

- Prayas organized a two-day Workshop on 28<sup>th</sup> & 29<sup>th</sup> January 2011 in collaboration with the Academy of Prisons and Correctional Administration (APCA), Vellore for NGOs working in prisons and prison officers from the Southern states i.e. Tamil Nadu, Karnataka, A.P. and Kerala.
- Two Workshops on Counselling Skills are organized for Prayas Fellows and NGO Forum members– Basic and Advanced Courses.
- A two-day workshop with colleges of social work and NGOs working in Maharashtra, Gujarat, Madhya Pradesh and Rajasthan was organized on 9<sup>th</sup> and 10<sup>th</sup> December 2011 at Bharuch, Gujarat, on “Social Work Intervention in the Criminal Justice System: Role of Departments and Colleges of Social Work”. The objective of the workshop was to share the

experiences and knowledge gained through the various interventions in criminal justice and explore with colleges of social work, the possibility of replicating the interventions. As a result of the workshops and orientation programmes organized for faculty and students of social work colleges, field work placements are initiated by many colleges in prisons and police stations in Maharashtra and Gujarat.

- The IG Prisons, Gujarat, directs prison superintendents in the state to identify organisations which can initiate work inside prisons along the lines of Prayas. Based on the requests made by prison superintendents in various districts, Prayas workers visit districts to help identify NGOs or social work colleges who can be invited to start work in prisons.
- Prayas published *Handbook Series on Social Work in Criminal Justice* - 'Initiating Work in Prison Settings', 'Initiating Work with Children of Prisoners' and 'Initiating Work in Police Station'. These Handbooks were sent to colleges of social work, NGOs, prison officials, etc. in Maharashtra and some of the states where we had built some contacts. The Handbook on children of prisoners has since been translated into Marathi.
- Out of the six Prayas Fellows, two of them have transformed into organisations working in the field of CJS – Disha Foundation working on the rights and rehabilitation of families of homicide victims and Sudisha working with juveniles in conflict with law and with women and male youth prisoners. The NGO Forum has also helped mentor organisations working in the field e.g. Aurangabad, Yevatmal, Wardha and Chandrapur.
- At the request of Prayas, the IG Prisons Office organises a workshop for faculty from social work colleges in Maharashtra and prison superintendents to discuss the field work placement of social work students in prisons and work out the modalities of the placement process.

### **2015-19**

- **Tata Trust –Government of Maharashtra MoU Prison Project**

➤ Since the Tata Trusts have been among the few organizations that support the pioneering work of social work in the prisons, the Government of Maharashtra (GoM), through a letter from the Chief Minister to Mr. R. N. Tata, had approached the Trusts to extend the scale of proven social work interventions in the prison system to other prisons, as well as institutionalize the same within the existing governmental framework. In response to the above-mentioned letter, a Memorandum of Understanding (MoU) was signed between representatives of the Sir Dorabji Tata Trust and the Prison Department (GoM) in March 2016. As per the MoU, both the parties agreed to jointly demonstrate the need for social work interventions with

the existing five central prisons (Taloja, Nashik, Nagpur, Yerwada and Aurangabad) and one Borstal School in Maharashtra.

➤ Prayas is the knowledge partner in the above project whereby it was involved in suggesting the qualifications for appointment of social workers, selection process, induction training and mentoring of social workers after their appointment for three years. Prayas social workers were part of a scoping study that was done prior to the initiation of the project.

➤ Prayas is a member of the Project Implementation and Monitoring Committee chaired by the ADG Prisons Maharashtra. Prayas worked out the Job Description of the social workers and supervisory staff in the project and drafted the advertisement issued by the Prisons Department to appoint social workers in the project.

➤ Prayas organized a two week induction training of the social workers appointed in the project and conducted 3 day refresher trainings for them every quarter during the three year project, which ended in January 2020. Prayas also organized exposure visits of the team to Telengana and Tihar prisons and organized workshops on self, communication and documentation skills during the three year period. The project is under review and is likely to be extended for another term of three years.

● Prayas Project Director mentored TISS Criminal Justice Fellows working with under trial prisoners in Bihar, Odisha, and UP between 2015 and 2018. Based on the intervention by the TISS Fellows, a project has been initiated by the Sociology Department at Aligarh Muslim University where their MA students have been working with under trial prisoners at Aligarh District Prison since 2018.

● Prayas organized number of workshops with social work colleges in Maharashtra to promote field work placements by students of social work in prisons, police stations and courts.

● Prayas organized a national workshop on field placements in criminal justice settings in 2019 for faculty from social work colleges in Maharashtra, Gujarat, and Delhi.

### **2020 – 2023**

● The Alliance for Socio-Legal Initiatives in Criminal Justice and Rehabilitation (or the NGO Forum, in short) pitched in and attempted to ensure that individuals and families were continued to provide requisite support, irrespective of the strenuous times caused due to the COVID-19 pandemic. Online meetings, training programs and surveys were conducted to



not only identify problems but also work towards stabilizing their situations, thereof. Furthermore, distribution of ration kits, medical assistance and providing technological support for children by arranging smart phones to widen their horizon of seeking knowledge by consciously reducing the digital divide gap, among others.

### 13. Training and Capacity Building

#### *Milestones*

##### **1995**

- At the request of the Department of Youth Affairs & Sports, Ministry of Human Resource Development, GOI, Prayas organises a *National Symposium on Youth in Conflict with Law* to arrive at suggestions as part of a National Perspective Plan for Youth 1995-2020. The seminar is well attended by a wide variety of delegates across the country and leads to the emergence of practical suggestions towards a comprehensive government policy on youth and crime. It provides a forum for representatives of many marginalized and ostracized groups of the society such as released prisoners, children of prisoners and women in prostitution, transgender, homosexuals, ex-criminal tribes, youth groups and people having a close understanding of rural crime to put up their issues and problems on an equal footing before government officials, academicians and policy makers.

##### **2004**

- Prayas organises a *National Workshop to review the Implementation of Laws and Policies Related to Trafficking: Towards an Effective Rescue and Post-Rescue Strategy*, in collaboration with the NHRC. The participants include police officers, members of the judiciary, prosecutors, institutional staff, NGO representatives, social workers and advocates from across the country. The recommendations from the Workshop are accepted by the NHRC and forwarded to the GoI for implementation.

##### **2006-2008**

- Prayas organises *Maharashtra State Level Workshop on Situation of Children of Prisoners* in collaboration with the Inspectorate of Prisons, Maharashtra for prison officers to discuss the problems faced by children of prisoners and the guidelines issued by the Supreme Court in the RD Upadhyay Vs. State of AP and Others.

- Prayas organises *State Level Workshop on Social Work Intervention in Criminal Justice* in collaboration with the Bombay Association of Trained Social Workers for social educators and practitioners, to explore initiating social work intervention in criminal justice settings by social work colleges and NGOs.

- Prayas organises an *In-Service Training Programme for Care-taking Staff of Women's Institutions* housing persons in difficult situations, namely Navjeevan Mahila Vastigruh,

Kasturba Mahila Vastigruh, Male and Female Beggars' Homes and the Special Rehabilitation Home for Minors (rescued from trafficking). This training was organized in collaboration with the Centre for Life Long Learning, TISS. Eleven input sessions and one exposure visit were conducted for twenty caretaking staff. These sessions provided inputs about legal aspects, hurdles faced at work, addressing occupational difficulties, working with clients from stigmatized backgrounds, health problems faced by women in custody, and rehabilitation and citizenship rights of persons in custody.

- *One-day Seminar on Implementation of Probation Services* is organized in collaboration with the Probation Wing of DWCD for two revenue divisions (covering eleven districts) in the Vidarbha region. 78 probation officers and NGO representatives participated. This is the first of four such seminars to be organized in Maharashtra, towards sensitizing probation officers to prisoners' welfare and rehabilitation work.
- Prayas organises a three-day *Training Programme for Prayas Fellows and NGOs* working in prisons. 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.
- Prayas organises a five-day *Training Programme on Legal Information for Social Workers in Criminal Justice* for the staff of NGOs working within prison settings. The programme is attended by 14 staff members of organizations in and outside Mumbai, covering topics such as the Indian Constitution, the structure of the Criminal Justice System, substantive and procedural laws, correctional legislations, and laws relevant for social workers functioning within prisons.
- Prayas organises *One-day Seminar on Role of Duty Counsels and Legal Aid Lawyers: Issues and Suggestions* for legal aid lawyers and judges attached to Thane District and Sessions Court, in collaboration with the Thane District Legal Services Authority.
- Prayas organises a *District level Workshop on Laws Related to Rehabilitation of Offenders in Criminal Justice* for judges and probation officers attached to the Thane District and Sessions Court, to sensitise them towards better implementation of the Probation of Offenders Act and the Borstal Schools Act.
- Prayas organises *State level Workshop on Probation Services: Issues and Challenges* in collaboration with the DWCD, GoM, for probation officers across the state to discuss problems

related to the implementation of the PO Act and work out practical suggestions to address the same.

- Prayas organises a *Seminar on Law and Poverty* 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 Bombay High Court Legal Services Committee.

- The Department of Social Work, School of Social Sciences, Swami Ramananda Tirthe Vidyapeet, Nanded initiates student field work in prison. Prayas extends specific inputs to the faculty and also conducts a two-day training programme for students of social work on work in prison.

### **2008-210**

- A Seminar on Rehabilitation of Women in Institutions was organized by Prayas in co-ordination with the Department of Women and Child Development (DWCD), Government of Maharashtra. A copy of the draft minutes received from DWCD and minutes prepared by Prayas were compiled and issues for follow up were identified. These issues of women in institutions were raised before the Justice Dharmadhikari Committee for Prevention of Atrocities against Women and District ITPA Advisory Committee.

- Prayas organises a *Sensitization Seminar on Legal Aid* for judges, magistrates and legal aid panel lawyers 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 in 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.

- Prayas organises a *One-day Workshop on Extending Library Services to Prisoners* 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.

### ***2011-2012***

- *Prayas* organises a two-day *Workshop on Social Work in Criminal Justice* in collaboration with the Academy of Prisons and Correctional Administration (APCA), Vellore, for NGOs working in prisons and prison officers from the Southern states i.e. Tamil Nadu, Karnataka, A.P. and Kerala.
- Two *Workshops on Counselling Skills* are organized for Prayas Fellows and NGO Forum members – Basic and Advanced Courses.
- *Prayas* organises a two-day on *Social Work Intervention in the Criminal Justice System: Role of Departments and Colleges of Social Work* with colleges of social work and NGOs working in Maharashtra, Gujarat, Madhya Pradesh and Rajasthan was organized at Bharuch, Gujarat,. The objective of the workshop was to share the experiences and knowledge gained through the various interventions in criminal justice and explore with colleges of social work, the possibility of replicating the interventions.

### ***2012-2013***

- *Prayas* organized a one day workshop on *Role of NGOs in the Rehabilitation of Offenders and Probationers* at the TISS. The objective of this workshop was to generate awareness about the role that NOGs can play in towards the better implementation of the PO Act. The issue of granting recognition to NGOs working in the field by the government, as per the PO Act Rules was discussed in the workshop. Probation Officers from the DWCD, social workers from Prayas and NGOs representatives from Maharashtra, Gujarat and Odisha attended the workshop.

### ***2013-2014***

- *Prayas* organises a *Sensitization Workshop on Situation of Children of Arrested Women* for the police officers in Maharashtra regarding precautions to be taken by the police at the time of arrest of women, with regard to the care and protection of their children. This resulted in guidelines being issued by the Maharashtra Police regarding protection and care of children of women at the time of their arrest.

- A *Workshop on Implementation of the Probation of Offenders Act* was organized by Prayas in collaboration with the Thane District Legal Services Authority. The workshop was organized towards the sensitizing judicial officers, lawyers attached to the TDLSA, Probation officers and Prison officers from Thane district. About 100 Judicial officers, Probation officers, prison officials and lawyers participated in this workshop.
- A *State Level Workshop on the Implementation of the Probation of Offenders' Act, 1958 and Rehabilitation of Prisoners* was organized by Prayas in collaboration with the DWCD for District Probation Officers across the state. The workshop raised many practical difficulties faced by probation officers and made several recommendations to improve the functioning of the probation wing in the DWCD. Shri Ujjwal Uke, Principal Secretary, DWCD gave the valedictory address and promised to implement the recommendations in a phased manner. He suggested the setting up of a working group with members from Prayas and DWCD to ensure the implementation of the recommendations.
- At the request of Prayas, the IG Prisons Office organises a workshop for faculty from social work colleges in Maharashtra and prison superintendents to discuss the field work placement of social work students in prisons and work out the modalities of the placement process.

### ***2015-2019***

- A six days training workshop from 7<sup>th</sup> November 2016 to 12<sup>th</sup> November 2016 on reformation and rehabilitation of prisoners, was organized for prison warders of Tihar Jail on the topic “A Social Work Approach for Intervention in Prisons” in coordination with Prayas. The objective of the training was to impart information, knowledge and skills to intervene with inmates to achieve the objectives of the Tihar Prison administration namely rehabilitation, reformation and re-integration of the inmates.
- Prayas organized a workshop on 19<sup>th</sup> November 2018 with Anganwadi Sevikas who run the prison balwadis. As an outcome of the workshop, permission was received from DWCD to give supplementary nutrition to children attending the Anganwadis in prisons.
- Prayas was invited to make a presentation about its work with women prisoners and children of women prisoners in a National Conference on Women Prisoners organized by the BPR&D and Prisons Department, Government of Himachal Pradesh, Simla in 2018.

- Prayas organized a consultation in September 2018 with women's shelter homes in Mumbai, Thane and Raigad districts to share experiences of rehabilitation of women living in shelter homes and develop a plan of action that could be submitted to the DWCD, GoM.
- An induction training was conducted for the Fellows (APPI Fellowship Programme) from 12th to 24th November 2018, consisting of field visits and classroom sessions, followed by two weeks of field internship in prisons under the supervision of Prayas social workers.
- First Refresher training for the Fellows (APPI Fellowship Programme) was conducted on 23<sup>rd</sup> and 24<sup>th</sup> April, 2019. Sessions focused on District Legal Services Authority: Structure and Services; Importance of Home Visits in Work with Individuals in Prison; Effective Interventions by Social Worker in the System: Bridge between System and Client; Work with Individuals in Prison Settings; Bail, PR Bond, Sec. 436 and 436A Cr.P.C.: Problems and Challenges; Sharing of the NLU Fellows' Work in Yerawada and Nagpur Prisons; Experiences and Challenges Faced by Fellows and Monthly Reports, Case and Process of Documentation.
- Prayas organized a 3 day residential training and capacity-building programme from 18<sup>th</sup>-20<sup>th</sup> September, 2019 on "Rehabilitation of Prisoners" in Jharkhand, at Jamshedpur, in collaboration with Tata Steel Foundation, who have initiated work in Jamshedpur Prison, with guidance from Prayas. During the course of the engagement, it was learnt that the prison guards play a critical role in the larger rehabilitation process within a correction home. A training module was therefore developed for prison guards.
- Prayas organized Round Table on Field Work Placements in Criminal Justice in October 2019 to share experiences of social work colleges/departments for organising fieldwork placements in CJ settings, and discuss the opportunities and scope for the placement of students in the CJS
- Prayas organized one day workshop in November 2019 with Superintendent/ Probation Officers of Protective and State Homes from 12 districts of Maharashtra (Satara, Solapur, Nagpur, Sindhudurg, Ratnagiri, Jalgoan, Raigad, Aurangabad, Dhule, Pune, Mumbai and Thane). The objective of the workshop was to create a platform to share and discuss rehabilitation and its challenges, brainstorm ideas, best practises and a way forward while dealing with Women in Institutions.
- Orientation programme was organized for students and faculty of Department of social work, Gujarat Vidyapeeth on social work intervention in CJS.

**2020 – 2023**

- Prayas jointly organized a one day workshop along with Maharashtra State Commission for Protection of Child Rights (MSCPCR) on Children of Women Prisoners: Issues and Challenges in February 2020. The objectives of the workshop was to discuss the issues and challenges faced by the children of prisoners and discuss the role played by CWC members and a way forward to address the challenges faced by these children. The participants included CWC Chairpersons and members from Mumbai City, Mumbai Suburban, Thane, Raigad, Palghar, Nagpur, Latur, Aurangabad, Solapur, Nashik, Pune and Akola districts of Maharashtra.
- The Second Refresher training for the Fellows (APPI Fellowship Programme) was conducted on 6<sup>th</sup> and 7<sup>th</sup> February, 2020. Sessions focused on Medical Jurisprudence, Bail – Case laws and reading charge sheet from Bail point of view , Law- Immoral Traffic Prevention Act, 1956 , NDPS Act , Protection of Children against Sexual Offences Act 2012, Challenges of working in prison, Communication Skills , Importance of Home Visit and Social Investigation Report and Tarasha - Challenges of working with a person experiencing mental health issues .
- Prayas organized a workshop in coordination with TISS, Tuljapur on “The Need and Scope for Social Work Intervention in Criminal Justice” in February 2020. The workshop was attended by social work colleges across Maharashtra.
- Prayas organized webinars for the prison departments for northern and southern states in 2020, in collaboration with the Institute of Correctional Administration, Chandigarh, and the Academy of Prisons and Correctional Administration, Vellore, on recommendations emerging from the study related to improving the Mulaakat system
- Prayas had organized a seminar for social work students of Parul University, Vadodara to orient the social work students regarding social work intervention in the CJS so that students’ fieldwork in CJS increases. Topics of discussion for the seminar were related to the objectives of social work in CJS, social work intervention at the police station and prison, aftercare services for the rehabilitation of the prison inmates. Due to the seminar, the students gained information related to the interventions in the CJS and they actively participated and got their doubts clarified.
- On 6<sup>th</sup> December 2021, Prayas organized a 15 days certified training of basic tailoring through C.B. Kora Kendra. The training would be conducted for 3 hours daily and it began with teaching the trainees how to use the sewing machine.
- An online training programme on ‘Rehabilitation with Vulnerable Groups in CJS’ containing 14 modules was organized from 4<sup>th</sup> February 2022 to 26<sup>th</sup> March 2022. Total 45



participants had registered for the course which included professors, psychologists, researchers, social workers, MSW students etc. from all over India. This training allowed the social worker worked towards designing the course structure, planning the admissions for the course, mode of payment of training course fees through online, identifying resource persons within Prayas as well as outside, conducting online meetings with the resource persons, maintaining follow-up regarding the advertisement and other sources of marketing of the course, obtaining zoom link from TISS, coordination with resource persons, participants of the training, technical staff and team members for the execution of the online training.

- Participated in a one-day workshop on criminalization in prisons organized by the Central Academy of Police Training, Bhopal, and submitted suggestions as a part of the Sub group on “Need for New legislation and governance framework”.
- A training programme for 10 DLSA Thane Advocates was conducted by Prayas legal fellows on the topic “Experience sharing of Prayas from 2018-2021 (Best practice for criminal matters)”.
- Twenty panel advocates DLSA Mumbai and 3 para legal volunteers were trained by the staff of DLSA and Prayas on ‘Probation of Offenders Act and Maintenance laws in India’
- An online training session for 42 legal aid panel advocates and Prayas fellows was conducted by Mumbai DLSA on ‘Juvenile Justice (Care & Protection of Children) Act, 2015’.

## **9. Bharuch Unit**

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

### ***1996***

- Prison work starts at Bharuch Sub-Jail. The initial services involve arranging for legal aid, vocational training activities and rehabilitation.

### ***1999***

- The DSP, Bharuch, asks Prayas to start work in police stations in Bharuch District. Prayas is requested to intervene in cases from the social and rehabilitation point of view in one police station.
- DSP, Bharuch District shows interest in starting separate police station to handle cases of women. Prayas is involved in discussions and brain storming, and sensitizing of women staff which is to be appointed for this purpose.

### ***2000-2001***

- Prayas is invited to be a member of Core Committee formed at the initiative of the Hon'ble Minister for Jails, Government of Gujarat to discuss problems of under trial prisoners.
- Collector of Bharuch asks Prayas to start a night shelter in Bharuch for women and youth, for which administration would take responsibility of funding. Proposal is submitted, but it does not work out due to the transfer of the Collector.
- Permission to work in male section of Bharuch Sub-Jail is cancelled on the grounds of security. Prayas submits a fresh letter to the I.G. Prisons' Office enumerating its role in prison. Prayas' permission letter is renewed, thus proving that Prayas has been able to demonstrate the need and role of social workers in criminal justice system.

### ***2001-2002***

- The prison authorities of Surat and Vadodara prisons request Prayas to initiate work in their prisons. Surat being industrial area, there is a sizable migrant population in prison without family support. All convict women from the State are housed at Vadodara Central Prison.

These women face problems like contacting and meeting families and children. Due to shortage of staff, it is not possible to expand Prayas' work to these prisons.

## **2004 – 2005**

- I.G. Prisons shows interest in Prayas starting work in Vadodara Central Prison in the Women's Section and also in other prisons in the State. Prayas responds with a proposal that if selected NGOs are identified, Prayas would train them on prison-based work. Since the post of welfare officers does not exist in all prisons in the State, Prayas also offers to train jail officers towards welfare work.
- Prayas organizes a training programme for the Railway Police on the Juvenile Justice Act. Police Inspectors, Head Constables and Women Police Constables from all Railway Police Stations attend the training.

## **2005 – 2007**

- Prayas initiates meetings with the Superintendent of Police to discuss various issues relating to work at the police station. The worker at the police station identifies the non-implementation of J. J. Act at the police station as a major concern. As a result of the meetings, the D. S. P. agrees to organise training about the J. J. Act for the field level staff. Another issue discussed is about mentally disturbed women and their treatment. The D.S.P. is very sympathetic towards the problems of these women and is responsive to the idea of police taking custody of mentally disturbed women and sending them to hospitals for treatment.
- Prayas has meetings with the Chairperson of Child Welfare Committee, DSP, District Judge, I.G. Police (Vadodara Range) on the need for training police staff on the Juvenile Justice Act
- Prayas coordinates with District Legal Services Authority and organizes a training programme on Juvenile Justice Act for Head Constables and Constables of all police stations in the District. The resource persons for the training include the Chairperson of Juvenile Justice Board, Chief Public Prosecutor and social workers from Prayas.
- As a result of the training, Prayas starts receiving many phone calls from various police stations when they take custody of children.
- As a result of various discussions with police staff, Prayas feels the need to start training programmes towards income generation for the families of police staff. With the help of ONGC Ankleshwar and the DSP, Prayas initiates a training programme for the wives and daughters of the police staff.

- Prayas' presence in Bharuch is widely recognised by the government and civil society representatives. Prayas workers are involved in many activities and district level meetings on issues related to criminal justice, juvenile justice and rights/welfare of women and children:
  - Prayas workers are invited as conciliators in Lok Adalats organized by District Courts.
  - A Prayas worker is appointed as a member of the Child Welfare Committee under the JJ Act.
  - A Prayas worker is appointed in the Committee under the Dowry Prohibition Act.
  - A Prayas worker is invitee member of District Mahila Suraksha Samiti.
  - Prayas is invited for various meetings organized by district administration where discussions on issues related to rehabilitation of criminal justice clients becomes possible
  
- In coordination with District Legal Services Authority, Prayas workers participate in various legal aid and awareness sessions at the Children's Home and Bharuch Sub-Jail.
  
- Prayas workers are invited to participate in legal awareness camps organized in the community by the DLSA.
  
- The issue of women and children being exploited on railway platforms, and the need to arrange shelter and rehabilitation is discussed with SP Railways. As a result, the SP issues a circular to Railway Police Stations, Bharuch to refer cases in crisis and need to shelter homes and the contact Prayas for follow-up and rehabilitation.
  
- Prayas follows up with different agencies of the district administration for training and self-employment of Prayas clients who do not possess necessary documents, which enables them to take benefit of government schemes. Some results:
  - Six clients receive equipment and material for self employment.
  - Prayas is able to get necessary documents for some clients to get benefit of government schemes.
  - Permission from municipal authorities for allowing clients to keep hand carts on the road, for self-employment.
  - Organizing various educational and awareness sessions for prison inmates in Bharuch Sub-Jail.
  
- A training programme is organized for RPF staff at Ankleshwar Railway Station on social legislations, sensitizing them on issues of women and children, and information on shelter of women and children.

## ***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, vyananmukti, 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.

## ***2012***

- As a result of co-ordination with prison authorities and Gujarat State Secondary and Higher Secondary Board, prisoners were able to appear for the board examinations at the 10<sup>th</sup> and 12<sup>th</sup> levels, under Gujarat State Open School scheme of the Govt. of Gujarat.

- As an outcome of continuous follow up with Industrial Training Institute (ITI), Bharuch Nagarpalika, and the Govt. Polytechnic to include prison populations as a target group for vocational training programmes, Prayas succeeds in starting training programmes for women prisoners at Bharuch Sub-Jail through the Kaushlya Vardhan Kendra, a project of the ITI.
- As a result of discussions with District Education Department, permission was obtained to organize legal awareness programmes for school children (from Class 9<sup>th</sup> to 12<sup>th</sup>) in schools with objective of crime prevention. During these trainings, functionaries from the District Child Protection Unit and District Legal Services Authority were also involved. So far, 525 children from 8 schools have been covered through these programmes.
- As a result of co-ordination with the District Rural Development Agency (Mission Mangalam scheme), Prayas was able to obtain permission for organizing socio-legal awareness programmes for women in the community. During these programmes, officials of Mission Mangalam scheme, Panchayat members, school principals, aanganwadi workers, and health workers were involved, so that their support could be enlisted at a later stage. Advocates from the DLSA and the Gujarat State Women's Commission were also involved in some of these programmes. So far, 330 women from 6 villages have been covered under these programmes.

### ***2013***

- As a result of follow up with the Nirantar Sikshan Department (Continuing Education Department), literacy programme was initiated for prisoners under Sakshar Bharat Karyakram-Saraswati Yojana.
- The Government of Gujarat has initiated projects for the welfare of citizens under Suraksha Setu Society. One of the activities is to create Women's Help Desks at police stations to reach out to women in crisis situations approaching the police. The Bharuch Unit made extensive follow up with district police to extend the scope of the work by appointing social workers to reach out to women accused, children, youth offenders, mentally disturbed and senior citizens.
- Permission was obtained from District Education Officer for school children for class 10<sup>th</sup> and 12<sup>th</sup>, and later for youth taking vocational trainings at ITIs for organizing training on crime prevention in community
- Permission was obtained from Director, District Rural Development Authority for organizing socio- legal training and awareness for women members of Self Help Group under Mission Mangalam Project of Government.

### ***2014***

- Prayas visited prisons, legal aid authorities, officials from the department of social defense and NGOs in 7 districts of Gujarat, to assess the situation of under trial prisoners and convicted prisoners. During these visits, discussions were held with the stakeholders concerned about the legal rights and rehabilitation of prisoners. Some of the NGOs expressed interest in initiating work in the field of CJS.
- A workshop was organized for Head Constables of Bharuch Police on ‘Role of Police for Women in Crisis’. The workshop was attended by 78 participants.
- Prayas held a meeting with the District Judge and members of legal services authorities, to organise legal awareness programmes for prisoners, and accessing legal aid for inmates and women reaching police stations in crisis situations.
- Legal Awareness Programmes for school children was organized for students from IXth to XIIth classes) in the various schools of Bharuch district with an objective to create awareness on crime prevention and skills in children. 3 schools were reached out to catering 955 children out of which 865 were males and 90 were female participants.

### **2015**

- Meeting was organized with Secretary, DLSA with the objective of activating Taluka & District Legal Services Authority. During the meeting, Legal aid challenges of under trial prisoners were discussed. Decision was taken to organise sensitization programmes for panel advocates.
- Permission was obtained from High Court, Legal services authority and Prison department to organise legal awareness programme in District Prisons. This programmes were done with objective of activating District Legal Services Authority and making prison inmates aware of their legal rights and services of DLSA

### **2016**

- Work was initiated to initiate ICDS run anganwadis in prisons across the state. Worker visited and began discussion with IG prisons and Director, ICDS, on the need for ICDS anganwadis for children of women prisoners. Prayas submitted a letter to Director, ICDS, to initiate ICDS anganwadis in prison.
- **ITI centres in prisons for vocational training of inmates:**
  - Prayas visited the Director, Office of Employment and Training under the Department of Labour and Employment, Government of Gujarat, to discuss the importance of government



certified vocational training courses for prison inmates and check the possibility of setting up ITIs in prisons. The Director appreciated the idea and has asked a letter from Prayas regarding this. Prayas forwarded a letter to the Director and I.G. Prisons.

➤ I.G.(Prisons) granted permission to start these programmes in four prisons of Gujarat namely, Ahmedabad, Surat, Vadodara and Rajkot.

➤ The Director of Employment & Labour Department coordinated with the Superintendent of Ahmedabad Central Prison and Kaushalya Vardhan Kendras (KVKs) were started in Ahmedabad Central Prison. Prayas followed up extensively with central prisons and also met principals of ITIs to understand challenges which can be faced to initiate KVK centres in Prison. As a result of these meetings, project proposals were submitted by Surat, Rajkot, Vadodara and Bharuch Kaushalya Vardhan Kendras to the Director of Employment & Vocational Training Department to seek permission to transfer the KVK centres in prisons.

➤ Permission has been granted to transfer Palampur KVK to Surat Lajpor Prison, Kothari KVK to Rajkot Central Prison, Angadh KVK to Vadodara Central Prison,

● Work continued so that schemes of DLSA/SLSA are implemented for prison inmates in districts of Gujarat. Work continued at two levels: In Bharuch district, we continued organising programmes for panel advocates of legal aid lawyers. In other districts of Gujarat, legal awareness programmes were organized for prison inmates in coordination with District Legal Services authority.

● Prayas, continued follow up with Gujarat State Legal Services Authority (SLSA) so that prison inmates' needs and challenges can be put up before the State Legal Services Authority (SLSA) and their challenges can be addressed. While arranging for legal aid for inmates in Bharuch Sub-Jail, Prayas identified certain issues which inmates face for availing benefit of legal aid both at the District courts and High Court. Prayas had compiled these issues and submitted a letter to Member Secretary, Gujarat State Legal Services Authority, Gujarat High Court. In response to this letter, the Member Secretary invited Prayas for a meeting and as a result of this meeting, a letter has been issued to all District Legal Services Authority, giving them directions to support prison inmates in all the issues faced by them while availing benefit of legal aid.

● Prayas continued its work towards setting up of ICDS anganwadis in the Prison of Gujarat. As a result of Prayas's initiative, Director, ICDS has written letter to all District Development Officers and Dy. Municipal Commissioners (Ahmedabad, Surat, Rajkot, Vadodara, Jamnagar & Bhavnagar) to provide supplementary food to children living in prison along with their mothers through their mobile van programme. In places where mobile vans are

not available, direction is given to provide supplementary nutrition by arranging local system. Prayas decided to follow up for this in Ahmedabad, Rajkot, Vadodara and Surat Central Prison

- Prayas initiated work with Department of Education in 2015, so that prison inmates can appear for class 10<sup>th</sup> and 12<sup>th</sup> examination while in Prison. While following up for the same, Prayas has observed certain issues and challenges in the process of filling up of forms, preparing for exams and while giving exams. Prayas requested the Exam Secretary, Gujarat State Secondary & Higher Secondary Board (GSSHSB) for a meeting to be organized with I.G. (Prisons) to discuss these issues and challenges. As a result, a meeting was organized at I.G. office to discuss the challenges. I.G. (Prisons) - Gujarat State, Exam Secretary of GSSHSB – Gandhinagar, Secretary of GSSHSB - Vadodara, Superintendents of Ahmedabad, Vadodara, Surat and Rajkot Central Prisons, Welfare Officers and Superintendents of Industries of these prisons and Prayas workers were present during the meeting. Many important decisions regarding concerns and challenges for prisoners to appear for the exams were taken:
  - a) Four Central Prisons of the state will be considered as centres for giving the Board exams
  - b) The inmates who have filled up the form to appear for exam will be transferred to the Central prisons 15 days prior to the exam date.
  - c) District Education Officer (DEO) will arrange teachers for giving tuitions to the inmates appearing for the exam. Jail Superintendent will coordinate for the same with the DEO.
  - d) DEO will arrange for educational material to be provided to the inmates for study.
  - e) The security checking of the teachers visiting prisons should be done in a respectable manner in presence of Nodal Officer.
  - f) Jail Superintendent should support prison inmates to get their School Leaving Certificates and mark-sheets to fill up the form.
  - g) The released prisoners can appear for exam at the centre allocated to him in the prison.
  - h) A separate barrack could be provided to the inmates appearing for the exams to study. If there are less inmates in a particular prison and a separate barrack is not possible, the inmates could be kept in different cells after obtaining permission.
  - i) The forms should be filled by the inmates by the 20th January, 2017.
  - j) The forms should be sent to the DEO office
  - k) For the next academic year, 5 sets of educational preparatory material could be sent to all the prisons in the state from the beginning of academic year itself.
  - l) Prison Superintendents can take support from local NGOs for supplementary education material.
  - m) Senior Jailors of Central prisons and Senior Jailor-Group 2 of district prisons should be appointed as Nodal Officers.

- As a result, total 92 inmates across the prisons of Gujarat have appeared for Xth exam and total 35 inmates appeared for XIIth exams.

## **2017**

- Prayas continued working towards ensuring that the schemes of DLSA/SLSA are implemented for prison inmates in the districts of Gujarat

- A meeting was organized with Secretary, District Legal Services Authority to discuss the following legal issues faced by under trials while in prison:

- a) Helping the clients who wish to change the legal aid advocate if they are not satisfied with them.
- b) Clarification of role of legal aid advocate – if once allotted for the case, the same advocate should support the client for filing all other applications in the court such as to put up the bail application, to gain custody of their children, etc.
- c) Organization of legal awareness programmes in prison in coordination with Prayas.
- d) Issues of women inmates concerning custody of their children living outside.
- e) Photocopies of legal documents for clients who wish to apply in High Court.
- f) Extending role of para-legal volunteers in prison for writing legal application and coordination between client, family and advocates.
- g) Find alternatives by which legal applications can reach faster to the courts.
- h) Acquire the judgment copy of clients when they are acquitted.
- i) Support to prison inmates to fill in forms for obtaining legal aid in High Court, need for coordination with High Court Legal Services Authority, advocates etc.
- j) Support to clients to obtain legal aid advocate at district level to do necessary procedures in bail application is granted from High court.
- k) Organization of meetings with taluka and district legal aid lawyers in the presence of Secretary, DLSA.

- Prayas continued following up so that ICDS scheme is implemented in the prisons of Gujarat for children of women prisons. Prayas had followed up with Director of ICDS and I.G. (Prisons) for setting up ICDS anganwadis within the prison premises. It was also discussed with the Director of ICDS if initially, programmes of ICDS could be extended to pregnant and lactating mothers in the prison and children living with them. Worker continued following up in central prisons, Programme officers of ICDS Departments, Municipal commissioners and DDO so that the directive of the Director, of Women and Child development department is implemented.

- As a result of Prayas follow up with the Prison Department and the Department of Vocational training and employment, Kaushalya Vardhan Kendras have been started in the

central prisons of Ahmedabad, Rajkot, Surat and Vadodara. There were many functional challenges in running of these KVKs. Due to Prayas intervention, a meeting was organized at the DGP Prisons & Correctional Administration's office to discuss and find solutions to the problems being encountered.

The outcome of the meeting:

- Clear division of responsibility between prison department and the Department of Vocational Training & Employment.
  - A decision was taken to organize similar follow-up meetings every three months.
  - In addition to KVK trainings in the central prisons of Ahmedabad, Surat, Vadodara and Rajkot, permission to start a KVK centre in Bharuch District Prison has been obtained.
- As a result of Prayas's initiative with the Gujarat State Secondary and Higher Secondary Education Board, prison inmates can give board exams. To sort out problems faced by students appearing for board exams, a meeting was held in the month of November 2017 chaired by the IG Prisons and the other members present were the Exam Secretaries of Gandhinagar and Vadodara, Superintendents of the four central prisons, Superintendents of 6 district prisons, Welfare Officers and representatives of Prayas.

Outcomes of this meeting were:

- As the prison Superintendents have now become familiar with the exam process now, this year more inmates had appeared for the exams as compared to the previous two years. This year about 155 male inmates appeared for the Xth exam, while 36 male inmates and 1 female inmate appeared for the XIIth exam.
  - Those inmates who could not arrange for the documents from their previous school were allowed to fill forms after making an affidavit.
  - In Surat Central Prison, arrangements were made by the District Education Officer for the teachers to regularly visit and teach the inmates.
  - In Vadodara Central Prison, arrangements were made with a missionary organization coming and supporting the inmates.
  - Text books were provided to inmates by the District Education Officers.
- Prayas presented many issues concerning prison inmates' welfare and rehabilitation in the Core Committee meeting held in Bharuch District Prison. The Core Committee meeting was organized in Bharuch District Prison. Outcomes of the Core Committee meeting were:
    - The District Collector who is the Chairperson of the Core Committee after the meeting invited Prayas workers to his office to discuss the raised issues in detail and look for possible solutions for the same.

- Gynaecologist and psychiatrist have started visiting the prison once a week.
- Support was extended by the District Education Officer to the interested inmates in filling the exam forms for the Xth and XIIth exams. The inmates were also given text books for the same.
- The prison Superintendent agreed to send a child living in prison along with her mother to ICDS run aanganwadi.
- The Secretary of DLSA has agreed to support Prayas workers in providing legal aid to the prison inmates.

## **2018**

- State Level Workshop on —Issues faced by Children of Imprisoned Mothers organized on 22nd February, 2018 in coordination with the office of DGP (Prisons & Correctional Administration)

### Outcomes of the Workshop:

- Most participants expressed that they had never looked at the issue of Children of women prisoners in a manner presented in workshop
  - A need was established to intervene with these children in most sensitized manner
  - Participants agreed on need for interdepartmental coordination
  - Prison department ready to follow up with concerned department and Home department in context to this issue.
  - ICDS department ready to provide education kits to women prisoners for their children and ready to train women inmates to prepare quality nutritious food for the children inside prison
  - Prison department appreciated Prayas for their efforts to bring about issues of children in an interdepartmental forum.
- Prayas follow up to extend ICDS programmes to the prisons of Gujarat led to meeting with the Director, ICDS on 7th May 2018. The Director suggested a joint meeting of the ICDS and Prisons Department to understand the issues of the children of prison, the prison administration and how the children of prisoners could gain the maximum benefit of the ICDS services and schemes. He also suggested about initiating ‘Ghodia Ghar Scheme’ – a crèche facility for the children inside prison. With regard to the children of prisoners staying outside, they could be provided THR (Take Home Rations) packets from the aanganwadis close to their homes. The DG Prisons & Correctional Administration agreed to conduct a joint meeting between the two departments and also to send the request letter to the ICDS Director to reach out to children of prisoners.

- Prayas continued follow up with Prisons, Principal ITIs, DG Prisons and Director, Training and Employment regarding challenges faced in successful function of KVK centers in four central Prisons of Gujarat.

- On 27th August 2018, a meeting was held with the Commissioner of Schools, Gandhinagar, to discuss the issues related to the education of the prison inmates. The Commissioner agreed to the needful and suggested that a written request letter be sent

to him through the DGP (Prisons & Correctional Administration). He also agreed to come for a joint meeting with the DGP (Prisons & Correctional Administration). The said request letter was sent by the DGP (Prisons & Correctional Administration) to the Commissioner of Schools.

- Capacity building programme was organized for prisons officials of Vadodara central prison in coordination with district protection units on the schemes for children which can be used for children of prisoners

## **2019**

- To present worker understand challenges faced in functioning of KVK centres in prisons, a joint meeting was organized on 2nd January 2019 at the office of the DG Prisons & Correctional Administration between the Prisons Department and the Department of Vocational Training & Employment During this meeting, DG Prisons & Correctional Administration gave permission to initiate KVKs in 8 district prisons of the state.

➤ Work continued, so that prison inmates can appear for class 10<sup>th</sup> and 12<sup>th</sup> exams. As a result of the follow-up maintained by the Prayas, a joint meeting was organized at the office of the DG Prisons & Correctional Administration on 2nd January 2019. The outcome of this meeting was that a letter has been sent by the Director, Commissionerate of Schools, to District Education Officers to support the district prison superintendents to arrange for teachers to visit the prisons and conduct classes for the prison inmates who want to appear for the Board exams. A decision was taken that if the Board is unable to provide the textbooks and resource materials required for the exams, the same could be purchased from the Prison Welfare Fund. If teachers are not available, educated inmates could tutor other inmates for the Board exams and wages as per the prison rules could be paid to this inmate teacher.

- Permission obtained from DGP prison to organize training programs for prison officers in the state of Gujarat in context to sensitizing them towards issue of rehabilitation of prisoner

- Two training programmes were organized by Prayas, Bharuch for trainees at Prison Officers Training School, Ahmedabad on the topic, Rehabilitation of Prisoners: Role of Prison Officers in the month of June and September 2019

### *2020 – 2023*

- COVID-19 served as a host of problems for inmates and prison officers by facing many challenges like prisons are overcrowded, lack of awareness about the covid-19 to inmates, not able to have Mulaakat with family, worried for legal status of case etc. To discuss these issues, a webinar on ‘Legal Assistance and other support to Prisoners & their families during COVID-19’ was organized for prison officers on 8th August, 2020.
- From August 2020 to September 2021, a total of 5 webinars on “Social Work in Criminal Justice System” were organized for over 350 students and 16 faculty members across various colleges of social work such as Gujarat Vidyapith; Central University, Gujarat; Saurashtra University, Rajkot, Veer Narmad South Gujarat University and Parul University, Vadodara.
- A webinar on “Prison as a center for rehabilitation” was organized on 22nd to 24th March, 2021 for superintendents and jailors of Gujarat prisons in coordination of Gujarat Institute of Prison & Correctional Administration, Ahmedabad. Co-ordination and follow-up done with the principal of Gujarat Institute of Prison & Correctional Administration, Ahmedabad for organizing webinar. Total 44 prison superintendents and jailors were participated in the webinar.
- A total of 109 (86 male and 23 female) clients from Bharuch District Prison and 50 from Rajpipala District Prison were reached out to and the services offered included legal guidance, ration and medical support, counselling, referrals for the rehabilitation programme of Prayas, awareness sessions and trainings, among others.
- Prayas had organized a vocational training programme on “EDP for Micro-Entrepreneurs (Basic Computer)” for the male inmates of Bharuch District Prison in coordination with Baroda Swarojgar Vikas Sansthanin where 24 male inmates participated and received certificates at the end of the training.
- A session on the ‘Importance of Education’ was conducted on 23<sup>rd</sup> January 2022 during which discussions focused on the significance of education, means and sources to gain education, and the benefits of education in life. 9 inmates participated in this session.

- Education Motivation Programs' were organized on 24<sup>th</sup> January, 3<sup>rd</sup> March and 9<sup>th</sup> March 2022 respectively for a total of 42 inmates across the three sessions. Inmates were not only inspired to pursue their education but were also supported by Prayas in providing resource books to 5 inmates appearing for their Board exams. Besides, those who had already appeared were also present. The event on 9<sup>th</sup> March 2022 was conducted in coordination with the District Education Officer. The Education Inspector and In-charge Exam Secretary positively assured to support by providing study books to the Board students.
- With the basic premise of orienting and capacity-building of students and faculty members about the plethora of experiences that the field of social work in the criminal justice system entails, reduce the fear attached with law enforcement agencies or other interrelated professionals and thereby present Prayas as a successful model upon which similar projects and courses can emerge, a range of seminars and webinars were organized for over 300 students and 30 faculty members alike of various colleges of social work of Gujarat, namely:
- Owing to the past impact, 3 seminars on "Social Work in Criminal Justice System" were organized again from August 2022 till January 2023 for students of the college of social work at Balhans College, Thava; Shree Narmada Masters of social work College, Mangrol and Shree Saraswati MSW College, Moriyana.
- Similarly, 2 webinars were also conducted on the above mentioned topic on 18<sup>th</sup> November 2022 and 20<sup>th</sup> January 2023 for social works students of Vidyapith College, Ahmedabad and Swami Vivekanand College, Ronvel, Valsad.
- Prayas reached out to 21 clients to provide vocational training to youth, to provide support for opening a Bank Account, providing legal guidance, linking clients with government schemes such Kaidi Sahaya Yojana, Aayushman Bharat Yojana, Ganga Swaroop Yojana, Pradhanmantri Aawas Yojana and Pradhanmantri Ujjawala Yojana, providing them with emergency services, conducting home visits, visits to government and NGOs for obtaining support for them.
- A refresher training for Para Legal Volunteers of Bharuch District was organized on 2nd March 2023. The training was organized in coordination with District Legal Services Authority, Bharuch. The training was organized with the objective to sensitize PLVs with



regards to challenges faced by prison inmates and their families including children living outside. The role which PLVs can play in rehabilitation of prisoners was also discussed. Information was given about the support they can take from Govt. departments and Govt. officers to help family members obtain citizenship documents and avail benefit of Government schemes. 19 PLVs, advocates of DLSA, staff of DLSA and TLSA also attended the training. The social workers from Prayas shared their experiences and gave necessary information in this one day training.

## 10. Research and documentation

Over the years, Prayas has systematically focused 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:

- Report on the National Seminar on Youth in Conflict with Law, 1997
- Forced Separation: Children of Imprisoned Mothers, 2002
- Government Welfare Schemes: A Guide (Marathi), 2000
- Prayas: Decade Report, 2000
- Report of the National Workshop to Review the Implementation of Laws and Policies Related to Trafficking: Towards an Effective Rescue and Post – Rescue Strategy, 2004
- A Study of the Socio-Economic Situation & Rehabilitation Needs of Women in Dance Bars, 2005
- Report of the District Level Workshop on Laws Related to Rehabilitation of Offenders in Criminal Justice, 2006
- Report of the Maharashtra State Level Workshop on Social Work Intervention in the Criminal Justice System, 2006
- Report of the Maharashtra State Level Workshop on Situation of Children of Prisoners, 2006
- Workshop on Immoral Trafficking Prevention Act, 1956 and JJ Act, 2000: A Report (Marathi), 2006
- Training Programme on Legal Information for Social Workers in Criminal Justice: Reading Material, 2006
- Report of the Seminar on Law and Poverty, 2007
- Report of the State Level Workshop on Probation Services: Issues and Challenges, 2007
- Seminar on Role of Duty Counsels and Legal Aid Lawyers: Issues and Suggestions, 2007
- Probation of Offenders Act, 1958 and Borstal Schools Act, 1929: Social Legislations – A Report (Marathi), 2007
- A Project Report on Improving Legal Access to Justice for Under Trial Prisoners in Mumbai and Thane Districts, 2008
- Status of Rehabilitation Services for Women in Institutions (Marathi), 2010

- Initiating Work in Prison Settings: Handbook Series on Social Work in Criminal Justice, 2012
- Initiating Work with Children of Prisoners: Handbook Series on Social Work in Criminal Justice, 2012
- Social Work Intervention at Police Stations: Handbook Series on Social Work in Criminal Justice, 2012
- Initiating Work with Children of Prisoners: Handbook Series on Social Work in Criminal Justice, Marathi Translation, 2013
- Forced Separation: Children of Imprisoned Mothers, Marathi Translation, 2014
- *Dialogues in Criminal Justice and Rehabilitation*, Issue No 1 (November 2010), Issue No 2 (November 2011), Issue No 3 (December 2011), Issue No 4 (August 2012), Issue No 5 (December 2012), Issue No 6, (June, 2014), Issue no 7 (October 2016), Issue no 8 (January 2017), Issue no 9 (December 2018), Issue no 10 (December 2019)
- Scoping Study in Maharashtra Prisons towards Institutionalizing Social Workers in the Prison System, 2017
- State Level Workshop “Issues faced by Children of Women Prisoners”, 2019
- Children of Women Prisoners: The Invisible Trial, 2019
- Prayas has produced a short film on children of women prisoners left outside with financial support from Shri Balaji Foundation. Film titled Bikhare Rishtey was released on Friday, 13<sup>th</sup> December 2019 ([https://www.tiss.edu/projectmedia/projects/prayas/#id\\_video\\_gallery](https://www.tiss.edu/projectmedia/projects/prayas/#id_video_gallery)).
- Prayas Newsletters (March-July 2020), (Aug-Sept 2020), (Oct-December 2020), (Jan-March 2021), (April-Nov 2021), (Dec 21-Aug 2022).
- With the idea of initiating discussion among diverse stakeholders of the CJS, bearing in mind the legal rights and rehabilitation of citizens affected by crime or commercial sexual exploitation, ‘Dialogues in Criminal Justice System’ was published in December 2019, December 2020 and September 2022.
- Impact on Field, Policy, Law and Procedure (1990-2020) in 2020.
- Executive Summary on Prisoners’ Contact with Their Families: Procedures, Practices and Experiences, 2020.
- One-Day Workshop on Children of Women Prisoners- Issues and Challenges, in February 2020.
- When the world turned outside in – Prayas Interventions during COVID-19, 2020.
- In lieu of reform and rehabilitation of inmates, Impact Assessment of the Galabhet Program, a joint initiative of the Department of Prisons & Correctional Services (Government of Maharashtra) and Tata Trusts and Prayas was published in 2020.
- National Webinar on Rehabilitation of Prisoners in the COVID 19 Context: Challenges and Way Forward, 2020.
- Five Days Webinar on Prison Reforms and Rehabilitation of Prisoners for Prison Officers and Guards, 2020.

- Three Days Webinar on Legal Aid and Rehabilitation of Prisoners for Prison Officers, jointly organized by BICA Hajipur, Bihar Prisons and Prayas in 2020.
- A Study on Women Engaged in Illicit Liquor Trade: Challenges in the Rehabilitation Process, 2020.
- Two webinars on Probation of Offenders Act, in collaboration with Probation Wing, Department of Women and Child Development, Government of Maharashtra in 2020.
- One Day Workshop on the Need and Scope for Social Work Intervention in Criminal Justice System at TISS, Tuljapur Campus, 2020.
- India Justice Report and its Factsheet was published in 2020 and 2022. It is centered on assessing the capacity of Indian states to deliver justice by designating ranks in interrelated areas such as Police, Judiciary, Prisons and Legal Aid.
- Report of three days’ webinar on Rehabilitation of Prisoners for Probation Officers, Bihar, commissioned by BICA Hajipur and Bihar Prisons, 2021.
- Webinar on ‘Implementation of PO Act 1958 in Maharashtra: Issues and Challenges’ for the Amravati and Nagpur Divisions held in March 2021.
- Three days Webinar on “Prison as a Centre for Rehabilitation”, organized by Gujarat Institute of Prison and Correctional Administration, Ahmedabad and Prayas, in 2021.
- Rapid Needs Assessment Survey of Criminal Justice Affected Persons and their Families, 2021 (study of the situation of Prayas beneficiaries impacted by the COVID-19 pandemic)
- Prayas Annual Reports from 1990-91 to 2021-22.
- Report of Consultations on the Impact of COVID-19 on Women and Transgender formerly and currently exploited for commercial sex, February 2021.
- Report on the Legal Representation for Undertrials in Maharashtra (2018-2021).
- 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.

### **Annexure 1**

***Statistical Data: February 1990 to March 2022***

<b><i>Year 1990 to March 2022</i></b>	<b><i>Total</i></b>
<b>Total outreach</b>	<b>49479</b>

<b>Legal guidance given</b>	<i>23137</i>
<b>Legal aid provided</b>	<i>5909</i>
<b>Home visits made</b>	<i>15209</i>
<b>Emergency support given to families</b>	<i>6352</i>
<b>Total number reached out through awareness sessions</b>	<i>38543</i>
<b>Total number reached out through training programmes</b>	<i>5881</i>
<b>Support given to children of prisoners</b>	<i>2459</i>
<b>Clients placed through NGO placement</b>	<i>1222</i>
<b>Vocational training given to aftercare clients</b>	<i>1447</i>