

# **Prayas**

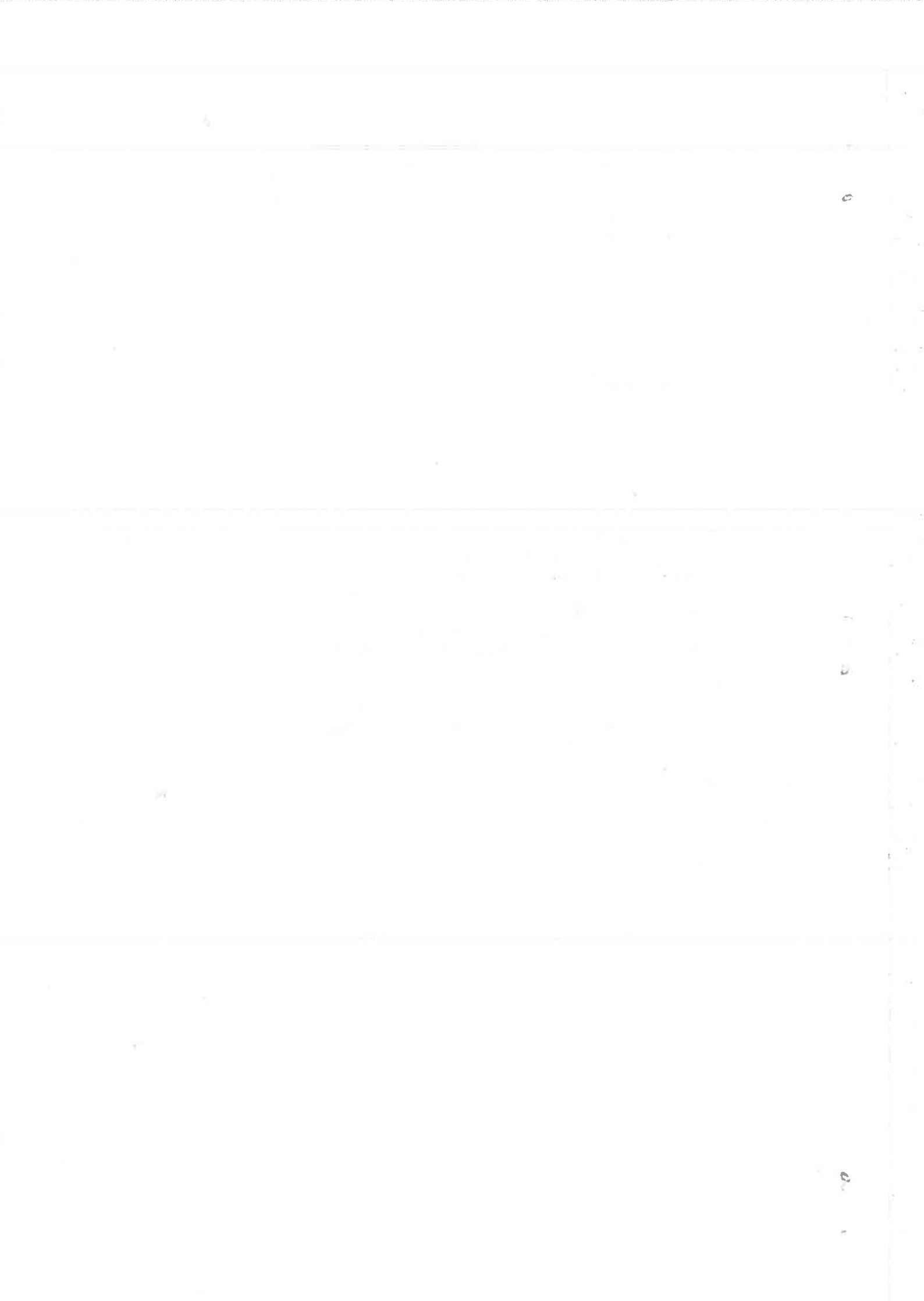
**Social work in Criminal Justice**

**Biennial Report**  
**1997- 99**

**A Field Action Project of**  
**The Tata Institute of Social Sciences,**  
**9/1 B.D.D. Chawls, Worli, Mumbai, 400 018.**

**BIENNIAL REPORT**  
**WORK DONE DURING THE PERIOD OF 1/2/97 TO 31/1/99**

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Vimochana, Hubli, Karnataka

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Mr. Nirmal Jajodia  
Ms. Bernadette Pimenta  
Sister Mary Michael  
Sister Kamal Yadav  
Sister Pushpa

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Mr. G. Vettikunnel, Research Officer  
Mr. Ashok Kinninge, D.I.G.(Southern Region).  
Mr. Vijay Sawant, Superintendent & staff, Mumbai Central Prison.

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Mr. M.N. Geelani, former Chief Metropolitan Magistrate, Mumbai.  
Mr. Thool, Additional C.M.M.  
Mr. Palnitkar, Additional C.M.M.  
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Mr. M.J.Chalke, Registrar, City Sessions Court.  
Mr. S.K. Shah, Principal Secretary, Law & Judiciary Department.  
Staff of Esplanade Court.

### **Advocates:**

Ms. Monica Sakhrani  
Ms. Marukh Adenwala  
Ms. Sunanda Barve  
Mr. K.N. Vaswani  
Mr. S.R. Shrivastava  
Mr. Gangadhar Shinde  
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Mr. Joshi

## INTRODUCTION

The last two years at Prayas have been significant from the point of view of consolidation of previous years' work and introspection of the method and impact of our work. The consolidation was in terms of a review of our internal functioning, as well as trying to bring about changes in the administration of the criminal justice system, that would address the current realities of the field.

All this needs time, patience and understanding. Our continued efforts with the State Legal Services Authority, Prison Department, Women and Child Welfare Department and the Inter Departmental Committee at the State Level (formed as a result of a Mumbai High Court decision to look into problems within the criminal justice system in Maharashtra), are bearing fruit, albeit slowly.

At the level of work with individuals who approach us for help, we have been going through a process of introspection regarding our approach, effectivity and impact. Some questions, for which we are trying to find answers are:

- who comes to us for help ?
- for what ?
- why are we not able to reach out to those who have committed themselves to a lifestyle based on crime or prostitution ?
- to what extent are we able to go deeper/further in the area of rehabilitation ?
- how do we deal with the issue of dependance ?
- are we clear about what we can deliver ?
- do we communicate this to those who come to us without raising false expectations ?

These questions have been rankling us, and through a process of consultations and discussions, we are trying to resolve them. We are also trying to change our programmes and approach based on the analysis of our work and the feedback received from each other and our client group.

The effort here is to become more effective in our work vis a vis our objective, to be able to reach out to those sections who have remained largely untouched by us, and to be able to deliver the goods in the area of rehabilitation. We will first have to demonstrate effectively that it is possible to rehabilitate a person committed to crime or prostitution. Only then can we lay greater claims on the system and society to pay serious attention to this largely neglected area.



As our work expands and gets more complicated, documentation of this process becomes more and more important. As a field agency which gets pulled into the rigmarole of day to day work, documenting invariably suffers. We have renewed our focus on this area.

This report will focus on the main areas of work in the different units of Prayas during the last two years. This has been necessitated as we were unable to come out with the report of the year 1997-98 on time. We have therefore decided to come out with a report for 1997-99.

We hope that, as in the past, you like our effort to report to you, our work and events, during these past two years.

Vijay Raghavan  
Project Director

## PRISON UNIT

This part of our work, i.e. in prison, is the oldest. We started student field work in prison in 1985 and full time work in Feb. '90, when Prayas was set up. In all these years, the nature of our work has not undergone any major changes. This is indicative of the rather slow pace with which the situation in prison has been changing. The issues with which we were struggling nine years ago, continue to remain the focus of our attention even today. Infact, some of the issues have become more acute over the years. In such a situation, it has been a tough task for us to remain focussed and keep our motivation levels high.

One way of doing this has been to rotate the tasks of the workers as well as move them from one unit to another. However, the role of the social worker in prison has now become fairly clear and well defined. He/she works at two levels - service delivery and relationship building. This could be described as follows:

### i. Service Delivery

#### Legal Guidance

- a. Reading chargesheets, explaining legal provisions and procedures.
- b. Clarifying doubts and educating about various options and rights of prisoners in a given situation.
- c. Writing applications about their situation or their case to the court.
- d. Referring cases to the legal aid worker for follow up.

#### Family Visits

- a. Informing the family about arrest, bail, court dates and procedures, mulakat facilities in prison, and requests from the prisoner regarding their personal and hygiene needs (clothes, slippers, toothpaste, soap, money order, etc.).
- b. Making enquiries about the background of the prisoner and the possible reasons for his/her arrest and getting into a life of crime.
- c. Trying to find out if any member/s of the family is/are 'interested' in the future life of the prisoner and want(s) him/her to change his/her current lifestyle .
- d. Trying to identify and motivate at least one member of the family to take interest in the prisoner and get his/her support if the prisoner is ready to lead a pro-social life.

- e. Trying to identify why and how the prisoner came to lead this life, and sharing this understanding with the family.
- f. Trying to assess the potential of the family as a resource in the rehabilitation process - for shelter, subsistence, moral support, love, persistence and future training or employment opportunities.

#### Liasing with the Prison Staff for

- a. Medical care and facilities in prison.
- b. Follow up of legal bottlenecks (appeal in High Court, parole request, etc.)
- c. Redressal of complaints and grievances.

#### Group Work and Activities

- a. Discussions around topics of their interest and relevance (conflicts within the family, sibling relations, influence of peers, friendship, marriage, sex, children, police action, influence of habitual and criminal gangs, etc.),
- b. Conducting activities such as drawing, painting, craft work, reading, writing, music, dance, drama, etc.

#### ii. Relationship Building

Through the delivery of the above mentioned services, and the use of self, the social workers try to build positive and pro-social relationships with their clients. The attempt here, is to start a process of re-thinking in them, with respect to their lifestyle and behaviour. The worker has to be a role model to them, offer understanding and caring, accept them as human beings and not see them only as offenders.

He/she tries to convey a message to the clients, that if they are willing to change, no effort would be spared to elicit the support of their families, the police and community agencies towards their re-integration in society. This may involve inputs in the area of finding temporary shelter, immediate subsistence, police cooperation, improving family relations, helping identify a vocation and training for economic self-reliance.

#### iii. Working on Issues

While working on cases, the worker has to identify issues that are creating hurdles and bottlenecks in the areas of speedy disposal of justice, humanisation of the criminal justice system and rehabilitation. Issues identified in this manner are to be brought up and discussed in the prison unit and the Prayas team, for working out strategies to resolve them.

Once a plan of action is worked out, the worker has to play his/her role as decided in these meetings, and keep a continuous follow up in the matter. When the worker takes up an issue, he/she has to persevere with it with the Prayas, team, the system, and the community at large. Periodic reviews need to be conducted in the team. The responsibility of ensuring that these reviews are conducted as planned, lies jointly with the worker, members of his/her unit, and the director.

This work involves writing reports, notes, and corresponding on a continuous basis with the departments/agencies concerned with the issue.

#### **iv. Working with Staff**

The worker makes an effort to keep good and working relationships with the prison staff. He/she tries to understand their viewpoint, discusses disturbing issues with them, asks for their suggestions to a problem and maintains follow up of the commitments made by them. Sometimes, personal problems of the staff may be referred to the worker by the Superintendent for help or guidance. The worker responds to these, if it falls within his/her area of work.

#### **Some Important Areas of Work/Issues in the Field**

**Overcrowding** - The prison is getting increasingly overcrowded as the years go by. The stipulated population of the prison is 835. The average population varies between 2000 to 2500 on any given day. In the Women's Section, the stipulated population is 23. The population in this section is now touching 170. When we started work in 1990, the population in this Section used to be between 25 and 50. In the Young Male Adult Section, the population used to be between 75 to 100 in the early nineties. Today, it is touching the 300 mark!

What could be the reasons for this spurt in the prison undertrial population? Since we work in the two above mentioned Sections, we will attempt an answer to this question.

Firstly, it could be due to an increase in the population of the megapolis and a corresponding increase in the prison population. Secondly, it could be due to an increase in the crime rate of the city during the last ten years, for a variety of reasons which go beyond the scope of this report. Thirdly, it could be due to an increasing involvement of our male youth and women in crime.

For example, the involvement of women in drug peddling has been increasing over the years. Around 60% of women in the prison are arrested under the Narcotic Drugs and Psychotropic Substances Act. Some of these women are foreigners who were intercepted by the law enforcement authorities while traveling through our country or trying to sell drugs.

The rest are migrants from other parts of Maharashtra or the country, having come to Mumbai in search of employment. Many of these families are women headed households with a large number of children to look after. Due to their poor educational and skill base, they are unable to find avenues for decent employment.

Women are often used as carriers and sellers by the drug mafia, as they are difficult to catch and can be easily lured into the profession due to the returns it offers. This is particularly true if the woman happens to be from a poverty background, and a migrant community devoid of male support structures. The consequences of their choice could result in long duration of imprisonment, hefty sums to lawyers, disruption in their family life, neglect of their children, and the youth of their families getting drawn into a life of drug addiction and crime.

Similarly, one is increasingly finding the involvement of our male youth in violent and/or gang related offences. These youth come from semi-educated backgrounds and have a desire to come up in life. Some of them are from lower middle class families who are second generation settlers in the city. They feel frustrated due lack of suitable and white or blue collar jobs. Some others have come to the city on their own, in search of greener pastures from the rural or semi-urban hinterland. These youth again, are higher secondary or college dropouts and have aspirations from life which go beyond mere survival. Most of these youth come from troubled or broken families.

Fourthly, the increase in the prison population is also due to the ever increasing delays in the trials being held in the various courts of the city. The trial of an ordinary offence like theft takes six months to a year to get completed. Persons arrested in serious offences like murder, attempted murder, robbery, dacoity, kidnapping, etc. have to wait for three to four years for their trial to come up on the board. Those arrested in NDPS (drug-related) cases may have to wait for six or even seven years before their cases get heard.

Fifthly, a large majority of prisoners awaiting trial are in prison, not because they are dangerous criminals and have been denied bail on that count, but because they cannot afford the bail amount or produce suitable sureties. One finds people in prison for the pettiest of offences like ticketless travelling in trains, petty thefts, moving around in a suspicious manner, etc. In such cases, it forces us to question the purpose of imprisonment. We have even seen a case of a woman who was arrested and sent to prison for not paying up her taxi fare of some two hundred rupees!

The delays in the trials of prisoners are also a result of them not being produced in court on their dates of appearance. This happens due to the lack of availability of police escort. As a result, only their remand warrants are sent to the court and their custody extended for another period not exceeding 14 days.

This happens more in the case of women prisoners, as women police constables are in short supply and are often deputed to more priority areas (from the police viewpoint), such as bandobust duties, VIP security, etc. There are cases where women have not been taken for more than five to six months to court due to this reason.

Lastly, the poor functioning of the state legal aid scheme, particularly at the lower courts (where majority of the cases are heard), leads to further delays, as cases go unrepresented and unheard for longer periods. There is no one to oppose custody, to appeal against refusal to grant bail and to move the court for speedy disposal of the case.

As a result of a writ petition filed suo moto by the Chief Justice of the Mumbai High Court in 1994 (in which Prayas was made a party respondent), about the condition of undertrial prisoners, the state government set up an Inter-Departmental Committee to work out the problems facing the criminal justice system in Maharashtra. Prayas has been given the status of an invitee member in this Committee. We have been raising issues related to prison administration, legal aid and rehabilitation in the meetings of this Committee.

The problem of overcrowding has assumed such serious proportions that the government will have to show political will and look for long term solutions to the problem. The solution may include the following:

- Increasing the number of courts and judges hearing cases.
- Speedy completion of the construction of the new prison in Navi Mumbai.
- Setting up of remand courts inside prisons.
- Handing over the duty of escorting prisoners to courts and hospitals, to the prison department.
- Examining the casual manner in which arrest and imprisonment is used as a method of punishment for the pettiest of offences, such as ticketless travelling, petty theft, etc.

**Recreation and Education** - There has been a renewed focus in recent months on conducting activities inside the prison. Painting, craft work, reading and writing, are the favourite activities in the Young Male Section. In the Women's Section, embroidery, making greeting cards, writing, craft work and tailoring are popular activities. Three sewing machines have been donated by social groups, at the request of the Prison Superintendent. Classes are being held regularly and the response of the women is positive.

The teacher's role is being expanded to include organising other types of training programmes with the help of government and non-governmental organisations, and arranging lectures regarding government schemes, obtaining documents such as caste certificate, ration card, etc. It is our endeavour to change the environment in prison from one of gloom and despair to one of

hope and possibilities. Through proper dissemination of information, the knowledge base of these groups can be increased so that they may be able to access schemes and services meant for them. This, we hope, will also open the doors to a process of re-thinking about their current lifestyle and the possibilities of an alternate living.

**The Issue of Mental Disturbance** - We are finding that a few women are in prison either because they committed an offence due to their mentally disturbed state, or they have become mentally disturbed after being imprisoned. There is no visiting psychiatrist in the prison, and the prison staff usually refer a case to the medical officer only when a woman shows visible signs of mental disturbance. This happens due to their lack of knowledge about mental illness and overload of work.

Our social workers follow up with the C.M.O. and the Superintendent, cases mentioned above, to ensure that they get the required attention and care. We also find that the judiciary is not sufficiently equipped to identify such cases on their own. Our workers present these cases before the magistrate concerned, to convince them regarding their need for medical examination, and to suspend their trial till they are certified fit to stand trial.

Such women are mostly found to be without family support. As a result, it is very difficult to find shelter for them after their release. Women's institutions are reluctant to take any woman with a history of mental illness. Municipal hospitals refuse to admit such patients, if there is no one from their families to take responsibility for them. Overall, the situation of mentally disturbed women who come to prison is depressing - their chances of being left without supports, and on the streets, are very high. In a few cases, we have been able to push the families, hospitals, and women's institutions to take responsibility for their post release treatment, shelter and care.

**Underuse of the Probation System** - The Probation of Offenders' Act, 1958, was enacted to benefit those who were accused of less serious offences, as well as young offenders below the age of 21. Under this act, a person can be given a suspended sentence and released back into the community on admonition, probation of good conduct or under the supervision of a Probation Officer (PO). Any accused person, after being convicted, or on pleading guilty, may be referred to a Probation Officer by the judge/magistrate, for a pre-sentence investigation report. After reading the PO's report, the court may release him/her on probation instead of sending him/her to prison.

The proper implementation of this act can help in decongesting the prison, and reduce criminalisation of young and first time offenders and petty criminals. However, this piece of legislation has been reduced to being of ornamental value. Courts are not making sufficient referrals to POs, and the POs on their part, are not able to move the judiciary to increase the number of

referrals for probation. The present state of affairs calls for an enquiry, so that a satisfactory solution to the problem can be found. As per our understanding, the reasons are as follows:

- Many judges, magistrates and lawyers are either not aware about the provisions under this Act, or do not realise the significance and benefits of it.
- The judiciary does not have faith in the authenticity of the reports submitted by the POs.
- The Probation Office is heavily understaffed.
- The travel allowance paid to the POs is not sufficient.
- There is no separate department to supervise the work of the POs. Presently, Directorate of Correctional Services, of which they are a part, comes under the Department of Women and Child Welfare. We feel that there should be a separate Department of Correctional Services, which could include probation, prison welfare and rehabilitation.

**Underuse of the Provision of Release on Personal Bond** - A person who has been granted bail, but is not able to go out because of lack of suitable sureties, or the cash amount, can be released on personal bond, at the discretion of the judge/magistrate. The judicial officer should be convinced that the accused will not abscond, will not threaten any of the witnesses, or tamper with the evidence against him/her.

This is one more provision in the law which remains highly underutilised, inspite of Supreme Court directions to the judiciary to use it more liberally. Social workers and probation officers could bring suitable cases before the notice of the judiciary, for release on personal bond. This provision could be judiciously used in:

- Petty offences.
- Cases where bail has been granted, a sufficiently long period has lapsed (say, at least one third of the maximum sentence that he/she can be awarded under the law), and yet the prisoner has not availed of the bail facility.
- The accused or his family has a fixed place of residence and roots in the city.
- Some social organisation is willing to provide shelter to the accused after his/her release on bail.
- The accused has been granted bail, is unable to avail of it, and there are some extraneous circumstances in the home situation, e.g. neglect of children.

Wherever found necessary, the court could call for a home enquiry report of the probation officer or some social worker (who could be given the status of an amicus curiae by the court, after due verification of the bonafides of the person).



## FAMILY SUPPORT UNIT

This unit was set up by Prayas in response to the needs of children of women prisoners, left outside after the mothers' arrest. Problems faced by children, when their mothers are in custody, could be broadly categorised as follows:

- Lack of care or support in the absence of elders in the family.
- Difficulty in continuing education.
- Neglect of health and hygiene.
- Lack of emotional and moral support.
- Having to face the ridicule and stigma of society.
- Having to face stress related to the mother's legal processing.
- Financial strain.
- Vulnerability to exploitation by anti-social elements.

The social worker attached to this unit, visits the homes of women at their request, to find out about the situation of their children. After the visit, she reports back about the home situation to the mother inside the prison. After mutually discussing the problems being faced by her children at home, and the possible options to solve them, the worker sets out to explore these options. These could be as follows:

- Giving temporary financial help to the family.
- Finding sponsors to continue the education of children.
- Tracing and motivating relatives to take temporary care of the children.
- Finding a foster family for the children.
- Motivating neighbours to keep an eye on the children.
- Institutionalising the children (as a last option).

Another aspect of the worker's role is to maintain the link between the woman and her children. This is done through regular follow up visits, arranging for mullaquats in prison, liaising with the institutional authorities to arrange for regular meetings between the imprisoned mother and her children, and helping the children to arrange for legal aid towards the release of their mother.

It is seen that with the entry of a third party into the picture, relatives and community members get activated to take on a greater role towards the welfare of these children. They feel that if an outsider can take so much interest in the children, it is their duty to contribute their mite. A lot of good will also gets generated for the children in the process. The stigma that they may have been facing, can be converted into sympathy, if the worker knows how to involve the community in her work.

### Case Illustration

Kanni came to prison in 1974, accused under 307 I.P.C. (attempt to murder). She was arrested for attempting to kill her newly born child. Attention to her case was drawn by other inmates in

the prison. They approached the Prayas worker, saying that Kanni beats her six month old baby, and that urgent intervention was necessary. Thereafter, the worker started talking to Kanni, and came to realise that she was mentally disturbed. She was also unable to adjust to the prison environment and the facilities provided to the prisoners.

Kanni's family was not interested in her, and she had totally lost touch with them. The social worker took her home address to pay a visit. Simultaneously, the balwadi teacher started spending time with Kanni and her child. This seemed to help to bring down her level of frustration.

On making a home visit, worker found that Kanni had old parents without much source of income. She was deserted by her husband and had been suffering from mental illness for some years. Although, her parents seemed concerned and wanted to get her out on bail, they did not have the resources and supports to do this. They were unable to visit her in prison for the same reasons.

Kanni's case was Sessions triable, and hence, would take time to come up on board. Pending her trial, she was transferred to Yerawada Central Prison in Pune. She was lodged in this prison for three years. Prayas contacted the prison authorities in Pune to ensure that she was given treatment. However, proper follow up could not be maintained, due to lack of an appropriate response from the prison officials. A lawyer was therefore appointed by Prayas to address the issue of her treatment. After three years, Kanni was sent back to Mumbai for her trial.

On her return, she once again requested the worker to visit her family. A visit was made. It was found that the condition of her parents had worsened. They had become immobile and her mother had lost her vision almost totally. Physically and financially, they were in no situation to help Kanni in any way. However, Kanni, unable to understand this, repeatedly asked the worker to make more visits to her family, with the same message. Finally, the worker escorted her mother to the court on her date, and arranged a meeting between them.

On a subsequent visit, Kanni's father introduced the worker to his eldest son. Her brother told the worker that the family was not willing to help, because they felt that she had an extra marital affair, and her child was born through that liaison.

The worker tried to explain to Kanni's family that she required help, as she was not in a condition to help herself. The eldest brother seemed inclined, although there was not much support from the rest of the family.

In prison, Kanni would engage in fights with the other women, and demand proper clothes and food from the jail staff. In court, she would express her frustration freely and would even abuse her judge. She would also vent a lot of her anger on her four year old child, whom she would beat when she was upset.

Kanni's lawyer made efforts to obtain a court order for her psychiatric treatment, but initially, did not succeed. However, due to her consistently abusive and uncontrollable behaviour in court, an order was finally passed, to send her for treatment prior to her trial.

Kanni was to be sent to the psychiatric ward of the J.J.Hospital for treatment. The dilemma that then arose was regarding the temporary custody of her child. As per hospital rules, the child could not be kept at psychiatric ward of the hospital. At the same time, she was not willing to be separated from her child. The child too had never stayed with anyone other than her mother.

It was decided by the worker at this point, to rope in the brother for assistance. The worker convinced the brother to take custody of the child, while Kanni was in hospital. After some period, the hospital authorities at J.J. Hospital, recommended that Kanni be sent for prolonged treatment at the Thane Mental Hospital. While she was being discharged from the hospital, her brother came to see her, along with her child. When mother and child saw each other, they refused to be separated from one another, and were therefore sent back to prison together.

A court order was obtained by the lawyer to send Kanni to the Thane Mental Hospital for treatment. Once again, the question of the custody of the child came up.

As it was not possible to predict the period of Kanni's stay at Thane Mental Hospital, her brother was not willing to take the responsibility of looking after her child. Hence, the option of temporarily sending the child to an institution was thought of. The court's attention was brought to the situation of the child, and an order was issued to commit her to a children's institution till further orders. Kanni was subsequently admitted to Thane Mental Hospital for treatment.

Kanni's treatment commenced and Prayas workers visited her in hospital from time to time. There was improvement in her condition, although she could still not function normally. She was later considered fit for discharge by the Hospital Committee, and sent back to Mumbai Central Prison on 1-4-98. Her trial began shortly thereafter. In the meanwhile, the workers paid regular visits to the institution where Kanni's child was kept. They found her to be happy there, and adjusting well to the institutional environment. Within a month, Kanni's trial was over and she was acquitted in her case.

At the time of her release, Kanni refused to leave without her child. Prayas workers tried telling her that a court order was required to get custody of her child. However, she remained adamant about her demand to take her child with her. Finally, the Prison Superintendent arranged for a taxi and an escort, and requested Prayas staff to take her home. He also called up the Police station near her house, and requested the Senior Inspector to give all assistance to Prayas if they required it.

Along the way, Kanni laughed and kept talking to herself. Workers were apprehensive that there would be some kind of resistance from her family to take her back. However, she walked into her house without any problem. Her father asked about her child and the workers explained the situation to him. It was accepted by all of them that for the time being, the child was better off in the institution.

A follow up visit to Kanni's house was made by the Prayas worker eight days later. She found that her mother had expired. Kanni was not getting along with her sister-in-law. She would often not eat and used to throw the food given to her. She would go around the area collecting waste material and rags, and this was lowering the image of the family in the area. The family was finding it difficult to cope with her behaviour, and wanted that she be readmitted to hospital. Kanni, however was not willing to get readmitted. She also did not enquire about her child any more. The worker convinced her to take treatment in a hospital, and took her to Cooper Hospital along with her brother.

Kanni's treatment is continuing on an OPD basis. The child in the meantime, has settled down in the institution. The brother continues to take interest in Kanni, partly due to the follow up we have maintained in the case.

#### Some Issues

In the course of our work, we have been able to demonstrate the need for this kind of intervention with the children of prisoners, to the prison authorities. As a result, whenever our social workers approach the Superintendent or the D.I.G. of Prisons, in connection with any specific help needed, we receive instant cooperation from them.

A space for conducting the Balwadi classes has been constructed by them at our request. Our proposal requesting the government to take over the Balwadi, has been forwarded by the Prison Department to the Education Department, with a request to grant us funds for the same. The Superintendent readily releases money from the Prisoners' Welfare Fund, if requested by us, in individual cases needing some help.

We feel that our work with children of prisoners, has reached a stage where it now needs to be translated into a policy for action. We feel that the government should come out with a scheme for the welfare of children of prisoners. The work we have done in this area, can be of help while drafting any scheme on this subject. This issue is now also coming into the focus of the work of ngos in the field. The time is ripe for the government and the ngos to join hands and focus on this neglected group.

## LEGAL AID UNIT

### General Outline of Work

This unit consists of one social worker who visits the prison once or twice a week. He clarifies the legal doubts of prisoners, writes applications on their behalf to the courts, establishes and maintains contact with their lawyers (if requested by the prisoner), and gives legal guidance. He also refers cases for legal aid to the government legal aid board and keeps in touch with the lawyers appointed from the government panel. He acts as a link between the prisoner, the legal aid board and the lawyer appointed from their panel. This is done with the objective of strengthening the government legal aid system.

In certain cases, the prison worker requests the legal aid worker to appoint a lawyer for an accused from the Prayas legal aid panel. These could be cases where, in the opinion of the social worker concerned, there is a need to attend to the case immediately, in the best interests of justice or from the point of view of rehabilitation of the person being referred.

The social worker arrives at this decision to provide a Prayas appointed lawyer, after gathering relevant information about the case, building a positive relationship with the person, finding out about the home situation, his/her future plans and scope for rehabilitation. Issues like lack of family support, motivation to change, level of commitment to a criminal lifestyle, etc. are taken into consideration while taking the decision.

On an average, we take up around 25 to 30 such cases in a year. Our panel consists of around 35-40 lawyers in the various courts of the city. These could be trial matters, bail applications or pleas for expedition of trial in the Sessions or High Court, or to bring to the notice of the judicial officer, specific situations, like the situation of the prisoners' children, mental condition of the prisoner, etc.

The worker also visits the police station and meets the investigation officer concerned in the case, at the request of the prisoner, his lawyer, or if felt necessary by the worker himself. This could be for issues such as return of personal property of the prisoner, obtaining necessary documents or getting the opinion of the case from the police.

In certain matters, the worker obtains an appointment with the magistrate/judge concerned, to highlight a certain point which can have a bearing on the psycho-social aspects of the case. For example, if the worker feels that the accused might be a minor or mentally disturbed, then it is brought to the notice of the magistrate/judge for his perusal and action. Sometimes the magistrate may also refer a case to us for rehabilitation.

A boy who was arrested for theft, was referred to us by the magistrate, for rehabilitation. He was charged with 12 cases of theft, in three different courts. On further investigation, he was found to be under the influence of drugs and the bad company of friends. The relationship between his parents, as well as between him and his father, was on the verge of breakdown.

The legal aid worker referred the matter to the aftercare worker of Prayas. After many counselling sessions, and joint meetings between the members of the family, a plan of action was submitted to the magistrate concerned. He was discharged in some of the cases, released on probation or bailed out by the family in the others. Today, he has been reunited with his family, is working with his father in their family owned business, and the relations between his parents have substantially improved.

We receive letters from prisoners requesting for legal aid from many prisons in Maharashtra and Goa such as Nasik, Kolhapur, Yerawada, Amravati, Kalyan, Thane, Ratnagiri, Aguada, etc. While it not possible for us to provide legal aid to them, we give them legal guidance in the matter, and inform them about the procedure to access justice in their cases. We have also established a positive relationship with the prison department, and request them to follow up such cases with the district legal aid bodies or the court concerned.

We received a letter from a prisoner in Goa last year, that he was a convict serving a sentence, and was being denied access to books, reading, writing and communicating with authors in Hindi literature by the prison authorities. We wrote back to him, advising him to approach the courts, and forwarded his letter to the National Human Rights Commission for suitable action.

We got an acknowledgement to our letter from the Commission which said that they were looking into the matter. We sent them a reminder about the same, some months later. However, we have not received a reply to this from the Commission. Later, on a chance meeting with an advocate from Goa, we came to know that she had taken up the case with the Goa High Court and got some relief in the said matter. She had also been allowed entry to the prisons in Goa for legal aid purposes. In our discussions with her, she agreed to take up cases referred by us from Goa.

Two sisters, who were working as domestic helps in a lady's house, were arrested on charges of theft in the employer's place and brought to the prison. They were from a rural area and the family knew nothing about court or legal procedures. They were very scared and intimidated by the whole criminal justice system. A lawyer was appointed for them, who got their bail orders passed. The worker accompanied the family to prison to get the girls released on bail. He also helped them recover their personal property from the police station by making several trips to the court and police station.

After their release, the girls were reluctant to go back to the village due to the stigma of imprisonment. The worker spoke to them like an elder brother, and convinced them to go back to their native place. He continued to remain in touch with them on their courts dates till they developed a relationship of trust with their lawyer.

Once a case is referred for legal aid by the prison worker, the legal aid worker does the following:

- Collecting all relevant case details like the case number, court, date of arrest, bail amount, next date, etc.
- Discussion of the case in presence of the accused and the prison worker.
- Visiting the court and meeting the officials, to collect case papers, chargesheet, judgement order, etc., if required.
- Informing the prison worker about any progress in the case.
- Liaising between the prison worker, the lawyer or the magistrate, if necessary.
- Acting as a link between the lawyer and his client.
- Helping out the lawyer in getting the vakalatnama signed, obtaining documents, photocopying, translation, etc.
- Collecting the legal data pertaining to the case in face sheets and filing it in the Prayas office.
- Handing back all original legal documents to the client after making a photocopy of the same.

Around 250 applications were written by the legal aid worker per year in prison in the following matters:

- Complaints regarding the health of the prisoner.
- Return of personal property of the prisoner from the police station.
- Speedy disposal of the trial.
- Request for release on probation.
- Request for release on personal bond.
- Request for reducing the bail amount.
- Bringing to the notice of the court, any extraneous situation at home.

#### **Work with the Government Legal Aid System**

Our observation is that prisoners are, by and large, reluctant to use the services of lawyers from the government legal aid panel, due to a lack of faith in them. They also allege that these lawyers do not appear on their behalf on their court dates, ask for money from them, and can be bribed by the prosecution to lose the case. There are also some misconceptions about government appointed lawyers amongst prisoners. They feel that government lawyers will work on behalf of the government and will therefore, get them convicted in their cases.

Our intervention in this context this year, has borne good results. Firstly, the legal aid worker clarifies the doubts of the prisoners and helps them to access the legal aid system on a

positive or at least, neutral note. We have been trying to convince the prisoners to try out the lawyers from the legal aid panel, instead of making sweeping generalisations about them. Once a prisoner accepts a lawyer from the government panel, we follow up his/her case with the appointed lawyer. We meet the lawyers, introduce them to our work and act as a link between them and the prisoners in question.

The results of this process have been encouraging. Lawyers have felt that the presence of an intermediary has helped in the process of better communication between them and their clients. According to the feedback received from them, they have enjoyed working with another professional, representing the human angle of a case, namely a social worker. Some lawyers have told us that the poor payment structure and red tapism involved in receiving payments, are major demotivating factors in devoting more time to the cases assigned to them. In such a situation, the presence of a social worker keeps their motivation alive and helps them to remain focussed on the case.

To get a deeper understanding of the problems in the legal aid system, we undertook an exercise of meeting lawyers who were enlisted in the legal aid panel then. We also met lawyers from the Prayas panel and any other lawyer who showed some interest in the issue of legal aid.

The government has recently enacted a bill called the Maharashtra Legal Services Authorities Act. We have sent the suggestions given by lawyers about the legal aid system, to the Chief Justice of the Mumbai High Court, who is the Patron-In-Chief of the Newly set up Authority, under the said Act. We also met the Principal Judge of the Sessions Court and the Chief Metropolitan Magistrate, and submitted our findings to them, as they happen to be the Chairperson and Member-Secretary, respectively, of the Mumbai Legal Services Authority. We feel the need for the involvement of social workers in the work of the legal aid system. A response from their end is awaited.

#### **Legal Awareness Programme for Students Approaching the Metropolitan Courts for their Domicile Certificates**

Last year, the Chief Metropolitan Magistrate approached us to help out in a legal awareness programme that he wished to initiate in all the five metropolitan courts of Mumbai, where students throng every year, to get their domicile certificates made after passing their S.S.C. and H.S.C. examinations. Students need these certificates for admission into different courses/institutes/colleges, as per the rules of the institutions.

The need for such a programme was felt by the C.M.M. based on past experience - that there is a tremendous rush for these certificates from students during the month of June every year, that students do not have proper information about how to get a D.C. made, and that the confusion in the minds of these students can be taken advantage of by touts and unscrupulous elements.



The C.M.M. requested us to arrange for ten volunteers, two each for each of the five metropolitan courts, where these certificates are made. According to the programme, a table and two chairs were to be put outside the office of the registrar, who issues the domicile certificates (after it is signed by the Addl. C.M.M.). A "May I Help You" board would be put up near this table along with posters giving information about the necessary documents required for a domicile certificate.

We agreed to the C.M.M.'s proposal and decided to depute a team of our staff and some volunteers for this programme. Accordingly, five staff members and five volunteers were selected to get involved in this project. Written permission was granted by the C.M.M. to Prayas for this purpose. It was decided by us to start this project from 1-6-98 and run it initially for a period of one month.

An orientation programme was organised for the project team at the Esplanade Court by the Asst. Registrar (Domicile Section). In this meeting, procedures related to getting a domicile certificate made, were explained to the team members. The programme was to be run at Esplanade, Bhoiwada, Bandra, Borivili and Kurla courts. Accordingly, our team split into five pairs (one staff member and one volunteer) and started work at the five courts from the first of June, 1998.

#### Response to the Programme at the five Metropolitan Courts:

Esplanade Court : The response at this court was very positive from the lawyers and court staff. Students approaching the court to get their D.C., were helped by the volunteers and it was appreciated by the student community and the general public. Earlier presence and recognition of Prayas at this court, helped in this process. The volunteers had a good interaction with the court staff. The Bar Association office bearers and the lawyers working for Prayas, showed their strong support to the cause.

The C.M.M. and other magistrates also showed their support to the work being done, by making regular enquiries and asking whether our volunteers needed any help. The touts who stood to lose from this campaign, could not resist our presence, as they were aware about the level of support Prayas had in the court.

Kurla Court : Students approached the volunteers in large numbers here, as this court serves the entire north-east suburbs of Mumbai. The volunteers here built a good rapport with the lawyers and occasionally sought their help when required. The lawyers guided volunteers about the documents required for D.C., and also attested the documents for students free of charge.

Bandra Court : In this court, we received good cooperation from senior lawyers and the court staff. They appreciated the need for this type of work during this period. Some lawyers though, felt an interference in their work, and a few of them passed negative comments about our role in the court. They even threatened to get

our work stopped. We informed the Assistant Registrar about these developments. However, minor incidents of misbehaviour by some lawyers continued.

Later, after about four days, we decided to discontinue our intervention, as we felt that the environment was not suited to our work. We also wrote to the Bar Association of the Bandra Court giving reasons for our withdrawal.

During the period that we worked there, we received a good response from the students and other citizens who were approaching the court to get their domicile certificates made. Many of them took our help even for simple things such as asking for directions within the court premises, information related to stamp papers, registered marriage, etc.

Bhoiwada court : On the first day, we met the Assistant Registrar of this court, and showed him our permission letter issued by the C.M.M. Initially, we felt that our presence was not welcome in the court. We were asked by the officials to wait till the afternoon. We started guiding the people without any place to sit. Later we approached the Assistant Registrar, who took us to the Additional C.M.M. to address our issues. We informed her about our work and why we had come here. Her response towards us was very good, and she assured us full support. We got a proper place, table and chairs to sit from the next day.

The persons approaching us asked clarifications regarding things such as where to get the D.C. forms, how and where to get the court fee stamps, etc. After getting the form, many of them came to us to get the form filled by us. But we encouraged them to fill it themselves or get it filled through someone else. We advised them to come to us with any of their doubts after they had filled up their forms.

From the point of view of lawyers, we received a good response. In the beginning, the lawyers were not aware of who we were and why we were there. When they came to know about Prayas and its role in the court, they responded positively. We informed them that we would not be an interference to their work. They said they would welcome us in the court every year. But a few of the lawyers/persons who earned an income by filling up the forms, were unhappy with our intervention.

Borivili Court : There took place an unfortunate incident involving some lawyers who were against our presence in the court premises, on the day the programme started. They indulged in activities like tearing our posters, and overturning the table and chairs given to us, and talking rudely to our staff deputed there.

As a result of this incident, we decided to withdraw from Borivali Court on the first day itself i.e. June 1, 1998, in protest and in consonance with the advice given by the court officials.

Some common functions:

The volunteers guided students about how to fill the form, the kind of documents needed, how to write the application form, etc. Many of the students needed a D.C. for getting admission in the college urgently. We asked the registrar about the procedure to get a D.C. on an urgent basis. He said the students should give an application specifying a valid reason for urgency. The volunteers also directed people to the right places within the court premises, and explained court procedures to them.

In the procedure related to getting a D.C. made, a lawyer is not required except to make an affidavit, if necessary. But there is a need for legal awareness which can be done by para legal staff or volunteers. The work we did was of great help to the students who came to the court. We have suggested to the government legal aid board to carry out this campaign every year, during the months of June-July, with the help of its staff and volunteers.

### Case Illustrations

i. Harish Dave - Harish was arrested for murder under section 302 of IPC and looked to be less than 16 years of age. However, the age verification test done by the prison authorities showed him to be above 16 years. Not satisfied with the results, the legal aid worker got in touch with Harish's brother and he confirmed that the boy was around 15 years old. The worker asked the brother to get Harish's school leaving certificate from his village as his age proof. He also met the magistrate in his case, to bring this matter before his notice. The magistrate ordered a fresh age verification test for Harish.

In the meanwhile, Harish's school leaving certificate was obtained from his village. An application was made in court, requesting for the transfer of his case to the Juvenile court, along with a copy of his school leaving certificate. On examination of the same, the magistrate ordered his case to be transferred to the Juvenile Court. Harish was sent to the Observation Home pending his trial in the Juvenile Court.

ii. Nasima Banoo - Nasima, around 25 years of age, was arrested for theft under Section 379 of IPC. The case was referred to the legal aid worker by the prison worker. On speaking to her in detail, we came to know that she was a widow, had a son in her village and had run away from her house on account of the harassment meted out to her by her brother-in-law. Her brother-in-law wanted to marry her, as per the custom in her community. She came to the city along with a lady who promised her a job in Mumbai.

After spending the night in CST, the lady took her to a place near the Grant Road area the following morning. After a couple of days, some men came to 'see' her and started talking of some money transactions with the lady. Nasima smelt something fishy and started protesting. All that she remembers next is finding

herself in the police station, charged with committing theft in the lady's house. No amount of denial of the charges was of any avail, and soon she found herself in prison.

While in prison, Nasima was the target of attention of many of the habitual offenders. They would shower her with love, food and promises of taking care of her after her release. Some even promised to get her released on bail. The prison worker was alert to all these efforts of the habitual group, and warned Nasima to be careful. She urged the legal aid worker to expedite her trial, which was done. Nasima was discharged in her case, due to lack of evidence.

After her release, Nasima was taken to a shelter home for women in distress by the prison worker. Later, the social worker of the home found her a job as a domestic, as per her wishes. Nasima is well settled now and plans to go to her village to get back her child.

## CHEMBUR POLICE STATION

### Description of Work:

Most of the cases that come to the police station need a psycho-social input apart from the legal intervention done by the police. These are disputes between family members, marital conflicts, property disputes, employer-employee disputes, and neighbourhood disputes over petty issues like water, garbage, etc. There are also cases such as runaways from homes, elopement of minor girls with minor or major boys, alcohol or drug addiction, mental disturbance, missing persons, harassment of senior citizens, first offenders, etc.

These cases have turned into legal disputes or criminal matters because of lack of timely and proper intervention by the social agencies such as family, community, religious or social groups. It could also be the ineffectivity of the above agencies to handle a problem, that may have led to its coming to the police. However once they reach the police station, the police handle the problem through the use of legal powers at their disposal, such as registering a N.C. complaint or a criminal case, arresting the offender/s concerned or the unofficial use of authority (threats or physical abuse).

Such an action leads to the problem being brought under control, cools tempers, brings down the tension levels and even solves the problem for the time being. But since the root cause is not addressed, the problem may erupt again after some time, or it may assume a more serious or violent nature. It is here that the social worker at the police station comes into the picture.

It must be pointed out here that the social worker may not be effective in all cases if he/she tries to intervene before the police has intervened, particularly in cases of violent nature.

The social worker either directly approaches the person concerned, or the case is referred by the police, ex-clients, community agencies, social workers or members of the public. The social worker first listens to the problems presented by the person and depending on his need, renders a service. It may be in the form of proper guidance about his rights as a citizen vis a vis the police, information about welfare agencies, referral to collateral agencies, counselling, dispute resolution, etc.

### Types of Services Given by the Social Workers

1. Counselling
2. Information and guidance about the police station, citizens' rights and welfare services available in the community.
3. Home visits to give information, assess the family situation, counselling and follow up.
4. Medical help with regard to admission to hospital and reimbursement of bills in case of extreme poverty.

5. Paying for travel in certain cases like emergencies, extreme poverty, etc.
6. Referring to institutions/agencies for shelter, legal aid, etc.
7. Legal guidance to families in criminal and family matters.

#### Impact of Work:

1. There is a visible and positive change in the outward behaviour of the police towards the citizens approaching the police station. This change is particularly visible towards persons such as alcoholics, mentally disturbed and 'regular' complainants (e.g. women who regularly complain about ill treatment by their husbands/in-laws).

There are many sensitive officers who feel greatly encouraged, motivated, and 'helped' by the presence of the social worker. They refer cases, ask for information about services, and work in coordination with the social worker. As a result, people get heard and get better services.

2. Awareness is increasing amongst members of the public, about how to access the police station and use its services. Some officers inform the complainants about their rights verbally. A board hung in the station, informing citizens about their rights, is also of great help. The social workers' presence encourages citizens to speak more clearly and with greater self-confidence. The social workers on their part, encourage the complainant to speak about his problems without fear, but politely.

3. The presence of the social workers in the police station has had an effect on the number of N.C. cases being registered with the police. Normally, a person comes to the police station when he/she wants a specific and concrete action to be taken against another person(s). Sometimes people also come as they want to have the advantage (or ensure their safety) of being the first to report on a matter. The first group mentioned, can be given a lot of help, if the police and social worker work together.

Before registering the N.C. case, the duty officer may refer a case to the social worker, or the latter may request the officer to be allowed to intervene in the matter. The social worker first listens to the complainant's story. Then, he informs the client about the services being offered, and leaves the option of whether to register a N.C. case or not, to him/her. It has been observed that some of these persons, decide not to register the N.C. in the end.

Sometimes, the complainant or the duty officer might interpret a situation as a N.C. matter, but the social worker might feel that the case needs to be registered as a cognisable offence. In such situations, the worker has brought it to the notice of the senior police officers, for them to take suitable steps. As a result, some of these cases have later been registered as a cognisable offence.

4. It has been observed that community based organisations, (mahila mandals, youth groups, etc.) feel more comfortable approaching the social workers rather than the police, with regard to cases they have taken up e.g. harassment of women, recovery of streedhan, eve-teasing, exploitation by employer, child abuse, etc. We refer these cases to the duty officer and request him to take appropriate action in the matter. The presence of the social workers has helped bridge the gap between police and these organisations.

5. The police staff and social workers at the police station are interacting with each other on a continuous basis. They not only discuss their work and cases with each other, but also their views, values and ethics. In the long run, this seems to have an effect on each other. We have found some officers or constables becoming 'softer' - their language has undergone a change and in some cases, the ease with which they used to resort to use of force, has got reduced. Many cases which they earlier did not entertain (as they felt that these were not within the ambit of their work), are now being referred to the social workers, and sometimes even directly being handled by them.

The social workers on their part, are able to empathise with the situation of the police - their problems, working and living conditions, nature of work, etc. They have learnt the positive use of authority and have understood the role of the police in taking prompt and effective action, when a situation requires it.

#### Some Observations

The major client group at the police station, who approach the social workers, are women. These women come to police station either complaining of harassment by their husbands/in-laws, or their parental family members (father, brother, or uncle), or their children. They also come to complain against their neighbours, for bad or violent behaviour.

Many of these women come from lower income groups. They live in conditions of tremendous shortage of physical or personal space, have a poor educational status and have been married off at a very young age (around 16-18 years). Many of them have more than three children, lack marketable skills (apart from housework) and have no financial autonomy. However, they do have some free time to spare during the afternoons.

Many of these women have expressed a desire to learn some skill which could earn them an income. These women come from nearby areas like Ghatla village, Siddharth Colony, Lal Dongar, Postal Colony, Samarth Nagar and Kokan Nagar, which fall within a two km radius of the police station.

Space for conducting classes can be identified through the police or local youth groups. Training can be given in tailoring, catering, balwadi teacher, etc. We feel that the training classes, apart from teaching a marketable skill to these women,

will also give them a feeling of solidarity and increase their self confidence to deal with their life situations. A meeting of these women can be called to gauge their response to this idea.

Arrested males are kept in the lock-up for a maximum of two days, and women are not kept at the police station after 6 p.m. This is because the lock-up here is a temporary one. The main lock-up is attached to Ghatkopar Police Station. Therefore, the social worker is unable to form a relationship with these persons.

Cases could be followed in Ghatkopar lock-up, through regular visits, particularly with cases where a relationship had begun to be formed in the Chembur lock-up. The same case could be followed up by the prison social worker of Prayas after he/she has been transferred to judicial custody.

### Case Illustrations

1. Ramesh Kale - Ramesh was brought to the police station from a residential society in the area. He was found near a Sai Baba temple, and was brought to the police station by the people, because of his violent behaviour. At the station house, he started touching the feet of the officers, putting his hands inside their pockets and chanting the names of Gods.

By his behaviour, it was evident to the social worker that the person was mentally disturbed. His request to the duty officer to be allowed to talk to Ramesh, was acceded.

The worker went to Ramesh and asked him to sit quietly, in a firm but calm manner. After some initial resistance, Ramesh sat down. The worker then asked him if he would like to have something to eat. He replied in the affirmative, and added that he was very hungry. The worker got him some food, which he ate fast and quietly. After this, the worker started a dialogue with him. Soon, he revealed his address and telephone to the worker.

On calling the given telephone number, the worker found that Ramesh had family support, and runs a cycle repair shop near his house. Last month, he had gone to Shirdi Sai Baba temple for a pilgrimage. Since his return, he was behaving in strange ways, which his family was unable to comprehend.

The worker asked the duty officer to get Ramesh admitted to the Psychiatric Ward of a municipal hospital under police escort. However, the duty officer did not agree with him, and an argument ensued between them. Finally, the worker was able to convince him to admit Ramesh to a hospital. In the meanwhile, due to the confusion created over this issue, Ramesh had given a slip from the police station.

The next day, the worker paid a visit to Ramesh's house. It was a joint family, but the relations amongst the brothers living together were strained. The worker was able to convince the



younger brother of Ramesh to take him to hospital and get him admitted for treatment. The worker and Ramesh's brother took Ramesh to Rajawadi Hospital. By the time they reached there, the admission timings for the day were over.

The worker went to Kurla Police station from there, met the Senior Police Inspector, and requested him to give a police escort for admitting Ramesh to J.J. Hospital. The Senior P.I. agreed and gave them a police constable to get Ramesh admitted. On reaching J.J. Hospital, they found that it was closed for repairs. The worker got the doctor in charge to give a referral note for Sion Hospital, for Ramesh's admission. Finally, Ramesh was admitted to Sion Hospital for treatment. The worker told Ramesh's brother to get in touch with him at the police station, in case of need.

After about a month, the worker paid a visit to Ramesh's house. He found that Ramesh was discharged from hospital and was behaving normally. He had gone back to running his cycle repair shop, and the family had no complaints about him.

2. Ketan Ingle - The case was referred to the social worker at the police station by a community worker. Ketan complained that his wife had gone back to her parents and was refusing to return to him, because of fights between them.

He told the worker that he had been married for the last three years. Since last year, he and his wife, Leela, had been having constant fights. According to him, the main reason for the conflict between them was that his wife would go off to her parent's house every now and then, which he did not approve of. She had not come back to him since the last three months.

The worker decided to pay a visit to Leela's house. Leela told the worker that Ketan was addicted to alcohol, and he used to fight with her over petty issues, almost every night, after taking a few drinks. According to her, he was now spending most his income on his needs, and contributing very little at home.

The worker then met Ketan and presented the picture as gathered from Leela. Ketan admitted that this was true. He promised to change his ways, if Leela agreed to come back to him. However, Leela refused to believe his words, as she had lost faith in him. The worker asked Leela what she planned to do now, if she had decided to sever her ties with Ketan. He also advised her to think in terms of earning a living to raise her two children. He further added, that while she now had her mother's support, she had to think of her future, when her mother would no more be with her. At the end of the discussion, Leela expressed a wish to meet her husband, but in the presence of the worker, at the police station.

A joint meeting between the two of them was therefore, arranged at the police station, after two days. At the end of the meeting, it was decided that Ketan would prove his resolve to change

himself, by abstaining from alcohol for at least three months. Leela would think about coming back to him after he had remained sober during this period. Ketan agreed to come and meet the worker at the police station once a week. Leela would keep in touch with the worker once in 15 days, to know his progress.

After eight days, Ketan came to Police station, saying that he had just returned from a pilgrimage to Buldhana, with a resolve to keep his promise. He kept in regular touch with the worker, as promised, for the next three months. The worker could make out that Ketan was sincere in his effort, and was determined to turn over a new leaf.

After three months, a joint meeting between the husband and the wife was arranged at the police station. At this meeting, Leela herself felt the change in Ketan, and agreed to go back to him. The couple kept in touch with the worker for a few months afterwards, and were reportedly happy with each other. They have not got back to the worker for some time now.

## ESPLANADE COURT :

### The Layout of Esplanade Court :

The Esplanade Court is a cluster of metropolitan magistrates' courts, situated next to the head office of the Brihanmumbai Municipal Corporation at C.S.T. There are seven courts inside the building that look into criminal matters pertaining police stations falling within Zone I area. The Office of the Chief Metropolitan Magistrate is also situated here. The layout of the Court building is as follows:

#### Ground floor :

- i. Stamp Office - stamps necessary for the different court procedures are available here.
- ii. Office of the Chief Public Prosecutor is here. Lawyers who are notaries and do affidavit work can be found here. A photocopying machine and a PCO are also located here.
- iii. 19th Court - C.I.D. (Crime Branch) cases are processed in this court.
- iv. Lock Up - Persons in police custody from Zone I, as well as those brought from prison for hearings, are kept here.

#### First floor :

- i. 28th Court - this court hears cases from the M.R.A. Police Station and the L.T. Marg Police Station.
- ii. 37th Court - this court hears cases from the Cuffe Parade and Colaba Police Stations as well as the cases of the CID, CBI, General Branch I, Special Branch I & II and Anti-Corruption Bureau. The Remand Court also functions from here i.e. persons arrested and suspected to be involved in an offence, are produced here by the police, to confirm their arrest and ask for a further remand in police custody. The remand period cannot exceed 14 days under any circumstances.
- iii. Bar Room - The Bar Association has its room and library on this floor. Most lawyers can be found here from 10.00 a.m. to 11.00 a.m. (court starts at 11.00 a.m.), between 2.00 p.m. to 3.00 p.m. (during the lunch recess) and again between 5.00 p.m. to 6.00 p.m. (when the court session ends). There are also two rest rooms here for the lawyers.
- iv. Cash Office - The cash amount for bail and fines are accepted here and receipts for the same are issued from this office. In case of cash bail, the amount can be recovered from here once the trial has ended. Therefore the receipt should be carefully kept by the person who has paid the bail amount.

**Second Floor :**

- i. C.M.M.'s Court - The C.M.M. sits here and hears cases related to Customs Act, COFEPOSA and economic offences.
- ii. 47th Court - This court also hears cases related to C.I.D., Passport Act (illegal immigrants) and economic offences.
- iii. 23rd Court - Cases related to Azad Maidan are heard here.
- iv. Registrar's Office - He handles the administrative work related to the metropolitan courts of Mumbai city. He also certifies the affidavits and domicile certificates.
- v. 3rd Court - Customs and C.I.D. cases are heard here.
- vi. Domicile certificate section - Issues certificate of Domicile which is used as a evidence of stay in Maharashtra.

**Third Floor :**

- i. 8th Court - This court also hears customs cases.
- ii. Clerical Section - All the administrative work of the Court and the C.M.M.'s office is carried on here.

**Guidance and Information Cell at the Court :**

Most people coming to the courts are accused persons, litigants, or persons who want to get their legal documents made. They are not aware of whom to meet or where to go, with regard to their case. These people do not get the proper help and advice from the lawyers or the court staff, due to the latter being too busy with their own work.

Since October '97, an information counter has been started by Prayas, at the back entrance to the 37th court. At this counter, accused persons, complainants, litigants and their families coming to the court, are provided guidance, with regard to the various court procedures and general directions in the court.

People approaching the social worker are explained procedures related to domicile certificate, affidavit, warrant cancellation, obtaining an exemption from court attendance, retrieving the bail amount deposited with the court, and so on.

These people wander to the "Prayas" counter and ask the worker about his role in the court. They are then given the required guidance or advice. Besides this, they are also explained about the objectives of Prayas, its work and the need for a social worker in the Criminal Justice System. The response to this counter has been very encouraging, and clearly indicates the need for such a cell in the court premises.

Some of the queries of the people approaching the social worker are:

- Whom to meet with regard to a warrant licence?
- From where to find out regarding the court dates?
- How and where to get a chargesheet?
- When does the remand begin?
- When would the court begin, and when would the magistrate appear in the court?
- When would the police van escorting the undertrials arrive?
- What is happening in my case and how does one find out?
- Please read out this document, what does it say? What is the fine amount?
- Where is the bar room?
- Where can I find my lawyer or the staff related to my case?
- Where is the stamps/notary's office?
- Where is the toilet?

Some people mistakenly enter the Esplanade Court premises, but have work in some other court nearby, such as the Small Causes Courts, High Court, Sessions Court, Railway Court, Motor Accidents Court, etc. They have to be guided to the right place.

The various queries of the people attended to from 11a.m.-2p.m. are as follows:

a. Licence (Traffic tent):

Every Wednesday between 8.00 a.m. to 10.30a.m., two officials from the Traffic Department at Worli are present in the court. They attend to matters of returning suspended licences, on payment of the fined amount. Many a time, people arrive late, or come on the next day due to their ignorance, or carelessness. Such persons are directed to the Traffic Department in Worli, to pay their fines, or find out about the status of their cases. Every Wednesday and Thursday, 5 to 10 such persons approach us for guidance.

b. Domicile certificate :

Many people are not aware of the procedures (where, when and how) relating to getting a domicile certificate made. In a week, about 3-4 persons approach the worker in this regard, for guidance and help.

c. Where is the courtroom?

People approach the worker with queries about where a specific court room is situated. It is difficult for people to locate the court rooms, due to their illiteracy or the lack of sign boards at appropriate places. Some are not even aware of their court room number. In such cases, information regarding their case and police station is elicited and then, they are guided to the correct court room.

### Some Examples:

- Where will the Bangladeshi people be brought?
- Where will the accused in the CID cases be brought?
- Where will the Anti-Corruption Bureau cases come up?

People approaching the counter with such queries are either relatives or friends of the accused. 10-12 such persons come to the social worker every day.

### Azad Maidan Lock-Up

The lock up at Azad Maidan Police Station houses accused persons arrested by police stations from Zone I (Colaba, Cuffe Parade and L.T.Marg). The women's lock-up of this area is also housed here. Persons rounded up under the Beggar's Act, and for soliciting (clients for prostitution) under Section 110 of Bombay Police Act, are also kept here, till they are produced before the magistrate. Apart from these persons, persons to be produced in court from the Mumbai Central Prison, are also kept here for the day.

An accused person does not need a lawyer for all things. He may present his point of view before the magistrate on matters related to his bail, personal bond, children, or health on his own. His view point can be communicated to the magistrate, orally or through a written application. His application should be clear, well directed and to the point. Wailing and shouting in court does not usually help. The social worker visits the lock-up every day, and educates the accused persons as to how to present their plea in court. Some other tasks of the worker in the lock up are :

- Informing the family members/neighbours about the accused person's arrest, bail, court date, etc. by writing to them or paying a home visit, if necessary.
- Explaining the charges to the accused and informing him about his court date, bail, case number, etc.

### Legal aid

Providing lawyers to the needy is the state's responsibility, but as the legal aid situation in metropolitan magistrates' courts is not satisfactory, the court social worker has provided lawyers to the clients in custody, wherever found necessary. Cases are also sometimes referred to the worker for legal aid by magistrates, court officials and lawyers.

### Work with the State Legal Aid Board

The worker has been following up with the C.M.M. and officials of the Greater Mumbai Legal Services Authority to improve the functioning of the legal aid system. He has also been meeting the office bearers of the Bar Association and lawyers, willing to

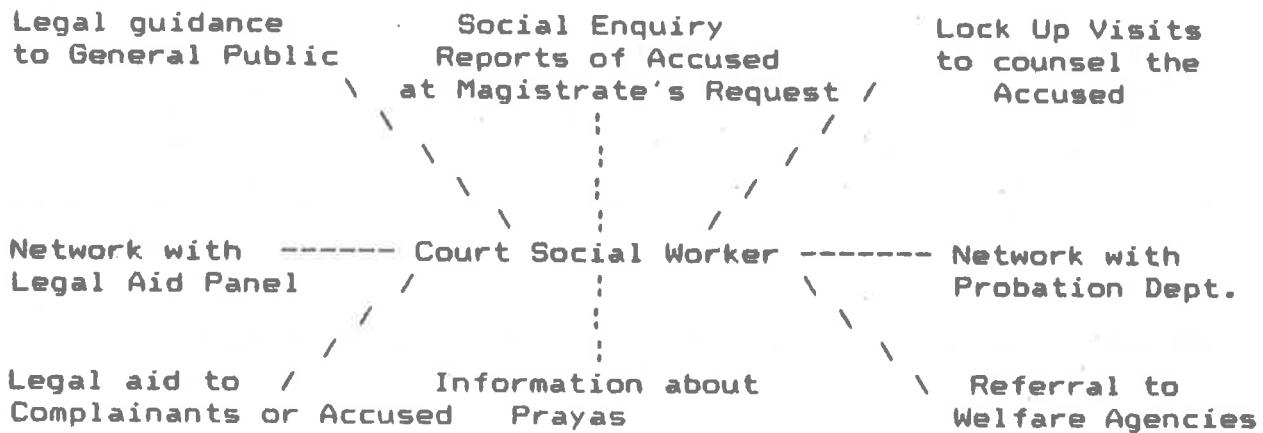
associate themselves with legal aid work. The worker has contacted all the lawyers on the legal aid panel of Esplanade Court to discuss this issue. Efforts are also on to take up the problems faced by the lawyers, with regard to their payments, with the C.M.M., who is also the member-secretary of the Legal Services Authority.

**Role of the social worker in Court**

In sum, the emerging role of the social worker in court is as follows:

- Providing general information to the public about the court.
- Providing legal guidance to the accused and the complainants.
- Providing legal aid to the needy persons.
- Referring persons (whether accused, complainants or their families) in need of urgent help, to the respective agencies for shelter, medical care, educational aid or training.
- Referring cases fit for probation to the POs, and requesting magistrates to consider probation in deserving cases.
- Creating an awareness regarding the work of Prayas among the police, court staff, magistrates and general public.

**Chart Showing Role of Social Worker in Court:**



**Case Illustrations**

i. Virendra Namjoshi, 19 years of age, had run away from home in Shimla and was on the look out for a job in Mumbai. He had a step mother, step brothers and sisters at home. He could not get along with anyone at home apart from his father, and hence, decided to leave home.

After reaching Mumbai, he was staying on the streets, near Azad Maidan Police Station. On the third night after reaching the city, he was picked up on suspicion by the police, and later arrested under Section 122(K) of Cr.P.C. He was later released on personal bond by the magistrate. One of the lawyers known to Prayas, referred him to the social worker.

The social worker referred him to Vatsalya, an NGO working for street children for temporary shelter. He started going for catering work on contract basis, with the other boys of Vatsalya. Later, through a friend, he got a job in a Mafco stall in Chembur. He was in regular touch with the worker for about two months. Later, he left the job and his present whereabouts are not known.

ii. Dhondiba Laxman Hirve and his wife, Ramabai, were arrested for abetting the suicide of their neice. The couple stayed in Borivili, and had come to Cross Maidan to meet Dhondiba's cousin. A fight ensued here between them over some issue. In the heat of the moment, his cousin's daughter set herself on fire. The Hirve couple were arrested under Section 306, 511, 34 and 309 of IPC and were produced before the magistrate the next day.

The magistrate remanded the couple to police custody, but also, referred the case to the social worker. The worker met the couple separately in the lock up, and met the officer-in-charge of the case. The worker could make out that this incident had happened as result of a family dispute. Two of their children were still under the care of the cousin, who was the complainant. The third child was with Ramabai in the lock-up.

The worker arranged for legal aid for them, and an application for their bail was filed. The worker presented their socio-economic condition, and the situation of their children left outside, to the court. After due consideration of facts, the magistrate passed an order of cash bail for them. Dhondiba's cousin and other family members helped them out in arranging for the cash amount. The worker helped the family out with the bail procedures, leading to the release of the Hirve couple on bail.

The worker advised them to take the court proceedings seriously, attend all court dates, and counselled them to resolve the dispute with their family.

#### **Some Problems Faced and Suggestions**

The space allotted to the social worker in the court is just near the side entrance to the 37th Court. A Board has been put up there, giving the worker's timings. This space given is visible to any member of the public who comes to the Remand Court.

One of the problems faced by the social worker is that, when people talk to him, it causes disturbance to the court proceedings. We have requested the C.M.M. to create a wooden partition there, so that the social worker can interact with the public without causing disturbance to the court proceedings.

With regard to the implementation of the state legal aid scheme, we have suggested to the C.M.M. to hold a meeting with the magistrates and members of the bar. A similar meeting also needs to be held on the issue of probation with the POs, magistrates and members of the bar.



## PROTECTIVE HOME

### Case work and Networking

Protective home, also known as Navjeevan Mahila Vastigraha, is an institution administered by the Department of Women and Child Welfare, housing women and girls rescued from redlight areas, under the Immoral Traffic Prevention Act. Local police stations, after conducting raids in brothels, rescue and refer the women and girls here. This is a home for persons above 18 years of age.

In keeping with our objective of rehabilitation, our social workers visit this Home on a regular basis, and interact with the inmates and the staff, to help in the process of re-integration of women rescued from prostitution.

Work at Protective Home commenced in June '95, and is continuing at the following levels:

a) The Worker interacts with the staff on the basis of the needs of the women housed in the Home, towards their rehabilitation. This has helped in gaining a better understanding of the method of work of the staff - their strengths, shortcomings, and the problems faced by the institution. Exposure at this level helps in identifying significant areas of work, and practical solutions to problems.

b) The social worker acts as a link between the staff and the inmates. Till recently, there was no Probation Officer at the Home. This post was removed from the administrative structure of the institution, some years back. Due to our consistent efforts with the senior officers of the department, a full time Probation Officer was appointed at the Home this year. With this appointment, we hope that our role to act as a bridge in the staff-inmate relationship, will get considerably reduced.

c) Work with the inmates is done on a case by case basis. This includes counselling, discussing and exploring future options, clarification of doubts and apprehensions, increasing self confidence and avenues for economic self-reliance.

When a woman comes to the Protective Home, she experiences a range of emotions - from fear about an uncertain future, to sheer relief at being rescued from her hell hole of a life; from helplessness to anger; from drift to stubbornness. She may have become fatalistic, giving rise to an inertia and an unwillingness to make a fresh start. She may also have developed a tendency to let decisions be taken, rather than actively participating in the process.

In such a situation, the worker has to make strenuous efforts to win her trust, and build rapport with her. Gradually, the worker tries to help the client express her feelings, discuss significant issues related to her future, and encourages her to

bring about an attitudinal change in her mind set. The emotional bonding between the worker and her client is a crucial element in relationship which helps in achieving the above.

d) The worker encourages the woman to think about her options in her life. Some women are sincere about wanting to get out of prostitution, but are unsure of the alternatives. Here, the worker gives information about possible options. She also speaks to the client about her past work experience, her interests and talents. The activities worker of Prayas and the teachers at Protective Home are a great help in trying to identify the talents and capabilities of the women.

Some women do not believe that they can lead a life outside of prostitution. This is specially true of those women who have weak or no family support, or have been in the profession for many years. All their significant relationships are with persons living in the red light area. These relationships, albeit exploitative, give them a sense of security and belonging. Over a period of time, these women have come to believe that the brothels are the only places where they will receive total acceptance.

While working with this group, the worker has to interact with them in as non-judgemental a manner as possible, encourage them to think about their current life situation, and rekindle their now forgotten dreams. Turning around the mind of such a woman can be very tough. It may depend on factors such as the strength that she can derive from relationships developed in the Protective Home, her self-confidence, her educational or skill background, and her risk taking ability.

e) In addition to work on an individual basis, group sessions are also conducted on a regular basis. Such sessions often begin spontaneously, and the discussions revolve around sharing of past experiences, family situations, marriage, boy friends, children, local festivals, cultural events, etc. Some of these sessions may also be pre-planned and structured e.g. recently, the student social worker from TISS placed at the Home for field work, organised a health awareness camp at the premises, with the help of Tata Memorial Hospital. The impact of this workshop was felt immediately. Many of the women gave up chewing tobacco or gutka for a few days.

f) Resource mobilisation through networking with organisations (both government and voluntary) and individuals is a major area of work for the social worker. Such networking has been started based on the anticipated problems of the women, once they go back to their native place/state.

Most of the women coming here, express their wish to go back home. Women who have come to Protective Home normally hail from A.P., Tamil Nadu, Karnataka, West Bengal, U.P., Bihar, Assam, Delhi, Rajasthan, interior Maharashtra and Nepal.

The support required after going back, could be in terms of shelter, emotional needs, training, or family counselling. We are trying to build a network of organisations and/or individuals in the above mentioned states, based on the above needs. So far, we have been able to develop reliable contacts in Tamil Nadu, Karnataka, A.P., Assam and Nepal. Apart from helping the women concerned, these networks help us get information about the the rehabilitation process, once the women have gone back to their states.

Some issues which become relevant after a woman goes back are :

1) The most crucial issue is whether the family would accept or reject her. If they do accept her, the extent of their support, and the mutual expectations between them and the girl, would play a significant role. In many cases, girls have faced problems at the home, before coming/being brought to Mumbai. Broken family, lack of healthy relationships, abuse/violence within the family, extreme poverty, or drudgery of work may have been (in)directly responsible for her foray into prostitution.

2) In some cases, it might be difficult to locate or trace her family, given the fact that she was away from them for a long period of time. She may have forgotten the exact address, the family may have moved to another place, or they may have been wiped away due to some calamity.

3) The issue of alternative shelter, in case the family does not take her back/cannot be traced, becomes important. Is there any other relative, like a sister, grandparents, or a friend's family, living nearby, to whom she could turn to, in times of need? If there is an institution/agency offering temporary shelter in the area, she could turn to it for support. In the absence of any of the above, she is most likely to decide to return to Mumbai, and most often, back to prostitution.

4) The issue of an alternative means of income also becomes very relevant. This is particularly so, in the case of a woman, who had been sending money home from Mumbai. If she sits at home, she would be seen as a burden by the family. In such circumstances, she might be subjected to periodic taunts or insults relating to her past life in Mumbai. Also, she may have become used to spending money on herself. But if she earns a decent income for the family, she is likely to be seen as an asset, and not married off in a hurry. This may also prevent her from thinking of returning to Mumbai, at the slightest provocation.

5) She may be in need of legal assistance, if she has been denied of her marital or property rights. This can often happen, if a person has been missing, or away from home for a long period. To fight her legal claim, she would need the support of some powerful individual or organisation, apart from legal aid.

Presently, most of our networking with individuals, government officials and NGOs, has been done through personal contacts in the field. Once a plan is finalised with a woman in Protective Home, we try to find a resource person or organisation from or near her native place. The resource is identified based on her current needs. This process takes some time, and therefore, cannot be done in cases, where either the inmate is in a hurry to go back, or the institutional authorities are keen to complete the process of repatriation.

We feel that repatriation has to be done in a systematic manner, after establishing specific networks for each inmate, with the assistance of government authorities and NGOs. We also feel that the above mentioned method of rehabilitation needs to be woven into a policy for intervention. The Department of Women and Child Welfare needs to realise that just sending a woman to her family/home state may not be enough. A systematic plan would ensure that every woman coming to Protective Home goes back after her options are worked out, so that her chances of re-entering prostitution are reduced to the minimum.

#### **Recreation and Training Activities at the Protective Home and the Special Home for Minor Girls:**

Three years back i.e. in February '96, the Bombay police had raided the redlight areas in Central Mumbai, in response to a writ petition filed suo moto by the Chief Justice of Mumbai High Court. During these raids, they had rescued about 484 minor girls from prostitution. These girls were housed at the various homes for neglected juveniles in the city under the J.J. Act. Later, they were shifted to the Protective Home for Women, due to the protests made by some of the institutions who were housing these girls.

During the said period in the Protective Home, one social worker and one activities teacher from Prayas were already regularly visiting the Home. We made a modest effort to reach out to these girls through counselling and conducting various kinds of activities and training programmes.

Due to the large number of girls in the Home, many problems with regard to food, accommodation, medicines, toiletries, etc. cropped up, needing urgent redressal. We were, as a result, unable to concentrate our efforts towards the rehabilitation process. The government, unable to cope suddenly with a problem of such huge dimensions, decided on a strategy of repatriation of the girls to their states, respectively.

Later, under the High Court's orders, the government set up a separate home for these and future minor girls rescued from prostitution. The Special Home for Minor Girls was set up in the premises of the Kasturba Mahilashram (Reception Centre) at Deonar. A need was perceived to appoint a probation officer and an activity worker, keeping the girls' rehabilitation in mind.

Due to our prior involvement in rehabilitation efforts, the government requested us to help out with in this regard. We decided to appoint an activity teacher to explore the possibility of vocational training here. Work at the Minor Home was started by us in this context.

Described below is the work done in the area of training and recreation with the women and girls rescued from prostitution at the Protective and Minor Homes. Please note that the word 'girl(s)' is inclusive of women staying at the Protective Home and the words 'Home' or institution includes both the Homes where we are working.

#### The Initial Phase:

An need was felt by Prayas to develop a personal contact and a close rapport with these girls. It was felt that this could be done by conducting various kind of recreational and training activities for them. Activities like literacy, drawing, painting, embroidery, knitting, patch work, tailoring, showing movies, organising lectures, etc. were taught/conducted as per the interests or choices expressed by them.

Initially, many of the girls were indifferent to our efforts. With time, they began to show an interest in our programmes. It was observed that girls from Nepal, West Bengal and Himachal Pradesh were interested in knitting while those from Andhra Pradesh and Tamil Nadu showed interest in embroidery. Gradually, we sensed a need to chalk out a plan for each girl, keeping her rehabilitation in mind.

However, we soon realised that most of the girls were not keen to stay at the Home for a sufficiently long period (say, six months). We also found that, due to the pressure of numbers, the home authorities did not plan to keep them here, as per our advise. With regard to the rehabilitation of the girls coming from outside Maharashtra, the government's major initiative was and continues to be, repatriation to their home state, as early as possible. Prayas, thus visualized a need to equip the girls with at least some self confidence, if not a skill, before they were sent back.

It was felt that the girl should have something to show to her family, by way of her self-esteem and/or skill. This may help her to overcome any negative vibes she may get from her family members, after returning home. On further discussions with the staff and inmates of the Home, we felt that tailoring was one skill that could prove useful to a girl from almost any state in the country. In the given time frame, it was decided to impart specific trainings - patchwork, embroidery, stitching cushion covers, durries, children's clothings, petticoats and blouses.

As per the plan, it was decided that the girls would attend class from 11 a.m. to 5 p.m. Their daily routine was chalked out as :

11.00 a.m. - 12.00 noon Literacy  
12.00 noon - 1.00 p.m. Theory classes for tailoring  
1.00 p.m. - 2.00 p.m. Lunch time  
2.00 p.m. - 5.00 p.m. Drafting on cloth, cutting, stitching, and embroidery

After 5.00 p.m., recreation-cum-educational programmes and games could be organised. Information on health, citizen's rights, legal aid, government schemes, etc. could be disseminated during this period. Help from specialised agencies could be taken for this purpose. For example, a few girls expressed their interest in catering. Accordingly, it was decided to arrange a catering class once in 5 days with the help of another agency.

Prayas visualized the necessity to give a letter or certificate to the girls after completion of their training. This could be shown by them to their family members as proof of the training undertaken by them, during their stay in the institution. It would also help them in accessing government schemes for self-employment.

#### The Implementation Phase :

On implementation of the above plan, we found that the girls were unable to sit in one place, or concentrate on one activity for a long period. They were unwilling to enter the class with the idea of attending it from 10.00 a.m. to 5.00 p.m. Also, they were not ready to go through the same activity or schedule every day.

Therefore, a need arose to change our strategy. We also realised that each girl would have different desires/frameworks and the plan would have to be dove tailed accordingly. In terms of their desire/framework, the girls could be categorised into :

- Girls wanting to go home immediately.
- Girls refusing to go back home.
- Girls wanting to stay in the institution and go out for work.
- Girls wanting some more time to decide their future plans.

Apart from the above mentioned parameters, the interest shown by the girls in activities also depended on the time spent by her in the red light area before being rescued. For example, girls who had been in the profession for more than 2-3 years were more resistant to change. On the other hand, girls who had been recently brought into the profession, were more amenable to our intervention and hopeful about their future.

In the context of the above, certain changes were made in our plans. While our prime focus on tailoring continued, we decided to start other trainings on a regular basis.

It was also decided that the girls could take along with them, any item they made during their training in the institution. This, we felt, could act as an added proof to show their family, about the skills learnt during their stay in the institution. It could also motivate them to take more interest in the activities.

#### Revised Plans :

- Efforts would be made to convince the authorities to allow those girls interested in training, to stay on for a minimum period of 3 to 6 months.
- During this period, they would be taught to stitch petticoats, blouses, baby frocks, cushion covers, cloth bags, wallets, etc.
- Apart from tailoring, knitting and embroidery, literacy would also be taught.
- Information regarding the government loans and welfare schemes, legal aid, health care, etc. would be imparted.
- Other training programmes e.g. catering, toy making, agarbatti making, and phenyl making would also be regularly organised.
- The products made by the girls would be handed over to them when they leave the institution.
- The girls would be given a kit with respect to the specific skill learnt by them during their stay in the institution.

If the girl has learnt tailoring, embroidery and literacy, then the contents of the kit would be as follows:

- 5 meters of Cloth
- A pair of scissors
- Chalk box
- Slate
- Needles packet (hand and machine needles - 1 each)
- Notebooks
- Cross-stitch book
- Tailoring book
- Half shuttle bobbin case
- Measuring tape
- Machine thread
- Pen, pencil
- Hooks, buttons
- Embroidery cloth
- Multi cloth
- Literacy material
- A cloth bag to keep the above

Note: The Nepali girls show more interest in knitting. So the kit would also consist of wool.

We also felt that the girls should be issued a certificate by the Superintendent, at the time of leaving the institution. This certificate should be addressed to the district development or welfare officials, where the girl is going back. The certificate could help the girl in obtaining either a loan or the necessary equipment to start her own enterprise e.g. a sewing machine. A G.R. could be issued by the government in this regard.

### Impact of the Revised Plan :

On implementation of the above plan in the Minor and Protective Homes, it was observed that the girls took more interest in the activities. The girls felt motivated to learn, when they were informed about the kit and took keen interest in the training.

The training imparted through PRAYAS was basic. Further intensive training could be taken by the girl, once she went back to her native place, on the basis of the certificate issued to her. The matter with regard to issuing of certificates to the girls, is yet to be resolved. The idea has been acceptance by the authorities in principle, but concrete action in this regard is awaited.

### Some Suggestions with regard to Rescue and Rehabilitation :

- Minor girls or women should be rescued at the earliest.
- There should be, as far as possible, a minimum period of stay for the girls in the institution, for a proper plan to be worked out.
- However, no girl should be kept in the Home against her will, as it would not serve any useful purpose. If a girl is very forceful about going home immediately, and is giving a clear address, she should be sent home at the earliest.
- No girl should be kept in the institution for more than 6-8 months, particularly if she is ready to leave the institution, and her basic skill training and planning is complete. Overstay can lead to frustration, anxiety, and demotivation to change.
- Girls unwilling to go home or to their native state, should not be forcefully sent back. Alternatives should be worked out for such girls, with their consent.
- If a girl needs time to think about her future, she should not be pressurised to make a decision either way, but helped to gradually take a sensible/practical decision, given the available options.
- The kit to be given to the girls, or the material needed for their training should be readily made available to each girl. Any delay can have a negative impact on her interest in training.



## AFTERCARE UNIT

### Introduction

Clients are referred to the Aftercare Unit primarily by the prison, police station and court workers of Prayas. Sometimes they are also referred by our old clients, staff of the police station, prison or court (where we are placed), collateral agencies, ngos working in the field, and members of the general public. This Unit is mainly concerned about the day-to-day problems faced by the clients and their future rehabilitation needs.

The main areas of work in the Aftercare unit are:

- a) Work with the police
- b) Work with families
- c) Work at the attitudenal level
- d) Training for economic self reliance
- e) Attending to emergencies

#### a) Work with police

One of the main concerns of a person being released from prison is that of his/her re-arrest by the police due to past criminal record. This becomes particularly pertinent if the person has taken a decision to reform and give up a criminal lifestyle. It takes time for the police to agree that he/she has given up crime and is trying to live an honest life. During this period, the person is prone to police action on suspicion. This kind of repeated action can be highly demotivating for the person who wants to change.

The nature of our work with the police may be seen in this context. Our Aftercare Worker goes to the police station concerned (where the case has been/was registered against the client), meets the investigation officer concerned, and submits a letter on behalf of Prayas, requesting for their cooperation. He also meets the Senior Inspector of the Police Station, explains the work of Prayas and the plan worked out with regard to the client's rehabilitation.

The Aftercare worker contacts the police station when a client gets re-arrested. He meets the officer concerned, to find out whether the client has been arrested due to his/her past record, or due to his/her suspected involvement in a case at hand. The cooperation received from the police depends on the attitude of the officer towards offenders in general, the credence of Prayas in his eyes, his belief in the possibility of rehabilitation, his perception of the client, the nature of the offence and the level of pressure on him to solve the case.

members, neighbours and any reliable social workers of the area. If a person is exterrned from an area, even though he/she may now have given up crime, and settled down in life, it can have an extremely disrupting and demotivating effect on the person. Secondly, merely exterrning a person from an area without working out in advance, what he/she will do to earn a living, where he/she will live, etc. will not lead to any positive results. An agency like Prayas can play a crucial role in the proper application of this procedure.

So far, our approach with the police has been rather individualistic. We receive cooperation from them, because we happen to be a project of a reputed university, or we share a positive relationship with officers, who feel that rehabilitation has an important role to play in crime prevention. This process gets disrupted, when the officer concerned gets transferred and the new officer has a diametrically opposite view point.

In order to overcome these problems, we have succeeded in getting various administrative orders issued by the senior officers of Mumbai Police from time to time. However, what is needed is a consistent policy initiative, which takes up the issue of rehabilitation seriously, and works out a mechanism of police-NGO collaboration to achieve the said goal.

#### b) Work with families

Clients having strong family support, encounter fewer problems with regard to their rehabilitation. This may be true irrespective of whether the family is economically well off or not. But those who lack family backing, or have weak family ties, face a lot of difficulties. They face problems with shelter, health care, emotional support and confidence to deal with the outside world. Their ability to handle crises on their own, is very poor. They tend to depend on friends, who may lead them back into the criminal world.

Sometimes, the relationship of our clients with their families may have turned sour to a point of no return. In such situations, the aftercare worker may become ineffective to repair the damage caused. Such clients face continuous problems related to their day to day living. Prayas may be forced to take the place of a substitute family for some time in such cases. This could be in terms of finding temporary shelter, attending to emergency situations like a sudden illness, giving a subsistence allowance, etc.

The danger in such situations is the issue of continued dependance of such clients on Prayas to attend to their needs. In the long run, expectations may rise beyond what we may be able to fulfill, leading to disappointment and frustration in them. On our side, it may lead to fatigue and loss of direction in the case.

While discussing our work with the police, we try to put across to them, the idea of working together in order to rehabilitate the client. If the police takes on the role of drawing the boundaries of acceptable behaviour, and Prayas, the role of encouraging the person to remain within those boundaries, it is possible to translate the goal of reformation into reality.

For this to happen, it is necessary that the officer concerned and the Prayas staff, work in an atmosphere of mutual trust and respect. If they start doubting each other's legitimacy, credibility or sincerity, it will negatively affect the person trying to change.

Sometimes officers ask us for information related to the person's criminal past, details of his/her case, etc. which he/she may have shared with us in confidence. It needs to be appreciated here by the police and the public in general, that confidentiality has to be strictly maintained by us in the worker-client relationship. It is akin to the relationship between a lawyer and his client or a doctor and his patient. If we are forced to come out with information at our disposal, it may lead to a breakdown in the worker-client relationship and may possibly, signal the end of our efforts to reform a person.

The issue of legal protection to our workers also becomes relevant in this context. As of now, we may be liable to prosecution by the police, if we refuse to divulge information about a person's criminal past. Fortunately, our role in society has been understood by the police. They have also understood the fact that we do not represent any vested interests and work with bonafide intentions. But as the nature and scope of our work expands, we may become prone to such action, unless legal protection is granted to us, as it is to probation officers under the Probation of Offenders Act, 1958.

Sometimes when on one hand, the police is convinced about the involvement of a client in a crime, and on the other, the client continues to claim his/her innocence in the said matter, we withdraw our intervention at the informal level with the police. We then inform the client about his/her right to legal aid and provide him/her with a lawyer, if required.

The issue of routinely applying preventive measures against a person with a past criminal record, also needs to be discussed. Police often use chapter or externment proceedings against persons with previous convictions, to prevent crime in the area. Not much thought is given to whether the application of such provisions would really lead to reduction in the crime rate. It may, at the most, only be a temporary solution to solve the problem at hand.

We feel that these provisions in the law can be creatively used, if police appreciates the role of social work agencies in this process. Externment of a person should be done after collecting information about him/her from his employer, family, community

With increasing experience, we have realised the importance of taking on only as much responsibility for a client, as we may be able to fulfill. This realisation has led us to playing the role of a guide, helping clients explore options, rather than doing things for them. This, we feel, will lead to an increase in the resourcefulness of our clients to solve their problems, and will consequently, increase their self confidence to deal with the world.

We have also consciously worked to unite our clients with their families. In case of clients who come from outside Mumbai, we have tried to convince them to go back to their families, home town or home state. This has been pursued with our realisation of how difficult it is for a person without any supports, to establish oneself in the city. Clients who had recently migrated from other states, were more willing to go back to their families, as compared to those who have been living here for the past many years.

In the process of helping a person go back to his native place/state, we have tried to find organisations or individuals who are willing to support the person, for future needs.

Last year, 8 boys aged between 12 to 18, ran away from home and landed in Mumbai, lured by the thought of a better income in this city. But after spending two days at Dadar station, they realised the hoax of the glamour of the city. Their money had got over and they became desperate for support and help. They came into our contact through one of our clients who spotted them in a vulnerable state at Dadar Station. We were able to send them back to their native place with the help of Child Line, a project of TISS, to help children in distress.

#### c) Work at the attitudinal level

Attitudinal change of the client and his/her environment constitutes a major part of the work in the Aftercare Unit. This starts primarily in prison, or wherever the first contact with the client is established. The client-worker relationship becomes a vehicle of change. Through the trust developed in the relationship, the worker is able to reach out to the client and his/her environment comprising the family, community, police and society in general.

The emotional side of the rehabilitation process gets discussed and worked upon here. Issues like anger, frustration tolerance, impulsiveness, depression and fatalism, are discussed through incidents that happen in the client's life. There are a lot of ups and downs faced in this process, and may go on for a few years, before one can safely say that he/she is out of the woods.

As far as the client's environment is concerned, the worker has to play a range of roles, depending on the situation at a given point in time - as his/her spokesman, advocate, liaison, neutral third party, honest broker, or even a negotiator between the two

sides. He/she is in this unique, but difficult position where he/she can understand and speak on behalf of both sides. He/she also has to be honest with himself/herself and speak the bitter truth to both sides, if necessary.

#### d) Training for economic self reliance

Our Workshop for Training and Employment has played a pivotal role in the rehabilitation process. When the clients first come to our office, many of them have an immediate need for employment. Along with this, there is a need for a safe and protected environment, a place away from the glare and competition of the outside world, a breathing space to re-think life's priorities, albeit for a temporary period.

The Workshop is an ideal place to deal with these issues. Anyone who joins it, gets to learn a skill of his/her choice (as far as possible), and gets a stipend of Rs.40/- per day for a maximum of six months. Sometimes we may encourage a new client to join the Workshop, in order to check out his/her motivation to change. This also acts as a proof to show the police, that he/she is constructively occupied in life, especially when the police has not yet developed faith in the client's willingness or ability to change.

The initial phase in the Workshop, helps the Aftercare Unit to observe the client and assess his/her interests, talents and potential for self-development. This is followed by discussions to help him/her identify and decide on a vocation. Once this is done, he/she may be either encouraged to undergo a course in that area, or may be placed for apprenticeship. During this period, his stipend may be continued, if necessary.

In October '97, we suspended the activities in the Workshop for six months, in order to evaluate its use and suggest changes, if found necessary. During this period, all the clients were placed as apprentices under skilled tradesmen, or found jobs as per their interest and choice. As an outcome of the evaluation, a new plan of action was worked out, according to which, a trainee has the following options, when he/she joins the Workshop :

a) There is an initial period of one to three months, when the trainee is helped to explore his/her talents and interests.

b) He/she can choose to learn to make and market the products which we manufacture and sell at our workshop - cloth bound stationery items like files, bags, wallets, note pads, etc.

c) He/she can choose to learn tailoring at our Workshop or do a formal course in tailoring outside.

d) In the observation period of 3 months, if the person shows interest in some other training, he/she can be placed accordingly with stipend, in areas such as driving, wiring, auto repair, beauty treatment, security services, nursing, social work, etc.

#### e) Attending to emergencies

As mentioned earlier, attending to emergencies of our clients, forms a major area of work for the aftercare worker. These could be in the form of finding immediate shelter, rushing/admitting a person to hospital, counselling the person to desist from taking a harmful course of action, going to the police station in case of a re-arrest, preventing/taking care in the event of a suicide attempt, etc.

All these situations draw out the inner reserves of the worker, his Unit, and sometimes, the entire team in Prayas. In one particular case, we have even taken turns to sit in hospital for a client, round the clock for twelve days at a stretch. Our workers have had clients call them up or even visit their homes well past midnight, on occasions.

We have also often taken the help of Umang, a self help group of our clients, during these emergencies. Umang members have helped out during hospitalisation, suicide attempts, immediate shelter, medicines, food, escorting to a place, etc. Through these experiences, the potential of self help has come to the fore.

## NEW PROJECTS

### I. Nagpada Police Station

Work at Nagpada Police Station was started in December '97, with the objective of exploring the role of a social worker working with the police, towards the rescue and rehabilitation of women and girls in prostitution.

These women after being rescued, are in a disturbed state of mind. On being taken to the Protective Home, they find the lack of freedom difficult to live with, and the conditions, depressing and sub-standard. Some of them may turn violent, or hurl verbal abuses at the authorities concerned. At the time of the rescue operation, the police often tell them that they would be taken to their native places within the next few days. After coming to the home, they realise that repatriation may take a few months. Sometimes their property is still lying with their brothel keepers or gharwalis. They may also want their friends or relatives/children rescued from the area.

While dealing with all the above problems of the women, the social worker placed at the Home, realised the need to coordinate with the police, who had carried out the raid. She had to keep in touch with them over the phone, or by making regular visits to the police station, for the recovery of any inmate's property, rescue of her children or relatives, arranging for police escort to send her to hospital, or to her native place, etc. All this work kept her away from the Protective Home for long periods of time. This in turn, had a negative effect on her relationship with the woman concerned.

We then felt that if a full time worker was placed at the police station, she could deal with these issues, and act as a link between the Home authorities and the police. Her placement at the police station could lead to an increased focus on raids and rescue operations in the area. It could also help us to understand the problems of the police, vis a vis tackling the issue of prostitution.

We approached the D.C.P. Zone II, who supervises the work of Nagpada, V.P.Road and D.B. Marg Police Stations. These police stations are situated in the Kamathipura area, one of the prime red light areas of Mumbai. As per our discussions with the D.C.P., it was decided to start work at Nagpada Police Station. We placed a full time social worker at Nagpada, to work with the police on the issue of rescue and rehabilitation of women and girls in prostitution.

We were given space and privacy at the police station to counsel the women and girls, who were being rescued by the police on a regular basis. The objectives of our intervention were :

1. To counsel the rescued women and girls regarding their future options, shelter homes for women, health care, training, etc.
2. To inform the women/girls about their legal rights.
3. To arrange for their safe custody and travel to the native place, by liaising with the institutional authorities and police.
4. To arrange for recovery of the property and rescue of the women/girls' children, or any other relative/friend.
5. To give information to the police about resources/institutions in Mumbai and other parts of the country, towards the rehabilitation of such persons.
6. To increase the focus of the police on rescue and rehabilitation.

Clarification of thoughts/ideas :

When a girl/woman is brought to the police station after a rescue, she is in a confused state of mind. Her image of the police is a negative one. The brothel keepers and pimps have inducted wrong notions about the police and institutional authorities. She is told by them that the police would sell them off to some one else after their rescue.

She may find this believable, as she may have seen some of the police staff to be hand in glove with the brothel keepers. The manner in which the rescue takes place may make her feel that she has been arrested, rather than rescued. Therefore, when she is asked by the police about her future plans, she is likely to say that she will go back to prostitution. At this juncture, the presence of a third party/ neutral person can help remove some of her misconceptions.

The social worker first clarifies to her about who she is, and what her role is in the police station. She slowly begins to win her trust and confidence, by anticipating some of her questions and answering them in advance. If she is a minor, she tells her about the Juvenile Justice Act and the relevant section under which she has been rescued. She is told that because she is a minor, her consent is not considered as consent, in the eyes of the law. Therefore she will be sent before the Juvenile Welfare Board first, and then to some institution for the rehabilitation of neglected juveniles. She is explained about the presence of probation officers in the rehabilitation home and their role in the rehabilitation process.

In the case of an adult, the social worker tells her about Protective Home, its structure, staff pattern and their role in the rehabilitation process. She is also told that she can directly go home from the police station with or without police escort, if she so wishes.

Under the Immoral Traffic Prevention Act, it is mandatory for the police to produce a rescued woman before a magistrate, prior to her being sent home or to an institution. However, this practice has been done away with in the last few years, for reasons not



known to us. As of now, it is left to the woman concerned, to decide whether she wants to go directly home, or to an institution, or back to prostitution.

It is here, that the role of the social worker becomes crucial. She discusses with the woman, the pros and cons of each decision that she may take, from the point of view of her future life. If the girl/woman is willing to discuss it, the worker also talks to her about her past - how she reached the brothel, who brought her there, her family history and background, etc.

Quite often, the girl/woman has been brainwashed into believing that since she was bought by the brothel owner at a particular price, she has to earn the same amount through prostitution, and pay back the brothel owner. The gharwali also gives her loans during crisis situations like illnesses, or family problems, on condition that she will earn and pay back the same. This is one of the reasons for a girl/woman to continue in the profession.

The social worker informs her about her basic rights as a citizen. She explains to the girl/woman that she was in fact, duped into the profession, that selling of human beings is a heinous crime, and that living off her earnings is a grave offence under the law. She is informed that she can even file criminal charges against all those persons who brought her into this profession, and that she has a right to get back her clothes, property, jewellery, cash, etc. from the brothelkeeper.

The worker acts as channel of communication between the police and the institution where the girl/woman has been temporarily kept. Her presence in the police station speeds up the process of recovery of her property, rescue of her children/relatives, and arranging for escort, to reach her native place. She keeps the police informed about any progress made towards the rehabilitation of the girls/women. This in turn, motivates the police to carry out more rescue operations, as they feel that their efforts are not going waste. Keeping in touch with the police also helps in getting data about the home situation once a girl/women has been sent back.

Pushpa, from the Protective Home, was sent to her maternal family with escort, as per her wishes. On reaching there, the family refused to accept her. The police then took her to her husband's family. There too, they met with a negative response. Pushpa felt very disappointed and dejected. On further prodding by the police, she agreed to make one last try at her grandmother's house. The police felt highly elated when her grandmother welcomed her with open arms.

All this was possible because while she was at the Protective Home, the social worker had discussed with her, the possible options for shelter in her native place. This information was passed on by the police station worker to the escort staff. The worker had motivated the staff to take interest in the case, which accounted for the manner in which they handled the matter.

#### Problems faced at work :

On many occasions, the girls/women are unable to remember the exact address of their homes, resulting in a lot of difficulties for the escorting police party. If the home cannot be located easily, the escorting party may have to stay back in the area for the night or the following day or two. Usually, there are no staying arrangements for them in such places. They may have to spend from their own pockets for their local travel and food, as well as take care of the girl/woman. After they come back from the trip, they have to submit bills to their department for the expenses incurred, and the reimbursement of the same takes time. This leads to a reluctance on their part in carrying out their escorting duties.

Prayas has tried to build a network of organisations in the various states from where the girls/women usually come. If there is a problem of acceptance in the home, or if the address cannot be traced, the police can take the girl/woman to such an institution and come back to Mumbai without further delay, thus saving their time and resources. It also give them the satisfaction of have completed the task which was assigned to them. The response that they receive from the institution, also motivates them to go back to that state the next time. As of now, such networks have been built in some districts of Nepal, Tamil Nadu, Andhra Pradesh, Madhya Pradesh and Karnataka.

The advantages of building stable and reliable networks are as follows :

1. Once a girl/woman goes to an institution, it is easier for us to follow up the case.
2. If she goes to an institution in her state, she is able to communicate better with them, regarding her present and future needs, on account of the same language being spoken.
3. The institutional staff can gradually work on the issue of acceptance by her family and restore her to them.
4. If the family refuses to accept her, she can continue to stay in the institution, learn some skill and work out some alternative, rather than being forced to go to her family.
5. When the police directly takes a girl/woman to her family, it may cause problems for her within the community, because of the stigma associated with the image of the police. On the other hand, if she comes back home through a local institution, she is likely to be seen as a victim of circumstances, rather than as a loose woman.
6. The uncertainties involved in escorting a girl/woman to her family, have been considerably reduced for the police, since these networks were developed. The police now know where to take the woman, in case of refusal by the family to take her back or inability to trace her family.

Work at the police station can be divided into following phases :

Phase I - Work was started with Nagpada Police Station as the base. Certain days of the week were fixed to visit V.P. Road and D.B. Marg Police Stations. The experience gained from this phase was mixed. Since the local police were instructed by their DCP to extend full cooperation to us, they would get groups of women from the brothel, on the days the worker was to visit the police station. 85% of these women were gharwalis or women who were into prostitution since a long period. These women forcefully argued against leaving the profession, and the worker, being new to the field, found it difficult to counter the same.

Many of these women, before committing themselves to prostitution, had gone through the same processes, which they were now forcing other young girls and women to go through. They too were once duped, raped, sold and then forced into accepting prostitution as a means of livelihood. It has become clear to us that their present problems are a manifestation of their past.

The knowledge gained by talking to these women has proved very useful to the worker. It has helped her in motivating the young girls to think of leaving the profession, by sharing some of the insights gained through this process. Some of the demands or problems of women, who have been in the profession for long are :

- 1.No proof of residence.
- 2.No voting rights
- 3.No access to welfare or government schemes.
- 4.Neglect of their children's education.
- 5.Lack of proper housing.
- 6.Lack of any other means of livehood.

While speaking to many of these women, their anger against society comes out very clearly. They often seem to be saying, "when society does not care for us, why should we?" They feel they are different from the rest of society, and have no faith in it. Having separated from civil society, they have built up a world of their own.

It was realised by us that arranging such meetings served no purpose, beyond a point. It was therefore decided to visit the other two police stations, only when a rescue operation was carried out, or when the police needed our help in counselling the rescued girls/women.

Phase II - It was decided that apart from speaking to the women who were rescued by the police, the social worker would also speak to the women arrested for soliciting in public, u/s 110 of Bombay Police Act. This was done so that the presence of a social worker in the police station, was known to as many women as possible. By discussing the pros and cons of remaining in the profession, with these women, the worker hoped to help them introspect about their lifestyle. Also, this gave them an opportunity to talk about their current problems to the worker.

Phase III - This phase was characterised by the active interest that the new DCP took in implementing laws related to prostitution. The DCP's stance was made very clear to the local police and NGOs working in the area - that he was serious about removing minors as well as any adult women who were being forcibly kept in prostitution. He also made it clear that he was against soliciting on the streets, and that he was in favour of taking rigorous legal action against pimps, brothel owners and traffickers.

Under his supervision, the frequency of rescue operations have increased many fold in the area. One of the major problems being faced in the field as a result of this approach, is that of finding appropriate shelter for the rescued girls and women. Also relevant here, is the issue of the proper vocational training and rehabilitation facilities for these girls and women.

One of the problems faced in the counselling process at the police station, is the inability of the worker to demonstrate her ideas related to vocational training, to the girls/women being brought there. To overcome this problem, we have decided to start an activity centre in the Zone II area. We plan to start recreational, information sharing and vocational training classes at this centre on a regular basis. On seeing an activity actually being carried out, the clients may become more amenable to the worker's ideas regarding rehabilitation.

## II. Destitute Women on Railway Premises

Two years back, one of our social workers, who had prior experience of working in the police station in Chembur, had gone on long leave. On joining back, she wanted to start work in a new area. In the course of our discussions with her, the issue of deserted or runaway women, living in the city without supports, came up.

We felt that many of these women live on the railway stations and platforms, having no other safe place to go. They work in the unorganised sector for a living, are highly vulnerable to physical and sexual abuse, and are regularly subjected to criminal action by the railway police for living on railway premises.

In keeping with our objective of trying to reach out to persons vulnerable to abuse, crime or prostitution, and to explore the need for social work intervention in different areas of criminal justice, we decided to initiate a study on this issue, to assess what we could do in this area.

### Our Understanding of the Subject of Intervention:

The term "women" here, includes minors. They may however, be clubbed into the age-brackets of child, adolescent, etc. to facilitate intervention in the later stages.

Moreover, "women on their own" does not exclude those girls or women, who may be accompanied by children, siblings, or companion(s). They are alone on the streets, by virtue of their estrangement from familial or extra-familial supports, and face perpetual or at least intermittent threat to physical, emotional, moral and economic security as a result.

The women come to be on the streets due to factors such as -

1. Familial breakdown:

A woman caught in conflictual and violent relationships at home, may experience physical and mental stress, to the extent that it is no longer tolerable for her, and she leaves the home. Such conflict may occur with members of the parental home (parent, brother, etc.) or the marital home (husband, in-laws).

2. Unsuccessful relationships:

Women are often victims of unsuccessful or even deceitful relationships with partners. They may have left their parental home (of their own accord, or under the persuasion of their partner), to start a new life with the companion. Some may have even lived with the person for a period of time. In the event of the termination of such a relationship, they have neither the support of the former companion, nor the acceptance of the parental home.

Some women go through a series of such relationships (with or without marriage), before coming to be on their own, both physically, as well as in terms of their self concept. This also affects their willingness to adhere to social norms. Societal acceptance and support available to them, becomes very low in such circumstances.

3. Girls/women lured or bought off:

Girls/women may be lured or bought off from their families, and brought to the city, on the pretexts of more remunerative jobs or the glamour of the city, with the intent of leading them into activities such as prostitution, etc. Some have even come to the city on their own, to experience its famed lifestyle, or get a glimpse of their favourite film personalities.

4. Lost in the city:

Some may have reached the city by mistake. They have lost their way from home and do not know how to return.

5. Mental disturbance or oldage:

A woman may be suffering a mental disturbance/illness and thus have been "discarded" by her family, and wilfully left on the streets. Similarly, aged women have also been abandoned by their families.

One explanation for the abandoning of such vulnerable members, especially by families in small towns, is the dearth of social services to cater to the needs of such groups.

#### 6. Drift into crime or prostitution:

Some women may drift into crime and prostitution i.e. their involvement in such activities is intermittent. It alternates with their return to the existing familial or other support system, and thus, they are periodically in and out of the streets/on their own without support.

While the intervention limits itself to destitute women in Mumbai city, they may have come here from any part of the country and even from outside the country.

On reaching the streets, i.e. on coming to be on their own, we assume that the railway stations (especially major stations and terminals), are the most likely shelters sought by the women. This is due to the relative security provided by so "public" a place, as different from the less frequented, less open, or less visible nooks and corners of the city.

The women may also choose to stay here simply because this is the first place arrived at in the city, and they know of no other place to go(as yet).

At this point, it is likely that the women get along, initially, by begging from passengers and others (stalls, vendors) on the station, or around it.

It is also a possibility, that such women are absorbed into larger gangs operating on the railway station. Such gangs may be involved in (and thus initiate the women into) theft, begging, trafficking in women and children, narcotic substances, etc. The women, on account of several facets of vulnerability (lack of support, irregular and insufficient means of livelihood, sense of alienation, etc.), might actually desire entry into these gangs.

Our intervention in this area, seeks to uncover these and any other circumstances, that a woman on the street has to face on her own.

#### Proposed areas of intervention:

- It is proposed that two social workers will be appointed in this project, who will focus on the issue of women and girls, staying on the railway premises in Mumbai city.

- A Special Cell may be constituted for this purpose, with the co-operation of the railway police and authorities, if there is consensus with them on this issue. The Cell will operate from a central location in Mumbai, such as Dadar station.

- Cases may be referred by the police, NGOs and members of the public, to the social workers for appropriate intervention.

- Help of the police machinery and staff will be taken in every case, as part of the conceived structure of the proposed intervention.

- Networking with NGOs and relevant government departments, for different services like shelter, vocational training, medical treatment, legal guidance, job placement, de-addiction, and repatriation to native place or state, will be done on a case by case basis.

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## RESEARCH PROJECTS

### I. Study on Children of Prisoners

Prayas had undertaken a study, to understand the needs of children of prisoners and suggest an intervention strategy, both at the policy and field level, with regard to this group. Data was collected in Delhi, using Tihar prison as the base. Our experience of working with children of prisoners in Mumbai, was also analysed through this study.

Data has been collected from women prisoners, their children, other family members, community members, police and prison officials, members of the judiciary, probation and social welfare officers, social workers and NGO personnel, academics and any other person, who, in our opinion, has knowledge or experience in this area.

The study is at present, in the final stages of report writing, and we expect it to be ready by this year end. We plan to use this report to increase awareness in the field, society and in government, with regard to the plight of children of prisoners, and the supports they require, in order to grow up as normal and healthy citizens of this nation.

As of now, this group is invisible to society, and the government in general. Also, there is little likelihood of this group coming together, to ask for their due. They need to be included in the child welfare policy of the state, and a special scheme needs to be formulated in this regard.

### II. Study on Girls Released From Institutions

Prayas undertook a study last year, to find out the situation of girls released from institutions, after their commitment period was over. The idea of doing this study, came out of our experience of working with the girls rescued from prostitution, and housed at the Protective Home and the Reception Centre. These girls were rescued by the police through a mass raid, carried out under the orders of the Mumbai High Court, in 1996.

As far as the state's rehabilitation efforts of these women and girls were concerned, a lot of criticism was directed to the institutions housing them, from the press and the NGO sector. For us, the issue became a larger one, of whether institutionalisation can achieve its objective of rehabilitation.

We, therefore, decided to undertake a study on this issue, and find out the role that institutions play in society, towards mainstreaming persons who have been left without supports, or have deviated from the norms of society. It was decided to follow up cases of girls released from children's institutions, and find out the extent to which they have been able to settle down in their lives.



The objectives of the study were:

- To study the reasons and procedures for institutionalization of women and girls.
- To study the range of programmes and activities of a few institutions, with particular reference to rehabilitation.
- To obtain staff and inmates' view regarding the institutional experience, and its usefulness in relation to inmates' present problems and future needs.
- To study the process of rehabilitation of inmates - from preparation to release, staff efforts to follow-up or other experiences.
- To meet ex-inmates to learn about developments and problems after release.
- To examine with ex-inmates, their entire experience from entry to release, and solicit their suggestions with respect to prevention, institutionalization and rehabilitation.

Methodology:

Keeping the above objectives in view, Prayas planned to study selected institutions housing young girls and women. Individual, semi-structured interviews and group discussions, were to be held with inmates to be discharged, and released inmates and their families, if possible. We also planned to interview staff about their work experience in institutions and elicit their suggestions with regard to rehabilitation.

Initially, the study was to be conducted in Mumbai. A few institutions were selected which covered a range of licenced, aided, non-aided institutions, as well as open and closed institutions, hostel-type institutions etc. We then wrote to selected institutions for their permission and cooperation to do the study. We received no reply from majority of them, while some flatly refused since they were not interested in such a research.

These responses dampened our enthusiasm and we felt blocked. On further pondering over the issue, new avenues opened up. Our researcher had a few contacts with girls from the institution where she had earlier worked. She also had a few friends and field contacts, who were working in a few other institutions, and were willing to help us with names and addresses of the girls discharged from their institutions. Thus, through a snowballing effect, we were able to interview 30 girls rehabilitated from various institutions.

Alongside this, interviews with a few staff members, volunteers and ex-inmates working presently as institution staff, were also conducted. One can say that the idea to conduct these interviews was the researcher's felt need. She had herself worked in an institution, and had not been given enough freedom during the course of her work, to express her views and implement her ideas. It was felt that interviewing the staff would give them an opportunity to express themselves in a frank manner and to their satisfaction.

### Data Analysis:

The interviews were conducted in Hindi, Marathi and English as per the comfort of the interviewee. Instead of the researcher herself analysing the data, it was decided to involve the entire staff of Prayas in the process. This was done as it was felt that our workers have enough experience in the same field, and their viewpoints could also be considered.

The inmate interviews were equally distributed among the Prayas staff who were divided into smaller groups. They were given four major points for analysis:

- Reasons for institutionalization
- Services in the institution
- Rehabilitation and life outside the institution
- Suggestions given by the girls

The notes prepared by these groups were compiled, according to the suggested points of analysis. The non-inmate interviews were individually analysed by the researcher with the help of two of our senior workers. Presently, the researcher is writing out the report.

The overall objective of the study is to relate the girls' institutional experiences with their post-institutional life, and to gain insight into the process of what is called 'rehabilitation'. We also want to delve deeper into the content and procedures related rehabilitation, so that it can be of help to our work.

## SYSTEM RELATED WORK

### I. Inter Departmental Committee

In 1996, the Mumbai High Court had suo moto filed a writ petition regarding the condition of under trial prisoners, in which Prayas was a party respondent. The court had ordered the formation of a state level Inter Departmental Committee, to work out the problems related to the criminal justice system, and look into the issue of rehabilitation of released prisoners in Maharashtra.

Prayas was given the status of an invitee member in the Committee. This committee is convened by the Principal Secretary, Department of Law and Judiciary. The other members of this Committee include the secretaries of the departments of Home, Prison and Women and Child Welfare, the Director General of Police and the Director of Health Services.

Since this Committee was formed, Prayas has continuously tried to bring issues related to the field, to its meetings, and to work out practical solutions to the problems being faced. Some of the issues that we have taken up are:

- Which department of the government is responsible for rehabilitation ?
- How does one improve the functioning of the legal aid system ?
- How does one solve the problem of overcrowding in prisons ?
- What is the way to solve the problem of lack of regular escort facilities to take prisoners, especially women, to court on their dates of appearance ?
- What steps need to be taken to improve vocational training facilities inside the prison ?
- How can the pending cases of under trial prisoners, be expeditiously taken up ?
- Does the government need to set up temporary shelters, or after care homes for released prisoners ?

These issues have been deliberated upon in great detail in the meetings of the IDC, to work out solutions. Some policy decisions have also been taken in this regard. It has been decided to allow law college students to come inside prison for giving legal guidance to needy prisoners. A G.R. has been issued by the Home Department, for aid to released prisoners and their dependents. The issue of setting up of a remand court in prison and jail mahila adalats has been discussed. A district level IDC for Mumbai will be formed to look into local issues.

All these decisions need follow up with the respective government departments. We are in constant touch with the Convener of the Committee, to request him to call for meetings whenever the need arises.

## II. Departments of Women & Child Welfare, Police and Prisons

In the course of our intervention in the field, we are continuously identifying issues, which have a bearing on the smooth functioning of the system and the process of rehabilitation. It has been our endeavour to bring these issues to the notice of the government departments concerned, and to suggest solutions from our experience. Our whole approach has been one of trying to find out the bottlenecks, look for possible systemic solutions, document the same and then discuss them with the government officials concerned, through a series of correspondence and meetings.

We are aware that our attempt to bring in changes, is a time taking process. We feel that a climate for change has to first be created, from both outside and within the system. The press, activist groups and the public in general, have to put pressure on the system and create a lobby for change from outside. Groups have to also work from within, to look at solutions in a systematic manner and ensure that changes get institutionalised in the system.

Our efforts in the last nine years are gradually bearing fruit. The Prison Department today respects our work, and takes our suggestions seriously. At our insistence, a balwadi (for children of prisoners) cum activity centre, in the Women's Section at Mumbai Central Prison has been built. Our proposal to bring in students of the Government Law College to prison, for legal guidance purposes, has been accepted. Our request to the government to absorb the balwadi, being currently run by us, has been forwarded by the I.G. Prisons Office to the Education Department.

Our experience with the Police Department has been mixed. While on the whole, the response to our intervention is positive, a lot depends on the officer with whom one is dealing. As a department, it seems that the police have little faith in rehabilitation as a method of crime prevention. Their cooperation with us is still largely, a consequence of their view of Prayas, as doing 'good' work.

As a result there is no policy down the line, towards rehabilitation, and we have to tackle officers as individuals. From time to time, circulars have been issued by successive senior police officers, instructing field officers to cooperate with us on the issue of rehabilitation. We feel that this battle can only be won by us through our work, and when society as a whole, changes its attitude towards those who break the norms.

With regard to the Department of Women and Child Welfare, our main problem has been one of maintaining continuity. For some reason, this department is characterised by very frequent transfers at the top level, and very long tenures at the field level. As a result, any decision taken at the top, can change with a change of the officer sitting in the post.

Field level staff, therefore, have a tendency to wait and watch, before they implement a change. Also, there are no inputs or incentives for them, to remain motivated in the field. Their suggestions are never sought, or taken into consideration, whenever any policy level decision is being taken. They are almost treated like the inmates housed under their care - a forgotten lot.

In this situation, an atmosphere of mistrust and suspicion exists amongst the staff, which has a negative effect on our relationship with them. Working at the systemic level is, therefore, a painstaking and testing experience. Yet, one message has gone across to the department - that we are in the field on a long term basis, and not for any publicity. We hope that our work with this department, will bear results with a few more years of sustained effort.

## STATISTICS

### 1. PRISON UNIT

#### Female Section:

New cases	:	130
Home visits	:	536
Police station visits	:	27
Court visits	:	31
Organisation visits	:	64
Applications for legal matters	:	182
Average number of telephone calls made to the inmates' families	:	450

#### Male Section:

Old cases	:	8
New cases	:	249
Home visits	:	330
Police station visits	:	3
Court visits	:	18
Hospital visits	:	6
NGO visits	:	12
Applications for legal matters	:	130

### 2. FAMILY SUPPORT UNIT

Total number of children who attended the balwadi	:	23
Home visits	:	80
Visits to the Juvenile Board	:	7
Children admitted to institutions	:	3
Institution visits	:	14
Emergency help provided	:	8
Tuition fees provided	:	1

### 3. LEGAL AID UNIT

Long term cases		
Male	:	21
Female	:	12
Short term cases		
Male	:	7
Female	:	16
Police station visits	:	4
Court visits	:	181
Prison visits	:	73
Applications written in prison	:	600 approx.
Meetings with Magistrates	:	11
Meetings with I.D.C.	:	2

Meetings with Legal Aid Board  
& Committee : 9  
Letters sent to Nasik, Goa prisons : 14

#### 4. POLICE STATION UNIT

##### Types of Cases

Station house  
(Information/guidence given  
only once) : 1718

Short term  
(Less than one month)  
Marital conflicts : 105  
Neighbourhood disputes : 49  
Missing persons : 22  
Mentally disturbed : 4  
Suicide : 6  
Minors in delinquency, beggary,  
love affairs, etc. : 19  
Rape (including minors) : 3

Long term cases : 20

Lock-up cases  
Home visits paid or phone calls  
made : 355

Home visits paid in short and  
long term cases : 395  
Organisation visits : 97  
Meetings with police : 14  
Meetings with mahila mandals : 8  
Meetings with youth groups : 7  
Meetings with families of police  
staff : 3

#### 5. AFTERCARE

##### a. Case work:

Total cases	Male - 36	
	Female - 14	50
New cases	M - 18	
	F - 6	24
Home visits	M - 113	
	F - 38	151
Institution visit (Shelter)	M - 20	
	F - 45	65

Letter of introduction	M - 3	
	F - 0	3
Police station visits	M - 23	
	F - 32	55
Court visits	M - 35	
	F - 10	45
Prison visits	M - 4	
	F - 0	4

b. Training for economic self-reliance:

Training given in workshop	M - 44	
	F - 27	71
New Trainees	M - 3	
	F - 7	10
Training given outside	M - 3	
	F - 1	4

6. ESPLANADE COURT

Legal aid to accused - 4

Referral to welfare agencies - 3

Rehabilitation efforts - 4

Lock up Visits - 4 phone calls and home visits per week (appx)  
4 applications per week

Morning Court - Home visits, legal information and applications  
whenever requested, usually once in two months

Referrals from other units of Prayas - 4 (affidavit and warrant)

Cases referred by court staff - 2

Enquiries from general public - appx. 15 per day

( These enquiries relate to licence, domicile certificate, court room direction, illegal immigration cases, C.I.D. cases, accident cases, stamp office enquiries, bar room, probation cases, magistrate's timings, remand timings, etc.)



## 7. PROTECTIVE HOME

### a. Case work and networking

Long term Counselling	: 120
Hospital visits	: 40
Visits for mobilising resources	: 16
Cases refered to Institution	: 9

### b. Activity Classes

Girls who attended the activity class	: 137
Girls completed the training	: 107
Girls given training kit	: 18

## 8. MINOR HOME ACTIVITY CLASS

Girls who attended the activity class	: 163
Girls completed the training	: 85
Girls given the kit	: 25

## Staff Structure

### Prison Unit:

a. Young Male Adult Section  
Sudhakar Babu

b. Women's Section  
Pradnya Shinde, Varsha Lad, Surekha Sale

### Legal Aid:

Janardan Palshetkar

### Espalnade Court:

Rajesh Ingle

### Chembur Police Station:

Subhash Tupe, Suryakant Mane

### Nagpada Police Station:

Shobha Shelar

### Protective Home:

Sharon Menezes, Babita Salvi

### Special Home for Minor Girls:

Pramila Jadhav

### Aftercare Unit:

Shankar Pokharkar, Salma Naik, Sunil Mhaske, Silvin Kale

### Administration Unit:

Sangeeta Gawli

### Research & Development Unit:

Chanda Jadhav, T.S.Devayani, Penelope Tong

### Bharuch Police Station:

Krupa Shah

### Project Director:

Vijay Raghavan

### Project Advisor:

Sanober Shekar

