

**Prayas**  
**Social Work in Criminal Justice**

**Annual Report**  
**1995-96**

**A Field Action Project of**  
**The Tata Institute of Social Sciences,**  
**(Department of Criminology and Correctional Administration)**  
**9/1, B.D.D. Chawls, Worli, Mumbai - 400 018**



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## 1. FOREWORD : THE CONTEXT OF OUR WORK

Prayas has located itself in direct relation to two major and extensive areas of civic life and administration, hence the phrase 'Social Work in Criminal Justice'. We not only wish to deliver services, but also feel it is necessary to stimulate developments in this field. Our work, thus, encompasses two broad directions :

(1) Interacting with the criminal justice administration, its various agencies and personnel, and most importantly, the citizens being processed or affected by the system - whether as complainants, suspects, prisoners, victims, prostitutes, families, and so on.

(2) Providing or mobilizing welfare or other social services, both in the government and voluntary sector, towards supporting affected individuals and families, and facilitating the social re-integration of stigmatized persons.

Our interaction with government is at all levels. We request permissions for a variety of purposes, bring field problems, issues and suggestions to the notice of, participate in activities organized by, collaborate with, rush for assistance with field crises to, request guidance for future functioning from senior levels of the Administration/ (this, at times, includes retired officers as well). We make every attempt to sustain these relationships over a period of time and perhaps, have succeeded to a certain extent.

Field staff of any organization are our colleagues; they have a direct understanding of 'real life' and the demands social service places on the resources of agencies and staff. We attempt to build relationships of mutual understanding and networks particularly in areas of service where we are not self-sufficient and need support.

Our clients are often considered a 'lost cause', or worse, unworthy of assistance by the majority of citizens. Many persons within the administration and voluntary welfare sector, too, think similarly. They feel that time and money can be better spent. We, on the other hand, take the negative in human affairs as a reality which cannot be avoided, and therefore our starting point. It is there, it has to be faced and needs to be socially transformed.

In such a situation we find ourselves stretched, if not battling, on many fronts. But there is also the other side of the picture. The administration has many experienced, discriminating and positively-oriented people at all levels, who are supportive of any sincere effort. They also realize - as many of us in the NGO sector also do - that government and citizens have to work together. Hence they are receptive to new ideas and approaches. Moreover, there is a discernible tilt today towards democratization that is challenging conventional ways of thinking

within the administration and outside. Without this, it would not have been possible for a project such as ours to gain and sustain entry in an area which is a primary responsibility of the state. Or for us to have expanded our activities here as well as outside Mumbai.

In reality, the context in which an organization locates itself is experienced as a dynamic interaction of conflicting forces, reflecting some aspect of the human struggle for existence. In this case it is deviance, the challenge to the boundaries of social control and the individual, social or administrative reaction to it. Almost every day at Prayas - wherever we are working - some incident takes place that challenges our complacency - that we now understand our field, and forces us to look for new meanings and directions. And almost every day we ask ourselves whether we are adequate to the task. More than affecting reality, it appears sometimes that first we will have to be shaped - are being shaped. We look and feel different from when we started. We don't know what this coming year will demand of us. All of us at Prayas do not always agree with each other about many issues. We have our critics, even amongst our supporters. Clients are quite skeptical at times too. Sometimes more than that.

But, this much has been realized: the kind of work Prayas has taken up is needed, and/ but we cannot ourselves indefinitely expand. Hence, we would be happy to share our views and experiences with the government administration, welfare agencies, and especially faculty and students of departments of social work in Maharashtra or other states, since that is how Prayas started.

( For a more specific picture of our interactions this year, we refer readers to the 'Acknowledgements' and 'Profile of the Criminal Justice System' )

## 2. ACKNOWLEDGEMENTS:

In our field work and research projects we have met numerous persons, in different roles. Those who are our primary concern - the people for whom we work - cannot be identified here. However, we express our gratitude to them for allowing us into their lives.

As in previous years, Prayas has received invaluable assistance and support, for its various activities in Mumbai and outside, from various governmental set-ups and non-governmental organizations and individuals.

We take this opportunity to place on record our sincere appreciation for this understanding - not always easy to come by in such a field of work - and look forward to a continuing relationship in the coming years.

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National Commission for Human Rights  
National Commission for Women  
Maharashtra State Women's Commission  
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Dr. Deshmukh, Head and other staff of Department of Psychiatry,  
J.J. Group of Hospitals, Bombay  
Dr. Iyer and other staff, Dept. of Psychiatry, K.E.M. Hospital

**Non-government:**

A.D. Bawla Girls Orphanage  
Apnalaya  
Ashray - Snehasadan  
Asmita - Snehasadan  
Bal Asha Trust  
Bombay Swadeshi Stores  
Drishti  
Human Rights Law Network  
Jayadev Hattangadi  
Kaleido Graphics  
Magna Publications Pvt. Ltd.  
Mahila Samasya Nivaran Kendra, Thane  
Mashwara  
Samay Bharti Trust  
Shraddha Nursing Home  
Special Cell for Women and Children in Distress, TISS  
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Ms. P.M. Gade, Superintendent, Reception Centre  
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Mr. Ramesh Sarnaik, Sr. P.I., Chembur Police Station & staff  
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Mr. R.S. Chawan, DIG ( Prisons - Southern Region)  
Mr. Sawant, Superintendent of Byculla Prison  
Mr. Chowdhary, Superintendent of Mumbai Central Prison  
Mr. Hiremat, ex-Senior Jailor, Mumbai Central Prison  
Mr. Kamble, Jailor, Mumbai Central Prison  
Mr. Kulkarni, Judicial Clerk, Mumbai Central Prison  
Mrs. Diwar, Senior Matron, Mumbai Central Prison  
Mrs. Gaikwad, Jailor, Mumbai Central Prison

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Karkarduma Court  
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Mr. S D Bhosale, Dy SP( C.I.D.), Pune

Mr. Ashokji Paranjape, Indian National Theatre, Mumbai

Ms. Saraswati Swaminathan, Indian National Theatre, Mumbai

Mr. Suresh Chikale, Indian National Theatre, Mumbai

Father Placido Fonseca, Director, Snehasadan

Ms Anjali Dave, Lecturer, Dept. of F.C.W., TISS

### 3. ORGANIZATIONAL CHART:

Director: Sanober Shekar

Coordinator: Vijay Raghavan

#### I: FIELD STAFF :-

##### 1. PRISON:

###### (a) YOUNG ADULT MALES' SECTION :-

\* Social Worker : Sunil Mhaske  
\* Arts and Crafts Teacher : Ramesh Sakharpekar

###### (b) FEMALE SECTION :-

\* Social Worker : Penelope Tong  
\* Literacy Teacher : Varsha Lad

###### (c) CHILDREN OF PRISONERS :-

\* Resource Person : Roshni Nair  
\* Social Worker : Jyothi C.  
\* Balwadi Teacher : Pradyna Shinde

##### 2. LEGAL AID UNIT :-

\* Social Worker : Ramesh Iyer  
\* Social Worker (Part Time) : Janardhan P.

##### 3. HOME VISITS :-

\* Social Worker : Subhash Tupe

##### 4. REHABILITATION :-

###### (a) AFTERCARE :-

\* Social Worker : Sharon Menezes

###### (b) EDUCATION, TRAINING

###### and EMPLOYMENT :-

\* Social Worker : Silvin Kale

###### (c) WORKSHOP :-

\* Supervisor : Pratap Rajput  
\* Assistant Supervisor : Sunita Shinde  
\* Production Assistant : Laxman Pokharkar  
\* Training Instructor at the  
Reception Centre, Chembur  
( Part Time ) : Sunita Shinde

5. PROTECTIVE HOME :-

\* Social Worker : Chandrani Majumdar

6. POLICE STATION :-

\* Social Worker : Chandrabhaga Ingle  
\* Social Worker : Devayani T.S.

7. CRIMINAL COURT :-

\* Social Worker : Rajani Iyer  
\* Social Worker ( Part Time ) : Janardhan P.

II. RESEARCH STAFF :-

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\* Researcher : Arunendra Pandey

2. STUDY ON CHILDREN OF PRISONERS :-

\* Researcher : Zarine Chinvala  
\* Researcher : Sushil Kumar  
\* Researcher : Kriti Chawla

3. STUDY AT BHARUCH POLICE STATION :-

\* Researcher : Krupa Shah

III. OFFICE STAFF :-

(a) DOCUMENTATION :-

\* Social Worker : K. M. Latha

(b) ADMINISTRATION :-

\* Typist & Accounts Assistant : Sangita Gawali  
\* Office Assistant : Salma Naik

#### 4. *SOME EVENTS:*

##### **MARCH:**

- \* The Balwadi in the women's section at Bombay Central Prison for children of prisoners (below five years), earlier run by the Child Guidance Clinic of the Tata Institute of Social Sciences at Wadia Hospital, was handed over to Prayas.

##### **APRIL:**

- \* Chembur Police Station provides a room with table, chairs and lockers to our social worker.
- \* Prayas staff and clients attend a workshop on 'Small Business Training' organized by Project Mainstream.
- \* Prayas appoints full-time literacy and arts & crafts teacher at the women's section at Bombay Central Prison. This was earlier a part-time post.

##### **MAY:**

- \* Prayas attends a national workshop on 'Women and Institutionalization' organized in Delhi by the Co-ordination Unit of the World Conference on Women, Beijing '95.
- \* Prayas attends a workshop on 'Issues related to prostitution (Women and children) and the children of prostitutes' at Mumbai organized by Child Relief and You (CRY), Terre Des Homme (TDH) and Prerana.

##### **JUNE :**

- \* Social work intervention initiated at Protective Home, Chembur, to work with women rescued from prostitution.

##### **JULY:**

- \* It is decided that all Prayas staff in Mumbai will share responsibility for administration. Accordingly, workers start taking turns every week.
- \* Police station workers start a dialogue with Mashwara, an agency involved in providing legal support to women in distress.
- \* The Chief Metropolitan Magistrate arranges for a corner with a table and some chairs, within the Esplanade Court Complex for our Social Worker.
- \* Meeting with DIG (Planning and Co-ordination), Maharashtra Police, held regarding the report of the TISS-Police Committee on a cadre of trained social workers in the criminal justice system.

##### **AUGUST:**

- \* Seven Bangladeshi children, housed in the Additional Observation Home, Mumbai, who had not met their mothers for the last three years, have a 'mulaqat' with their mothers when they came from Poona for their court date, as a direct result of the work of the Family Support Unit.

#### SEPTEMBER:

- \* Study in Bharuch City 'A' Division Police Station commences
- \* Workshop on Legal Aid and Social Work Services in Tihar Prison, organized by Faculty of Law, Delhi University at which Prayas made a presentation
- \* 'Society', a magazine published from Mumbai, sponsors a stall of Prayas workshop products for three days at the 'Society Exhibition'.
- \* The National Human Rights Commission visits Mumbai and invites Prayas as one of the NGOs working in the field of human rights for a one-day conference.

#### OCTOBER:

- \* The national study on prostitution continued in Himachal Pradesh. During data collection, an attempt to share our concern, specifically in relation to prevention of prostitution in the hills, resulted in a state-level meeting. A group was formed for follow-up of issues discussed.

#### NOVEMBER:

- \* The Magistrate of Kurla Court begins referring cases to Prayas.
- \* Prayas receives permission to start social work intervention in City Sessions Courts, Mumbai.
- \* The Advocate-General, Government of Maharashtra, organizes a meeting for Prayas with the Principal Secretary, Department of Law and Judiciary, to discuss issues related to Government Legal Aid Scheme for undertrials and sanctioning funds to Prayas for its legal aid activities.
- \* The final order on the writ petition on the state of undertrials is passed by the High Court, Mumbai. Suggestions made by Prayas are reflected in this order too, as in the interim orders passed earlier.
- \* Prayas attends a national workshop on adoption in Mumbai, organized by Bal Asha Trust.

#### DECEMBER:

- \* The National Human Rights Commission promises to respond to our request for financial assistance for the Action-Research Study in Bharuch. It also promises to arrange for an air ticket for a client who had to be repatriated to her native place in Africa.

#### JANUARY:

- \* At the request of Prayas, the office of Addl.CP ( Crime ) convenes a meeting of Prayas with senior police officials for detailed discussions on the role of police with respect to the issue of women and girls in prostitution. As a result of this meeting, DCP (E.O.U) is made the Liaison Person with regard to the issue of prostitution for Prayas and other NGOs.
- \* The Staff Development Committee arranges for an overnight staff development workshop.

#### FEBRUARY:

- \* The Chairperson and members of the National Commission for Women on a visit to Mumbai visits Prayas. They have a lively interaction with staff, and also visits the workshop.



- \* Prayas receives permission from the DCP Zone V to begin work in the Ghatkopar Police Station.
- \* In response to a petition received from an undertrial prisoner at Nashik Road Central Prison, alleging that he had not been produced in court for seven years, Prayas forwarded his complaint to the Chief Justice of Mumbai High Court with copies to the National Human Rights Commission and the IG (Prisons), Maharashtra. As per the Registrar, High Court of Judicature, Mumbai, necessary action is being taken.
- \* Prayas was invited as a resource agency by the DCP (Narcotics), Mumbai, for a workshop on Demand Reduction Strategies.
- \* 417 minor girls rescued from red-light areas of Mumbai by the police in response to a suo moto writ petition filed by the Chief Justice, Maharashtra. Prayas participates actively in various meetings organized by the Administration and voluntary organizations on problems consequent to the mass raids, and the issue of rehabilitation. ( We were already working in the government Protective Home and Reception Centres, into whose custody a large number of the rescued were taken. )

## 5. ON-GOING WORK:

### A. PRISON:

#### [a]. MALE SECTION

The Prayas social worker is now a familiar figure with the men of the Young Adults (Male) Section, Mumbai Central Prison. The average population this year was 250 - 300, and the concentration tended to be on services, although there is equal need for counselling. The worker's functions continued to be, broadly :

- establishing rapport with staff and inmates
- providing legal information and aid, drafting applications
- establishing links between prisoners and their families
- co-ordinating with the administration, doctor, prison literacy teacher and other staff
- information and counselling on a variety of issues,
- developing long-term relationships with prisoners, towards establishing positive social networks after release

Legal services are obviously a priority, and drafting applications takes up much of the worker's time, as it is one way for prisoners to deal with their situation from inside. The social worker is generally requested for the following :

(i) Writing application for

- (a) release on Personal Bond
- (b) release on bail
- (c) release on probation
- (d) reduction of bail amount
- (e) expedition of trial
- (f) pleading guilty and to set-off the sentence
- (g) copy of charge sheet from the Court, free of charge
- (h) Government - appointed lawyer for trial
- (i) medical treatment
- (j) copy of judgement order
- (k) return of property from prison/ police station

(ii) Passing surety with the help of lawyers.

(iii) Appointment of lawyers from the Prayas legal aid panel.

In most cases, the prison worker can adequately identify the immediate needs, and write out and follow up on the application. But when the matter is complex it is referred to the legal aid worker.

Home and court visits paid by workers sometimes have unusual turns to them. For example, a client had been arrested under section 41 of the Criminal Procedure Code, 1973 and 37 of the Mumbai Police Act, 1951. The Magistrate granted him personal bond on one charge and discharged him on the other. But he was not released from prison. When the worker tried to find out why, he learnt that the orders of the court had been misplaced in the court clerk's office. The only record of the current status of the client was in the police station.

The worker was able to persuade the police station and the court to co-ordinate with each other and get a copy of the order to be sent to the prison. The client was released after 37 days in illegal detention.

The worker has started joining the Superintendent during his weekly rounds in the jail. It has been observed that the number of complaints have been increasing and also that they have been receiving a response. Also, jail authorities have started experimenting with different methods of maintaining discipline: listening to the inmates, talking to them and counselling them.

**Arts and Crafts:** An arts and crafts teacher has been working full-time for two years now. The objective of building self-esteem through creating an environment of stimulation, positive learning and self-expression is borne in mind. It has been observed that the members get so involved in the activities (individual and group sketching and painting, dancing, group singing and dramatics) that they momentarily forget about their situation. The Jailer has remarked about the lowering of noise levels and indiscipline amongst the youth, about their better self-discipline and use of time. Activities like dancing, singing and dramatics become a medium for emotional ventilation and creative self-expression; when a play is planned, the entire exercise, from conception to performance, draws on resources from within the prison. Subjects chosen have a wide range : e.g. modern Ramayan, drug addiction. Whatever the activity, humour is a common element.

Each activity leads to a discussion usually centered around emotions, sports and hobbies. Initially the content tends to be superficial. But after the pace of the discussion speeds up due to greater participation, each person feels the need to share and therefore there is more contribution from their part which eventually leads to emotional topics. Subjects like AIDS also come up, involving both attitude and information. These activities have the combined effect of building up an atmosphere that is conducive to reformation and rehabilitation.

### **[b]. FEMALE SECTION**

This year the average daily population has been between 70-100 whereas the capacity of this section is around 30, leading to considerable pressure.

Mentally disturbed women once again occupied the worker's attention and much effort had to be directed here; the authorities appeared to pay little attention to the signs and symptoms of the illnesses these women appeared to be undergoing, unless management problems arose. Most of these women were disturbed at the time of being apprehended, while a few underwent breakdown during incarceration. The women were accused of offences ranging from travelling in public transport without paying the fare, theft, criminal trespass, causing hurt, attempting murder and murder.

Chapter XXV of the Code of Criminal Procedure, 1973, outlines detailed provisions as to accused persons of unsound mind. Prison authorities, who we feel have the primary responsibility as the disturbed individual is in their custody, have often felt unable to refer for psychiatric observation and treatment without a court order, and the court is often unwilling to give an order without any notification from the prison. This resulted in the obvious neglect of the person's state and further deterioration. In some cases, the police, inspite of being aware of the persons' state of mind, would not consent to stating this in court or following the procedures for such cases.

We were able to offer assistance to a few disturbed women at the time of release. Since such persons' illness continues, and prosocial supports are usually very weak, their situation is characterized by multiple problems and obstacles. The need for immediate shelter loomed large and urgent. But apart from Bal Asha Trust and Ashray (of Snehasadan), on our specific request, no organizations were willing to provide shelter for this category.

Being a Project, it is not possible to take responsibility and consent on behalf of the patient for psychiatric treatment, as only the legal guardian is in a position to do so. However, J.J. Hospital has taken in two patients on realizing the necessity and urgency.

The attention of the concerned authorities needs to be drawn to these issues immediately as there is apparent and gross neglect of this problem, and violation of the right to live with dignity.

**Literacy class:** The literacy teacher was made full time this year with a view to making education a medium for enhancing skills and information. Along with routine literacy classes, there has been increasing focus on imparting general information through sessions with flash-cards and group discussions. Topics like family planning, health, nutrition, T.B., malaria, leprosy, AIDS, diet hygiene, tetanus, scabies, epilepsy, skin diseases, hair care, herbal and home medicines have been covered this year. Training in skills focus on such areas as would be interesting ( as expressed by them ) and useful to women like embroidery, flower making, card making, stitching, glass work, patch work, drawings, making flower pots, knitting and sewing - along with making use of existing and other talents.

**Children of Prisoners:** After a gap of a year, a full-time social worker was appointed for this Unit. This enabled us to take on more complex issues, without compromising on daily routine tasks.

\* Issues common to children inside or left outside the prison:

**Health:** Unclean and unhygienic conditions (mainly due to overcrowding in the prison) lead to frequent and contagious infections and stubborn skin diseases. It takes a long time to get rid of these.

There is a visiting doctor in the womens' section who also looks after the problems of the children. However, the prison medicines are of adult dosages and cannot be given to children. Thus, the nurse breaks up these high dosage tablets to suit the child's needs, which could be harmful. We have been talking to prison officials about keeping a stock of paediatric dosages in prison.

A child left at home on the mother's imprisonment often does not receive the necessary care, or even nutrition, which could affect his or her physical and emotional health. As and when required, referrals have been made by us to nearby doctors; we have also accompanied some children, and bought the medicines. In prison, the balwadi teacher also takes sessions with the mothers on child care.

**Education:** When a mother is imprisoned one fallout is that the children frequently stop going to school, usually because of the following reasons :

- inability to afford fees, books or uniforms
- inability to get ready or go to school themselves
- the need to look after, and take responsibility for, other younger siblings.

Thus, education takes a back seat in the lives of these children. Prayas is attempting to send children back to school by helping out with fees, books and other needs - or by introducing them to institutions where necessary.

\* A difficult issue that came to us was posed by Bangladeshi women charged with kidnapping other children. The women's own children had been admitted to a residential institution in Mumbai, and had not met their mothers for 3 years. We arranged a meeting between the two in prison. As the children were sent back to Bangladesh earlier than their mothers, (who were subsequently discharged), we gave the women letters of introduction for a local organization who might help them locate their children on return.

\* We have been attempting to de-stigmatize children of prisoners by getting them included in the generally-accepted category of 'vulnerable' children or 'children in especially difficult circumstances'. The social worker participated in relevant workshops towards this end.

\* Prayas has now started receiving letters from persons in other prisons in Maharashtra, some having to do with children left outside. This year 4 such letters were received, requesting :

- information about the whereabouts of children
- allaying of anxiety about the shelter and safety of children, especially adolescent girls
- arrangements for the education of their children, locally
- admission in boarding schools or residential institutions. English-medium schools are preferred, as they are seen as providing better company than at home, and a better future than she can herself provide.

\* Sourcing of services and programmes which can be made available for children of prisoners.

**Balwadi:** This year the Balwadi in the Women's Section, Mumbai Central Prison, completed four years. The balwadi teacher was made full time to begin consolidation of work, especially in the areas of health of children inside the prison and follow-up of children outside the prison. Consequently, matters like provision of plastic sheet for bed-wetting children, milk-powder and feeding bottle for a non-lactating mother, clothes for children and safe toys for children could be co-ordinated. Plans are afoot to maintain a first-aid box in the women's section.

The increased presence of the balwadi teacher has led to some insights like: the teacher's touch is a valuable asset and experience for the children who are otherwise used to other kinds of touch (often rough). Mothers come, sit nearby and watch closely : perhaps trying to salvage some bits of an unhappy childhood ?

The problem of a consistent place to keep the balwadi material and to conduct the balwadi persists. The balwadi teacher has also been involved in the exploration of the needs and requirements of children left outside.

#### B. POLICE STATION

<i>Nature of Cases</i>	<i>One Time intervention</i>	<i>Continuing cases</i>
<b>1) Women's cases</b>		
a) Marital discord/ family conflict	10	30
b) Quarrel among neighbors	5	1
c) Love-affairs	1	2
d) Burns case	3	
e) Gang-rape	-	1
<b>2) Children and Youth cases</b>		
a) Missing children	5	-
b) Child abandonment	-	1
c) Truant children	1	-
d) Delinquent children	2	2
d) Institutionalization	-	1
e) Young offenders	18	5
f) Unemployed youth	-	6
<b>3) Psychologically disturbed persons</b>		
a) mentally - ill persons	1	3
b) substance abuse	2	3
<b>4) Others</b>		
b) Property disputes	1	2
c) Aged persons	-	2
f) Custodial death	-	1

5) Persons heard attentively,  
with empathy and guidance  
given but sought no  
further intervention

On an average, 5-6 such cases  
come to the social worker  
per week. Therefore, about  
250 cases were attended  
to during the year

From January 1995, police beats began to register non-cognizable cases: the effect of this was seen immediately:

- the load on the station house of the police station reduced
- the social workers are able to give more time to lock-up cases and marital-discord cases, and can also develop information on other organizations for support services.

Sources of referral are:

- Police personnel
- NGOs, especially women's organizations
- Local people themselves
- Kurla Court Magistrate.

*Some observations at the police station:*

\* The irregular working hours have a great impact on the family life of police personnel, and often result in communication or other problems. Children rarely get to see and talk to their fathers. Conflicts lead some officers to avoid going home and thus spending spare time either at the police station or among friends and contacts outside. There are cases of extramarital relationships or excessive drinking, gambling etc.

\* The police station is for citizens, today, the last resort for all problems. They come when all other options fail, and expect an immediate resolution. The police are unable to refuse cases; it has not been specified as to what type of cases should or should not be dealt with, except on the basis of geographical jurisdiction. The police usually try to help out whoever approaches them with complaints, ( usually non-cognizable ), by dealing sternly / firmly with problems, charging fines etc.

\* Security for VIPs, festival processions or even ordinary occasions, have become the duty of the police department, and several officers and constables are detailed for these. Such assignments leave little time for sensitive and investigative work, and have the effect of reducing staff into inactivity and dullness, or developing indulgences.

\* Each officer reacts differently to cases.

\* There is an amazing lack of legal knowledge amongst citizens. The ineffectiveness of traditional conflict resolution mechanisms like panchayats, and the imposition of an impersonal and alien set of administrative procedures, could be contributing to the ignorance.

Prayas work at the police station has evolved as follows:

\* Recognizing that the roles of police and social worker are different, a mutually supportive and yet non-interfering relationship is sought to be maintained with the Senior Inspector and Station House staff.

We also take the guidance of senior zonal officers. Cases are either referred to us or taken up by us. Officers are kept informed about developments, and assistance is requested if necessary. We do NOT participate in police investigations, and maintain the confidentiality of our clients to the extent possible. It goes without saying that we do not use pressure or force, but help clients make their own decisions.

\* When we first started work at Chembur Police Station only one social worker was appointed - in contrast to a police staff strength of about 250. This left the social worker feeling unsupported. On realizing this, a second worker was appointed. Consequently, more cases could be taken up and better followed-up. Apart from giving support to each other, more flexibility became possible in functioning - e.g. while one worker was on field visits, the other remained to respond to cases coming to the police station.

*Types of cases:*

\* Suspects: Police station registers are referred to for cases falling in our area of work. If arrested, the person is met in the lock-up. On request the family is informed, legal information and aid is provided, and the case followed-up while the individual is in custody.

\* Disputes: Both parties are heard separately. If required, visits are paid - home, relatives, school, hospital, court, work place, other police stations, NGOs in contact with the client. Later, a joint meeting may be suggested. A confrontation usually occurs, and either a compromise or some other option emerges. The SW offers help and guidance, and follows-up the case till both parties reach a solution on their own.

\* Referrals by the Magistrate of Kurla Court: The accused is met in the judicial lock-up for obtaining information and to assess the motivation for reform. A home visit is paid, available resources for rehabilitation (if any) are identified. Finally, an evaluative report is written and submitted.

To sum up: the role of social workers at police stations is increasingly being understood and accepted. More cases are being referred - and now by the Kurla Court as well. Members of the community have opened up to us, without fear of our misusing information. But we know there are still areas of possible work to be explored and troublesome issues to be resolved. Moments of confusion and helplessness arise when we sometimes fail to help citizens exercise their rights, or deal with problems.

\* Change in procedure, or the implementation of new laws, is a very slow process. For instance, instead of the new Mental Health Act of 1987, it is still the old Indian Lunacy Act, 1912, which is in operation.



### **C. CRIMINAL COURT :**

Full-time work here started in 1994, after three years of student field work. Our efforts this year were towards consolidation. Professional social work intervention in this setting received further support when the Chief Metropolitan Magistrate allotted a contact place for the social worker in July 1995. Apart from the regular work of submitting reports to the courts and assisting needy persons, the following matters were taken up:

- \* sourcing material on rights and facilities that should be extended to women and children in lock-ups
- \* collection of judgements or other legal documents necessary for Prayas work in this field
- \* with the permission of the CMM, to establish a social work-cum-legal aid cell at the Esplanade Court jointly with the Greater Mumbai Free Legal Aid and Advice Board.
- \* interacting with the Probation Department, Mumbai District, towards the better implementation of the Probation of Offenders Act, 1958.

Our future plans are to continue with directly providing information and services in court, as well as more actively interacting with existing structures towards the re-vitalization and further development of the twin essential services of probation and legal aid. We have earlier shared our views with concerned bodies, such as the Maharashtra State Probation and Aftercare Association and the Maharashtra State Legal Aid and Advice Board, and would like to continue with others such as the Bar Council.

### **D. PROTECTIVE HOME**

The Protective Home (PH) is presently located in the Chembur Female Beggar's Home premises. It comes under the Women and Child Welfare Department, Maharashtra. It has a Superintendent, a trained Nurse, two office staff, one literacy teacher and another teacher for embroidery, a cook and two attendants. Full-time work here has begun after several, though not continuous, years of student field work.

After being rescued by the police, the women (18 years and above) who were forced into prostitution are brought into the PH if they have no other shelter. This is where attempts are made to encourage them to leave prostitution, and to work towards their rehabilitation through the institution's programme. Not all those rescued respond positively, expressing their resistance verbally and otherwise. The reasons are many and complex, and difficult for 'outsiders' to comprehend. Because of this, unfortunately, many persons support the view that prostitutes prefer to remain in the business, and will return if rescued. Our own experience, however, indicates that the majority are migrants who would prefer to go back to their native places - if they were given the preparation and support required to overcome the obstacles they would encounter. Once a woman has expressed a wish to return, an escort is arranged by the

concerned police station to reach her home. Some of those detained in PH are witnesses in cases brought against brothel-keepers, pimps, traffickers, etc., while others may be charged with soliciting in public places.

The tasks undertaken by the social worker were as follows:

1] At Protective Home:

Apart from personal counselling, tasks include attending to medical problems, making home visits or corresponding/re-establishing contacts with families outstation, arranging for legal aid, providing legal or other kinds of information and counselling. Group activities are also organized. Considerable effort goes towards establishing a relationship which can help the women discover their own interests and potential, and formulate a realistic plan for their future.

2] With the Police:

Individual problems: to arrange for a girl to go back home; to retrieve her money, clothes or other belongings from brothel; to follow-up on her rescue if she reveals additional information about a child or sister left behind.

*System-related problems:*

During the course of work we regularly came across frustrating complications in an individual case, or existing procedures, that required us finally to approach senior officials. Frequent meetings resulted in decisions taken to ease the situation.

- \* Discharge of adults ( 18 years and above ) from the PH.  
Decision: A woman can come out if she wants to, and give it in writing that she has made the decision on her own and that it is her responsibility.
- \* When the girl is an informer/ witness and is detained in the PH  
Decision: She too can leave if she wishes, stating her decision in writing. Also stating that she'll appear in the court when necessary.
- \* Age verification test:  
Decision: Copies of the reports of the test done through the police can be sent to the PH.
- \* Delay in sending escorts to PH.  
Decision: The Juvenile Aid Police Unit (JAPU) to be instructed to provide escorts to PH.
- \* Problems in recovery of the girl's property/ money from the brothel after her rescue.  
Decision: The local police station should assist.
- \* Absence of the name of the Investigation Officer of the local police station on case papers, which creates problems and delays matters.  
Decision: To be forthwith provided on the first written document sent to the PH.
- \* Confusing information given to the girl as to where she will be sent to from the P.Stn.  
Decision: Correct information to be provided.

\* When a major girl wants to leave PH but does not ask for police escort, she is not provided with a free ticket/railway warrant; this is the procedure only if sent under police escort.  
Decision: To be discussed further.

We also suggested that regular meetings with all the Sr.PIs of the concerned P.Stns. ( located in red-light areas) could be held, so that helpful procedures are evolved and uniformly followed by all P.Stns and PH.

These decisions were taken as a result of prolonged deliberations over a period of time with police officials and PH authorities. Considerable effort was also directed towards a change in attitude and perception towards women in prostitution, emphasizing their right to self-determination as also the need to empathetically respond to their specific subjective reality. A culmination of these efforts was a meeting held in the office of the Addl.CP (Crime) and attended by DCPs of Zones I, II, Narcotics and E.O.U., and Senior PIs of Azad Maidan, Nagpada, V.P. Road, D.B. Marg and Bhandup P.Stns. The DCP (E.O.U.) was made Liaison Person for Prayas and other NGOs working on this issue. Mumbai Police also agreed to issue a circular on the decisions stated above. Regular follow-up with the police and the PH authorities will help in improving the quality of life of the inmates of PH and work with them.

3] **At Courts:** Applications for obtaining release orders, reducing bail amounts, etc.

**Mass Raids:** In response to a newspaper article dated 13/1/96 in a local newspaper on prostitution in the city the Chief Justice, High Court, Mumbai, filed a suo moto writ petition with regard to the issue of minors in prostitution in the city of Mumbai. The Government of Maharashtra was asked to file its response and state the action being taken.

Consequently, a rescue operation of unprecedented dimensions was conducted by Mumbai police in the notorious red-light areas of Mumbai on 2/5/1996 and around 417 girls were rescued in a single day. These girls, allegedly minors, were housed in various government and non-government institutions for juveniles for the purpose of their rehabilitation.

As can be anticipated in any mass-raid, various problems have cropped up in the post rescue phase. These pertain to food, clothing, shelter and health of the inmates, consent of the girls regarding their future, lack of counselling and rehabilitative services, ethical issues such as the HIV tests and the sheer inexperience of many institutions to deal with such a population.

The governmental and the non-governmental organizations are working on all these issues under the overall supervision, guidance and directions of the Mumbai High Court. It also needs to be stated that when perspectives differ, problems get further complicated, much to the detriment of the inmates concerned.

Prayas has decided to focus on the rehabilitation of girls who are presently housed at the two institutions where we work, namely, Protective Home and Reception Centre. To deal with the pressures adequately, the worker from Chembur Police Station ( who has also been supervising student field-work in the Reception Centre ) was put on the job full-time.

**Problems:**

\* A problem unique to work in the PH is that of languages which hamper work, especially the relationship building process. The places of origin of the girls and the restricted exposure that they have do not provide them with opportunities to learn Hindi or any other commonly used language.

**Future Plans:**

- 1] To appoint a full-time worker for recreational and educational activities, and vocational training
- 2] To develop legal aid services for inmates
- 3] To build networks with individuals and organisations in various states, towards assisting migrant women in rehabilitation
- 4] To develop various kinds of resources for the PH; for instance, volunteers speaking the languages of migrant women, and who could also help with rehabilitation.

***E. RECEPTION CENTRE***

Work at the Reception Centre started in the month of August 1995, when our workshop assistant started going there on a part-time basis i.e. visiting the institution thrice a week.

The request for some training for the institution inmates came from one of the Probation Officers who had visited the Prayas workshop and observed the training given to clients here and the products made. Student field-work placement, supervised by the Prayas police station worker, also began at the Reception Centre. She was able to organize two full-day drama workshops by the Experimental Theatre group for the inmates of the institutions.

After the second workshop, the inmates prepared a street play on dowry and their first demonstration was held in TISS itself. It was a new experience for the inmates and along with the thrills and excitement of it, their confidence was also boosted.

After an experimental trial of need assessment for six months, a workshop assistant was made full-time and the girls thus trained are being paid on a piece rate basis.

## F. LEGAL AID

Legal Aid is one of the services offered to undertrials, since it was observed by prison workers that most undertrials were unable to arrange for legal aid. Also, the Government Legal Aid Scheme has not proved effective. This unit has by now established a routine pattern of work.

### *Major developments:*

1] We already have permission to function in the Metropolitan Magistrates' Courts. This year permission was obtained from, and work begun, in Sessions Courts, Mumbai.

2] *Writ Petition:* An article in the Times of India, dated 14th August 1994 - 'Languishing in jail, yet not a proven criminal' by Shabnam Minwalla - was converted into a suo moto criminal writ petition on 16th August 1994 by the then Chief Justice S.K.Bhattacharjee. Prayas, due to its work in the prison, was made a party respondent to the petition by the High Court to assist the Court. The High Court passed five interim orders ( 16/9/94, 10/9/94, 24/9/94, 14/10/94 and 8/2/95 ) to provide interim relief to the deserving prisoners and to streamline the government's functions in the C.J.S.

Prayas drew the attention of the Court to the following issues, which we felt were pertinent to the matter at hand :

(a) Proceedings in Courts tend to be conducted mostly in English, and often proceedings are conducted in a manner not understandable to the undertrials, creating a communication gap between undertrials and the Courts.

(b) Police escorts not being made regularly available for female undertrials, they are frequently not produced before the Courts on due dates.

(c) The Government Legal Aid Scheme was found to be ineffective, as lawyers were unwilling to take up cases due to delayed payment.

(d) The provision of grant of bail on personal recognizance has not been properly appreciated, and Magistrates tend to refuse bail on these terms.

(e) Provisions of the Probation of Offenders Act, particularly in respect of youthful offenders, are not being utilized.

Apart from bringing the above issues to the notice of the Court, Prayas also submitted several suggestions towards bringing about long-term improvements, which were duly considered. In the Final Order of 1/11/95 the learned Judges issued several directions, mainly:

\* The government to implement the Maharashtra State ( Visits to Jails and Homes for Children ) Rules, 1993, by 15/4/96.

Copies to be circulated to all Police Stations, Jails and Children's Homes in Maharashtra.

\* The I.G.(Prisons) and D.G.(Police) to give complete information of all new cases to nearest Legal Aid Centre, with a copy to the Maharashtra State Legal Aid and Advice Board.

\* The Chief Metropolitan Magistrates and Principal Judges of Sessions Court to review pending cases before them at least once in 6 months.

\* Juveniles to be dealt with in accordance with the Juvenile Justice Act.

\* The state government to consider the recommendations of the Report of the Legal Aid Advocates' Fee Revision Committee.

\* In pursuance to the suggestion made by Prayas, the State had submitted that a Committee would be constituted headed by the Principal Law Secretary and consisting of Secretary, Home Department (Prisons), the Director General of Police, the Secretary, Women and Child Welfare Dept. and the Secretary, Health Dept. The Court directed that the Committee should be formed by the 15th April, 1996.

\* The Maharashtra State Legal Aid and Advice Board as also the above Inter-Departmental Committee shall receive representations from socially conscious persons and organizations, and take appropriate steps.

3] Appointment of para-professional worker in June 1995, to support and extend the work of the Unit.

#### ***Issues related to the Unit:***

Our work has generally been appreciated by lawyers working with us. At the same time, they have also sometimes expressed their dissatisfaction with aspects of our functioning: not always being present at a hearing, not handing over case-related documents on time, not keeping in touch regularly or understanding lawyers' difficulties etc.

We agree that Prayas has certainly to improve its functioning towards greater efficiency. However, both the prison worker and legal aid worker frequently get pressurized because of overload. Uncertainty about processing of cases in court, and overload of court visits on some days also contributes to the delay in follow-up of cases. This has, however, been reduced considerably after the para-professional worker was appointed in June '95. There are other difficulties as well. For instance, at times when no regular lawyer is available in a particular court, the worker has to look for a lawyer who can represent the client and provide necessary services promptly.

### ***Future Plans:***

(i) One of the main objectives for next year is to consolidate our work at the Sessions Courts, Mumbai.

(ii) Another project is the compilation of a Procedural (Rights) Manual for social workers which would explain how to deal with matters such as bail, transfer of an accused person's property from Police station to prison along with him/her, or on transfer from one prison to another, etc .

(iii) Establishing better links with the government legal aid services at the Greater Mumbai level.

### ***G. HOME VISITS/ CONTACTS :***

Home visits on behalf of prisoners and other institutionalized persons are an integral part of our work. Apart from helping clients re-establish links and mobilize support, Prayas establishes its own equations for future work towards rehabilitation. Visits also yield valuable insights into the case, and guide us. On an average the home visits worker pays about 4 visits per day. We also try and contact families outside Mumbai, or try to send migrant clients back to their native places if possible. This year, the herculean task of sending a foreign national home was successfully completed. ( See Josephine's case in Appendix )

### ***H. REHABILITATION :***

Prayas originally started with prison work, and hence its after-care programme developed around the needs of released prisoners. Since our work subsequently extended to children of prisoners, police station, court, protective home and reception centre, the after-care section receives a few referrals from here too. However, our work presently remains mainly with released prisoners, and this is reflected in the Report below. The Unit includes the Aftercare worker, Workshop staff and the Education and Training worker. This Unit is, necessarily, closely linked with the work of the other units.

#### ***a. Aftercare :***

The crucial work of linking the client with different components of the community is that of the Aftercare Worker. The home, the police station, the court, the employer, the hospital, public charitable trusts, community groups and organizations and institutions run by the voluntary sector, specific government departments - all become sources of information and support for the client and the work that continues after release.

The After care worker visits the various persons and places that might offer a chance to the client, the effort always being to reintegrate the person into his\ her role in the community. To find that niche and to know that this is his\ her place takes time, sometimes years, and many explorations.

Visits paid by workers included:

\* Community visits:

- 1) to meet the family members of new clients in particular, so as to study the circumstances in which clients live
- 2) to work with the family so as to help them act as a support group for the client
- 3) to study the locality the person lives in, responses of the peer groups and neighbors to the person's behavior
- 4) to attempt to bring the family to accept the person, support him after arrest
- 5) to counsel the client and family
- 6) to identify the kind of facilities in that given community
- 7) to help gather information about a person which fosters better understanding of the person's skills
- 8) to maintain contact with the client, if he or she is again in prison or lock-up

\* Police station visits:

- 1) to discuss with the Investigation Officer the kind of work that is carried out by Prayas; doing this sometimes has the effect of removing the client's name from the list of suspects arrested for preventive purposes
- 2) to obtain information on person's past behavior, characteristics of the locality which may influence the person into commission of an offence and sometimes suggestions for rehabilitation
- 3) to reduce the number of sureties required to ensure good conduct
- 4) to obtain necessary certificates on the statement of one the clients
- 5) to persuade the police personnel in sharing responsibility for rehabilitation, for instance, removing a client's photograph from the gallery
- 6) to assist a client in registering an N.C. complaint to recover possessions from the accused and ensure adequate and timely action
- 7) to persuade the police to an alternative plan to externment
- 8) to re-establish contact with client when he is in the lock-up and provide support in crisis situations
- 9) to prevent the custody of the client being unduly extended and while in custody, to prevent physical beatings intended to force confessions

\* Hospital visits:

- 1) to respond to crises, by arranging for admissions and support during hospitalization
- 2) to orient the person about facilities in the hospital/outside hospitals



- 3) to activate services within the hospital ( contact medical social worker, etc. )
- 4) to take up the matter of discrimination of a client who had tested positive in the AIDS test
- 5) to follow-up on treatment and medical care which ensures that it is being properly rendered
- 6) to meet the doctors to discuss medico-legal aspects of the case

**\* Other visits:**

- 1) to mobilize resources like shelter, monetary help, employment opportunities and local support
- 2) to make an impact on procedures that exist, but are not often followed, or made available to our client-group, for example, in the absence of a birth certificate, getting an affidavit made in order to obtain a driving license or ration card.

These visits have been to governmental and non-governmental agencies.

The Aftercare worker is the person who responds to all clients who are out of prison and are referred by the concerned worker. Some clients keep in regular touch, and there is a continuity in work. Others try a variety of options, and may contact us irregularly or whenever in a crisis situation. The work of this unit is essentially to respond adequately and appropriately to the wide range of post-release problems and developments brought to us for discussion or assistance. This is, in fact, the most challenging and demanding part of after-care work. Prayas is constantly required to respond creatively to situations both clients and workers may not have anticipated and may be unprepared for. Our tendency is to accept responsibility, sometimes more than we can handle, and this raises sometimes unreal expectations.

Not infrequently, therefore, we ourselves feel at a loss and clients express disappointment in our performance. However, the rich experience gained is helping us develop wider contacts and a range of options. At the same time, we need to grow more discerning about our capacities and limitations.

**b. Workshop :**

This year major repairs were undertaken: roof, floor, walls, doors and windows of the shed, making it safer to work in. A development of another kind was that for the first time women clients (six) came and finished the full period of training. Craft work was extended to the Government Reception Centre for Women, Chembur. Inmates are taught various items and are being paid on a piece-rate basis.

Another achievement of the workshop was that it was able to obtain a sponsored stall in the Society Exhibition, at World Trade Centre, for all three days. The Workshop originally started as a service specifically offering employment (as an alternative to monetary assistance),

and training in at least one skill which a client could use later. Our conception today has widened. We are trying to develop it into an environment that would offer a wider range of activities, and stimulate trainees' minds towards self-development. All Prayas staff concerned with arts and crafts activities, education and training meet here weekly to discuss common issues. Umang, too, has been given its own corner - with a cubicle, table, chair, notice-board and library. The education and training component is also based in the workshop. The Workshop, therefore, is now fully integrated into the institutional and non-institutional work of Prayas.

### c. Education and Training :

The worker, while based in the Prayas Workshop, has started arranging activities in prison as well as for released inmates. In prison the idea is that, irrespective of whether they continue a relationship with Prayas on release or not, inmates are informed - while in prison - about alternatives open to them for the future. This would help them start thinking about various contemporary issues, and options other than continuing in crime. Four informative talks have been organized so far in both sections of the prison on :

- \* Mahatma Phule Corporation's Schemes for backward class persons.
- \* Procedure to obtain caste and income certificates
- \* AIDS Awareness
- \* Procedure to obtain ration cards

These talks were designed :

- \* to give information and knowledge required for integration as citizens
- \* to give exposure to different possible options on release
- \* to arrange a dialogue between the inmates and government institutions.

The above objectives are relevant to released persons as well. Perhaps more so, as they are now under the daily pressure of re-building their lives in an open and at times hostile environment. Various activities are arranged for clients who attend our Workshop, having been referred by our other units for training and work. The attempt was to help them be aware of and be exposed to different types of places, institutions, services, programmes and experiences. Visits were arranged this year to Nehru Centre and Planetarium, Sewage Plant, Tehsil office, B.M.C. hospital, Mahatma Phule Corporation, Employment Exchange, Nehru Rojgar Yojna Office, Prime Minister's Rojgar Yojna's Office for educated unemployed youth, St. Xavier's Technical Institute, a local photo studio. They were also taken to see films and plays.

Beside the educational visits, a demonstration on superstition by Akhil Bharatiya Andhashradha Nirmoolan Samiti, and a session on AIDS Awareness by the K.E.M. Hospital AIDS Unit were also arranged at the Workshop.

The time between 4-6 p.m. is kept for educational activities. Literacy classes in English, Hindi, and Marathi had been arranged for twice a week. Unfortunately, our immensely popular lady volunteer-teacher had to discontinue for personal reasons, and we have yet to find a replacement.

The above activities are intended to help clients to develop their talents, skills and interests. Training is used in the broad sense of the term: developing work ethics, discipline, and a positive self-concept. This includes taking responsibility for the tasks involved, caring for the tools of work, being able to express oneself, sense of satisfaction and achievement on the completion of creative tasks, and an increasing capacity for self-direction.

Apart from the production and marketing of workshop products, clients are also given opportunities for formal training outside. Thus:

- \* 2 clients were sponsored to learn auto-driving.
- \* 1 client is being trained with an electrician who does jobs on a contract basis.
- \* 1 client is working with a drama group called Avishkar.
- \* 2 clients who have passed 4th std. are studying further and have decided to directly appear for the S.S.C exam.
- \* 2 clients are learning driving as part of a programme organized by Project Mainstream, an project of various Rotary Clubs in Mumbai.

### *I. DOCUMENTATION UNIT*

Documentation has been given considerable importance in Prayas right from the beginning. Workers have been encouraged to write up their experiences, produce notes on issues, make presentations and undertake small studies. Three studies outside Mumbai were also taken up. An Annual Report has been produced from the very first year, to which every staff member contributes. Conscious that there is not very much material on the Indian situation, we feel that field agencies have the responsibility to respond. Moreover, not only are we in the position of 'participant-observer', but can assist those whose lives we enter to express themselves and make a significant contribution of their own. The 'Umang Patrika' is a step in that direction.

Apart from this, Prayas needed to collect reference material necessary for its own functioning. We, therefore, decided to appoint workers part or full-time for the Unit. In this, we have been greatly assisted by the donation of a computer by the British Deputy High Commission (British Council Division).

The specific objectives of the Unit were formulated as follows:

1. To systematically catalogue and sort the documents that Prayas has brought out since its inception.
2. To facilitate an ongoing process of documentation.

3. To examine issues and conduct research in areas relevant to the project and its development.
4. To provide necessary support to research projects undertaken.
5. To identify groups that could benefit from the information so generated and make available that information in a suitable format.

Over the years a considerable amount of writing has been done by staff - for the last two years with the additional support of a full-time documentation worker. A good deal of reference material has also been collected. The process of sorting, categorizing and re-organizing the above began last year and has been completed. All important handwritten material has been fed into the computer and is stored safely. While the Annual Report remains our most comprehensive document, we are now ready with material that can be printed and made available. This will be a priority for the coming year.

### *J. STAFF DEVELOPMENT*

This refers to activities concerned with the development of Prayas as an organization, and are considered part of work-life. They are meant for staff as individuals, in terms of their specific roles, or as members of the Prayas team. Several workers have by now attended para-professional, balwadi training or other relevant courses.

(Some of our clients have been toying with such ideas themselves - maybe because they are surrounded by social workers !)

1] Workers may participate in programmes organized by other agencies either entirely for us, or for other groups as well.

For example :

- \* one general workshop on law
- \* one workshop on mental health organized by us
- \* one workshop on mental health organized by another agency - two workers attended
- \* a para-legal workshop of five sessions spread out over a month ( on marriage, divorce, maintenance, property, and criminal law )

If a majority of workers feels the need for information, Prayas organizes for inputs. If only a few workers feel the need, the concerned workers attend either workshops/ training sessions about which Prayas is informed, or if they seek out opportunities themselves.

2] 'Staff development workshops' organized by us for ourselves are now a regular and compulsory activity. One day, or a week-end, per month is fixed. Mostly, we try to find a pleasant environment: one which not only gives us a change of scene, but also is conducive to a relaxed and free flow of thoughts, emotions and ideas. These sessions are meant for a deeper exchange between workers, not usually possible during a regular working day.

Issues brought up are dealt with not as being separate from general life and only part of the field; one also relates to one's own experiences and draws from that. Discussions have developed around themes such as :

- \* impact of own negative/positive life experiences on work
- \* giving advice to persons knowing that their situation may be very different from one's own
- \* what has brought about significant changes in our own lives: positive or negative - attempt to define positive change
- \* relationship as a tool to bring about change
- \* pressures faced by workers in the field
- \* doubts and fears, past and present
- \* the client - worker relationship; the experience of helping, of being helped; limits and boundaries: clients/ workers/ Prayas.

### **K. ADMINISTRATION**

Prayas has developed as an organization characterized by a minimum administrative structure, and an interactive and participatory environment internally. Our field staff continuously gain in experience and maturity, having to face the day-to-day demands and pressures of the variety of settings we are working in. Administrative staff are also involved in the field in several ways, and bring their own experience into their interactions with colleagues at Prayas. The future direction and development of the organization thus depends on everyone's joint initiative. Hence, while the administration has its own functions, it is in the interest of Prayas to encourage the all-round development of staff.

This year an experiment was carried out in this Unit. In the weekly staff meetings, it was repeatedly expressed by the Administration worker that administration roles and tasks needed to be continuously clarified to other staff. Hence a decision was taken to rotate the position, and for the Administration worker (herself a social worker) to return to the field. Two workers would take care of administration for one month, each worker giving one week alternatively. In this manner continuity with the field would not be disrupted. To maintain continuity between the workers, a book of Administration tasks and a file of all current papers were maintained. Each handing over was to be a detailed one.

Feedback from most workers so far indicates that the experiment has worked, and should be continued. It has facilitated the learning of administrative tasks and functions, and led to a greater sense of involvement in the running of the organization. On the flip side, not all workers are comfortable with administration, or responsible. Also, the weekly break in continuity creates confusions, and delays in follow-up and completion of tasks. The Typist-cum-Accounts Assistant then remains the main worker whom we all tend to depend upon, which pressurizes her. So, while greater efficiency has still to be achieved, we are happy at having saved the salary of a full-time Administration Worker!

## 6. EXPLORATION OUTSIDE MUMBAI :

### A. STUDY ON PROSTITUTION:

In May 1994, we undertook a national study entitled 'A study of initiatives in the rescue and rehabilitation or amelioration of the situation of women and girls in prostitution in India.'

Prostitution is a phenomenon that comes in close contact with the criminal justice and social welfare systems - police stations and lock-ups, courts, prisons, government or non-governmental shelter homes for women and children. At the same time, we had learned of other innovative initiatives also being tried. It was felt that perhaps a serious investigation, covering as wide a range of initiatives as possible, could be pursued in different parts of the country.

The first phase ( covering Delhi, UP, MP and Orissa ) was sponsored by the National Commission for Women. An interim report was submitted to the Commission at the end of December 1994. Snehasadan from Mumbai provided further financial support, and the study continued this year into Karnataka, Kerala, Maharashtra and Himachal Pradesh.

In a field study of this nature, it often becomes difficult to only remain a researcher. In Himachal, we consciously chose to take some initiative ourselves. We had gone there following-up on a newspaper report about some young women who had escaped from a Bombay brothel and returned to Himachal. There, they had lodged a complaint with the police, the matter gained publicity - which resulted later in the HP Police arresting the trafficker and rescuing more girls. While investigating the incident, its antecedents and subsequent developments, we approached various agencies and individuals regarding the rehabilitation of the girls, and the whole issue of prostitution and hill women. The researcher requested the Chairperson, State Social Welfare Advisory Board to call a meeting of the concerned departments, NGOs, academicians and interested individuals. Thus a meeting was called which was attended by Secretary (Tourism), Director (Women & Child Welfare), Addl. Secy. (Education), Joint Secy. (Social Welfare), DIG (CID), Addl. S.P. (Shimla), Municipal Commissioner (Shimla), academicians, NGOs, interested individuals and the researcher. Participants felt this issue needed to be dealt with seriously. As a result, a core group was formed, including the researcher.

In the core group it was decided to:

- \* Identify vulnerable groups and then formulate a plan to prevent them from getting into prostitution
- \* Identify the areas and places where prostitution is being carried on and stopping the same
- \* Make people aware of the need to report cases of missing girls to the police and asking the police to
  - (i) take these cases seriously,
  - (ii) prepare a list of missing girls and rescue them if they are in prostitution.

- \* Take responsibility of the rehabilitation of rescued girls  
The group decided that the next Core Group meeting would be in April 1996.

As far as our study is concerned, many questions with respect to rehabilitation need definite answers. For instance,

- \* Does handing over of rescued girls to their parents conclude rehabilitation ?
- \* Which local agency is most appropriate for mobilizing supports and help for rescued girls ( the role played by the researcher in this incident ) ?
- \* Do women rescued from prostitution need specialized services?

Insights from the study have directly helped Prayas work in the field, and vice versa. We hope the report will be able to contribute to existing knowledge about prostitution in India, and make suggestions with respect to government policy and voluntary effort in this area. A list of intervention agencies in various states is also planned, which could help in networking.

### ***B. ACTION - RESEARCH STUDY ON CHILDREN OF PRISONERS IN DELHI***

On the basis of our experiences in the Mumbai Central Prison and repeated observations of children of prisoners left outside being a neglected group, Prayas initiated an action-research project titled: 'A Study of Children of Prisoners in Delhi: Supports Required and Services Available.'

#### ***The main objectives of the study are:***

1. To identify specific experiences, problems and needs of children of prisoners consequenced by the incarceration of their parents.
2. To study the family, neighborhood and community responses to the situation of these children.
3. To study the response of the state ( the Police, Prison Department and Judiciary ).
4. To examine the services being offered by the government and the voluntary sector.
5. To set up services for these children
6. To derive insights and make suggestions with respect to government policy and voluntary efforts in this area.

The project commenced in November 1994, with the appointment of two researchers. Being designed as an action-research project, the study was divided into two phases, as follows :

Phase I --- Undertaking an in-depth examination of the situation of the children left outside on the imprisonment of their parents and to examine the issue of responsibility for these children.  
Phase II --- Examining services available, attempting to set up linkages between prisoners, their children and services/ resources.

**Present status of the study:**

Phase I was completed in October 1995, after interviewing about 70 mothers in prison, visiting their homes, interviewing children and caretakers ( where present ), and interviewing concerned officials of the Criminal Justice System ( Police, Prison, Judiciary, Legal Aid ) and the Social Welfare Department. Data collection of the Women's Section has been completed.

Phase II commenced in August 1995. Our third researcher was appointed, as tasks became more complex. Having identified the range of needs and problems, the researchers have been exploring services to match the same. The approach adopted was to mobilize already existing services provided to children either by the government or voluntary agencies. Attempts are thus under way to set up a network of services as also to identify which agencies would assume responsibility for information and service delivery.

**Services Identified :**

**Governmental:** On enquiries with the relevant Departments, it was found that there exists only one government scheme specifically for the welfare of the families of convicted prisoners, wherein financial assistance is provided for a period of one year.

**Non-governmental:** NGOs executing specific schemes or providing services for the welfare of both, children of undertrial/ convicted prisoners were not found. Therefore, it was felt that the schemes and services which are already available for the welfare of the vulnerable, disadvantaged, neglected, street & working children and other children should be identified and made available to this category of children.

An attempt was therefore made to contact as many NGOs as possible. It was found that they provide a wide range of services to the children such as non-formal education: sponsorship for education, school articles ( school uniform, books, bags, etc. ), free tuition, vocational training, foster care services, balwadies, health services and nutrition, night shelter, etc. The response of these NGOs was positive. However due to their geographical and other limitations, the process of linking the mothers and children to services has not yet stabilized.

University Departments of Social Work and Law were also contacted. In response, the Co-ordinator of the Faculty of Law, other staff and students started visiting Tihar Jail to deliver legal services to prisoners. In September, '95, a Workshop on Legal Aid and Social Work Services was organized by the Faculty of Law, where staff, students and Prayas made their respective presentations.

We have approached the Ministry of Welfare and other agencies for assistance with information about provisions, schemes and services for children of prisoners in other states in India, and abroad. Not much information, however, has so far been received.



### **Action: Services provided:**

On a voluntary basis, the cases from Women section, Tihar Jail are being taken up by the social worker. Tasks undertaken include:

- drafting applications: to bring a 2 year old child left outside at home to her mother in prison
- making home visits: \* providing emotional support, and information on procedures to caretaker/ children
  - \* locating the children and allaying the anxiety of the mother with this information
  - \* providing woolen clothes to children
- providing travel expenses for daughter to bring mother home
- taking on the role of communication link between the family and the prisoner
- helping the mother to get her children out of institutional care after her release, arranging for their tickets and seats, seeing them off at the railway station
- passing on a birthday present from mother to daughter
- taking the mother on parole to meet her child and setting broken relationships on the path to normalcy
- locating job/ work for client's son/ daughter
- arranging for legal aid, financial aid, woolen clothes
- networking with local NGOs for providing access to vocational training programme for a child.

**Report Writing:** Data analysis and report writing has commenced for the first phase. The second phase is presently being documented through case records of intervention, which will be analyzed.

### **C. STUDY ON ROLE OF TRAINED SOCIAL WORKER AT A POLICE STATION AT THE DISTRICT LEVEL**

It has been our experience in three police stations in Mumbai that trained social workers can play an important role here. These are police stations in a metropolis. A district setting may throw up different insights - especially with regard to various kinds of cases which reach the police station. Krupa Shah, previously our social worker at Deonar and Shivaji Nagar police stations in Mumbai, had now settled in Bharuch and was keen to continue working. Hence, an action-research study was started at the Bharuch 'A' Division Police Station.

#### **Objectives of the study are:**

1. To identify vulnerable groups for social work intervention in a semi urban and rural setting who come to a police station
2. To explore the range of services which could be offered to the identified vulnerable groups

3. To explore the areas where social workers and the police can co-operate and collaborate with each other to bring greater relief to the citizenry
4. To follow up cases taken up for psycho-social intervention and rehabilitation over a period of time and study the impact of such intervention
5. To make an assessment of the needs of the people who come to the police station and relief provided by the social worker in response to the needs

The methodological process worked out for this study is as follows:

- 1] identification of vulnerable groups based on their needs and frequency of each category and therefore the services required.
- 2] effort to be directed towards provision of effective non-legal alternatives. The social worker would clarify and constantly modify his/ her role according to the needs of the situation until a fairly consistent pattern of intervention emerges.
- 3] intervention to be in collaboration with the police. The police would focus on the legal aspects and the criminal proceedings where as, the social worker would concentrate on the psycho-social and rehabilitative aspects. All this would be done in an atmosphere of mutual respect and non interference into each other's work. It needs to be noted here that the client's right to confidentiality is respected and the social worker would not be under any pressure to share information gathered by her towards the psycho-social intervention and rehabilitation of the client.
- 4] assessment of the needs of the clients and how much social work intervention is able to provide help in relation to the felt need.

The time frame of the project is one year after which, if there is scope and a need to continue the study, it will be extended for a further period of one year.

Work began in the police lines and the city police station. Preliminary observations between September and January indicated that women form a significant proportion of the persons being processed by the police, and this is therefore reflected in our client group as well.

One issue the worker is currently grappling with is that of the large number of women selling alcohol. It was found that there were four categories :

- 1] Those who own the business
- 2] Those employed full-time or part-time by the above. Since they have become dependent or obliged to the owner for dealing with police, legal or family-related problems consequent to their frequent arrests, they could be considered as being fully exploited. However, they themselves appear to have completely accepted the inevitability of this way of life, although they dislike it.

3] Women who work individually

4] Those who engage in it whenever they need money.

The last two categories are not protected by the liquor-business owners. However, similar to most women in this business, they are women with children but without male support. Hence, they suffer the most socially, as well as at the time of arrest, as they have to handle their problems by themselves.

The worker's role so far has been to impress on the women that she is available, and they should approach her when in need of assistance - legal, with children, alternative employment, etc. Since economic alternatives are so few for economically-disadvantaged women in this area, it was realized that relatives and children also require support to prevent them from entering the business themselves. Apart from this, there is an urgent need to establish a link between this group and any women's organization willing to take up this issue. The social worker has been actively exploring this option.

As the study progresses, the worker is identifying other groups requiring attention and support. The role of the social worker in police station is becoming clearer and acceptance has increased - the police has now started referring cases to her.

## 7. RESPONSE TO PRAYAS: A REVIEW

### A. THE GOVERNMENT

The seeds of our work were sown more than ten years ago, with official permission for placement of TISS students of social work for field work, at the Mumbai Central Prison. Student placement paved the way for a full-time social worker, whose first task was to explore possible roles and boundaries of social work with undertrial prisoners.

One social worker in the Young Adult (Male) Section in 1990, with enthusiasm, ideals and conviction. Twenty six workers in various important areas of the criminal justice system in 1996. Individually and collectively, all staff (social workers or researchers) in their respective settings have contributed to the understanding that we have about the field, and towards an effective approach in dealing with a variety of persons and situations. As and when system-related issues have come up, we have tried to follow these to the levels which can effect change. Apart from regular interactions with officials of the concerned departments (at all levels), two policy-related developments have been:

1] The need for a cadre of trained social workers in all sectors of the criminal justice administration - which we feel we have demonstrated - was translated into a proposal which is currently being considered by the Home Department, after being approved by a Committee appointed by the then Director General of Police, Maharashtra.

2] Prayas was called upon to become a party respondent to a public interest petition by the Mumbai High Court regarding the condition of undertrial prisoners in Maharashtra. Most of our suggestions were reflected in the interim and final orders passed by the Court, including a strong plea for the setting up of an Inter-Departmental Committee for better coordination and long-term development of the Criminal Justice System.

Today, when in doubt or in states of confusion, we are able to talk to persons within the CJS who know about our work and are able to suggest viable alternatives. Similarly, we are seen now as experienced and therefore a resource for ideas; officials have been consulting us on a range of issues, formally and informally.

Through our social work, research and other interactions in the field (both in and outside Mumbai), we have had some success in widening the perspective towards this client group, or affecting procedures. Individual cases have been taken up with the local administration, meetings have been called, the scope of existing programmes and services has been extended. For instance, the Department of Youth Affairs and Sports, Ministry of Human Resource Development, has responded very positively- (this includes financial support)- to Prayas' appeal that young offenders should also be seen as youth, and a human resource to be invested in.

All relationships are not smooth, all officials are not responsive. It takes time for trust to be built. We have learnt that perseverance and an unwavering confidence in the effectiveness of a positive approach are essential to any efforts to bring the CJS closer to citizens. The sheer importance of this process, moving in tandem with our work with the clients, is a major motivating factor for us.

#### **B. UMANG :**

Our clients' response to Prayas has been both individual and collective. The former is reflected in the interaction between clients and concerned staff in all Prayas settings, and has an individualized problem-solving focus. A positive response would definitely depend on whether a client feels his or her need - whatever it may be - is being attended to effectively. We gradually realized that Prayas needed clients' organized help to meet some of their own needs, and initiated regular group meetings some years ago. These gradually evolved into "Umang" - a self-help group, whose members are today quite clear that they want an identity separate from Prayas although they need our support, guidance and involvement.

As with any other group, Umang has had its ups and downs. The last one year was an upswing as compared to previous years.

Some events:

- \* The fourth anniversary celebrations had a public function, wherein the Police Inspector of Worli Police Station was the Chief Guest. For the first time, ex-offenders used an opportunity to present their view of the CJS and the ups and downs of the process of rehabilitation. It was an encounter in which all concerned parties had their say and were heard by the others, realizing that this is only a beginning.
- \* During a medical crisis of one of the fellow members of Umang, the rest of them rallied around and organized themselves in such a manner that the patient had a caretaker with him 24 hours, for all seven days.
- \* Three issues of the Umang Patrika have come out on schedule.
- \* An Umang corner has been set up in the workshop, with a table, a chair, some books and a cash-box to start with.
- \* A full day picnic-cum-meeting was organized in Aarey colony.

The work of this unit can be likened to being the link between the clients and society. Being located within the workshop to facilitate better and more interactions has paid dividends. The relationship that this unit nurtures via the worker is faith and trust in their own ability to reform and society's ability to rehabilitate them.

### C. COMMUNITY :

The response of the community to Prayas is reflected in factors such as family support, funds, jobs/training opportunities, shelter, sponsorships, helping children of prisoners, sales of Workshop products, nature of coverage by the press, extension of services for our client-group by existing NGOs, and so on.

#### (i) *Family* :

The range is very wide here. There are people who are doing more than what is required, and this leads to clients becoming irresponsible towards life. On the other hand are others who, because of past experience or other personal factors, are just not willing to take an iota of responsibility, and the whole load comes on Prayas. Sometimes, a family's way of accepting a person back is by being excessively tough with the person, he really has to prove himself. At these times, a little more understanding would be a better motivating factor. It is as if the person has not contributed for so long, so now they want him to compensate almost immediately for all those years. The situation is different with men and women, we found. The latter's relation with their families tends to be much more difficult, making re-integration at home seem almost impossible, unless there is at least one positive member. In fact, we often have to find institutional shelter for both young men as well as women clients. Those who return home, as well as their families, frequently need an outside agency to support them for some time. Rehabilitation is best possible where a family supports the individual person in consultation with Prayas.

#### (ii) *Alternative Shelter* :

Women ex-inmates, especially those with emotional or a mental health problems, have great difficulty in finding or retaining shelter. Stereotypes about prisoners come in way of admission. The rigid structure of many institutions has led to clients not wanting opt to for those institutions. For them, structure means closed institutions; our women having already lived in prison, don't want to be confined any more. In spite of all these difficulties, a few organisations have been able to understand the needs of our client group and we have been able to establish reliable networks with them to provide shelter for our clients.

#### (iii) *Mobilizing Resources (employment, sponsorship, etc)* :

Employment is available, but frequently biases creep into employers minds. People often ask for guarantees. Help has been more forthcoming for children of prisoners, being seen as victims. But again we find the element of bias when we approach organizations for residential care or sponsorships. Individuals tend to be more sympathetic. Stigma is a central issue - visibly so - and Prayas tries to alter the existing mindset. Here, there are no fixed formulas. Different things appeal to different people, and one tries to strike a chord somewhere so that services become available. If we succeed, we have added on to our list of supporters. Is this support consistent, or do people tire out over a period of time - maybe after two or three years?

We have to be prepared for inconsistent support. Also, Prayas has yet to learn how to keep in constant touch with people whose help you don't need ALL the time. So there are gaps at times: we have opened up a lot of people to Prayas but have not been able to convert this into solid support, because of the inability to sustain relationships. The reasons have to do with turnover of workers, as well as the nature of work. If we are constantly attending to emergencies, stable work gets affected.

(iv) *Funds* :

The position of funds represents a mixed picture. A lot of support comes because Prayas is seen as doing innovative work or representing a cause, and can still be termed as new- the novelty factor.

Some of the financial assistance comes because Prayas is a TISS project, hence, reliable and credible, or even goes away because of being seen as having plenty of funds (wrongly). Mostly, we find that people who have once funded us, have not dropped us very easily. The reason for this is that our accounts are in order, and we are regular about our annual report, which is fairly detailed in its reporting. Also, we come across as a strong group which can't be easily bent this way or that, and that earns us some respect. Sometimes, funds are difficult, because we do not fit into existing schemes or projects. Only those, therefore, willing to see us more holistically and the relevance of our work in society are our main supporters. Our work has never stopped because of shortage of funds (touch wood!), but we have also never been flushed with funds.

(v) *Press* :

We were overly cautious of media coverage in the first three years, mainly because of the manner in which crime is generally reported and because we were not sure of the results of our intervention. Also, in the initial phase, we found people wanting information about what is happening 'inside' - something we were not willing to engage in. Firstly, we were not allowed to reveal information gained during the course of our work - a gentleman's agreement with the system - particularly, since we had decided to work with system from within, with all its problems. We wanted to choose the forums and decide on our methods regarding how we would raise systemic issues. However, as we continued our work, we gained in confidence and felt that certain areas of our work, particularly those areas related to rehabilitation, could now be made public - we had gained in competence, and the results were observable / visible. We laid down conditions on which we would talk to the press. Fortunately, we were able to find people in the media who understood our point of view and met these conditions, and the last couple of years has seen a happy and growing relationship between the press and Prayas. We feel that our conditions are sound and based on our realities, and that is what has helped in this relationship. We have taken a stand that more than the problems, we are interested in solutions - systemic, and rehabilitation, rather than being a purely human rights group. One good example of our relationship with press was the suo moto writ

petition filed in Mumbai High Court- we were a participant in the article written by Shabnam Minwala in Times of India, the court took up the matter and invited us to be a party respondent to the petition and some of our suggestions were reflected in final order.

*(vi) Sale of Prayas Products :*

We have received an over whelming response in this area, both to our products and the fact that it represents a cause. We have a difficult time refusing orders. Also, this has so far been a most effective way of representing Prayas. We have a constant flow of visitors to our workshop. When ever we go for any meetings and have long discussions, the moment we show our products, suddenly, things just get clear to listeners. People also feel this is a concrete way of helping our cause, by simply buying or sponsoring sales of our products.

*(vii) Volunteers :*

We have been approached by many individuals who would like to offer their time to us. We have appointed a few in past, but our work requires consistency, and demands accountability. Also, the nature of our work being difficult, it does not give immediate results, in terms of satisfaction to workers. Therefore, we feel that volunteers will tend to get disappointed easily. We also want persons whom we can ask questions and who are accountable to us. Therefore, by and large, we prefer full-time workers.

In conclusion, we are grateful and feel encouraged to continue and expand by the response we have received from each and every section of the society.



## APPENDICES :-

### I. CASE ILLUSTRATION: JOSEPHINE

Josephine, from Africa, aged 35, was arrested on the 27/9/1988 at the Sahar Airport, Mumbai, India, by the Sahar Airport Police and charged with possession and transportation of narcotics under the Narcotics and Psychotropic Substances (Prohibition) Act. She was remanded into judicial custody and thereafter lodged at the jail at Poona and occasionally at Mumbai.

Our interaction with Jo started in January 1994. The case was brought to our notice by the other African women who said that she needed urgent medical attention but was not being treated. Our first meeting with Jo also indicated an urgent need for psychiatric treatment.

We contacted the Human Rights Law Network, Mumbai and they agreed to take up the case. They represented Jo in Court and the judge passed an order that she be medically examined. Following the medical examination she was admitted to psychiatric care and treatment under a government hospital, in mid 1994. Her treatment started and continued till December when she was certified and declared as fit to stand trial.

Simultaneously, our efforts to get in touch with her family were initiated and we got a response from her brother who expressed willingness to provide assistance, although he was not financially in a position to do very much. Correspondence with him continued.

On 24/1/1995, Jo was acquitted and released. At the gate of the prison, when the Prayas worker went to pick up Jo, they found that there was another option open to her: an offer of boarding and lodging from a fellow citizen. Jo chose consciously to come with the Prayas worker, inspite of knowing that there was no clear cut plan available for her.

We made whatever attempts we could to locate a shelter for her but institutions were unwilling, basically because of her nationality. A rehabilitation home for homeless mentally ill persons in Mumbai, agreed to keep her till she left India. The condition was that she would be confined and the stay would be charged at Rs.200 to Rs.250/- per day. Jo was informed about the option and she refused it since she had spent the last six years of her life in confinement and she did not look forward to more.

She also felt that she would be very far from her friends and that contact with them would decrease. Jo now opted to go back to her fellow national's place of residence, though we had certain strong reservations about the atmosphere of that place. Prayas workers accompanied her to the address that was given and she wanted Prayas to pay for her shelter, but due to our limitations we could not do that. We left her there. There was one other woman and eleven other men.

We were also waiting for funds from her brother so that we could contact the embassy for the necessary travel documents. Efforts were made to get a copy of her judgment from the court and we also tried recovering her property that had been taken from her at the time of her arrest. The property was not recovered since it had been lost at the police station. Our contact continued with Jo, both on the phone and via visits.

In the meantime, the other lady and the man who were supporting at her place of residence, left for their own countries. During all this time Jo had been dependent for all her needs on these people as she had nothing of her own. This was not a very pleasant experience for her. During this time, Jo had continued her follow-up of psychiatric treatment the hospital on her own.

Sometime before May 1995, we had reason to suspect that Jo had discontinued her treatment; some of the people that she was living with contacted us and informed us that her symptoms seemed to have resurfaced. When we met Jo, we too found slight traces of her symptoms: she would talk about hearing voices, though only for moments. Her friends agreed to accompany her to the hospital. Around this time her contact with us had decreased. Her friends had agreed to take up the responsibility of getting her to contact us at least once a week. Then we went with her to the hospital and she found that the doctor under whose care she was, was not available in the hospital any longer and in response, she refused further treatment. She walked out of the hospital with us running after her. She got into a cab, promising that she would come again and went off. After that, it was difficult to convince her to come to the hospital. Her condition was deteriorating.

On one of my calls to her place of residence, I spoke to the person who had appeared interested in helping her and found that he had changed his mind due to Jo's own lack of interest in her welfare. I still used to call Jo, in an attempt to convince her to come to the hospital and she would keep saying that she did not feel like going. Finally, another African man who happened to be there when I had called, agreed to take the responsibility of bringing her to the hospital. So, one day, he brought her to the hospital and I too went there. The doctors examined her, she was given medication and asked to come again. Even on this day, she attempted to refuse treatment, but since her co-resident was around, he brought her back. On the way out, apparently, she threw the medicines out.

Her condition was deteriorating rapidly. It had reached a point where she would remain locked inside her room. It was while we were wondering what to do next and exploring options that we were contacted by another person, George, who, being Jo's countryman, had taken an interest in her case. In the meantime we had written to the High Commission of her situation and so had George. After exploring the options of private and public treatment facilities, the latter was chosen as being a safer option, since she was a foreigner.

The problem that still remained was : ' Who would admit her into their treatment programme ? '.

Simultaneously, activists from the Human Rights Law Network also were making efforts to get her admitted into the hospital. They spoke to a senior person in the Department of Psychiatry and finally, with their co-operation, a few of her friends who brought her and Prayas staff, she was again admitted into the Psychiatric Ward of the same hospital as before on 1/7/1995.

We thought that enough time had elapsed in waiting for an response from Jo's brother. So, correspondence was started with the High Commission in order to start the proceedings for her repatriation.

It was at this juncture that we found out that the High Commission [HC 1] could not do anything to help her since she did not hold their passport - though her family was in that country and she had been born there. She had come in to India on the passport of another country [ represented by HC 2], having married there. HC 2, after requesting for more details, replied that they did not have on their register any record of Jo's passport. We were asked to furnish further details such as date of issue, place of issue, etc. - or to show any documents in support of her citizenship, such as certificate of marriage or any other details of her husband, who was supposed to be from their country. But neither Jo nor her brother were able to give us any information.

The police station which had arrested her had misplaced her passport and we were asked to produce documents to that effect by the High Commission No:2. Once again, this took quite some time, since the officer who had arrested her had been transferred. After a letter to this effect had been produced, it had to be sent to the HC 2, after which they were to issue a letter saying that there was no such passport registered with them.

In the meantime, there was much happening at the hospital. We were being pressurized to take her out from there as they could not keep her indefinitely. The Thane Mental Hospital was also strongly being suggested as the only option.

Jo, on the other hand, was insisting that she be discharged from the hospital and that she did not need to be oppressed and that she could manage on her own. The doctors had also given a certificate saying that she required continual familial support. Advice from her lawyer was also that a writ petition could be filed in the court asking for her deportation. However, this step and also that of transferring her to Thane had several likely complications. Any more contact with jail or police could be traumatic, at that point; also, procedures regarding her passport and final repatriation would take much longer to be completed.

The number of dead-ends seemed to be increasing:

- \* the problem of obtaining travel documents from the respective High Commissions
- \* the problem of shelter
- \* the problem of continued government medical treatment
- \* the problem of another residential institution where she could live till things worked out.

By ourselves, we began to get despondent and therefore, all of us started consciously seeking help outside. Maharashtra State Women's Commission seemed interested when the case was mentioned to them at a meeting. We approached the Member-Secretary of the Commission, Mrs. Chitkala Zutshi, who acted immediately and gave us a letter addressed to the Ministry of External Affairs (MEA), requesting them for assistance. A letter was also given by hand delivery to the Dean of the hospital where Jo was being treated, asking for her to be kept there until other arrangements could be made. The hospital accepted this and they agreed to keep her till other arrangements are made.

In Delhi, Prayas workers went to the office of the National Commission for Women. A Member of the Commission, Mrs. Kokila Vyas, accompanied them to the MEA. She contacted the relevant persons in MEA who agreed to follow up on the problem, and with both the High Commissions. The National Human Rights Commission was also contacted and they too promised help. In December 1995, they had orally promised to arrange for a ticket to her home town. Considerable time, effort and money was spent in follow up with the MEA. After what appeared to us as an inordinately long period, they contacted the High Commission No:2 and received a reply which said that Jo was not their valid passport holder.

We reached a point where we decided to add our own steam. Our Delhi colleagues had made several visits to the High Commission No:1 and finally had been told that the two documents required for the issue of Jo's emergency travel certificate were:

- \* a letter from the police saying that the passport was lost
- \* a letter from the High Commission No: 2 saying that she was not a valid passport holder.

Thus we wrote once again to the High Commission No: 2 and they sent us a photocopy of their reply to the MEA. We also managed to get a statement from the police that her passport was lost. With these two documents we contacted High Commission No: 1 who were now willing to be convinced that she was their citizen and think in terms of processing her travel papers.

Her brother had somehow managed to locate her birth certificate and her old passport which expired in 1989/90, by which her citizenship was established. Since the passport's date of expiry was later than that of her arrest the question of her acquiring another citizenship did not arise. Both these nations do not acknowledge dual citizenship.

These movements served to prove to the High Commission No: 1 that she was their citizen. Now, Jo needed to make an identification paper, with her photograph endorsed on it.

A form had to be filled and sent back to High Commission No: 1 along with a sum of the equivalent of 30 dollars, which Prayas contributed. Her travel document was made on 19/1/1996, with a validity period of three months.

Our efforts to finance her ticket continued.

We found that the state government had kept apart some amount for such cases. The DCP (Narcotics), Mumbai was keen that the government should pay. But since the money seemed to be taking a while to come in, Prayas took the decision that it would raise funds. The funds were raised and by around the middle of March, we were ready to buy the ticket. We approached a foreign airline, and asked the airline management for medical assistance during flight. That they had strong problems in allowing Jo to travel and that too, unaccompanied. A statement from her treating doctors certifying her fit to travel to her home country was not enough. They, as per their own procedure, had to ascertain themselves that they were not taking any undue risk. The decision was that Jo could not be allowed on the flight, unaccompanied. George had some friends who were working with the airline and were flying on the same flight as Jo. They managed to persuade the airline management that Jo would be taken care of during the 10 hours+ flight.

Jo flew to her home town on 28/3/96. We received two letters and a greeting card from Jo, her brother and her family. It is difficult to express what Prayas felt both on seeing her off at the airport , and on receiving these letters.

#### **Our observations :**

The reader can well understand that Prayas would not be able to undertake a similar exercise for any other foreign prisoner in future. From January 1994 to March 1996, Jo's case occupied Prayas incessantly, and strained our resources to the extreme. We feel rewarded in our efforts at the outcome, and happy at Jo's return home. Jo did not want any publicity .But by recording the case, we wish to share our experiences and concerns so that the problem of foreign prisoners in India, particularly where drug-trafficking is involved, is taken up seriously by the concerned authorities.

Some of the valuable lessons learnt were:

- it takes a LONG time to move government machinery
- mentally ill women in prison need a wide variety of support, that too, consistently: they need even more support after release
- mentally ill women in prison constitute a group for which no departmental official takes responsibility; nor is their advocacy for their cause in the non-governmental sector either
- the struggles that these women undergo are beyond a fair description on paper - one can only be with them
- foreigners in India (our experience has been mainly with Africans) who come in contact with our CJS, face enormous problems, especially after release from custody -- expiry of their passport/ travel papers; arranging for shelter, food, medical treatment and other living expenses, etc. Neither is their home country interested in taking them back nor is it possible for our country to continually take care of them. The problems get compounded if the person is a female, is mentally ill, and has no means of income.

## II. SOME STATISTICS:

PRISON UNIT	MALE SECTION	FEMALE SECTION
A) Total number of cases where help was given	398	202
B) No. of Home Visits	229	140
C) Police Station Visits	33	20
<b>LEGAL AID</b>		
A) Cases taken up for legal aid		27
B) Court Visits		270
<b>AFTERCARE</b>		
A) Male Cases		19
B) Female Cases		8
C) Home Visits		184
D) Visits for mobilizing resources		79
E) Letters of Introduction		6
F) No. of visits to Police Station		77
G) Clients given subsistence		35
H) Jobs provided		14
I) Clients given shelter		10
J) Training sponsorships		16
<b>CHILDREN OF PRISONERS</b>		
A) Cases taken up		58
B) Home Visits		95
C) Request Cases from other prisons		7
D) Organization visits		18
E) Total number of children in the Balwadi		45
F) Court visits		56

## POLICE STATION

A) Cases taken up	82
B) Home Visits	168
C) Organization visits	61
D) Court visits	13
E) Police station visits	33

## WORKSHOP

A) Number of trainees	25
B) Number of Orders received	8
C) Number of Exhibitions and sales held	15

## CRIMINAL COURT

A) Cases taken up	28
B) Counseling and contact with family/friends	46
C) Provision of Legal information	88
D) Arrangement/contact with lawyers	9
E) Referral to Police/ Probation Dept./ N.G.O.'s/ hospitals/ employers	44
F) Sent home	1



### **III. THE CRIMINAL JUSTICE SYSTEM - A PROFILE :-**

#### **JUDICIARY**

Chief Justice, High Court  
Justices, High Court

Principal Judge, City Civil and Sessions Court  
Judges/ Special Judges, City Civil and Sessions Court

Chief Metropolitan Magistrate/ Chief Judicial Magistrate  
Additional Chief Metropolitan Magistrate  
Metropolitan Magistrate/Judicial Magistrate: First Class  
Special Metropolitan Magistrate  
Judicial Magistrate: Second Class

#### **PROSECUTION**

Advocate General, Maharashtra  
Chief Government Pleader, Maharashtra  
Central Government Pleader, High Court (O & A)  
Government Pleaders, Original Side/ Appellate Side  
Public Prosecutors, High Court (O & A), Sessions Courts/  
Magistrates' Courts/ Judicial Courts,  
Addl. Public Prosecutors, High Court (O & A), Sessions Courts/  
Magistrates' Courts/ Judicial Courts

#### **POLICE**

Home Department  
Home Secretary  
Director General of Police  
Additional Directors General of Police  
Inspectors General of Police  
Deputy Inspectors General of Police

Commissioner of Police                      Superintendent of Police  
in Commissionerates                      in other districts  
Mumbai: Commissioner (of the rank of Addl.D.G.)  
Joint Commissioners of Police  
--- Administration  
--- Law and Order  
--- Crime

Additional Commissioners of Police.  
--- Special Branch - I, C.I.D.  
--- Traffic  
--- Crime  
--- South Region  
--- Central Region  
--- North-East Region  
--- North-West Region  
--- Armed Police

Deputy Commissioners of Police

- Head Quarters
- Traffic
- Special Branch - I, C.I.D.
- Special Branch I., C.I.D. (Security)
- Crime Branch (Preventive)
- Detection, C.I.D.
- Economic Offences Unit, C.I.D.
- Wireless
- Operation
- Zones ( I - X )
- Port Zone
- Airport Zone
- Special Branch - II, C.I.D.
- Narcotics
- Lethal Arms - I, II, III.
- Police Training School
- Protection
- Motor Transport

Each DCP, usually supervises the work of at least 3 ACPs. Certain special units have been created by Mumbai Police to deal with special problems such as Control Room, Juvenile Aid Police Unit, Missing Persons Bureau, Finger Prints Bureau, Modus Operandi Bureau, Conviction Index Bureau, Social Service Branch, Bomb Squad, Welfare, Special Operations Squad, Food Control / Anti-Adulteration Branch, Drug Control Branch, Anti-Terrorist Squad, Crime Records Branch, Foreign Registration Branch, Commonwealth Branch, Passport Branch.

The Addl. CP of the Region supervises the work of DCPs of the Zones under him.  
The DCP of each Zone supervises the work of the ACPs of the areas under him.  
The ACP supervises the work of police stations under him.

Each Police Station is supervised by a Senior Inspector of Police. Along with him, four Inspectors of Police to assist in the work: Public Relations Officer, Administration, Crime, Law and Order. Assistant Inspectors of Police: report to the Inspectors of Police.

Police Sub - Inspectors: work allotment is as follows:  
Duty Officer with Relief Officers, Beat Officers, Detection Branch Officers, Externment Officers.

Assistant Sub - Inspectors  
Head Constables  
Police Naiks  
Police Constables

**PRISON:**

Home Department  
Home Secretary  
Deputy Secretary (Jails)  
Inspector General of Prisons & Director of Correctional Services  
Deputy Inspectors General of Prisons  
-- Head Quarters  
-- Regions

Superintendents of Central Prisons, District Jails and Sub-jails  
Mumbai Central Prison:

Superintendent

Deputy Superintendent

Senior Jailer

Addl. Senior Jailer

Jailers: Circles, Judicial Section, Canteen, Kitchen, Stores  
Hospital,

Guards

Prison Hospital:  
Chief Medical Officer  
Medical Officers  
Compounder

Women's Section:  
Senior Matron  
Matrons

Judicial Section:  
Clerks

**PROBATION SERVICES :**

Maharashtra Probation and After-care Association ( a registered body under the Societies Registration Act, 1870 ) has a governing body and functions as the implementing machinery for the Probation of Offenders Act, 1958. Probation Officers appointed under this Act are deputees from the Department of Women and Child Welfare and report to the District Women and Child Welfare Officer.

Chief Probation Superintendent  
Probation Inspectors  
District Probation Officers  
Probation Officers

**DEPARTMENT OF WOMEN AND CHILD WELFARE :**

Secretary, Women and Child Welfare Department  
Deputy Secretary  
Under Secretary  
Director  
Joint Director  
Assistant Director  
Divisional Women and Child Welfare Officer  
District Women and Child Welfare Officer

Superintendent - Navjivan Mahila Samrakshan Gruh ( or Protective Home ) Chembur

Superintendent - The Reception Centre for Women  
Staff : the pattern is similar to both institutions  
Probation Officer  
Visiting Medical Officer  
Clerks  
Nurse  
Literacy Teacher  
Sewing Teacher  
Attendants  
Cook  
Gardener  
Watchmen



