

Prayas
Social Work in Criminal Justice

Annual Report
1994-95

A Field Action Project of
The Tata Institute of Social Sciences,
9/1 E.D.D. Chawls, Worli, Bombay, 400018

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STAFF POSITIONS

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Sanober Shekar

PROJECT COORDINATOR
S. Vijay Raghavan

FIELD STAFF

POLICE STATION
Chanda Ingle (Social Worker)

CRIMINAL COURT
Rajani Iyer (Social Worker)

PRISON (YOUNG ADULTS SECTION)
Sunil Mhaske (Social Worker)
Ramesh Sakharpekar (Arts and Crafts Teacher)

PRISON (WOMENS SECTION)
Penelope D'Silva (Social Worker)
Pradnya Shinde (Balwadi Teacher)
Varsha Lad (Literacy Teacher)
Roshni Nair (Resource Person)
LEGAL AID
Ramesh Iyer (Social Worker)

AFTERCARE
Vikas R. Kadam (Social Worker)

PRAYAS WORKSHOP
Pratap Rajput (Senior Supervisor)
Sunita Shinde (Supervisor)
Dilipbhai Maganlal (Production Assistant)

EDUCATION, EMPLOYMENT AND TRAINING
Silvin Kale (Social Worker)

RESEARCH STAFF

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CHILDREN OF PRISONERS STUDY
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Sushil Kumar (Researcher)

RESEARCH AND DOCUMENTATION
Shivendranath Ganesh (Social Worker)

ADMINISTRATIVE STAFF

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Salma Naik (Office Assistant)

RAVI

I was the first social worker appointed by Prayas and Ravi was our first Aftercare client. The first job found through Prayas was for Ravi. The first letter of introduction issued by Prayas and endorsed by the Police to avoid arrest on suspicion was for Ravi. The first loan for self employment was for Ravi. Many of the procedures, policies and principles of Aftercare were established while working with Ravi. 'Umang,' our self help group for released prisoners was, to a large extent, a result of our interaction with Ravi. Complex issues related to termination of cases in Aftercare were also raised through this case. Ravi's case has definitely been terminated in the records of Prayas. This termination was not decided by us. It happened in the most definite manner possible- death. He died of an illness about which we do not know much.

In life, even the last tortuous days till his death, Ravi made an attempt to live with dignity. He had a tremendous sense of self-pride. In many ways, it was this pride that lured him into crime, as well as spurred him on to get out of it. He was a strange bundle of contradictions. On one hand, he would often talk to me about high ideals- of honesty, integrity, loyalty and the virtues of hard work. On the other hand, he could gamble away a thousand rupees (given to him for self employment) in one go much to our, and his, shock and dismay. Every time he would commit a mistake like this, he would immediately confess. There would be no alternative but to start working with him all over again.

The four years that I was involved with him were turbulent, and I learnt a great deal from the experience. I saw at close quarters, the process that leads people to commit mistakes, and the ups and downs of the rehabilitation process. Ravi changed two employers and also had a go at self employment in between. All three attempts had a reasonably good start. Then followed several personal crises, a relatively stable period with immense potential for growth, and then a strange phase of stagnation, or regression.

In many ways he lived from one crisis to another, interspersed with periods of stability, during which we at Prayas would discuss with him the issue of termination. This continued till the end. He had left his last job a couple of months earlier and was in irregular touch with us, almost giving a message that he no longer required us. When he finally contacted us, it was a desperate call, a cry for help. He said he was very ill and wanted to see me immediately. I tried to explain to him that I was not in field work any more (having moved to T.I.S.S. as a Lecturer) and therefore he should talk to the social worker concerned. On his continued insistence, I agreed to meet him sometime in the next two or three days.

On the third day, when I started for his house, I received the message that he had died that morning. During those last few days, he had moved out of the house and was living alone. He was apparently fed up of taunts from the family and continued police harassment. There had even been an allegation of theft against him in the recent past which could not be confirmed. His moving out into another area was probably

yet one more attempt on his part to start life afresh. Unfortunately, this time it ended with his untimely death.

How should one describe Ravi's life? It seems very easy to describe it as a failure; in my opinion it was not. His was a genuine struggle. He wanted to live and he tried, to the best of his abilities. In between he did falter, but he had the courage to pick up the threads each time he faltered. His undaunted spirit eggs me on to keep working on the issue of rehabilitation. I know we are on difficult ground, but we have the courage and patience to persist. That, in short, epitomizes the spirit of Prayas. And continuing with this is the greatest tribute that we could pay to Ravi.

S. Vijay Raghavan,
Project Coordinator

HAPPENINGS

March:

* The Balwadi in the Womens' section is formally taken over by Prayas from the Child Guidance Clinic at Wadia Hospital. The Balwadi was initially started by the C.G.C. as an outreach programme; after three years, it was mutually decided that Prayas could run the Balwadi.

* Social Workers in Prison are requested to be present for rounds with the Superintendent every week, to aid coordination. The superintendent visits the different units in prison once a week for a request round where prisoners can also make requests regarding any problem in prison. This is also a time when the social worker can bring to the superintendent's notice, certain cases which need attention.

* A workshop is organized in T.I.S.S., jointly with the Department of Family and Child Welfare on the Need for a Cadre of Trained Social Workers in the Criminal Justice System. Experts, academicians, senior police officers, social workers and students were present.

* Boys referred by YUVA begin training at the Prayas Workshop.

April:

* Social work at Deonar and Shivaji Nagar Police stations is discontinued and it is decided to continue work at Chembur Police Station.

May:

* Arunendra Pandey, Nikhil Nigam and Rashmi Dutt join as researchers for our Research Study on 'Initiatives in the rescue and rehabilitation of women and girls in prostitution in India.'

* A three-day staff development workshop is conducted at Alibag. This is followed by monthly staff development sessions throughout the year.

* Sanober Shekar takes voluntary retirement and joins Prayas as full time Project Director.

June:

* Shivendranath Ganesh joins as Social Worker, Research and Documentation, to aid and develop in house research activities in Prayas, and to facilitate the process of documentation.

* Rajani Iyer joins as Social Worker, Criminal Courts. She is based at the Esplanade Court Complex in Fort. With this, Prayas reaches a milestone in that it has a presence in the major wings of the Criminal Justice System in Bombay.

* Zarine Chinvala joins as Researcher for our study on 'Children of prisoners in Delhi: Supports required and services available.'

* The Prayas workshop for Training and Employment completes its first year.

July:

* Roshni Nair joins TISS as lecturer, and continues as field work supervisor at the Family Support Unit and as Resource Person for the Delhi Study.

* Permission to work in Esplanade Courts is obtained from the Chief Metropolitan Magistrate.

* Sunita Shinde is appointed as an Assistant Supervisor at the Prayas Workshop for Training and Employment.

* Penelope D'Silva joins as Social Worker in the Womens section of Bombay Central Prison.

August:

* An article written in a newspaper about the condition of undertrial prisoners is subsequently converted into a writ petition suo moto by the Bombay High Court. Prayas is made party to the petition.

* Work at Chembur Police Station starts with the appointment of Chanda Ingle as full time Social Worker.

* Prayas is invited to Bangalore, to attend the First National Gathering of Prison Ministry Volunteers organized by Jesus Fraternity, from 13th to 15th August. Vijay Raghavan and Vikas Kadam represent us and present a paper on Prayas and its work.

* A study of the Condition of Women in Prison and their Children is initiated in Bombay as a part of our in house research effort.

* A magazine consisting of articles, poems and stories by Prayas clients is printed.

September:

* Work on an 'Education and Work Profile of the Young Adult Offender' is commenced.

* 'Umang,' a group of Prayas clients, completes its second anniversary.

October:

* Silvin Kale joins as a Home Visits worker.

* Sushil Kumar joins as Researcher on the Delhi 'Children of Prisoners' Study.

November

* Piece-Rate Work is started by previously trained clients at the Prayas Workshop.

December:

* Dilipbhai Maganlal Joins as Master-Cutter in the Prayas workshop.

January:

* Our Arts and Crafts Volunteer in prison, Ramesh Sakharpekar joins as a full time Arts and Crafts teacher in the Young Male Adults' Section.

* A three-day excursion, consisting of twelve members is organized to Shirdi.

* Rajesh Ingle joins as Home Visits Worker.

* Nutrition Programme in the Prison Balwadi begins.

* Prayas completes five years of social work in criminal justice.

* A second issue of the Umang magazine is printed.

February:

* Prayas begins its sixth year of social work in criminal justice with a reorganization. Project functioning is divided into four units-

- (i) Individual and Family Support Unit
- (ii) Education and Employment Unit
- (iii) Research and Documentation Unit
- (iv) Administration

* Silvin Kale moves from Home Visits to a newly-created post- Social Worker, Education and Training.

AN UPDATE ON ONGOING WORK AT PRAYAS

Bombay Central Prison- Young Adults (Male) Section

Social Work in the Young Adults section continued along the lines of its development over the previous four years. The social worker joined the Prison Superintendent in his weekly rounds of the section. This has greatly aided coordination with the prison.

Prayas has been sending Arts and Crafts teachers as volunteers into the young adults section of prison for well over four years now. Arts and crafts activities have been conducted regularly every Saturday. There have been three volunteers so far, and in January, the present volunteer was appointed as a full time teacher in the young male adult section. This was intended to ensure that an environment of positive learning and self-expression is maintained throughout the week. Since then, there has been a perceptible improvement in the level of participation in such activities. There has been cooperation from the prison authorities as well.

In 1994-95, a number of art and craft activities were conducted on a weekly basis. Some activities are initiated by the worker and others are suggested by the undertrials. The teacher has been playing the role of a guide. Individual painting has been on topics largely determined by the inmates themselves, such as those depicting scenic beauty, fruit or flowers. Group painting has taken place in groups of four or five boys and the group draws on a theme that has been given to them. Flower-making has been taken up as a craft activity. The focus has been to teach the boys how to make multipurpose articles at low cost.

Bombay Central Prison- Women's Section

Work with women in prison has shown that an important area of concern for a woman in prison is the welfare of the family left outside, especially that of her children. This opened up a new area of work- the Family Support Unit focussing on the children of prisoners. The unit is now two years old. Last year as no full time social worker was available, the work was carried on by the Balwadi teacher and the student social worker. The earlier social worker continues to be associated with the unit at a supervisory level and as a contact person.

The Balwadi for children in prison is now three years old. Playing games, singing, learning numbers and words, identifying and using colours, are some of the ongoing activities. This year, with the help of the student social worker, a nutrition programme was also started for the children where biscuits from the bakery at Thane Prison are being provided. A lot has been achieved through the Balwadi but a lot more remains to be done. This paves the way for a future tasks, such as follow up of the balwadi children released from prison with their mothers, some health facilities, and development of the nutrition programme. To this end, the Balwadi teacher has been appointed full time.

Literacy activities have been going on in the womens' section of the prison for three years now. About fifteen to twenty five women participate, age groups varying from fifteen to fifty years. Women of twenty five to thirty five years of age form the most common learning group. We have seen that in a year, approximately two hundred women go through this activity.

The activity itself ranges from teaching them how to sign their names to reading and writing. The mobility of the prison population affects the kind of activity that can be taken up. Ordinarily, it takes a woman about fifteen days to learn how to sign and write her name and not remain 'angutha-chaap.' Its value lies in imparting some measure of self confidence to the woman. The ability to sign ones name is therefore the minimum that can be taught. Women then move on to alphabet learning, small words, short sentences and finally long sentences. It is a step-by-step process. Women are taught in Marathi, Hindi and English and the teaching is done in the Barrack itself. When the number of women in prison is very large, literacy activities get affected because of a lack of space. Even in times like this, the activity does go on. Some women come by themselves and sit for the activity while others may have to be called by the teacher; sometimes she even has to coax them. Some women prisoners tease those go for literacy. A few of these, too, have since started coming for the class. The very presence of the teacher could have had an effect on the attitude of some women regarding literacy.

We have seen that there is potential for not only conducting literacy-related activities, but other activities and programs as well. In the last year, the literacy teacher and the Balwadi teacher conducted different activities like arts and crafts and games. Examples of activities include making placards, stitching, making door hangings and wall pieces, some outdoor games and sports. This in turn reinforces the interest in literacy. The women have developed a sense of familiarity and closeness towards the teachers which not only aids in organizing the activities, but also the overall objective of reformation and rehabilitation.

Police Station

Last year, Prayas began full time social work at Chembur Police Station. Groundwork for full-time work here was done during student field work the previous year and the student's work became the starting point for the full timer. The full time worker began in August with a focus on social work with police personnel and their families at the police lines; group-based work was a large component of this. Work was started with three different groups- girls, male youth, and women, with varying degrees of success. The groups were centered around activities such as sports or discussions on topics such as emotional development. The worker has also assisted individual police personnel, with problems such as housing and medical help.

The social worker took up cases that come under the category of non-cognizable offences. These have, so far, included family conflicts, marital disputes, neighbourhood disputes and property matters. The majority of clients in this category have been women and some male

senior citizens. As part of this, the social worker counsels the client, pays home visits, facilitates decision making in disputes, and visits the work place if necessary. Non-cognizable cases are usually dealt with fairly early in the morning or late in the evening. This is because of the fact that people spend the day at their workplaces and not in the community. The number of non-cognizable cases reaching the police station has gone down since January, due to the fact that police constables have begun handling them at the beat level (i.e., at police chowkis spread out in the area under the jurisdiction of the police station). This is a new system started by the police and its impact is yet to be assessed. We are thinking of beginning visits to beat officers on a more regular basis to respond to this change.

In January, work was begun at the police lockup. So far, work has focussed on first time offenders and young offenders. Offences for which these youth tend to be arrested are largely related to theft. Aspects of work have, so far, included providing legal advice, giving information about the section under which arrest has taken place and paying home visits. The worker has also entered the area of support to emotionally and psychologically disturbed persons.

The response of the police has been positive in the eight months that the social worker has been there. We received good support from the Senior Inspector. The perspective of the police constables has also become much more positive and cases are now more frequently referred to the social worker by them. Lack of space at the police station has been a problem. Future plans include setting up a space for the worker in one of the rooms at the police station. There are also plans to enter the area of police-public relations, through the use of media such as posters and community-based discussion. Also on the anvil is a compilation of a diary of local welfare services.

Aftercare

The area of Aftercare at Prayas, is seen as a crucial part in the process of reformation and rehabilitation. Over the last five years, we have realized, time and again, that this process is lengthy and complicated, with no set pattern or strategy. The approach that Prayas has evolved is client-centered and highlights issues like training, employment and education. As time progresses, this approach has developed and grown to the extent where various aspects of our aftercare work coalesced, in February, into an entire unit for Education, Training and Employment. 1994-95 saw a number of client-related developments- three of our clients underwent training in driving and two others were placed at a budding Documentation Center. A few also managed to procure employment on their own account. Aftercare work last year also saw workers dealing with psychologically disturbed women; we have made a few tentative steps in this direction, by way of provision of shelter, subsistence and psychiatric help. One aspect of Aftercare work that decreased last year was the number of letters of introduction given to Prayas clients to enable our intervention in the occasion of rearrest or detention by the police. One reason for this is that the frequency of such rearrest among the groups that we deal with has decreased.

As always, aftercare work has involved coordination and referral with a substantial number of voluntary organizations and concerned professionals. A list of those with whom we have an ongoing relationship is attached at the end of this report. The intensity of Aftercare work fluctuated in 1994-95, and has perceptibly picked up in the last six months. There were a total of 22 new cases taken up in addition to the cases already being worked with.

The Umang Group

Umang, the group of 'Prayas' clients has completed two and a half years of existence. The group, originally conceived of as a self-help group, was evaluated in 1993 and it was concluded that the group would continue under the guidance of a social worker. Umang is now established as a group supported by 'Prayas.'

A review of the group in the last one year has shown that new members get a feeling of togetherness. Members get to know about each other's lives, gain encouragement and share their feelings of loneliness. It was also seen that initiative by group members is limited and discussions are usually initiated and directed by the worker. There is an expectation that 'Prayas' assume a measure of responsibility for the group. A sense of unity in the group is evolving but is not fully developed.

Umang has fifteen members today. There have been three new members in the last one year. Attendance varies from two to nine members at each monthly meeting and the average attendance is seven members. Too much discussion rather than activity may be one reason for the irregularity of some members. The attendance figures, however, suggest that the group will continue.

In August, the first issue of a magazine was brought out as a new activity of Umang, as an attempt to provide a forum for clients of Prayas to express their views and feelings through poems, articles and stories. Until now, the response of the clients to the magazine has been good. It is currently edited by a worker of Prayas. A second issue was brought out in January and a third issue is under way. The magazine has been circulated amongst prison staff and inmates, at T.I.S.S., amongst Prayas clients, N.G.O.'s and supporters of Prayas.

Umang celebrated its second anniversary in September 1994. More than twenty clients attended a function followed by lunch at the Prayas Workshop. The function was arranged largely by Prayas workers. The Prison worker, the Aftercare worker and the Social Worker (Education) now coordinate and support Umang activities.

Excursion to Shirdi: In January, a three day outing was organized to Shirdi. The group comprised of three workers and nine boys. As an attempt to build a feeling of togetherness, the outing has been a success. Its effects can be seen in monthly Umang meetings. There was much singing and dancing and at the end of the picnic, a sharing session was conducted. The response from the participants was good and there has emerged a lot of openness among clients and workers.

The Prayas Workshop

The Prayas Workshop for Training and Employment is now a year and nine months old. Last year saw an expansion of the range of items that are made at the workshop. We have begun to produce handbags, carry-cases, pen stands and spiral pads in addition to the stationery items made earlier. Innovation within this range has risen to the extent that we see a new product approximately every two months. Some of these find a demand and others do not. Prayas employed a Master-Cutter in December in order to realize the complete model for the workshop envisaged in 1993, and to streamline the production process as well as aid the training element.

Last year saw three former trainees return to the workshop, working on a 'piece-rate' basis, utilizing the skills that they had learnt here. The workshop trainees now accompany the staff for sales, and conduct purchases. The number of clients at the workshop at any given time fluctuated last year, and in recent months has decreased. In this period, two women clients were also placed at the workshop, consonant with the notion that the workshop is accessible for any client of Prayas. Orders taken by us have led to an income, albeit a small one, for Prayas from its workshop.

Last year, YUVA (Youth for Unity and Voluntary Action), an N.G.O. working with street children and other vulnerable groups in urban areas, approached us with a request to train some of their clients at our workshop. This was in consonance with their plan to start a similar activity for their client group. The request was considered at their staff meeting and we came to a decision that on an experimental basis, we could open up our workshop to other client groups who may potentially or otherwise be in conflict with the law. A survey of institutions such as Observation Home, David Sassoon Industrial School, Government Reception Centre for Women, and Protective Home was conducted to assess the demand for such training inputs. As a result of this decision, two batches (of three boys each) from YUVA were trained in the workshop. This has benefited the boys and they have been absorbed in the Workshop started by YUVA for their clients.

Training and Development

Staff Development activities were a fairly regular feature at Prayas in the last year. Apart from occasional workshops and seminars on topics directly related to the field, such as Women and Violence, Sexual Abuse, and Documentation, that Prayas workers have been attending, we have ourselves initiated a series of workshops for all Prayas staff, which deal with issues intrinsic to ourselves and people we deal with.

The staff development workshops held at Prayas have been completely voluntary and have been held in the form of four or five hour sessions on one Saturday every month. These sessions have stemmed from a three-day workshop held at Alibag. Three major areas of discussion and introspection have been- a) Coping with Emotions b) Definitions and meanings of Rehabilitation c) Lifestyles, Personalities and Attitudes.

The Prayas Staff Development sessions are emerging as an enduring activity, which are characterized by intensesness and introspection. Their ability to help workers relate themselves to the field in thought and feeling make them a crucial part of training at Prayas.

In 1994-95, a new aspect of the nascent area of training has emerged, in that, professionals from other organizations have been given an orientation to Prayas through their presence at weekly meetings and interaction with individual workers. We have also been visited at Worli by Funding Agencies, Police Officers, Lawyers, Probation Officers and students. In addition, four student social workers from the Tata Institute of Social Sciences were placed at Bombay Central Prison, at the Prayas workshop, and in Prayas Aftercare.

A NOTE ON HOME VISITS FOR PRISONERS

In the entire process of relationship-building with clients in prison, the area of home visits is seen as a crucial area of support. Home visits become important in the light of the fact that there is a dire need for undertrial prisoners to communicate with their family for some kind of support- material, emotional or otherwise. It became necessary for workers to facilitate this support either through letters, phone calls or home visits. Home visits take on an added importance here, because of the sheer volume of information that can be gleaned from even a single visit. In the initial years, prison social workers used to pay home visits personally, but as time passed and caseloads increased, it became imperative that a worker be appointed to exclusively deal with the area of home visits.

Home visits are considered a service that Prayas provides in prison, and are usually made on request by the prisoner. The home visits worker has learnt to focus on certain areas of information that have emerged as being important in a case. These include the following:

- 1. Information to families/ relatives/ friends that the person concerned is in prison:** If persons are arrested as per the law, they are produced in court, whereupon they may be given a 14-day remand; they are either kept in police custody or sent to jail. At some time during these procedures, their families may lose track of where they are. Once the undertrial is in prison, it is possible for Prayas workers to provide the family information about their whereabouts, which is appreciated by the members.
- 2. Information about Prayas, its work and areas where we can help:** There are usually misconceptions about the worker when he first visits the family. Family members sometimes think that the worker is a policeman or jailer, or that he is a released prisoner. It is necessary at this point to clarify the role of the worker, provide information about Prayas, its work in prison, both in the area of family support and in the area of rehabilitation. Information is given on areas of help that we can provide, and, as importantly, areas where we do not (as yet) help, such as in meeting bail amounts.
- 3. Information about situations at the prisoner's home:** When the worker goes to the client's home, he learns about the home itself- the condition of the house, the number of people at home, the number of breadwinners and the general economic condition in the family. If the client is an earner for the family, the economic condition of the family invariably deteriorates. The socioeconomic status of the family is also nearly always low. It is also possible to know the quality of relationships between family members, the extent to which there is cohesiveness in the family unit, or whether there is conflict between the client's parents or siblings. Another area which may be gauged is the relationship of the client's family as a whole with the rest of the community and their social status in the immediate neighbourhood. Neighbours opinions may be useful in this regard.

4. Information and assessments about the person: The family's perceptions about the client's views regarding society and life in general are important because they help provide the worker with an insight into how he/she responds to various life situations. Family members can, and do, provide valuable perspectives of the personality of the client, and the ability of the client to sustain positive relationships with members of the family or the neighbourhood.

5. Information and assessments about his/her relationship with family members and the extent to which the family is prepared to extend support: Some important aspects here include the extent to which the client, if an earner, contributes to the family income. Also important is the quality of the client's relationship with significant people in the family- the father, the mother, siblings, spouse or others. This determines the extent to which they spontaneously come forward to support the client, regardless of their own limitations. In some cases, family members are motivated to respond to the client's request for help more because of family ties and social and moral obligations involved. Sometimes the impetus for motivation to support the client has to be provided by the worker.

6. Legal Information: The family is usually not informed enough about legal matters and may need legal advice. If they have financial problems, Prayas helps them find a lawyer. Information is also given about matters pertaining to bail, surety and the rights of the undertrial.

The role of the home visits worker is substantially linked to information exchange. However, the ability to make an assessment, to observe subtleties, to gain an overall perspective of the environment from which the client, now in prison, has emerged, are important parts of the task of paying home visits. Moreover, knowledge about the client's environment prepares some ground for interaction after release and for follow-up. Home visits are thus an important part of the rehabilitative process that Prayas tries to initiate in prison and continue after the prisoner's release.

THE LEGAL AID UNIT

Introduction

The first legal aid worker was appointed in September 1992, in order to help meet the legal needs of 'Prayas' clients in prison and to ensure that prison workers were given more time to focus on issues relating to reformation and rehabilitation. The Legal Aid Unit initially worked with undertrials in the Young Adults Section of Bombay Central Prison and was later extended to the Women's section. The Legal Aid Unit is two and a half years old now and is well settled as a support unit for all Prayas clients and their families. The worker presently handles cases for legal aid through referral from other workers, primarily the two prison workers and does not visit prison now. The worker's relationship with clients in prison, it was observed, affected the aftercare work once they were released from the prison.

Legal aid services include the referral of clients to lawyers who are willing to take on cases for legal representation. It also includes the preparation of applications for release on bail or personal bond, reduction of bail, release on probation, pleading guilty, requesting a court appointed lawyer, expedition of trial and the issuing of case related documents as per law. The worker also meets and liaises with court functionaries and magistrates.

In the process of legal aid work, some issues that have arisen are :

(1) **The importance of documents :** Documents or legal data are the backbone of the Legal Aid Unit. The legal aid worker depends on the other field workers for data, for referrals to lawyers, or any court related work. There is, therefore, extensive reliance on coordination between workers which is accomplished on Fridays. Nevertheless, high case-loads can take their toll on the quality of such coordination.

(2) **The quality of lawyers :** The quality of lawyers is an important part of legal aid. Lawyers who take up 'Prayas' cases are usually young and eager to take cases to get experience in conducting trials as well as contribute towards a cause. Senior lawyers on the other hand, take on cases out of altruism. They would like to make a small contribution towards social service by helping poor and deserving cases.

The quality of 'Prayas' lawyers is good as they are people with whom workers have interacted over the years and are known to be motivated and sincere. In 1994-95, 'Prayas' did not stop enlisting the aid of any of its lawyers, and added some more to its list.

(3) **Social worker's relationship with lawyers and magistrates:** Most lawyers have been helpful even when busy with private matters. 'Prayas' needs to increase the number of lawyers and build more contacts particularly with junior advocates. It is seen that most lawyers appreciate our work as 'social work with an unselfish motive.' A few feel that we should focus on first time offenders or young offenders since such cases can be reformed with greater success.

Magistrates have usually been receptive to our requests. In some cases they have granted clients probation or release on personal bond. Some feel that one should be aware of the case/client before we represent them in court or in the chambers. This, they feel, will ensure that clients do not misuse our goodwill and show 'realistic' chances of reformation. Habitual offenders are not normally given any reprieve, even through our representations.

(4) **Coordination with coworkers:** Any lack of coordination between workers has shown on their relationship with clients and has had an effect on the working of various units of Prayas. To avoid any lack of coordination, one day a week has been designated as office day for field workers, when workers discuss and refer cases, bring records up to date and are available for clients to meet.

(5) **Limitations of the Legal Aid Unit:** Presently, we have a good network of lawyers to assist clients in the Metropolitan Magistrates Courts. We have not been able to create such a network in the Sessions Court. This has been primarily due to the vast differences in the honorarium that Prayas pays, and fees charged by lawyers at the Sessions Courts. This year, the honorarium for sessions triable cases has been revised and so far two cases have been given legal aid under the revised scheme.

The situation also calls for reactivation of the State Government Legal Aid Scheme. 'Prayas' is working towards this end with the Greater Bombay Legal Aid and Advice Committee. The worker has also approached the Principal Judge of the Sessions Court for a letter of introduction to all 'Prayas' staff for seeking cooperation from the court staff. The Registrar of the Sessions Courts has also made an offer to put up a notice for lawyers who may be willing to work for 'Prayas' clients at the Sessions Court.

SOCIAL WORK IN CRIMINAL COURT

Introduction

At Prayas, social work in any major areas of the Criminal Justice System has always been preceded by a few years of student field work. Work at the Esplanade court complex has been consistent with this approach - it is based on three years of exploration by student social workers. These three years saw the examination of various potential areas of work- with offenders, with complainants and with court functionaries. At the same time, ground was being prepared for full time social work in the area. In June 1995, Prayas appointed a social worker to work at Esplanade Court, and simultaneously approached the Chief Metropolitan Magistrate for permission to begin full time work there. This permission was granted quickly, in July 1995, and work could then begin in earnest. Prior experience showed that it was possible to begin work in specific areas. The worker entered the field with three main ideas in mind: to help certain vulnerable groups, women in particular, both accused as well as complainants; to be a resource person in the Esplanade Courts for magistrates, court functionaries, lawyers, accused, complainants and their families; and to speak to advocates and convince them to take up cases for legal aid.

Nine months of social work at Esplanade Court has seen three substantial areas in which the social worker has involved herself. These are, the Morning Court, Remand Courts and the Police Lockup, and the Trial Courts.

The Setting

Morning Court begins at 8.30 A.M. and goes on until 10 A.M.. It is presided over by Special Executive Magistrates. These are citizens who hold responsible positions, and possess the legal knowledge necessary to preside over such cases. The position is a rotatory one. There are four Special Executive Magistrates at a time, placed there for a year. They have rotation-based duties as well.

Minor and petty offences are dealt with in Morning Court, such as cases of indecent behavior, cases of hawking and illegal parking, and gambling or 'matka.' The police can arrest any person for any of these petty offences in areas within their jurisdiction. The accused may be released on the payment of a deposit at the police station. In court, the accused stand in a line and are asked whether or not they are guilty, en masse. They are usually fined and not imprisoned. Magistrates tend to ensure that the amounts fined are not above the amount of deposit paid to the police earlier.

In the first few months of full time work, the worker would merely sit in the Remand Court and visit the Azad Maidan Police Station Lockup occasionally. These visits have since become more regular. The Azad Maidan Lockup also has a womens' lockup. A consistent response to the worker from the police has evolved, since she has interacted with them on a regular basis regarding cases that she has taken up.

Each of the Trial Courts in Esplanade takes cases from specific police stations. The social worker spends one day of the week in each Trial Court. There have been positive responses to the social worker in some courts, which has included magistrates taking the initiative to give the social worker cases for social investigation. They have also referred cases where they feel intervention is possible and where social work can be done.

The worker vis-a-vis the client group

The worker has, so far, helped various groups of people in the Esplanade Court Complex. One major category has been offenders. She has spoken with women, particularly prostitutes, before court begins, from the point of view of rendering relevant information about Prayas itself, about legal procedures, and about agencies which might be in a position to help them. Other groups that she has dealt with include women in the lockup and in remand and trial court, young male adults in the age group of 16 to 23, and first time offenders. Kinds of help that the worker has been able to render in such situations has again been with reference to legal information, information regarding court procedures, and making sure that there is legal representation. When advocates do not (or can not) spend very much time with their clients, then neither the accused nor the victims have any idea of what is going on regarding the case, with reference to charges, applications or the case progress. The social worker helps with information in these areas. She has also arranged for home visits, asked for contact persons and arranged interaction between clients and their families. Misconceptions as to the nature of the charge have also been cleared by her. In some cases, she has herself arranged for legal aid through her contact with lawyers.

In the court premises, the worker has observed different groups of persons- relatives, friends of accused, complainants and their families. She approaches them here, tells them about Prayas and what help can be given within the framework mentioned above. The setting itself requires experimentation- for instance, a preliminary effort has been made in the actual provision of material help.

The social worker also functions as a resource person in court, for court functionaries, magistrates, police constables and advocates, particularly in trial court. Magistrates have found her useful in conducting on the spot social investigations and in the provision of information regarding welfare agencies. Court functionaries have wanted information specifically about referral of cases needing help to community-based organizations, and want to know what they can do and whom they can approach. She is able to guide them to relevant organizations. Advocates usually want direct help which includes referring cases for legal aid. Junior advocates approach her for cases, especially for trial, where prior experience in cases may not be necessary. They also see her as a resource person for complainants. Police Personnel have approached her on two fronts- with reference to personal problems as well as in cases where they can not intervene directly.

A tentative overview of clients and services

Work has focussed on women and young adults- one third of the forty-eight cases dealt with were women, who were primarily between 25 and 34 years of age. There were 21 boys below 24 years of age; the rest were below 34 years of age. In terms of services, a tentative overview of services provided reveals that the major service provided was counseling (37 cases). Legal information was provided in 34 cases and home visits were paid in 24 cases. Contact was also made with lawyers and legal aid was organized in nine cases. Subsistence was given to two clients. The worker interacted with the family in a major way, providing counseling in one third of all cases taken up, and contacting and interacting with them in eleven others. Police Station visits (excluding Azad Maidan Lockup) were made in 8 cases.

The worker has also interacted with the criminal justice system, by way of referral and advice, in one fourth of all cases taken up. She has interacted with the police, prison and probation department. In addition to the cases mentioned above, the worker has made social investigation reports in six cases so far, on the request of magistrates. Interaction with other people and organizations includes hospitals, other N.G.O.'s and employers. This has been primarily in areas of health, monetary assistance, shelter, and employment.

Limitations and Future Plans

A major limitation is a lack of space in courts to ensure contact with clients. There is a lot of dependence upon the cooperation of magistrates and how they feel about the project and work that 'Prayas' is doing. The worker herself has no locus standi in court. There is therefore a constant need to clarify the workers role to all concerned groups.

Future plans include a joint effort with the Greater Bombay Legal Aid and Advice Committee to reactivate the legal aid cell in the Esplanade Court Complex. The worker also plans to intensify work in trial courts at Esplanade and solicit the involvement of persons and organizations who are interested in working with women, particularly prostitutes, in such situations.

RESEARCH AND DOCUMENTATION

Introduction

In the last five years, the thrust of social work at Prayas has been with undertrial prisoners; in this process, it has explored several other aspects of social work in criminal justice. In these five years, much has been generated by way of information about groups who are affected in this context, as also about the scope for social work in the Indian criminal justice system. If Prayas is inherently an attempt to understand the field and the potential of social work in the field, then it becomes crucial that workers document their observations, experiences and insights on a regular basis- not only to further the comprehension of our own work but also to communicate what is being generated here to people, groups and organizations who require such material. To the best of our own knowledge, we are the only project of its kind in India; in the light of this fact, documentation becomes all the more important.

Workers have been producing documents on a regular basis for the last five years, in the form of reports, studies and project proposals. As work at Prayas has developed, the amount of information, data, and experience which is being gained and subsequently stored, used or disseminated has increased to the extent that it needs systematizing.

Unit objectives and the role of the worker

With reference to the context of its creation, the unit has set some tentative objectives for itself. They are as follows.

1. To systematically catalog 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 that 'Prayas' involves itself with.
5. To identify groups that could benefit from the information so generated and make available that information in a suitable format.

The role of the Research and Documentation worker has developed with reference to these objectives. The worker at the unit is responsible for the maintenance of all documents relating to the project and its activities and plays a supportive role in the writing of reports about Prayas and its work. The worker is also to undertake to write articles and papers on areas of relevance to the project as and when the need arises. The worker plays a supportive role with reference to research studies of Prayas and is to initiate studies and research in areas of work that have been inadequately documented, and where research is required to develop an understanding of work being done. The worker is also expected to update and refine documentation in other areas.

The first year of the Unit

There have, so far, been three broad areas of work in the unit. The first is the production of articles based almost entirely on existing documents and which are written for a specific purpose. The second is the preparation of material based on certain issues, independent workers' reflections, case records, legal documents, etc. The third area of work is with reference to Prayas itself, its initiation, the work being done, the evolution of this work, and the field within which Prayas exists. This is by far the most challenging part of the process of documentation that has been initiated.

It is also clear that there is a need to produce a volume as a culmination of years of social work in Bombay Central Prison and courts and police stations in the city. It is also fairly easily acknowledged that there is a need for this kind of work and that it is possible to replicate the model that Prayas seems to have fashioned. While translating this vision into a set of achievable objectives within a timeframe and a definite plan of action, however, there has been some difficulty and a lot of initial fumbling. This could be due, firstly to the fact that the Unit itself is a new one, and secondly, due to the fact there are several areas of work being done at Prayas that are exploratory and 'raw' and therefore do not lend themselves to extensive documentation as yet.

The major area of documentation in the past few years has, naturally, been Prison Work. It is logical that the largest area of documentation has been our work in Prison- both in the Young Adults Section and the Women's Section as these are areas where we have the most experience and where the framework within which we function has more or less stabilized. This year, to consolidate the documents that have been produced on our work in prison since May 1990, and to provide impetus to work being done, two in-house studies were started. The first of this was an Education and Work profile of the young adult offender. The second was a survey of the Condition of Women in Prison. Further, workers experiences regarding Medical Conditions in Prison and their role therein has been documented and a paper is being developed from this.

There has been impetus in the area of Documentation in the last one year- this is reflected in the fact that unit wise reports and evaluations have been made by workers in every field unit in the last six months. The recent procurement of a computer is expected to aid documentation and research efforts of Prayas.

In 1994-95, Prayas undertook two major research studies, which are still underway. The following two sections of our annual report deal with each of these studies.

THE STUDY ON PROSTITUTION

In May 1994, Prayas began a study entitled "A study of Initiatives in the Rescue and Rehabilitation, or Amelioration of the Situation of, Women and Girls in Prostitution in India".

Our own personal experience has been limited to Bombay, and particularly the role of trained social workers. At the same time, the growing awareness about other approaches, and the issues being addressed by them, stimulated an interest in further exploration particularly from the point of view of prevention, as well as helping women and girls in prostitution leave the 'business'. 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; this might yield insights that could be further built upon. Hence the present study was undertaken.

The objectives of the study are:

- i) to identify various initiatives towards the welfare/ rescue/ rehabilitation of women and girls in prostitution
- ii) to review available Indian and foreign literature on the subject from the point of view of intervention
- iii) to develop insights and make suggestions with reference to government policy and voluntary efforts in this area, and
- iv) to compile a list of intervention agencies, and also to collect information on various dimensions of prostitution for future studies/ action.

The first phase of the project (covering the States of Delhi, Uttar Pradesh, Madhya Pradesh and Orissa) was sponsored by the National Commission for Women, Delhi. An interim report was submitted to the Commission at the end of December.

The second phase is being sponsored by "Snehasadan", Bombay. It covers the states of Karnataka, Tamil Nadu, Kerala and Maharashtra.

We hope the report will be able to develop insights and make suggestions with respect to government policy and voluntary effort in this area, as also, become a compilation of a list of intervention agencies in various states/cities, and a source of information on various dimensions of prostitution (including by males or eunuchs/local features/trafficking/statistics, etc.) for future studies.

It appears to us that the first phase has itself been something of a pilot study. Nevertheless, we also feel confident that insights gained so far, and reflected in the report, could contribute towards any further initiative that may be taken in this field of work.

ACTION-RESEARCH STUDY OF CHILDREN OF PRISONERS IN DELHI

Introduction:

On the basis of our experiences in the Bombay Central Prison and repeated observations of children of prisoners left outside being a neglected group, the lack of existing literature regarding this group of children and a need felt to bring to the attention of the state, the voluntary sector and the community at large the situation of this group; Prayas initiated an Action Research project titled 'A Study of Children of Prisoners in Delhi: Supports required and Services Available.'

Objectives of the study:

1. To identify specific experiences, problems and needs of children of prisoners consequenced by the incarceration of their parents.
2. To study the family, neighbourhood 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 voluntary sector.
5. To review available literature on the subject.
6. To derive insights and make suggestions with respect to government policy and voluntary efforts in this area.

Design of the Study:

The survey method is being used. Interview schedules administered contain both open and close-ended questions. Respondents in the prison as well as outside are voluntarily interviewed. Primary data is being collected in the Womens Section of the Tihar Central Prison, from government officials, caretakers of the children and children themselves. Secondary data is also being collected from various sources. After data collection in the Womens Ward, we wish to collect data in the male section.

Procedure Followed:

Initially groundwork was done with regard to fund raising, obtaining permissions to initiate processes in different areas of work and designing tools of data collection. Subsequent to this, data collection commenced and work today is being carried out in the following areas:

- a) Interviews of women prisoners (undertrials and convicts) in the Womens Section.
- b) Interviews of prisoners families, their children left outside and children's caretakers during home visits.

c) Interviews with Government Officials with regard to services, schemes and documents regarding children of prisoners specifically as well as children in general.

d) Interviews of child welfare agencies and other N.G.O.'s.

e) Emergency assistance to children of prisoners left outside.

As data is being collected, a preliminary analysis of the same is also being done.

Some needs identified:

A wide range of problems and needs of children of prisoners left outside have been identified and further classified into various categories, namely, household needs, financial needs, health care needs, emotional needs, educational needs, need for shelter, personality development and recreation needs, need for substitute parent figure, legal aid needs and a need to meet the mother in custody.

Initial Findings and Emerging Issues:

Scrutiny of data collected so far, discussion of field experiences and personal impressions brought forth a number of issues that one felt needed further detailed examination. It may be noted that as the study is yet in progress, these are only preliminary observations. Some issues identified are:

1. **Decision making regarding the child:** As a consequence of the parents imprisonment, with whom does the decision making power regarding the child's well-being - care taking, shelter, education, separation, institutionalization, etc., lie - with the parent, the caretaker, the relatives, the state or the child itself ?

2. **Sibling Separation:** The issue here is whether the incarceration of a parent tends to result not just in the separation of the child from the parent but also of the child from its siblings. Whether children of prisoners, separately, or all children as a unit should be taken into consideration while making decisions with regard to care and placement. In making the decision of separating the child, should the concerned adults take into account only the future opportunities that can be made available to the child or even the emotional effect on the child.

3. **Role changes:** One effect of the imprisonment of the mother and consequent separation for the child from the parent appears to be the change of role of the child. Many children appeared to have assumed new roles and performed different functions.

4. **Relationships:** Do children's relationships with neighbours, family members or the community change on account of the imprisonment of the parent ? In a number of cases it was found that neighbours respond positively and cooperate with the children. However, the relationship with relatives could be affected negatively.

5. **Transferring of Image:** Whether the criminal image of the parent is transferred to the child in the eyes of others and whether a child carries a sense of shame.

6. **Differences in Reactions of Male and Female Children:** Whether there are differences in the perception of the parent imprisonment and responses to different situations by the male and female child.

7. **Care taking:** How and to what extent is care taking an effective option- Each time a caretaker states a problem faced by the children, does it indicate that care taking as an option is ineffective in certain areas?

8. **Responsibility:** Does the issue of responsibility for the child left outside prison arise from the fact that the child's rights are being violated and therefore justice should be done or the child, due to circumstances of the parents imprisonment now belongs to a group that is in need and therefore welfare services should be provided ? Or, should it be both justice as well as welfare?

Availability of Services

In the first quarter of the study, efforts were mainly concentrated on:

1. Collection of data in prison from women inmates and outside prison in the form of home visits and interviews with prisoners children left outside, their caretakers and government officials.
2. Initiating the process to find out the availability of services- children of prisoners, specifically and for children in general.

As per the information collected (including interviews of government officials) it has been found that there is no welfare scheme available specifically for children of prisoners. Nevertheless, a single scheme for families of prisoners does exist. Under this scheme, financial assistance/grant is given per family member per month for a period of only one year. However, such assistance is made available only to families of convicted prisoners, thereby leaving children of undertrial prisoners unassisted by any government scheme. So far it has been found that children of prisoners have been admitted to government homes.

Until now, information regarding schemes and services for children in general has been collected from the Directorate of Social Welfare, Delhi Social Welfare Board, Government Officials and Volunteers.

OUR FUNDERS AND SUPPORTERS

In 1994-95, Prayas received invaluable financial support from the following organizations and individuals. We would like to place on record our heartfelt appreciation for their concern and interest in our work and look forward to an enduring interaction with all of them.

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Mr. Kirit Shah

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The National Commission for Women
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Sir Dorabji Tata Trust
Snehasadan
SHCIL Foundation (Stock Holding
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Prayas has, in the course of its work, interacted with, and built a sustained relationship with several N.G.O.'s and individuals. We would like to take this opportunity to thank them and look forward to more interaction with them in the coming year.

Apnalaya
Ashray
Bal Asha Trust
Bapnu Ghar
Combat Communalism
Drishti
Government Aftercare Hostel
Human Rights Law Network
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Prerana
Samay Bharati Trust
SHARE
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Special Cell for Women
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Mr. Ajay Kamat
Mr. Hemant Karkare
Mr. Nitin Kolamkar
Mr. Kurlekar
Dr. A. Nadkarni
Mr. Pol
Ms. K. Sangeeta

SOME STATISTICS.

PRISON UNIT	MALE SECTION	FEMALE SECTION
A) Total number of cases where help was given	332	205
B) No. of Home Visits	171	243
C) Police Station Visits	13	1
D) Literacy/Arts and Crafts *	50	276
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LEGAL AID		
A) Cases taken up for legal aid		30
B) Court Visits		422
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AFTERCARE		
A) Male Cases		12
B) Female Cases		10
C) Home Visits		134
D) Visits for mobilizing resources		91
E) Letters of Introduction		6
F) No. of visits to Police Station		21
G) Clients given subsistence		28
H) Jobs provided		5
I) Clients given shelter		4
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FAMILY SUPPORT UNIT		
A) Cases taken up		23
B) Home Visits		20
C) Request Cases from other prisons		16
D) Total number of children in the Balwadi		45

*- Arts & Crafts are conducted in Young Adults' section; the literacy teacher is a prison official. Literacy & Crafts activities are conducted in the womens section.

POLICE STATION

A) Cases taken up	34
B) Home Visits	77

WORKSHOP

A) Number of trainees	35
B) Number of Orders received	4
C) Number of Exhibitions and sales held	5

CRIMINAL COURT

A) Cases taken up	48
B) Counseling and contact with family/friends	36
C) Provision of Legal information	34
D) Arrangement/contact with lawyers	9
E) Referral to Police/ Probation Dept./ N.G.O's/ hospitals/ employers	24

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