

# Social Work in India's Criminal Justice Institutions: Need, Experiences and Challenges

Case Study  
Series 1 - 2011

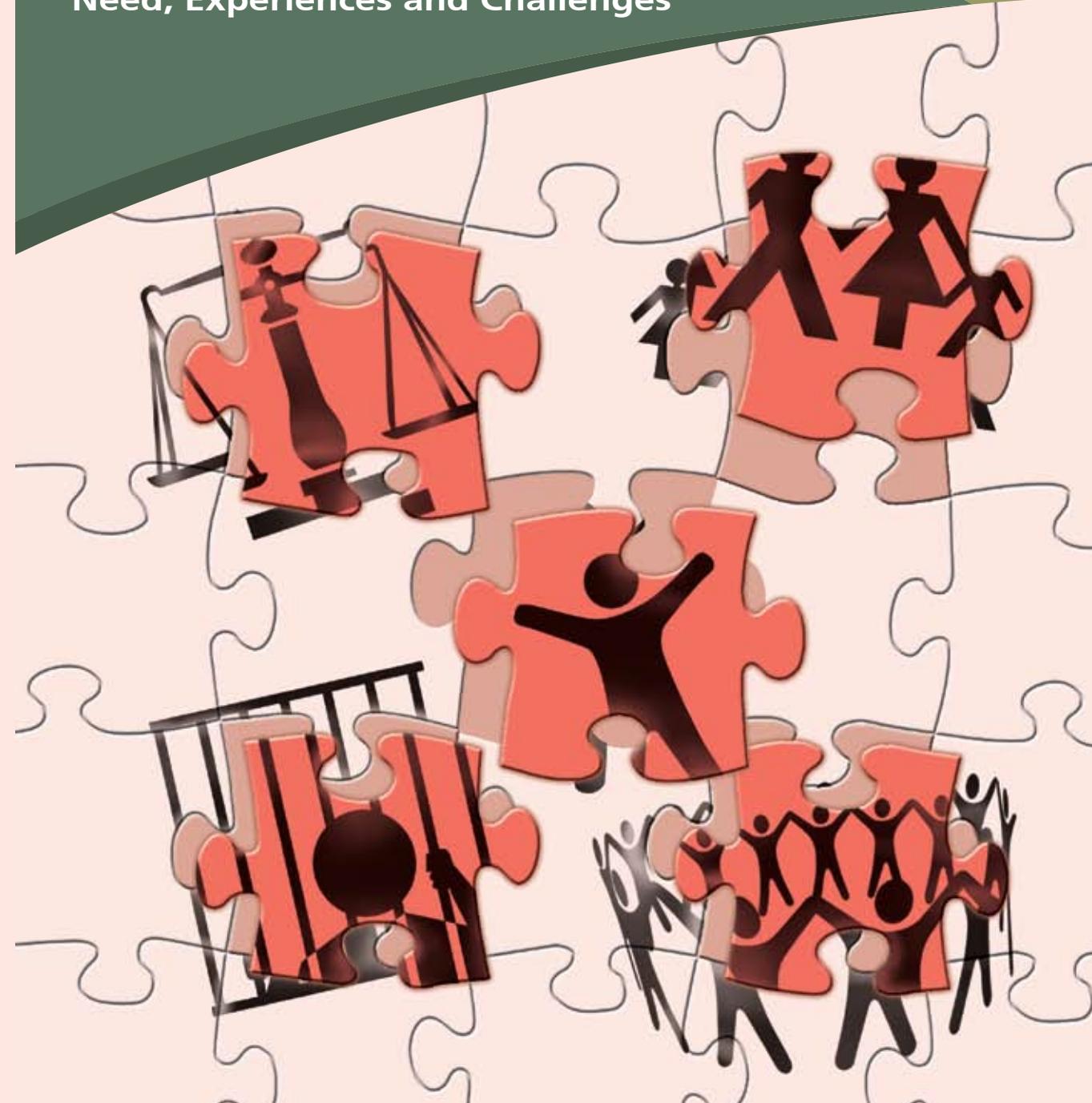
**Sir Dorabji Tata Trust**, one of the oldest, non-sectarian philanthropic organisations in India, was established in 1932 by Sir Dorabji Tata with the prime purpose of encouraging learning and research in the country, of meeting costs of relief during crises and calamities and of carrying out worthwhile charitable activities.

In addition to **Sir Dorabji Tata Trust**, seven other **Allied Trusts** adopt a common approach to the causes they support and thus together are known as **Sir Dorabji Tata Trust and the Allied Trusts**.

The Trusts' vision of constructive philanthropy has been sensitive to the fast-growing needs of a developing nation, and it holds contemporary relevance as it continues to support projects that ensure inclusion as well as innovative enterprises in development.

The Trusts make grants to **NGOs** in six social development sectors: Natural Resource Management and Rural Livelihoods; Urban Poverty and Livelihoods; Education; Health; Civil Society, Governance and Human Rights and Media, Art and Culture. Merit and need-based educational and medical grants are also given to individuals by the Trusts.

This first case study endeavours to highlight the achievements and share the learning of the organisations, working in the field of Criminal Justice System, and who are supported by the Trusts.



## Preface

The living conditions of the prisoners and under-trials incarcerated in Indian prisons leave much to be desired. The sheer apathy and indifference shown to them by the society, the State authorities and in some cases even their families, tends to severely restrict the chances of these persons getting over their past and becoming productive citizens. Almost two decades ago, Dr. Sanober Sahni began her field action project at TISS to study and understand the conditions of these persons and to provide them counseling support. The work of Prayas has inspired several other projects in Madhya Pradesh, Maharashtra and Gujarat and the resultant engagement through these organizations with the criminal justice system has become a niche area of work for Sir Dorabji Tata Trust and the Allied Trusts. These projects have made signal contributions in several fields, including in terms of policy and procedures for the maintenance and care of the under-trials and prisoners.

This case study is the first of a series. Subsequently, the Trusts hope to bring out more case studies on those projects which have shown exemplary performance over a period of time. I trust the readers will find this case study, useful.

*Mr. A. N. Singh*  
*Managing Trustee*  
*Sir Sorabji Tata Trust and the Allied Trusts*

Commissioned by Sir Dorabji Tata Trust and the Allied Trusts (jointly referred to as SDTT), this case study was independently researched and written by Ms. Sriranjini Vadiraj and Mr. Ashok Gopal of Infochange, Pune, with inputs from civil society initiatives mentioned in the study, SDTT Program Team members and Dr. Sanober Sahni.

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## Introduction

In one of the most memorable and critically acclaimed Hindi movies of the 1950s, *Do Aankhen Baara Haath*, an idealistic jailor reforms a group of hardened criminals by making them work on a farm. The film was based on a true experiment, initiated in south Maharashtra by the ruler of Aundh, one of the smallest princely states in pre-Independence India.

Many other remarkable attempts to reform criminal justice institutions (CJIs)<sup>1</sup> have been made in India. But these experiments cover a very small number of people confined in CJIs. CJIs are one of the legacies of colonial rule that have remained largely unchanged since Independence.

Most affected by this lack of progress are people from poor and under-privileged backgrounds who form the majority of inmates in prisons. A clear indicator of the socio-economic profile of prisoners in India is the fact that around 80% of them are illiterate or semi-literate<sup>2</sup>. The majority of them are not even 'criminals' in the true sense of the word — they are 'undertrials'.

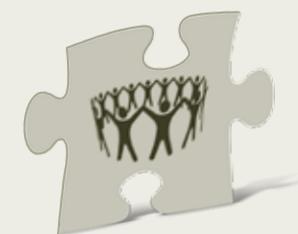
A minor role of prisons is housing people awaiting trial and kept in judicial custody till the completion of their case in court, or till they get bail. Many undertrials remain in jail for long periods as they are unable to produce suitable sureties, or they have been denied bail due to the grave nature of the crime they have allegedly committed.

India's undertrial population has fast overtaken the convict population in prisons due to a number of reasons such as: (i) increasing number of arrests (ii) dependence on the courts to secure bail (iii) trial delays, and (iv) a plethora of legislation wherein violation of the law leads to arrest and imprisonment rather than alternative modes of punishment.

The Indian prison system is also crushed under the weight of those arrested for petty offences, including ticketless travel, 'loitering', hawking in public places, committing petty theft, and a host of other crimes that can be linked to lack of employment options and social security benefits.

<sup>1</sup>. Apart from prisons, the term 'criminal justice institutions' covers borstals, women's institutions/shelter homes for women, observation homes, beggars' homes, etc

<sup>2</sup>. Discussion paper on correctional administration in India, presented at 23rd Asian and Pacific Conference of Correctional Administrators, Hong Kong, December 7-12, 2003, viewed December 15, 2009, at: [http://www.apcca.org/Pubs/23/India/Discussion%20Paper%20\(India\).pdf](http://www.apcca.org/Pubs/23/India/Discussion%20Paper%20(India).pdf)



That the majority of prison inmates are not habitual offenders is attested by the fact that 90% of India's prison population is composed of first-time offenders<sup>3</sup> who, with a little social support and the appropriate help and guidance, stand a very good chance of going back to society as responsible, productive individuals. Instead, people from poor and under-privileged backgrounds who have spent time in CJIs face major obstacles when they try to re-integrate into society on being released. Apart from their poor financial standing and lack of educational qualifications, they have to overcome the social stigma attached to being an inmate of a CJI. Hardest hit are ex-inmates who have been disowned by their families and do not enjoy a good social network.

In such a situation, there is the need for specialised public agencies to assist ex-inmates in rehabilitation and re-integration. Unfortunately, there is no robust, institutionalised system in India to provide help and guidance at any stage of a person's experience in a CJI -- at the time of admission, at the time of confinement, or at the time of release.

This document seeks to present the work done with CJIs by voluntary organisations supported by SDTT. The initiatives involve trained social workers who help people in all the three above-mentioned stages, so that needy and excluded persons can get access to justice, return to their families, and, on their release, are able to re-integrate with society and lead a decent life.

These efforts are often challenging. Nevertheless, the SDTT-supported initiatives clearly demonstrate both the need as well as the possibilities of using trained social workers in CJIs. The experiences gained from these initiatives provide a platform for conceptualising a permanent, State-funded programme of using trained social workers in CJIs.

<sup>3</sup>. *ibid*



## The Context: Why Social Workers are Needed in CJIs

India's criminal justice system is severely strained. According to 2007 figures of the National Crime Records Bureau (NCRB)<sup>4</sup>, there are 3,76,396 inmates in India's 1,276 prisons<sup>5</sup>. The prisons are generally overcrowded. NCRB 2007 figures show that except in seven states and three union territories, the inmate population was greater than the prisons' capacity. In Uttar Pradesh and Chhattisgarh, the number of inmates was twice the capacity of prisons in these states<sup>6</sup>.

Except for special categories of prisoners, like high-profile terrorists or political prisoners, life in India's jails is hard. NCRB 2007 data quoted earlier shows that convicts comprise only 32% of the total number of inmates in Indian jails; 66.6% of them are undertrials — people who have not yet been proven guilty of their alleged crimes. Years spent in a CJI — deservedly or undeservedly — not only isolate the person from society, they impact him/her in other ways too. A prisoner, the Kerala High Court observed, is a person who “loses his identity”. Known “by a number”, s/he not only loses personal possessions but also personal relationships. Loss of freedom, status, possessions, dignity and the autonomy of a personal life lead to psychological problems, the court noted in *A Convict Prisoner in the Central Prison vs State of Kerala* (1993 Cri LJ 3242).

Unless they are from privileged backgrounds, people who are confined in CJIs suffer even after their release; the tag of a criminal is heavy, long-lasting and difficult to erase. Friends, colleagues and acquaintances stay away. Past or potential employers want nothing to do with the person. In many cases, even families disown the so-called ‘criminal’ member. Without emotional and financial support to lead a productive, satisfying life there are good chances that a one-time offender is pushed into taking up criminal activities, associating with criminals, or leading a life marked by addiction or destitution.

At best, State efforts at rehabilitation are restricted to providing training in income-generation activities and advancing small business loans to prisoners after their release. Continuous and regular support to all released undertrials is not formally recognised or offered by State agencies.

<sup>4</sup>. <[www.ncrb.nic.in](http://www.ncrb.nic.in)> viewed on August 26, 2009

<sup>5</sup>. Of these, 113 are central jails, 309 are district jails, 769 are sub-jails, 16 are women's jails, 28 are open jails, and there are 41 other jails

<sup>6</sup>. <<http://ncrb.nic.in/PSI2007/prison2007.htm>> viewed on November 1, 2009



Although there are a number of legal provisions and judgments in favour of people confined to CJIs, there is no system of ensuring that these provisions and judgments are fully observed. Prime Minister Manmohan Singh pointed out a glaring example of the gap between the law and its implementation in his address to the conference of chief ministers and chief justices of the states, in New Delhi. Many undertrials, he said, “have been in jail for periods longer than they would have served had they been sentenced!”<sup>7</sup>

In this context, trained social workers can play a critical role especially for the benefit of poor inmates, minors and women separated from their families. The SDTT-supported initiatives show that professional social workers could provide a gamut of services to help inmates of CJIs become law-abiding and respectable members of society.

<sup>7</sup>. <<http://pmindia.nic.in/speech/content.asp?id=809>>



## Professional Social Work in CJIs: How it Started

‘Social work’ is generally understood in India as charitable work done by individuals or organisations driven by humanitarian and/or religious values, as a subsidiary or voluntary activity. A more professional and systematic approach to social work was initiated with support from SDTT in the early-1930s.

At that time, through an institution called ‘Neighbourhood House’, a young American missionary, Dr Clifford Manshardt, carried out a number of non-religious activities for the benefit of children and adults in Nagpada, a densely populated lower-class area in the heart of Mumbai. Recognising the need for professional social workers, Manshardt decided to hold six-week courses for bright young people interested in social work. Subsequently, with assistance from SDTT, he started a full-fledged school for social work. Established in Neighbourhood House, in 1936, as the Sir Dorabji Tata Graduate School of Social Work, it changed to the Tata Institute of Social Sciences (TISS) in the 1940s, and moved to its present campus in Deonar in the 1950s<sup>8</sup>.

Juvenile delinquency and crime and criminology were among the subjects of study at TISS, right from the early days. In 1952, an effort to provide specialised training for correctional work was initiated. With the help of the Ministry of Home Affairs, Government of India, and two experts made available by the United Nations, TISS offered a six-month programme to prison officers deputed by various state governments. In 1953, a separate Department of Criminology and Correctional Administration (CCA) was created, giving full recognition to the professional training requirements in this field. The department became TISS’s Centre for Criminology and Justice, in 2006.

Till the 1970s, most students of the CCA department were candidates deputed from departments of prisons, social welfare, and women and child development across the country. After finishing their MA degree in social work with specialisation in criminology and correctional administration, the deputed officials would go back to their departments to work as prison officers, social welfare officers, and probation officers.

<sup>8</sup>. Working for “the promotion of sustainable, equitable and participatory development, social welfare and social justice”, TISS has earned recognition as an institution of repute from different ministries of the Government of India, state governments, international agencies such as the United Nations, and the non-government sector, both national and international



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Over the years, many state governments developed in-house training facilities, and deputation of candidates to TISS gradually stopped. Among the first students of the department who did not come from a government service background was Dr. Sanober Sahni, who later joined the faculty of the CCA department. Sahni did her PhD on women undertrial prisoners. In the course of collecting data for her thesis, she felt the need to provide services to undertrial prisoners. And so, in 1990, she initiated a TISS field action project called Prayas. Her associates were two TISS alumni specialised in CCA: Deepa Lakshman and Vijay Raghavan. Dr. Raghavan is currently the faculty-in-charge at Prayas.

Prayas began by offering services in the female and male youth sections of Mumbai Central Prison. Over the years, both the target group and location of services have expanded. Prayas has guided the setting up of similar efforts at other locations in Maharashtra and around the country.

With a mandate to promote innovative and relevant work undertaken by TISS, SDTT and the Allied Trusts has supported Prayas from the time of its inception. Indeed, this support has been critical. Prayas had decided not to accept funds from foreign donors as foreign funding was deemed inappropriate for work in Indian prisons. Among Indian donors, few were willing to support work in CJIs. As the significance of Prayas's work became clear, SDTT encouraged smaller groups to work in this field, offering them mentoring support in partnership with Prayas.

## Types of Social Work Interventions in CJIs

There are a large number of NGOs working with prisoners in India. SDTT supported the first-ever scoping study of all such NGOs. Undertaken by the Commonwealth Human Rights Initiative (CHRI) and Prayas, the study covered 52 initiatives in eight states in southern and western India, and identified seven areas in which the efforts focused<sup>9</sup>:

- Moral or spiritual guidance/instruction, such as conducting spiritual discourses, individual preaching, and counselling.
- Welfare of children of prisoners with regard to their shelter, health and education.
- Rehabilitation activities for women and youth.
- Health-related activities such as conducting health camps and health check-ups.
- Education of inmates, conducting literacy classes, coaching classes for Open University courses, and vocational training.
- Legal guidance, referral services and legal aid.
- Generic support to prisoners such as organising lectures, celebrating festivals and attempting one-time activities.

SDTT's investment in CJI work is also aimed at influencing State policy to bring in reforms based on the ground work done by different CJI projects. SDTT is committed to working with CJIs as an important element of ensuring progressive democratic governance. Towards this, a number of projects that aim to use legal strategies to bring about reform within CJIs have been supported<sup>10</sup>.

This case study draws on the experiences of organisations supported by SDTT through social work interventions.

<sup>9</sup>. The report of the study, 'Community participation in prisons: A civil society perspective', is available on CHRI's website at: <[http://www.humanrightsinitiative.org/publications/prisons/community\\_participation\\_in\\_prisons.pdf](http://www.humanrightsinitiative.org/publications/prisons/community_participation_in_prisons.pdf)>

<sup>10</sup>. Socio Legal Information Centre and Commonwealth Human Rights Initiative have been supported to offer a range of legal services and to undertake policy advocacy for prison reform



## Brief Profile of Organisations and their Work

### Prayas, Mumbai

Over the last 19 years, Prayas has offered services to men and male youth in prisons or in protective custody. The organisation has widened its geographical reach in Mumbai and surrounding areas to Byculla District Prison (women's section), Thane Central Prison (male youth section), Kalyan Central Prison (women's section), and to Bharuch Sub-Jail in Gujarat.

Prayas has also steadily increased its range of services. From offering socio-legal counselling to undertrial prisoners, arranging legal aid, paying home visits, organising group sessions and awareness programmes and liaising with prison authorities to make facilities available to prisoners, Prayas has embarked on the difficult task of arranging jobs for released prisoners. It also counsels the families of released prisoners, liaises with the police to avoid arrests and police action on mere suspicion (due to a past criminal record), arranges vocational training, and helps ex-inmates access essential citizenship documents (ration card, caste certificate, etc) and welfare services. Through one centre for male youth in Mumbai, and two centres for women in Mumbai and Bharuch, Prayas provides post-release services such as emergency assistance, preparation for integration, training and employment help, and getting in touch with families.

Today, Prayas has a team of nearly 50 committed people working as administrators, social workers and teachers, all of whom have been with the organisation for years.

Encouraged by Prayas's success, SDTT has supported three other organisations doing similar work and mentored by Prayas: Sudhaar in Bhopal (Madhya Pradesh), Varhad in Amravati, and Sahyadri in Solapur (Maharashtra).

### Sudhaar, Bhopal

Mentored by Prayas, Sureka Talari, an alumna of TISS, set up a registered NGO called Sudhaar to work with prisoners in Madhya Pradesh. After completing her Masters in Social Work with specialisation in CCA, Sureka began a 'Social Work in Prisons' project with female undertrials, in 2000, in the Betul district prison in Madhya Pradesh, with assistance from the Indo-German Social Services Society. In 2001, with SDTT's support, Sudhaar extended its work to cover male and female prisoners and their children in Bhopal and Hoshangabad prisons. In 2005, the NGO expanded its work to families, especially children of prisoners outside prisons, and included Indore and Ujjain prisons in its area of operation.



### Varhad, Amravati

Varhad (Voluntary Action for Rehabilitation and Development) was set up in 2 Amravati, in the Vidarbha region of Maharashtra, by Ravindra Vaidya. He is an alumnus of TISS, with CCA specialisation and was a social worker with Prayas for two years. Varhad works on crime prevention and community development, and carries out custodial social work, family support and rehabilitation initiatives. Vaidya recalls: "When we put forward the idea of doing social work inside prisons to the authorities in Amravati, they found it hard to believe that an outsider would want to work inside prisons. They suggested we work with victims instead." And so Varhad began working with children of prisoners living inside prisons with their mothers<sup>11</sup>. Establishing its presence in Amravati Central Prison, Varhad gradually expanded its operations to cover convicts. In 2006-08, it worked with nearly 800 convicts in prisons in Amravati, Yavatmal, Akola, Buldana and Washim districts of Vidarbha.

### Sahyadri, Solapur

Sahyadri was initiated by a social work alumna of Bhartiya Vidyapeeth in Solapur, to work in the district prison. It received a small grant from SDTT for the period October 2005-March 2006. Prayas mentored the project for two years, between 2006 and 2008. With Prayas's help, the organisation received additional funding till 2008.

### Sahyog, Pune

SDTT supports the Pune-based Sahyog Trust, an NGO based on Gandhian principles that started a 'Human Rights and Law Defenders'<sup>12</sup> (HRLD) project to increase people's access to the justice system, to protect their fundamental rights. The brainchild of lawyer Asim Sarode, HRLD has, since 2005, been extending legal services to poor and marginalised prisoners lodged at Yerawada Central Jail in Pune. It has since expanded its work to other locations in Maharashtra like Akola and Nagpur. Sahyog Trust also conducts exams on Gandhian Thought at prisons in Yavatmal, Akola, Kalyan, Yerawada and Thane.

Initiatives supported by SDTT also attempt to establish the right to rehabilitation.

<sup>11</sup>. An arrested woman is allowed to keep her minor children below six years of age with her in jail if she does not have a caregiver to look after them outside

<sup>12</sup>. The project is based on the Declaration on Human Rights Defenders adopted by the UN in 1998, which asserts "the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms".



The efforts discussed in this case study are focused on providing:

- Counselling to inmates and ex-inmates.
- Facilitating family associations of inmates at CJIs, and support for inmates' families.
- Health and other non-vocational training/education for inmates and ex-inmates.
- Vocational training.
- Legal aid to inmates of CJIs.
- Support to children of inmates.
- Job/work placement for people released from CJIs, including support for businesses.
- Working on advocacy to improve overall governance within CJIs.

The table gives an overview of the range of services provided, and the outreach of various projects.

### Statistical Abstract: Beneficiaries of Services Offered by SDTT-Supported Initiatives at CJIs

Type of service	Number of beneficiaries (by initiative and time period)										
	Sudhaar			Varhad			Sahyog Trust			Prayas	
	2006 2007	2007 2008	2008 2009	2006 2007	2007 2008	2008 2009	Aug 2006 Dec 2007	Jan 2007 Jul 2007	2008 2009	2006 2008	2008 2009
Legal aid to inmates of CJIs	NA	347	212	721	922	877	98	125	437	1,125	736
Counselling to inmates of CJIs	NA	307	NA	119	132	128	130	150	50	5,470	1,486
Facilitating family links of inmates at CJIs and support for families of inmates (including support to children of inmates)	NA	202	229	414	487	1,631	40	50	120	845	287
Number of inmates trained in health and other non-vocational subjects	NA	6	4	141	166	181	X	X	X	3,267	705
Vocational training for inmates	NA	14	15	41	36	39	X	X	X	153	363
Parole/furlough assistance	X	X	X	146	189	232	X	X	X	X	X
Job/work placement (including support for businesses)	NA	9	12	0	0	5	NA	1	NA	145	116

NA = Figures not available. X = Service not provided



## Social Work Services Offered

SDTT-funded initiatives have provided support through the entire cycle of a person's engagement with a CJJ: before the person is booked for an offence, after the person is housed in a CJJ, and after her/his release from the CJJ. In this section, the experiences of various organisations have been presented to cover the gamut of services offered, the challenges, and the successes.

## Social Work Services Prior to Being Booked for an Offence

Young girls and women who have been forced out of their homes often take shelter at railway stations. Being in unfamiliar surroundings, without knowing anyone, they are vulnerable to accepting offers of help from pimps and drug-peddlers who exploit them. Not daring to move out of the station premises, runaway children and women live a precarious life of beggary and sexual exploitation; many suffer physical and mental illnesses. They face the threat of either being victimised by anti-social elements, or criminalised by the law.

To identify and reach out to such individuals, and help them reconnect with their families before they are drawn into a life of crime or prostitution, Prayas posted a social worker at Mumbai's Chhatrapati Shivaji Terminus (CST) railway station for around eight years, till 2008. These social workers identified girls and women in vulnerable situations, arranged for medical help, and helped some of them return to their families with a police escort. Or they were referred to Prayas's Women's Development Centre, then operating out of a municipal school in Mumbai Central, for long-term rehabilitation.

In another pilot project conducted over a period of six years, until 2001, Prayas stationed social workers at six police stations in Mumbai. In the case of first-time offenders, says Raghavan, social workers worked with the police to consider supervision and rehabilitation by the Prayas team as a positive option to initiating criminal proceedings against them. "Once in prison, a person is sometimes pushed into criminal networks. His personal reputation is damaged, and such cases add to the heavy burden of pending matters in courts," Raghavan explains.



The case of Ravi<sup>13</sup>, a 20-year-old resident of Chembur, Mumbai, illustrates the point. Ravi was picked up by the police after residents in the area complained that he was throwing stones at a temple. On speaking to Ravi, the social worker posted at Chembur Police Station learnt that he ran a cycle repair shop and had an unemployed elder brother with a drinking problem. The brother often pestered Ravi and their mother for money; there were frequent fights at home. After one such fight, Ravi was sitting near a temple in an agitated state of mind when he was teased by a group of boys. In a fit of anger, he threw stones at them. He missed his mark and hit the temple instead.

The police were determined to book Ravi, but the social worker convinced them that he needed counselling, not a stint in jail. Finally, the police allowed the social worker to take Ravi to a nearby government hospital where he received counselling from a psychologist. After three days, Ravi was back home. The police didn't file a case against him. He continues to run his cycle repair business and is a law-abiding citizen. What's more, he lives without the stigma of a criminal record.

Although this pilot programme, undertaken at a few police stations, proved useful it could not be extended or continued because of the sheer numbers involved — Mumbai has over 85 police stations handling scores of new cases every day. Meeting the need for social workers over such a large area, implied that the state had to make provisions for the post. The challenge in getting the state to upscale pilot projects is discussed later in this study.

<sup>13</sup> All names of individuals appearing in the cases mentioned have been changed to maintain confidentiality.



## Social Work Services at CJI's

### i. Facilitating legal support

In India, undertrial prisoners who cannot afford to hire lawyers are provided the services of a State lawyer through district legal aid cells. Often, however, there is a delay in appointing lawyers, or the appointed lawyer has little interest or expertise in the matter. This is where social workers of all four SDTT-supported projects play an important role. They visit prisons two to three times a week and provide legal guidance and counselling to acquaint undertrial prisoners with relevant provisions of the law and how to fill out applications. They also find out if lawyers have been appointed by the State, and whether the case is progressing satisfactorily. If a lawyer hasn't been appointed, they take the matter up with district legal aid cells. If a lawyer has been appointed but has not yet met the client, the social worker gets in touch with the lawyer and ensures that regular meetings take place between both parties.

Social workers help bring cases to court quickly by gathering relevant information about the undertrial's family, and procuring documents such as birth certificates and ration cards. Often, social workers are required to travel to the undertrial's hometown to get hold of the documents. This has other benefits. Vaidya of Varhad says: "Women prisoners began to trust us after they realised that social workers visited their villages and brought back news of their families."

Social workers keep in regular touch with lawyers to ensure that the case moves forward. When it is a bailable offence, or a petty case, they write an application for release on personal bond, especially if some time has elapsed after bail has been granted and the prisoner is still in jail because of lack of suitable sureties or inability to pay the bail amount. Many undertrials, it must be noted; although innocent, would have been destined to spend years in prison were it not for the intervention of an alert social worker.

Like 20-year-old Sujit (name changed), from a village near Indore, who came to Mumbai seeking work. He would probably have been in prison for years had it not been for Prayas's social workers. In their weekly visits to Thane Central Prison, in 2007, they met Sujit, housed there for three months after being booked under several serious charges. After talking to him and observing him, the social workers strongly felt that he was innocent and had been wrongly picked up by the police. Sujit claimed that he had been framed by a friend who had committed the crimes he had been accused of. Prayas workers contacted Sujit's parents and asked them to come to Mumbai with the documents required to get

bail. Prayas even arranged for his parents' stay in Mumbai. They, then requested the magistrate concerned to take up the case urgently (Prayas had interacted with the magistrate in a legal aid workshop it had organised). Sujit was released on bail and went back to his village; he promised to return to Mumbai for his court appearances.

All four SDTT-supported projects have built their own network of lawyers whose services are used whenever required. The lawyers are paid a reasonable fee<sup>14</sup>; some have even agreed to work for free.

Sahyog Trust has trained undertrial and convicted prisoners in reading and writing skills to become 'paralegals'. With a basic understanding of the language of law, they help other prisoners write out applications and seek information from the authorities on the progress of specific cases.

After a conviction too, people need legal aid and support when they are granted parole or furlough. Under the furlough system, a convicted prisoner is granted release for a short period of time, usually two weeks, to attend to family emergencies. Under the parole programme, a convicted prisoner is granted longer leave—upto two or three months—to address family-related problems. The leave is not considered part of the sentence served. A prerequisite for securing parole or furlough is the submission of positive reports about the applicant by the local police and officials like the district magistrate and, in rural areas, the Taluka tehsildar. Family members have to furnish sureties.

Varhad social workers play an important role in this process. They talk to family members to identify sureties and to ensure that they welcome the convict. They then follow up the processing of positive reports by the police. Varhad contacts the sanctioning authorities (regional deputy inspector general of prisons for furlough, and the divisional revenue commissioner for parole) for quick disposal of applications. Finally, it helps family members to furnish sureties at the relevant offices. The entire process used to take around six to eight months; now, with Varhad's involvement, it takes less than two months, says Vaidya. Thanks also to Varhad's involvement, the number of prisoners who abscond whilst on parole or furlough has dropped. In 2003, of the 291 people released on furlough or parole from prisons where Varhad works, 18 were declared absconders. In 2005, after Varhad's intervention, of the 391 prisoners released only eight absconded. In 2007, 165 prisoners were released between January and April; only three absconded.

<sup>14</sup> The fees vary from Rs 1,000 paid by Prayas to process a bail application to Rs 3,000 paid by Varhad to appear for a case in the high court



## ii. Support for women in protective homes and other institutions

After they are 'rescued', women who have been trafficked or forced into prostitution are sent to protective homes. The duration of their stay there can range from upto three weeks during the inquiry process to two years in case, a woman is detained for rehabilitation under the Immoral Trafficking Prevention Act, 1956.

Prayas conducts counselling and awareness sessions for women remanded in the protective home in Navjeevan Mahila Vasatigriha (NMV), Mumbai. After building up a rapport, social workers identify the women's special needs, find out about their families, and identify interests that can be cultivated at the shelter. The process is long and difficult. Babita Salvi, a Prayas social worker, says: "In the initial days with the social worker, women do not reveal many details about their lives. Their 'employers' in prostitution have trained them to give false information." Brothel-owners also resort to violence. Babita recalls one instance when she was accosted on the road by goons associated with a brothel-owner who tried to force her to get into a jeep. She managed to escape.

Prayas also works at Mumbai's Kasturba Mahila Vastigriha and the Female Beggars' Home, which are shelter facilities for destitute women and those arrested under the beggary law. It tries to reconnect the women housed there with their families, and helps them explore employment options through one-to-one counselling sessions, group sessions, and vocational and on-the-job training provided by NGOs.

Reintegrating a 'rescued' woman into society is an extremely challenging task. Families are often reluctant to accept the 'fallen' woman, and it is virtually impossible for her to live in the community once people are aware of her past. The woman usually possesses little education or skills, and there is a possibility that she has contracted HIV/AIDS. In the case of Purnima Roy (name changed), Prayas faced all these obstacles.

Purnima Roy was rescued from a Mumbai brothel in 1998, when she was only 17. She had been working there for almost five years, after running away from her home near Kolkata. After the rescue, Purnima was sent to the Special Home for Minor Girls in Deonar. Prayas social workers used to visit the home regularly and conduct training programmes in handicrafts. When Purnima turned 18, she was transferred to NMV in Chembur. Her medical reports showed that she was HIV-positive.

Prayas social workers supported her at NMV in a number of ways. She took part in activities organised by Prayas such as candle-making, painting and making soft toys. Prayas counselled her over many sessions. After about six months, social workers decided that it was time for Purnima to get in touch with her family living in a village near Kolkata. They contacted Sanlaap, a well-known NGO in Kolkata working against trafficking of women



and children. Sanlaap workers visited Purnima's family and sent Prayas a report that Purnima's father was very ill. Purnima immediately decided that she wanted to visit her parents.

She was sent to Kolkata along with a police escort. As it was then mandatory, the Mumbai police informed the police in Purnima's village about her, and soon everyone in the village got to know about her past. Within a few weeks, Purnima was back in Mumbai as she couldn't bear the taunts of her family and neighbours. She returned to NMV and asked the superintendent there to help her get in touch with Prayas.

Prayas social workers then got her admitted in a hostel. She began attending a tailoring workshop at Prayas's centre in Mumbai Central. Prayas paid her a monthly stipend of Rs 1,200. It also paid her hostel fees of Rs 400 per month and her transport costs. Purnima joined a vocational course at SNTD paid for by Prayas. She was now ready to work on her own and started teaching women from a ladies group in Thane how to make soft toys, cloth folders, and basic tailoring.

When Prayas started its placement programme (discussed later), Purnima was placed with an NGO and, later, at a factory in Mahalakshmi where she did tailoring and embroidery. Prayas helped her open a bank account and arranged for medical help. The story didn't end there, as we shall see later in this study.

## iii. Family support for people in institutions, and support for families

For most human beings, the family is the ultimate source of support and solace. But relatives of poor inmates housed in CJIs often do not know about the latter's whereabouts. Many families are also reluctant to maintain contact with inmates for fear of loss of social prestige in the community. Social workers elicit information from inmates and visit their families. When inmates are disowned by their families, social workers hold counselling sessions with the family members and organise visits to re-establish connections.

Families of poor inmates require support. Nilofer Kadeer of Sudhaar explains: "If an adult male member of a poor family is imprisoned, the economic condition of the family deteriorates drastically. There is additional pressure on the women to make ends meet, and children invariably stop going to school and start working. In such situations, we try to support the family by arranging for ration cards and helping women find a decent source of livelihood. We try to meet the education costs of children till Std XII and organise emergency medical aid."

Women in prisons or shelter homes usually have their children below six years of age staying with them. Social workers from Prayas, Varhad and Sudhaar seek out family members who could be persuaded to look after children above the age of five. These



caretaker families are supported through supply of basic food and provisions like dal, rice and vegetables, once a week. The child's education costs are also paid.

If both the parents are in jail and there is no family member willing or able to look after minor children, the children are supposed to be sent to shelter homes. This is a long process: the case is presented before a child welfare committee constituted under the Juvenile Justice Act, 2000, which decides on the matter. Social workers help speed up the process. They arrange for the relevant supporting documents, such as a statement from the nearest family member explaining why s/he cannot look after the children.

Prayas and Sudhaar have, in the past, run Balwadis and organised various other activities for children living in prison with their mothers. A Balwadi started by Sudhaar in Indore District Jail is now managed by the state government's Women and Child Welfare Department, following Sudhaar's advocacy efforts. Sudhaar also initiated an immunisation programme for children living in the prison.

Varhad runs a crèche in Amravati Central Prison for children below the age of six. It helps children get admission in schools and gain surrogate parental support.

Prayas, Varhad and Sudhaar also work with children of prisoners living outside prisons. The case of Shanti, an undertrial prisoner in Hoshangabad District Prison, in Madhya Pradesh, underlines the importance of this work, and the complexities involved.

A poor widow with two teenage daughters and a son living outside the prison, Shanti (name changed), 40, had spent over four years behind bars as an undertrial prisoner when Sudhaar learnt about her case and took it up in 2007. Shanti's children didn't have anyone to take care of them and they hadn't met their mother after she had been imprisoned. A social worker from Sudhaar visited her home in a village in Pipariya, Hoshangabad district, and found out that her two daughters were working in a brick kiln, each earning Rs 25 per day. The girls were running the household on this income; they were also paying for their younger brother's education. They had not made the effort to meet their mother as it would have meant a day's loss of wages. Also, they feared that their house would be taken over if they left it unoccupied. A benefactor in the village, a shopkeeper, offered to accompany the children to Hoshangabad so that they could meet their mother. He also offered the girls jobs in his shop. Sudhaar's social worker arranged for a month's rations and money for their travel to Hoshangabad. The younger girl was enrolled in school. Her sister, who did not want to study further, took up the shopkeeper's job offer. Sudhaar paid follow-up visits to stay in contact with the children every six months, supported their education and provided emergency assistance for two years until Shanti was released on bail.



Varhad has placed around 80 children of prisoners from five districts in Vidarbha in hostels and residential schools. Its social workers continue to guide the children; in some cases, Varhad has assumed full responsibility for the children. It organises visits between children and parents; the meeting does not take place in the designated space for prisoners' interactions (mulakats) with visitors as these rooms do not provide the opportunity for physical contact and can be terribly crowded. Varhad has moved the prison authorities to allow interactions between prisoners and their children in a common area within the prison, where parents can play with their children and spend quality time with them.

Varhad, Sudhaar and Prayas are trying to enrol children of prisoners in various child-oriented government schemes such as the Maharashtra government's Bal Sangopan Yojana, which assures Rs 425 per month for orphans and children of single parents, till they reach the age of 18. Varhad has managed to enrol 400 children under this scheme.

#### iv. Training in income-generation skills

Imparting training to convicts in income-generation skills, and using these skills to generate an income, is a part of State services in some prisons. However, across the country, most training programmes inside prisons are conducted by NGOs. State-run training programmes are often not in tune with current market needs.

To plug this gap, Sudhaar has undertaken several training programmes to impart skills in areas like electric equipment repair and tractor repair, which have a high market demand. Most of the programmes have been conducted in collaboration with Industrial Training Institutes (ITIs) that have displayed an interest in conducting similar trainings in all prisons in Madhya Pradesh.

Prayas has organised several short-term training courses at women's shelters in Mumbai.



## Social Work Services After Release

### i. Job placement services for prisoners after their release

Training received at a CJJ does not ensure employment to a prisoner once s/he has been released. Most people who take to crime are from underprivileged backgrounds and have little or no 'contacts' in the employment market. In any case, potential employers are naturally wary of hiring people known to have committed serious crimes. Moreover, as Prayas found out after it started placing clients in the private sector, even if sympathetic employers are found, placements are not always successful. Raghavan explains: "People who have been in prison for a long time is cut off from current mores and ways of behaviour. They may not 'fit in' easily. They need to be treated with great sensitivity. For example, they may not like to talk about their past, and may become angry if it is discussed publicly."

After some negative experiences of placements in the private sector—for employers and ex-prisoners—Prayas changed strategy. It now mostly places people in reputed NGOs which empathise with its goals. As Raghavan explains, NGOs offer a range of office-based and field work opportunities, and are more likely to have staff with the required sensitivity, thereby offering ex-prisoners the opportunity to contribute to society.

In the year ending August 2009, 22 NGOs participated in Prayas's placement programme. Sharon Menezes of the organisation's central office explains that the placement process starts before a 'client' leaves the institution. "All our social workers who work inside prisons or women's institutions keep track of approaching client release dates and refer these cases to our NGO placement worker. By then, through counselling sessions, our social workers are aware of what kind of work the client is interested in doing."

Prayas then approaches NGOs participating in its programme after a placement is negotiated. Placement is initially for a trial period of six months, during which time both employer and employee figure out the best possible options. Via an arrangement with Prayas, the employer NGO does not have to make any monetary compensation for the placement; Prayas pays the client a minimum monthly stipend of Rs 1,500 for a period ranging from six months to two years, depending on the specific needs of each case. Subsequently, the client may be given a regular, full-time job with the NGO, under its terms and conditions. Till date, around 150 people have been successfully placed in NGOs by Prayas.

These placement services are also offered to people in shelter homes. Radhika's case (name changed) is arguably Prayas's best placement 'success story'. A resident of

Yavatmal, in Vidarbha, Radhika ran away from home and came to Mumbai after she failed her Std X exams. In 2003, she came into contact with a few Prayas workers. Prayas arranged for her stay in a shelter home. After counselling by Prayas social workers, Radhika resumed her education, enrolling herself in the Yashwantrao Chavan Open University. She also underwent Prayas's training programmes at its Mumbai Central Women's Development Centre, earning a monthly stipend of Rs 800. After around three months, she managed to find a room on rent and moved in with three other working girls.

Radhika was placed at an NGO participating in Prayas's placement programme, which works with health issues. She worked in the NGO's library during the six-month trial period. The NGO then took her on a one-year contract. During this time, she did a six-month library management course and completed Std X through the National Open University. After working for one and a half years with the NGO, Radhika moved to another NGO that works with human rights. She manages documentation and helps lawyers collect information about cases they are handling. She earns Rs 4,000 per month.

Prayas's placement programme can obviously work only in a city like Mumbai where there are a large number of diverse NGOs and a choice of employment opportunities—Prayas has placed clients as cooks, drivers and helpers. In rural areas, where there are few employment opportunities, ex-convicts may require more assistance, including grants in cash or kind, to start a new life. Shrikrishna (name changed), 35, a poor villager from Ashta tehsil in Sihor district, Madhya Pradesh, was charged with a grave criminal offence in 1997. When Sudhaar's social workers met him in Bhopal Central Prison, he was an extremely worried man. His wife and children were living with relatives and he had not heard from the lawyer handling his appeal in the Supreme Court. Sudhaar helped him contact the lawyer and arranged to send various documents required for the appeal. The appeal was upheld and Shrikrishna was released in 2005. In the meantime, Sudhaar's social workers had enrolled his children, aged 13 and 8, in school. The organisation paid their school fees and provided them books and uniforms. After Shrikrishna's release, Sudhaar helped him buy five goats (each adult goat commands a price of at least Rs 500). With the support, Shrikrishna managed to stand on his own feet. He now owns 10 goats and also works as an agricultural labourer.

### ii. Supporting young adults with a criminal record

Across all age-groups, people on the threshold of adulthood—males more than females—are more likely to commit criminal offences. From society's perspective, it is important to wean such people away from a life of crime as they have a full life ahead of them. But dealing with young adults with a criminal record is challenging as they can be pushed back into crime very easily.



Through its Youth Development Centre (YDC) in Byculla, Mumbai, Prayas is learning and demonstrating how these challenges can be met. Social workers encourage young male offenders released from prison to visit the centre every day. Around 10-15 youth attend every day. The social workers offer structured sessions in skills training and life skills, and space to share aspirations and concerns.

The young people learn to develop healthy social interactions in a safe environment and are, for most of the day, taken out of an environment that encourages crime. Over a period of three months, participants and social workers recognise skills that can be developed. Through consultations, participants are then sent to organisations that conduct vocational courses. As an incentive for regular attendance, they are paid a stipend of Rs 50 per day, plus travel allowance. On successful completion of a vocational course, participants are ready for placement.

Not all young people who have been to prison are known offenders. A few like Sujit (mentioned earlier), the 20-year-old from Madhya Pradesh, went to prison not because he had committed a crime but because he had got caught up in the wrong company. Prayas helped Sujit get bail and go back to his village. However, some months back, he returned to Mumbai and sought Prayas's help in securing a livelihood. Realising that he was in a vulnerable position, with a 'criminal' label attached to him, Prayas arranged for his stay and training in a course for para-professional social workers. After completing the course, Sujit got a job through Prayas's NGO placement programme. He is currently learning spoken English even as he continues to work.

### iii. Close support over a period of time

Sujit's case illustrates one of the more difficult challenges undertaken by social workers involved in CJs: not only do they provide specific services such as legal aid counselling and training, they become deeply involved in some cases until such time as the beneficiary is free and able to stand on his own feet. A deep bond develops between beneficiary and social worker; the relationship goes much beyond the relationship of a professional service-provider and 'client'. Sometimes, the social worker takes on the role of an elder in the family.

Satish, a 25-year-old man from a village in Amravati district, Maharashtra, promised to marry 22-year-old Hema. But his family was opposed to their relationship and when Hema became pregnant, Satish ran away to Pune; he didn't have the courage to marry her against his parents' wishes. Hema's parents went to the police. Satish was arrested and taken to Amravati Prison after being charged with kidnapping and rape. Hema approached Varhad for help. Varhad social workers had several counselling sessions with



Satish and advised him to marry Hema and share responsibility for the child. He agreed. Varhad hired a lawyer for him and managed to get him out on bail, in July 2009. In the meantime, Varhad's social workers had several counselling sessions with Satish's family, and they agreed to be supportive. In September 2009, the case against Satish was dismissed and he got married to Hema in Varhad's office. The couple now lives in Amravati with their baby. Satish has found a job as a mason.

In the case of Purnima Roy (discussed earlier), Prayas extended support over a period of eight years, from the time she was rescued from a Mumbai brothel in 1998, till she got married and settled down in Kolkata.

After Purnima received training and other assistance from Prayas and found a job in a Mumbai factory, she decided to get married despite being HIV-positive. Prayas put her in touch with a group that works with HIV-positive people. Through the group's meetings, Purnima got friendly with an unmarried HIV-positive man who was originally from Kolkata and was well settled in Mumbai. A few months later, they were married. Then, the man got a government job in Kolkata and the couple moved there to live with his parents. But soon there were problems with the parents. Purnima asked Prayas to help out. Combining a visit to her home with a visit related to another rescued woman, Prayas social workers counselled the couple and advised them to move into a separate house. Prayas got in touch with an NGO that works with Sanlaap and they agreed to give Purnima a job. Ever since, the couple has been living happily in Kolkata in their own home.



## Strengthening the Sector

### i. Training and mentoring professionals

After mentoring Sudhaar, Sahyadri and Varhad, Prayas recently started a separate mentoring unit to encourage social work students and workers to work with the criminal justice system, provide training, and encourage new initiatives. In 2009, a two-year fellowship programme for individuals and small NGOs was rolled out with support from SDTT. Thirteen applications were received and six people selected to work with CJIs at six different locations in Maharashtra, Tamil Nadu and Gujarat.

To increase the number of trained social workers working with CJIs, Prayas helps various social work colleges in Maharashtra send their students for field placements at CJIs. "We hope," Raghavan says, "that many social work colleges will initiate field action projects like Prayas."

### ii. Sensitisation of CJI officials

Training and sensitisation have been carried out within the criminal justice system towards rehabilitation and implementation of rehabilitation-friendly laws. With the help of district and sessions judges, Prayas organised seven workshops in 2008 for magistrates and probation officers from different districts in Maharashtra, to increase their awareness about various provisions of the Probation of Offenders Act, 1958. The Act provides that a person found guilty of an offence, where the maximum sentence is not life imprisonment or death, can be released with supervision or on signing of a bond of good behaviour, if in the opinion of the judge the person is unlikely to commit an offence again and chances of rehabilitation are bright. Prayas lobbied with the Maharashtra State Legal Services Authority and the Department of Women and Child Development (DWCD), implementing agency for the Act, to conduct sensitisation workshops for the judiciary and probation officers in all 36 districts of the state. The DWCD has now allocated money to conduct these workshops on a regular basis. Often, they are organised in collaboration with Prayas, and social workers are invited to take sessions when the department organises workshops.

### iii. Advocacy efforts to improve the CJ system

As informed professionals who interact closely with inmates and officials at CJIs, social workers are ideally suited to working for change within the criminal justice system. But the process is a delicate one involving a tightrope walk between initiating moves for change on the one hand, and avoiding antagonising officials on the other. Prayas has evolved some guiding principles for social workers seeking to reform the system.



- Social workers must be scrupulous about following ethical practices in their work. They must be fully aware that they are being 'watched' by the system; their work must speak for itself.
- Social workers must strive to bring accountability by remaining inside the system. They must stoutly resist the temptation to 'expose' ills in the system. Going public on such issues may bring short-term benefits to the people affected, but it will reduce social workers' access to the system, thereby their ability to change it from the inside.
- Persistence is essential. It must be recognised that working for systemic change is a tough, long-drawn-out process.

Through their familiarity with the rules and regulations of criminal justice institutions, and close contact with inmates, social workers are in a good position to advocate for policy and administrative changes that will benefit inmates and members of their family without compromising on security or other considerations. In the last few years, Prayas has made significant inroads in this direction.

Through Prayas's efforts, children of prisoners were included in the definition of 'vulnerable groups of children in need of protection and care', in the Maharashtra State Policy on Children and the National Plan of Action for Children, 2005. As a result, children of prisoners in the state are eligible for several schemes initiated by the Department of Women and Child Development. For instance, the Bal Sangopan Yojana, a scheme for marginalised children, has been extended to children in prison; these children are now getting better food, medical care and education through Balwadis set up especially for them inside prisons.

Prayas was also involved in People's Union for Civil Liberties (PUCL) vs State of Maharashtra, heard along with other clubbed petitions<sup>15</sup> by the Bombay High Court in 2005, on the issue of living conditions in prisons. Raghavan was a member of the committee constituted by the high court to offer suggestions. Based on these suggestions, the court gave several instructions which were partially or fully implemented. These pertained to:

- Improving the diet and toiletries for the use of inmates.
- Ensuring that duty counsels remain present to help prisoners with legal aid while being produced before the courts through the video-linkage (in lieu of physically being produced).

<sup>15</sup> Rajender Bidkar vs State of Maharashtra, Sunil Shinde vs State of Maharashtra, and ICHRL (India Centre for Human Rights and Law) vs State of Maharashtra



- Improving facilities for meetings between inmates and their families, to allow for more time, space and privacy, and establishing systems to reduce corruption.
- Allowing families to send upto Rs. 1,500/- per month to prisoners for living expenses, up from Rs 800 earlier.
- Improving canteen and medical facilities for inmates.
- Improving sanitation facilities —subsequently 2,500 toilets were constructed across prisons in Maharashtra.
- Changing the practice of recording the prison address on the birth certificates of babies born inside prisons, to that of the mother's village, thereby saving the child from lifelong stigma.
- Starting of Balwadis outside the prison, in a space provided by the prison, for children of inmates.

The High Court issued instructions to prisons and CJIs across the state to appoint female welfare officers to look into issues relating to women and children. These posts have not yet been filled; instead, the State Department of Women and Child Development has deputed lady probation officers to visit prisons housing women prisoners once a week.

State and district-level Inter-Departmental Committees (IDCs) on prisoners were to be formed, to reduce coordination problems at CJIs. While the state-level IDC has been established, Prayas teams have found that district IDCs are yet to start functioning in all districts. Prayas workers are engaged with district judges and prison authorities to get this forum activated. In Ratnagiri, Alibaug, Sawantwadi, Aurangabad, Nashik and Nanded, Prayas found that district IDC meetings have taken place.



## Looking Ahead

Although the SDTT-supported initiatives encompass a range of CJIs, all forms of CJIs and people vulnerable to crime have not been covered. An emerging area for Prayas is working with children 'in conflict with the law'<sup>16</sup>. Prayas is trying to get permission to visit the observation home for children and provide them rehabilitation assistance. Its social workers are already attending meetings of the Juvenile Justice Board in Mumbai regularly, to talk to families and their children and decide on the best form of help required. Plans for the future include helping migrant children who are in conflict with the law, so that they can establish contact with their families.

Based on their experiences, the SDTT-supported initiatives have identified a number of relatively easy, do-able systemic changes that could have a wide impact:

- Every CJI for adults should have a family counselling, legal guidance and placement cell.
- Prisoners should be segregated according to crimes—for instance, first-timers should be separated from habitual offenders.
- Mentally ill prisoners and those unable to avail of bail due to financial reasons must be released on a personal bond.
- There should be a mechanism for speedy case disposals for women, the elderly and young male adults who are arrested on relatively less serious offences.
- Meetings between offenders and their families should be statutorily initiated when offenders have not been visited by their families for a period of one or more years because of various social and economic reasons.
- Meetings between children living in institutions and their parents in prisons should be regularly arranged by child welfare committees.
- Prison authorities should write to the family members of all prisoners giving information about mulakat facilities and requesting them to visit their family members in prison.
- Legal services authorities should ensure that lawyers and duty counsels visit prisons at least twice a week, and that they are paid a decent honorarium. This will ensure speedy justice for undertrial prisoners.
- ITI and vocational training institutions should start courses inside prisons.

<sup>16</sup> Children in conflict with law' is used nowadays instead of the term 'juvenile delinquents' to emphasise the fact that juvenile offenders are usually driven to crime due to extreme circumstances, such as lack of family support



- District libraries should extend facilities to prisoners.
- Social workers should be appointed in all CJIs to do the work currently being done by a few SDTT-supported organisations.

At a more ambitious level, the SDTT-supported initiatives suggest that:

- Alternatives to custody must be explored to ease the pressure of overcrowding in jails.
- Poor inmates must be linked to government welfare schemes before their release.

Dr. Sanober Sahni, who initiated Prayas, identifies continuous research on the subject of crime and CJIs as another policy priority. “Currently, it is only in developed countries, particularly the UK and the US, that systematic research is being done to improve the effectiveness of the criminal justice system. While the findings of this research are useful, there is need for studies based on Indian society and family systems. Such research can transform the basic character of criminal justice institutions in India, which are, almost without exception, power-oriented, hierarchical and far removed from the long-term needs of inmates,” she says.

To effectively advocate for such changes, Dr. Sahni suggests that, as a first step, all social workers in the country working with CJIs should be brought together on a common platform. A common advocacy platform is especially required because many CJI officials do not seem to have a proper understanding or appreciation of the work done by social workers. Most CJI officials met during the course of preparing this case study were dismissive in their assessment of the work done by social workers in their institutions. A senior official in Bhopal Central Prison acknowledged that Sudhaar’s legal aid counselling did help undertrial prisoners, but completely dismissed other types of work carried out by the NGO.

Sometimes, officials are hostile and uncooperative. This is particularly so in prisons that have traditionally been away from public scrutiny. As Sudhaar realised very early in its existence, prison authorities prefer that social workers turn a blind eye to possible rights violations in their establishments. After Sudhaar complained about an incident involving the alleged ill-treatment of female inmates, it has been unable to work in the barracks of women prisoners at Bhopal Central Prison. Likewise, workers of Sahyog Trust were recently denied permission to work at Yerwada Central Jail after an RTI workshop they conducted for prisoners prompted many of them to file RTI applications with the superintendent!



## Need for Institutional Role

These experiences highlight a basic problem faced by social workers working in CJIs: unlike many countries in the West, India has no policy framework recognising the need for social workers in CJIs.

In Scotland, for instance, social work in prisons is seen as “part of the provision of a comprehensive throughcare... commencing before the arrival of the offender in prison and continuing, for many offenders, after release into the community”<sup>17</sup>. In case of remand (or undertrial) prisoners, social workers must offer advice and facilitate contacts with family, friends, and relevant statutory and voluntary organisations. Social workers have to also work with prison administrations. They have to provide a range of individual and group work programmes appropriate to the assessed need within individual establishments.

Prayas began its efforts to create just such an institutional framework a few years after its inception. In 1992, it submitted a proposal to the Director General of Police (DGP), Maharashtra, for the creation of a cadre of social workers who would be posted in police stations. The DGP set up a Police-TISS Committee to assess the “need for a cadre of trained social workers in the criminal justice system”. In 1993, the committee gave a report to the DGP recommending the formation of such a cadre. However, despite strenuous efforts by Prayas, the state’s home department has not yet taken any action to implement the recommendation.

Considering the necessarily limited reach of NGOs and organisations like Prayas, there is a great need to renew and strengthen advocacy efforts at creating a statutory role for social workers. The need for social workers is accentuated by the fact that over the years, officials without requisite education or training to handle cases requiring psycho-social intervention continue to function in CJIs. In a recent and worrying trend, even some probation officers have been appointed without a social work background, Vijay Raghavan points out.

Civil society initiatives like the SDTT-supported projects can help in creating a cadre of social workers to work in CJIs, as officials of the State. Raghavan suggests that NGOs be legally given ‘space’ to work in criminal justice institutions, perhaps after an accreditation process.

The bottom line, as Dr. Sahni says, is to give recognition to “social workers who are able to reconnect an offender with society in a legitimate way, when society has failed him”.

<sup>17</sup> < <http://www.scotland.gov.uk/Publications/2004/12/20473/49297> > viewed on August 20, 2009



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### Sudhaar

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