

# Initiating Work in Prison Settings

*Handbook Series on Social Work in Criminal Justice*

# Initiating Work In Prison Settings



PRAYAS

Social Work in Criminal Justice  
A field action project of the Tata Institute of Social Sciences  
2012

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# FOREWORD

I am happy to introduce the handbook series on social work in criminal justice published by Prayas. These handbooks are the result of more than two decades of sustained work in the field by Prayas. They could act as a guide for social work practitioners, NGOs and interested individuals to initiate work in criminal justice settings. It would be very useful to social work educators and students to initiate field work or field action projects in these settings. It could also be of use to probation and welfare officers working with prisoners, released prisoners, crime victims, women in distress, children in need of care and protection, juveniles in conflict with law, persons vulnerable to criminalisation, victimisation, marginalisation or destitution, and their families.

The primary mandate of field action projects in the School of Social Work at TISS is to incubate and demonstrate new areas of social work intervention, advocate law and policy change and act as a laboratory for faculty and students to develop field-based theoretical perspectives and knowledge and facilitate praxis. This is possible only when field experiences are documented and disseminated through publication of monographs, working papers, journal articles, books and 'field literature'. The handbook series is an attempt towards this. The handbooks can be further refined and strengthened at a later stage to help develop a more rigorous and academic writing.

I congratulate the Prayas team for their efforts in putting together this handbook series. I hope that this would lead to many more such publications in future.

Surinder Jaswal  
Professor and Dean  
School of Social Work  
Tata Institute of Social Sciences



# About this Handbook

Prayas is a field action project of the Center for Criminology & Justice, School of Social Work, Tata Institute of Social Sciences, Mumbai, which has been working since the past 22 years in the field of criminal justice through social work intervention. It focuses on the protection of legal rights and rehabilitation of crime-affected persons whether as victims or offenders and/or their families, and attempts to create opportunities for alternative employment and social rehabilitation. Prayas social workers are placed in various settings of the criminal justice system which include prisons, police stations, courts, juvenile justice boards and institutions/shelter homes for women. This Handbook Series is an attempt to document and draw out learnings from the field during the past twenty two years of social work intervention in various settings of the criminal justice system.

This Handbook on “Social Work Intervention in the Prison Setting” attempts to document the intervention strategies in working with various groups found in prison e.g. male and female prisoners, under trial and convict prisoners, first timers, habitual offenders, property offenders, those arrested for violent offences, and children of prisoners staying with their mothers inside as well as those left outside.

A range of services are extended to these prisoners towards their rehabilitation, including home visits and arranging for legal aid, which are highlighted in the handbook.

Important government resolutions and circulars issued by the prison and other related government departments as a result of Prayas’ intervention are annexed in the handbook.

This compilation is drawn from Prayas annual reports, notes submitted to various authorities, reports submitted to funding organisations, and discussions in the staff meetings or workshops on specific issues.

It is hoped that our efforts through this publication would be of some assistance and guidance to our readers.



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# CHAPTER - I

## INTRODUCTION

### ***The setting***

There are various types of prisons such as Sub-Jails, District Prisons-Class I, District Prisons-Class II and Central Prisons. These classifications have been made on the basis of the size of the population, the prison and the type of prisoner they are supposed to accommodate. A '*convict*' is a prisoner whose offence has been proved in the court of law and having been found guilty, he/she is awarded a certain period of stay in the prison, as punishment and for rehabilitation. An '*under trial*' is a prisoner who has been arrested by the police on suspicion for having committed an offence and is housed in the prison (judicial custody) till he/she is either released on bail or till the completion of the trial in the appropriate court of law, leading to conviction, acquittal or discharge of the case against the accused.

Therefore, the nature and type of intervention in a prison would depend, on which type of prison one would be working in, and the type of prisoners one is interacting or working with. To initiate work in the prison and obtain permission to work with the prison inmates, one may need to approach the Inspector General (Prisons) or the respective regional Dy. Inspector General (Prisons) under whose jurisdiction the specified prison falls.

## ***Types of prisoners***

Normally, when prison laws and policies are discussed, convicts take centre stage and under trials get sidelined as they are considered temporary. This is despite the fact that under trial prisoners constitutes the majority in most prisons in India. Due to overcrowding, despite the Prison Manuals laying down the principle of scientific classification of prisoners, prison administrators are unable to classify prisoners into first-time and hardened offenders, in terms of their physical location inside prison. The latter, especially those in for serious crimes are able to manipulate or negotiate the system and receive better treatment while minor transgressors are looked down upon. The intermixing of first-time and / or less serious offenders with more serious / habitual / gang-related offenders, especially in the absence of social supports, could lead to the former graduating to more serious crimes. Under trial prisoners, especially those arrested in less serious offences, are vulnerable to succumbing to 'prisonizing' and criminalizing influences when they are released back into the community and in their earlier habitats that had initially encouraged the crime in the first place.

The first category of the under trial prisoners who form a majority of the prison population are arrested for petty and less serious offences such as theft, minor assault, possession of a knife, loitering in suspicious circumstances, ticketless traveling, etc. In most of these cases, bail has already been granted and the reasons these persons remain inside are poverty and lack of family support. The second category of offences for which the under trial is in are the more serious charges such as robbery, dacoity, rape, kidnapping, causing grievous hurt, attempt to murder, murder, etc. The third category of offences is those arrested under the organized crime category such as the Narcotic Drugs & Psychotropic Substances Act, 1985 (drug dealing charges), Maharashtra Control of Organized Crime Act, 1999, Maharashtra Prevention of Dangerous Activities, 1981, Prevention Of Terrorism Act, 2002, Customs Act, 1962, etc.

## ***Work inside the prison***

In each prison, there may be a Male Section housing male prisoners and a Female Section where female prisoners are kept. Normally, male visitors are not permitted into the Female Section and vice versa. So the placement of social workers should be planned keeping the gender dimension in mind.

The objectives of work inside the prison may be as follows:

- ❑ Assisting the under trials in handling problems related to prison.

- Provisions of services such as home-visits, legal aid, services to children, etc.
- Initiating the process of rehabilitation through discussions and developing one-to-one relationships.
- Creating awareness about problems of under trial prisoners in the community and the system.

Based on these objectives, the role of the social worker could include:

- Establishing rapport with staff and inmates.
- Providing legal information and aid, drafting applications, contacting lawyers, arranging for legal aid, etc.
- Establishing and promoting links between prisoners and their families.
- Coordinating with the prison administration, medical officer, literacy teacher, vocational training staff and guarding staff towards promoting access to rights and facilities inside prison.
- Information, guidance and counseling on a variety of issues relating to imprisonment and post-release issues and problems.
- Developing long-term relationships with prisoners, towards establishing positive social networks after their release.



## CHAPTER - II

### SERVICES PROVIDED

The social worker can decide as to which group he/she would like to work with – under trials or convicts, male or female inmates, young and first time offenders, etc. To initiate work with the prison population, it is important to establish a meaningful relationship with the prisoner first. He/she could establish a relationship with the prisoners through his/her regular visits to the prison, taking up cases directly or through referral by other prisoners and the prison staff, and organizing group sessions and programmes in prison. The following services<sup>1</sup> could be extended in the course of his/her work with the prison inmates:

#### **a) Counseling and guidance**

Most under trials in prison live a state of tension and uncertainty. As mentioned earlier, the prison inmates can be divided into three categories.

The first category are the most vulnerable as they usually come from the lower socio-economic strata, have poor family supports or are migrants to the city and could be homeless, may be into addictive behavior, do not have access to legal aid, and are the easiest prey for the habitual group to lure them into a life of crime. The second category could be a mix of those who have a history of crime behind

<sup>1</sup> This section is an extract from *Social Work Intervention in Criminal Justice: Field-Theory Linkage* by Vijay Raghavan. In *India Reader*, edited by Shweta Singh, Lyceum Books Inc (forthcoming).

them and those who could be termed as 'situational' criminals. They could be coming from better family backgrounds but links with the family may have been broken because of their criminal past. The third category consists of those who have moved up the crime ladder and may be committed to it.

Counseling and guidance provided by the social worker could be of use to all three categories. In the first category, the social worker can provide legal guidance, emotional support, and act as a link between the person and the outside world. He can often 'coach' the client to present his situation before the judge and the prison authorities, help him identify with his work life, encourage him to think of pro-social options in life and inform him about the services available in the community, based on the basic problems identified with regard to life outside prison such as lack of shelter, employable skill, addiction, problems in the family situation and his image in the area.

With the second category, counseling would involve doing a joint review of past life experiences, identification of skills, realization of reasons why family relationships have broken down, working out a post-release plan and providing an assurance of support after release, in case the person wants to re-think his lifestyle.

In case of the third category, counseling would come into play only if the person has a strong desire to get out of crime, which should be amply demonstrated by his behavior changes and involvement in positive activities inside prison., When a person from this category approaches the social worker, it is usually after careful thought and with a specific request, such as seeking the assistance of the worker in improving his relationship with the family or the police.

In general, the very presence of the social worker in prison on a regular basis opens up an option for the prisoner – someone to discuss his dilemmas and struggles, someone whom he can trust and who inspires confidence. It is very important from this point of view that the social worker comes across as open-minded, transparent, honest, clear-headed and empathetic. Winning the trust and respect of the client group is half the battle won in the fight against crime. The social significance of the social worker's presence in prison cannot be lost. It is a message to the law violator that he is not a person to be shunned and that society wants to reclaim him.

The topics around which discussions with the inmates could usually take place in prison are individual problems related to imprisonment, problems vis-à-vis family and its relationships, loss of social contact, feelings of loneliness and

abandonment, loss of a sense of self, anger, hurt, revenge, depression, devil may dare attitude, worries about children, or spouse/parents, uncertainty about the case proceedings and what the future beholds. The social worker has to be a good listener, discuss and offer options, keep issues alive till they reach some logical conclusion, try not to impose his/her views on the client and help the person to arrive at his/her own decisions. The outcome of this process should be an enhanced self-image, an increased sense of responsibility in the person and a feeling that support is available if needed. A thin line has to be maintained whereby the client feels a real sense of support and yet at the same time knows that it is his battle against life.

### **b) Legal Support**

This is one of the most important areas of work inside prison, especially in the context of work with under trials. Every prisoner the social worker may meet in prison has some legal query or the other that needs to be addressed. Family-related and legal problems constitute the bulk of the caseload of a social worker in prison. They range from understanding the section under which a person has been arrested to asking for a lawyer to fight his/her case in court. The range of tasks involved may include:

- Explaining the sections and the case details.
- Reading out the charge-sheet, the bail order or the judgment copy and explaining the same in simple language.
- Writing applications to the magistrate/judge relating to bail, reduction of bail, release on personal bond, release on probation or parole, pleading guilty, asking for a lawyer from the legal aid panel, return of personal property or cash from police custody, health problems, situation of children left outside, apprehension of property or house being encroached upon, torture by police, etc.
- Liaising with the lawyer appointed by the person to enquire about the progress in the case.
- Follow-up of the case in court, including attending the court date for moral or legal support to the client.
- Help with getting copies of the charge-sheet, case papers, bail order or judgment copy.

- Finding out and informing about the next date in court from the lawyer, court or the prison authorities.
- Liaising with the prison or police authorities to arrange for police escort for attendance on court or taking to hospital.
- Appointing a lawyer from the Legal Aid panel or a private lawyer, and maintaining a follow-up with them.
- Helping the family with legal matters such as procedure for arranging of bail, status of the case, informing them about the next date in court with a request to ask them to come to court, etc.

### c) Contact with Family

The entire population in the prison can be divided into two groups – those with family support and those without. Any person with family support stands a better chance of getting competent legal counsel, the required emotional support, ensuring the care and protection of his/her children, getting out on bail and post-release support towards re-integration. It has been observed that those with good family support do not require the assistance of the social worker beyond specific requests such as passing on information about bail or next date in court, asking them to come for ‘mulakat’ in prison or in court, enquiring about children, etc. Such persons seldom come for help after their release from the prison, and if they do, it is again for specific purposes such as liaison with police to avoid re-arrest on suspicion (due to past criminal record), legal guidance, information about training opportunities, etc.

As opposed to this, those with weak family support, tend to depend on the social worker for a range of services. The social worker in such cases has to liaise between the client and his/her family for issues such as:

- Informing the family about the arrest, case details and bail procedure.
- Liaising between the family and the lawyer.
- Helping the family appoint a lawyer.
- Helping the family with the bail procedure.
- Providing emergency assistance to the family such as provision of rations (in case of the prisoner being the bread-winner of the family), assistance for medical treatment, paying house-rent, electricity bill, assistance for



house repairs, traveling allowance to visit the prisoner in prison or in court, etc.

- Helping children with education or nutritional support, and institutionalization of children (if necessary).

Through the regular contact and assistance provided to the family, the social worker must try to make an assessment of the willingness of at least one member in the family to accept and maintain ties with the prisoner and the ability of this member to support with post-release needs such as shelter, subsistence and emotional support. The worker must also try to assess the capacity of the family to help out with the process of re-integration, such as whether the family's position in the community is stable, whether it has a social network capable of resisting the stigma attached to the client's imprisonment and whether it has the resources to assist the process of re-integration through absorption in the job-market, arranging a match, etc.

The stronger the integration between the family and the client and between the family and the community, the better are the chances of rehabilitation. A weak or conflict-ridden family relationship compounded by a weak or unstable family position in the area, would consequently weaken the chances of rehabilitation. The demands on the social worker and the agency would increase in direct proportion to the family situation being discussed here.

#### **d) Liaising with the criminal justice administration**

One of the important roles that the social worker has to play vis-à-vis the under trial prisoner is that of a liaison between the prisoner and the various wings of the criminal justice system viz the prison staff, the police, the judge, probation officer, medical authorities and the lawyer concerned in the case. The focus of this liaison work is to present the problems the prisoner may be facing while in custody. A suggestive list of such issues and problems is given below:

##### ***i) Liaison with prison staff***

- Health problems and medical treatment/follow-up.
- Forwarding applications to court.
- Arrangement of police escort for court date or to the hospital for treatment.
- Special mulakat with minor children within the prison premises.

- Age verification test in case of minor (under 18 years) under trials housed in prison due to wrong age mentioned by police.
- Bringing children below five years inside prison if mother (women prisoners) wants, due to lack of supports outside.
- Arrangement for admission of minor children (above five years) left outside into children's institutions due to lack of supports outside.
- Arrangements for admission to shelter home after release in case of women prisoners without family support.
- Arranging for psychiatric evaluation of the prisoner in case of suspected mental disturbance, depression, and repeated anger outbursts, etc. for treatment purposes.

**ii) Liaison with police**

- Arrangement of police escort for court date or for being taken to the hospital.
- Getting a copy of the charge-sheet.
- Return of personal property recovered from the under trial prisoner at the time of arrest (cash, jewellery, etc.).
- Escorting minor children of women prisoners (below five years) for admission to prison, at the request of the mother.
- Admitting minor children (above five years) to an institution under the Juvenile Justice (Care & Protection of Children) Act, 2000 at the request of the mother.
- Sealing of house or property at the request of the prisoner, due to fear of encroachment.

**iii) Liaison with health authorities**

- Getting birth certificate if the child is born in prison (without prison being mentioned as the address of the mother).
- Follow-up of treatment given by hospital.
- Getting a psychiatric evaluation done in case of suspected mental disturbance, depression, repeated anger outbursts, etc. and follow-up with the medical officer concerned.

- Recommending special diet in case of pregnant or nursing mothers or a prisoner showing signs of physical weakness/illness.

**iv) Liaison with the judiciary**

- Health problems and medical treatment.
- Forwarding applications and follow-up of the same with the clerical staff in court or with the judge concerned.
- Age verification test in case of minor (under 18 years) under trial housed in prison due to wrong age mentioned by police.
- Bringing children below five years inside prison if mother (women prisoners) wants, due to lack of supports outside.
- Arrangement for admission of minor children (above five years) left outside into children's institutions due to lack of supports outside.
- Arranging for psychiatric evaluation of the prisoner in case of suspected mental disturbance, depression, repeated anger outbursts, etc. for treatment purposes.
- Getting a copy of the charge-sheet.
- Return of personal property recovered from the under trial prisoner at the time of arrest (cash, jewellery, etc.).
- Sealing of house or property at the request of the prisoner, due to fear of encroachment.
- Bringing psycho-social facts of a case to the notice of the magistrate/judge from the point of view of rehabilitation.
- Release on personal bond or on probation (under the Probation of Offenders Act, 1958).

**v) Liaison with the lawyer**

- Information about the progress in the case.
- Bringing relevant psycho-social facts in the case to the notice of the court.
- Release on personal bond or probation in view of the socio-economic status and psycho-social facts in the case.

- Medical treatment and/or arranging for psychiatric evaluation of the prisoner.
- Bringing children below five years inside prison if mother (women prisoners) wants, due to lack of supports outside.
- Arrangement for admission of minor children (above five years) left outside to children's institutions due to lack of supports outside.
- Getting a copy of the charge-sheet/case papers/bail order/judgment copy.
- Return of personal property recovered from the under trial prisoner at the time of arrest (cash, jewellery, etc.).
- Sealing of house or property at the request of the prisoner, due to fear of encroachment.

**vi) *Liaison with the Probation Officer***

- Bringing relevant psycho-social facts in the case for consideration of release on probation under the Probation of Offenders Act, 1958.
- Arrangement for admission of minor children (above five years) left outside to children's institutions due to lack of supports outside.
- Referral to shelter home after release in case of lack of family support.
- Financial assistance after release under the government scheme for assistance to released prisoners.
- Seeking cooperation of the police to avoid re-arrest (after release) based on suspicion due to past criminal record.
- Assistance in job placement.

As one may observe, many of the tasks pertaining to liaising with the different wings of the administration are repetitive. This is indicative of the fact that the administration of justice involves the coordination of several authorities, and sometimes follow-up with some or all of the authorities concerned may have to be done in order to get the desired results. This becomes difficult for a prisoner to do by himself, especially in the absence of the family and/or legal support. The presence of a social worker is extremely useful in this process. He puts his mobility, flexibility and communication skills to use towards the best interests of the client group he serves.

The social worker needs to act as a liaison between the prisoner and the various authorities mentioned above and his ability to play this role effectively decides whether a client will respond to his challenge of giving up a criminal lifestyle. Once a person has taken to crime, his chances of remaining in it often depend on his ability to justify his actions, apart from the issue of alternatives available. These justifications are frequently based on his perception of how just or fair the so called civil society is. Having already been labeled as a deviant, he has no positive reputation to protect and may therefore, violate social norms more openly. He can now sit on the other side of the fence, scrutinize any double standards or hypocrisy that may exist in civil society, and will be quick to point his finger at them.

In order to be effective, through his efforts, the social worker should be able to move the system towards the client, however small that movement may be. Every time you move the system (even by an inch) in a positive direction of help, the client's belief system that we live in an unjust society, will get challenged and eroded. On the other hand, the more you come across as complaining and unable to move this unfair system, the more you reinforce his values. Liaising with the system to help the client gain access to facilities in the prison and legal aid, should be seen in this context and not from the perspective of human rights alone.

### **e) Arranging educational, vocational and recreational activities in prison**

The social worker's role and functions may include arranging for educational, vocational and recreational activities inside the prison. The objective behind this is to create a positive environment inside which is supportive to rehabilitation and re-integration of the prisoner after release. The prison environment has a 'criminalizing' influence on the minds of first-time and young offenders. It creates feelings of despair and fatalism, and one has often found prisoners falling prey to depression, emotional disturbance, anger outbursts and violent behavior, especially when family and community ties are weakened. In the absence of a positive environment and supports, they can be easily influenced by the 'habitual and hardened' elements in prison, and pulled into a life of crime.

It is in this context that activities have an important role to play. The social worker can liaise with the resources outside and the prison authorities to bring these resources inside for the benefit and welfare of the prison population. Organizations and institutions (both government and voluntary) providing non-formal education, recreation, library facilities, vocational training courses, etc. can be brought inside to reach out to the custodialized population. The social worker can organize activities inside prison with the help of government agencies

such as the *ITI, Khadi and Village Industries Commission, Jan Shikshan Sansthan and the Municipal Corporation or the Zilla Parishad (under the Swarna Jayanti Shahari Rozgar Yojana & Swarna Jayanti Grameen Rozgar Yojana)*. Educational and vocational activities can also be organized with the help of other NGOs.

The activities can be of help in raising the activity level of the prisoners, especially the under trials, who spend most of their time idling away. It also will help the social worker in establishing a positive relationship with the prisoners, which is helpful to rehabilitation and in identification of talent and skill in the prisoners. There can be an appointment of activity and literacy teachers who can conduct recreational-cum-literacy classes with the prisoners on a regular basis. Activities such as painting, writing, craft-work, theatre, music and dance can have a cathartic and therapeutic effect on the prisoners and help them develop a positive self-image. It also helps in reconnecting with the social milieu through an art or creative form. Agencies which specialize in art or music therapy or theatre workshops, personality development could be invited and assisted to work inside prison towards this end.

Lectures can be organized around topics like alcohol and drug addiction, diseases like skin infections, tuberculosis, cancer, HIV-AIDS infection, etc., how to make a ration card or caste certificate, how to open a bank account or apply for a loan, how to avail of the various government schemes, the legal system, etc.

The objective of such activities is building self-esteem through creating an environment of stimulation, positive learning and self-expression is borne in mind. Clients are able to gain useful insights into their past, learn from each other's experiences and rethink about their views on life. Activities like dancing and singing and dramatics become a medium for emotional ventilation and creative self-expression. These activities have the combined effect of building up an atmosphere that is conducive to reformation and rehabilitation. And the knowledgeable lectures help the client group to exercise their rights as citizens and join the mainstream. These discussions and lectures also aim at clarification of doubts in the clients' minds about their cases, role of police, health related issues, future options, etc.

#### **f) Information on citizenship rights and government schemes**

It is crucial from the point of view of re-integration that prisoners and other socially stigmatized groups in society are made conscious about their citizenship status and provided with at least the information to access such rights. This is important not only from the point of view of their rights as citizens of this country,

but also from the socially significant point of re-connecting with society. In the movement away from crime or deviant lifestyle, the person has to be moved from 'client' to 'citizen' status. The social worker can be that crucial link in this movement process.

The effort could start with motivating him/her to keep his case papers carefully – charge-sheet, bail order, judgment copy or any other legal document served to him in the past. One often encounters a careless attitude in the prisoner and a 'handing over' tendency with regard to legal documents. It is part of the tendency of abdicating responsibility for self and dependency on others – family, lawyer, friends, habitual elements, etc. There is greater trust on prison lore and myths or formulae learnt from habituals and prison staff about how the system functions, rather than personally trying to understand how the system should actually function and what are the legal rights enshrined in the law.

Lack of understanding of the law and the importance of documents in an information age can have a debilitating effect on the life of a person already living life on the borders of illegal existence. The social worker has to really struggle against this attitude and be conscious that the dependence on untrustworthy elements does not now get transferred to dependence on him. He has to make concerted efforts to get the prisoner to take responsibility for his life, by starting with his case papers.

Efforts should gradually be made to check with the prisoner and make him/her aware about importance of having in one's possession basic documents such as birth certificate, caste certificate, ration card, bank account, school leaving certificate, voter's identification card etc. The endeavour should be to create a consciousness in the person about his status as a citizen and creation of documentation towards that end. This will also be of help when it comes to establishing his credibility with the police and other authorities after his release from prison. This process should then be continued by arranging for information about government schemes for training, loans for self-employment.

#### **g) Pre-release preparation**

One of the prime objectives behind custodialisation is planned 'return to society' whereby a planned attempt has been made to re-socialize and re-educate the person, helpful towards re-integration. Towards this objective, custodial programmes emphasize on re-training and education, acquisition of vocational skills, counseling, improving ties with the family and the community and linking up with an aftercare programme.

Elementary structures to implement this objective are present in the system in some States, in the form of literacy programmes, entry of open schooling and university system into the prison, vocational training and work programmes, presence of Liaison Officers, Welfare Officers and Probation Officers and post-release aftercare programmes (Aftercare Homes, financial assistance for released prisoners and Aftercare Officers). However, there is no uniformity among the States in these structures, and in the absence of an aftercare policy at the National or State level, these structures have remained at the basic level at which they were established in the post-independence phase.

Any pre-release programme has to be founded on two pillars – work with the individual and work with the family and the community. Work with the individual can usually focus around re-education and capacity building. This would include counseling and guidance, arranging educational and/or recreational activities, identifying talents and skills useful to rehabilitation, strengthening links with the family and the community and planning for the post-release phase. Through all these activities, an attempt is made to build a relationship of trust and honesty with the client. The worker may have to make positive use of his authority, vested in him by virtue of being associated with the criminal justice system, and created by his knowledge, skills and the social sensitivity he possesses.

This use of authority is directed towards arriving at a bargain between the client and that part of society, with which he is in conflict. For example, the client may have a conflicting relationship with the father, which led to his foray into a criminal lifestyle. The existence of that conflict will come in the way of rehabilitation in the post-release phase. The worker will have to identify the issues that are coming in the way and find a way whereby the client is ready to renegotiate his relationships in the family. In this renegotiation process, the worker may have to point out behavior traits or habits in the client which are coming in the way of a negotiated settlement, and use his authority (which the client now accepts) in a positive manner to get him to reflect. His intervention in the case should lead to an improved self-image in the client and yet a realistic assessment of the situation he finds himself in.

Pre-release preparation will also involve discussion and planning for the immediate future with regard to shelter, subsistence, livelihood and dealing with resistance within the family and the community in a pro-social manner. He/she will have to prepare with the issue of facing social stigma and isolation for a fairly long period in the process of reintegration. The presence of the social worker and



the assurance of his backing throughout the process is very important, especially if the family supports are weak.

Concrete assistance in the form of traveling expenses on release from prison, arrangement of temporary shelter (if required), financial assistance and support for medical treatment, subsistence, guidance and sponsorship for vocational training, assistance in job placement and negotiating with the local police to prevent police action or arrests on suspicion (due to past criminal record) are important areas of intervention about which discussion and assurances may have to be given, depending on the needs emerging through the discussions in the pre-release preparation.

These services are provided with a view to establish a pro-active relationship with the person inside, towards his/her rehabilitation. The idea is to give a message to the person that positive supports are available if he/she is interested in getting out of the life of crime.



## CHAPTER - III

# WORK IN THE WOMEN'S SECTION

While most of the services to be provided in the Women's Section will be the same as that of the Male Section, except for the literacy and vocational training classes. Literacy activities can range from teaching the inmates 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 may take a woman about fifteen days to learn how to sign and write her name. Its value lies in imparting some measure of self confidence to the woman. The ability to sign one's name is the minimum that can be taught. Women can then move on to alphabet learning, small words, short sentences and finally long sentences. It is a step-by-step process. Other activities could include arts and crafts and games, making placards, stitching, making door hangings and wall pieces, some outdoor games and sports. This in turn reinforces the interest in literacy. The women thus develop 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.

### **Work with children of prisoners**

Children are an important factor in the lives of the women we work with. Work is done with children who remain with their mothers in the prison (children upto the age of five years are allowed in the prison) as well as with the children

left outside either at home under the care of a parent or guardian or those housed in institutions.

### **Children inside prison**

The social worker can identify problem cases and getting adequate services for the children, such as regular health care and vaccination facilities, if possible. The children who are inside the prison suffer from the ill effects of imprisonment just as much and even more than the adults. Some of these children are born in the prison with no concept of the world outside. One can contemplate the effect that this may have on his/her future development. Care and attention needs to be paid to the provision of the appropriate diet to the infant or child, the lactating mothers, etc. The social worker can look into the issue of the birth certificate of the new born child.

### **Provision of a balwadi**

The children inside the prison live in an atmosphere of abusive language and frequent fights between the prison inmates and are exposed to negative influences of the prison environment. Their daily routine too is directed by strict discipline and fixed timings decided by the prison rules. In the absence of family structure, the concept of a home is very much missing. The *balwadi* for these children can make an attempt to inculcate the concept of a home and the outside world in the minds of these children. Thus, the main objective of the balwadi can be to reduce the negative impact of the prison environment on children and to use the idle time of children in the right direction, through recreation.

The teacher can use various recreational activities to attract the children to attend the balwadi. Through the use of the play-way method she can make them sit with her for some period of time. The children can be taught with the help of charts, songs, acting and stories about animals, birds, flowers, vegetables, vehicles, weekly days, colors, shapes, etc. Through the use of story-telling, the teacher can try to improve the self-confidence of the children. The teacher can also stress on healthy habits and value-based education. Many methods like puppets, songs, story-telling, painting, music and dance could be used for the education and recreation of the children.

### **Children left outside**

Problems faced by children left outside, when their mothers are in custody, could be broadly categorized as follows:

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

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

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

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

It is seen that with the entry of a third party into the picture, relatives and community members get activated to take on a greater role towards the welfare of these children. It may also lead to goodwill being generated for the children. The stigma that they may have been facing can be converted into empathy, if the worker knows how to involve the community in her work.

The preventive aspect is qualitative and may have far-reaching implications for the future. Children of parents who are imprisoned become vulnerable to deviance and destitution and may become delinquents or adult offenders at a later stage. Therefore, the social worker must try to provide support and alternatives.



## CHAPTER - IV

# IMPORTANCE OF HOME VISITS

In the entire process of relationship building with clients in prison, home visits are a crucial aspect of intervention. Home visits become important in the light of the fact that there is a dire need for prisoners, especially under trials, to communicate with their family for some kind of support – material, emotional or otherwise. It becomes necessary for the social worker 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.

### **Purpose of home visits**

Home visit is one of the services that an organization can provide in prison, and should be usually made at the request of the prisoner. The purpose of the home visit and role of the 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 and their purpose could be summarized as follows:

- To understand and assess the social environment of the person.
- To identify the family's resources from the point of view of re-integration of the prisoner in society.
- To bridge the gap between the family and the prisoner.
- To identify supports from other well wishers other than the family.
- To give legal guidance to the family.
- To find out whether a prisoner could be released on personal bond, at the request of the court.
- To draw a future plan after release from prison.
- To find out work background of the prisoner and to guide and counsel him/her in terms of future prospects of livelihood.
- To help the family to deal with the problems arising out of the custodialisation of the prisoner and emerging issues after the release of the prisoner.
- To help the released prisoner and his family take responsibility for each other.

### ***Benefit of home visits***

The social worker has to learn to focus on certain areas of information that can emerge as being important in a case. These include the following:

- **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 an under trial is in prison, it is possible for the social workers to provide the family information about their whereabouts, which is appreciated by the members.

- **Information about the organization, its work and areas where it can help**

There are usually misconceptions about the social worker when he/she first visits the family. Family members sometimes think that the social worker is a policeman or jailor, or that he is a released prisoner. It is necessary at this

point to clarify the role of the worker, provide necessary information about the organization, its work in prison, and the services it offers, areas where it can help and importantly areas where it cannot help, such as meeting bail amounts, arranging for bail or surety, etc.

- **Information about situations at the prisoner's home**

When the social worker goes to the client's home, he/she learns about the home itself-the conditions 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 socio-economic 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 neighborhood. Neighbor's opinions may be useful in this regard.

- **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 neighborhood.

- **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 social worker.



- **Legal information**

The family is usually not informed enough about legal matters and may need legal advice. If they have financial problems, the organization can help them find a lawyer. Information is also given about matters pertaining to bail, surety and the rights of the under trial.



## CHAPTER - V

# NEED FOR LEGAL AID SERVICES

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.

### ***Need for legal aid services***

If an under trial prisoner has access to legal aid, the following problems could be solved:

- On being produced before the magistrate/judge within 24 hours of arrest, he/she could put forward his point of view and could get discharged or released on bail.
- If violent means are being used by the police to extract information from him/her, this could be brought to the notice of the magistrate/judge for appropriate action.
- If he/she is being kept in police custody for a long period without enough evidence being produced against him/her, he/she could be transferred to judicial custody i.e. prison.

- If his/her personal property is not transferred to the prison, it could be remedied by bringing it to the notice of the magistrate/judge.
- If he/she is not getting proper medical attention in the lock-up or in the prison, the same could be ensured through the court.
- If he/she is a minor, he/she could be immediately transferred to the Juvenile Justice Board.
- If he/she has children who are in need of care, appropriate orders could be passed to either bring them into the prison (if the children are below 6 years and if the under trial in question is a woman) or send them to institutional care.
- If he/she has not met his/her children for a long time, he/she could request for a mulakat to be arranged.
- If the bail amount is beyond the reach of the prisoner, a request for reduction of the amount or release on personal bond could be made and granted.
- In case of a non-bailable offence, special circumstances at home or lack of evidence in the case could be cited as reasons for grant of bail.
- The same reasons as above could be cited for expedition of the trial in case bail cannot be granted/bail amount cannot be reduced/personal bond cannot be given.
- If he/she pleads guilty or is found guilty and if his/her offence does not warrant life or death sentence, a request for release on probation under the Probation of Offenders Act, 1958 could be made and considered by the magistrate/judge.
- Procedural delays like not taking accused to the court or hospital due to lack of police escort, non-production of charge-sheet within 90 days or not producing the accused before the magistrate/judge within 24 hours of arrest could lead to discharge of the case or release on bail immediately.

The social worker should arrange for legal services for the under trial prisoners keeping the above mentioned issues in mind, so that their problems could be solved. He/she can do this through the following methods:

- a) Educating the prisoners about their rights and the correct procedure to access these rights.
- b) Writing applications to the magistrate/judge regarding the problem concerned and requesting for appropriate action.
- c) Bringing problems to notice of the prison authorities for action.
- d) Personally approaching the magistrate/judge with a specific problem requiring immediate or special attention.
- e) Personally approaching or writing to higher authorities for grievance redressal.
- f) Appointing a lawyer on behalf of the organization to represent an accused for bail, trial, expediting the trial, legal injustice or any other matter regarding immediate or special attention.
- g) Collecting all relevant case details like the case number, court, date of arrest, bail amount, next court date, etc.
- h) Discussion of the case in presence of the accused and the prison worker.
- i) Visiting the court and meeting the officials, to collect case papers, charge-sheet, judgment order, etc., if required.
- j) Informing the prison worker about any progress in the case.
- k) Liaising between the prison worker, the lawyer or the magistrate, if necessary.
- l) Acting as a link between the lawyer and the client.
- m) Helping out the lawyer in getting the vakalatnama signed, obtaining documents, photocopying, translation, etc.
- n) Collecting the legal data pertaining to the case in face-sheets and filing it in the organization's office.
- o) Handing back all original legal documents to the client after making a photocopy of the same.

The legal aid worker can write applications for the under trial prisoners in the following matters:

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

### ***Role of the social worker***

In the court, the social worker can help the client in various ways. He/she may ask for expediting a case by taking a short date, or persuade the lawyers to attend regularly. The worker may also speak to the magistrate in the court or in his chamber about the background of those clients who have shown a strong motivation to reform and about whom the worker has reliable information. (It may be noted that the worker provides information only regarding the psycho-social aspects of the case conducive to rehabilitation. It has no relevance to the guilt or the innocence of the accused in the offence he is charged with).

The visibility of the court worker in courts helps to strengthen the image of the organization from the point of view of, the client as well as the magistrate and lawyers. The clients who see the worker in court feel that the organization is concerned for them, and it helps strengthen their motivation to give up crime as a way of life. On the other hand, the presence of the worker makes the magistrate look at other alternatives of dealing with the case (such as releasing the person on personal bond, probation, etc.) rather than handling cases in a routine manner.

Apart from this work, the court worker can also try to reactivate the Government Free Legal Aid Scheme. This can be done through conducting meetings with magistrates and the Presidents of the various Bar Associations as well as other legal luminaries.



## CHAPTER - VI

### CONCLUSION

The social worker's role in prison assumes significance as in many ways s/he represents civil society, working with one of the marginalised sections being processed by the system. Any talk of rehabilitation has to be seen in this context. Social work intervention in correctional settings has proved helpful in demonstrating the scope and need for a rehabilitation policy and a scheme for persons released from custodial institutions. It has also demonstrated the need for a cadre of social workers within the prison system to liaise between the administration and the prisoners towards protection of their legal rights and post-discharge rehabilitation.

This handbook has tried to outline the possible role of a social worker in prison settings, but has not gone into the details of work with prisoners. Work with custodial populations requires a thorough understanding of the legal framework, and working with systems, community, family and the individual. It is not the aim of this handbook to go into such details. This handbook will be of help to those who wish to initiate work in this area and give them some pointers. It may tell them where to and how to start, but the journey beyond has to be traversed by those who undertake this journey. Social work educators, students of social work or law, probation/welfare officers, and NGOs working in custodial settings may find it useful to refer to this handbook.





# ANNEXURES



## ANNEXURES - I

***Circular issued by the Home Department, Govt. of Maharashtra (GoM) regarding guidelines for premature release of prisoners serving life sentence (Originally in English)***

**Immediate Letter**

To,  
The Inspector General of Prisons,  
Maharashtra State, Pune

No. RLP-1092/13/252/PRS-3

Home Department, Mantralaya,  
Mumbai 400 0342  
Dated the 11th May, 1992

**Subject: Guidelines for premature release under the “14 Year Rule” of Prisoners serving life sentence after 18th December, 1978**

1. “In view of the amendment of Criminal Procedure Code 1973 and introduction of Section 433-A by Criminal Procedure Code (Amendment) Act, 1978 imposing restrictions on the power of the appropriate Government to remit the sentence of prisoners convicted after 18th December, 1978, the existing guidelines issued by letter, dated 16th November, 1978 under reference had become in applicable in the cases of prisoners undergoing life imprisonment covered by Section 433-A Criminal Procedure Code. The question of framing revised guidelines in consonance with Section 433-A Criminal Procedure Code was therefore, under the consideration of the Government. The Government is now pleased to issue revised guidelines for considering the cases of such prisoners convicted after 18th December, 1978 for premature release. The earlier guidelines dated the 16th November, 1978 however continue to apply to the cases of the convicts not covered by Section 433-A excepting those which are specifically included in the revised guidelines, namely, the convicts covered under Category No.8.”
2. The guiding principles laid down herein indicate only a broad division of the pattern of crimes for the purpose of premature release of prisoners sentenced to imprisonment for life after 18th December, 1978 and do not cover all the categories of prisoners for various offences.
3. The criteria in the guidelines prescribed refer to normal cases i.e. the cases of prisoners within normal features and having good behavior in the prisons. While

submitting the cases of such prisoners to Government for review under the “14 Year Rule” on completion of 12 years of actual imprisonment the recommendations of the Advisory Board in each case, based on the above mentioned guiding principles and the recommendations of the Inspector General of Prisons should invariably be submitted to Government.

4. In cases where the Inspector General of Prisons differs from the recommendations of the Prison Advisory Boards, reasons for the difference in the views should also be furnished in the reports under the “14 Year Rule”.
5. The enclosed revised guiding principles may, therefore, please to be followed in making recommendations to Government about premature release of the prisoners while submitting their cases under the “14 Year Rule”. The State Government will then consider these cases for remission of sentence and issue order in exercise of power vested in it under section 432 Criminal Procedure Code.

**Sd/-**

**(M.G.Bandekar)**

**Deputy Secretary to the Government of Maharashtra,  
Home Department**

***Guidelines For Premature Release Of Prisoners Sentenced To Life Imprisonment Or To Death Penalty Commuted To Life Imprisonment After 18th December, 1978***

		CATEGORISATION OF CRIMES	PERIOD OF IMPRISONMENT TO BE UNDERGONE INCLUDING REMISSIONS SUBJECT TO A MINIMUM OF 14 YEARS OF ACTUAL IMPRISONMENT INCLUDING SET-OFF PERIOD
1		MURDERS RELATING TO SEXUAL MATTERS OR ARISING OUT OF RELATIONS WITH WOMEN, DOWRY DEATHS & OTHER FORM OF BRIDE KILLING, ETC.	
	a)	Where the convict is the aggrieved person and has no previous criminal history and committed the murder in an individual capacity in a moment of anger and without premeditation	22 years
	b)	Where the crime as above is committed by the aggrieved person with premeditation	24 years
	c)	Where the crime is committed against the aggrieved person without premeditation	24 years
	d)	Where the crime is committed against the aggrieved person with premeditation	26 years
	e)	Where the crime is committed with exceptional violence or with perversity	28 years
2		MURDERS ARISING OUT OF LAND DISPUTE, FAMILY FEUDS, FAMILY PRESTIGE AND SUPERSTITION	
	a)	If the offence is committed in an individual capacity and without premeditation and the prisoner has no previous criminal history	22 years
	b)	Crime committed as above with premeditation or by a gang	24 years

3		MURDERS FOR OTHER REASONS	
	a)	Where a murder is committed in the course of a quarrel without premeditation in an individual capacity and where the person has no previous criminal history	22 years
	b)	As at (a) above but with premeditation or by a gang	24 years
	c)	Murders resulting from trade union activities and business rivalry	26 years
	d)	Murder committed with premeditation and with exceptional violence or perversity	26 years
4		MURDER FOR POLITICAL REASONS	
	a)	Murders arising out of political rivalry and political interest without premeditation	24 years
	b)	Murder arising out political rivalry & political interest with premeditation	26 years
	c)	Murders committed in pursuance of a political philosophy and as a means to acquire political powers as by terrorist or extremist groups	30 years
5		MURDERS BY PROFESSIONAL CRIMINALS	
	a)	Murders committed by dacoits and robbers in the act of committing dacoities and robberies	26 years
	b)	Murders committed by gangsters, contract killers, smugglers, drug traffickers, racketeers, bootleggers, gamblers, flesh traders and those indulging in other forms of organized crime in furtherance of their criminal activities	28 years
6		ESCAPEES	
	a)	Prisoners who have escaped from lawful custody while undergoing imprisonment or who absconded while on parole or furlough	28 years
7		DEATH SENTENCE COMMUTED TO LIFE IMPRISONMENT	
	a)	Prisoners in whose cases death sentence has been committed to life imprisonment	30 years

8		PERSONS GUILTY OF OFFENCES NOT INVOLVING MURDER, WHO ARE SENTENCED TO LIFE IMPRISONMENT	
	a)	Persons sentenced to life imprisonment for offences like (a) Offences against the State (chapter VI) IPC (b) Abetment of Mutiny (Sec.131,132 IPC) (c) Offences against public justice (Sec.222 & 225 of IPC) (d) offences in respect in Coinage, Stamps (Sec.232, 238, 225 of IPC etc.)	30 years

## ANNEXURES - II

Probation of Offenders Act, 1958  
 Extending the benefits of the Provisions  
 of the..... to the accused between  
 the age group of 16 to 21.

**CIRCULAR**  
**No. P.O.116/66**

It has been observed by the Honourable the Chief Justice and Judges that while sentencing the accused between the age of 16 and 21 years, in many cases Courts do not consider the question of giving benefit of the provisions of the Probation of Offenders Act, 1958 (Act. No. 21 of 1958) to the accused.

The attention of all Judicial Officers is invited to the provisions (particularly Sections 3 to 6) of the Probation of Offenders Act, and it is directed that they should scrupulously and effectively follow the provisions. As soon as charge is or is about to be framed, the Court having regard to the nature of the offence and the part alleged to have been played by the accused, should immediately, instruct the District Probation Officer concerned to make the preliminary enquiries about the offender and submit his report in the prescribed form under the rules. This will enable the Court to have the Probation Officer's report readily available, when it finds the accused guilty and further time will not be wasted in sending for the report.

The attention of the Judicial Officers is further invited to the mandatory provisions of section 6 of the Act regarding the recording of reasons before sentencing to imprisonment offenders under 21 years of age, who have committed an offence punishable with imprisonment but not imprisonment for life.

The attention of the Judicial Offices is further invited to Section 7 of the Act and it is directed that the report of the Probation Officer which is received in a sealed cover should be treated as confidential and should be opened by the Court only after the Court records a finding of conviction.

The above instructions regarding the Probation of Offenders Act should be strictly followed.

**High Court, Appellate Side,  
 Bombay, 19th February, 1980**

**Sd/-  
 (S.N. Khatri)  
 Registrar**

**C I R C U L A R**  
**No. P.O. 116/1966**

It has come to the notice of the their Lordships that many a time the Courts do not call for the reports of the Probation Officers before sentencing the accused between the age of 16 and 21 years. With the result the offenders are let off on probation with obtaining reports from the Probation Officers. It is also observed that the services of the Probation Officers have not been utilized by the Courts as it should be.

Attention of the Criminal Courts is therefore invited to the provisions of Sections 3,4 and 6 of the Probation of Offenders Act, 1958 as also to the instructions contained in Chapter XI of the Criminal Manual, 1980 and it is hereby directed that as soon as charge is or is about to be framed, the Court having regard to the nature of offence and part alleged to have been played by the accused, should immediately instruct the District Probation Officer concerned to make the preliminary enquiries about the offender and submit his report in the prescribed form under the rules. This will enable the court to have the Probation Officer's report readily available. When it finds the accused guilty and further time will not be spent in sending for the report.

It is therefore hereby directed that all the Criminal Courts should follow scrupulously and effectively to implement the provisions of Probation Offenders Act and the instructions contained in Chapter XI of the Criminal Manual, 1980 before dealing with the cases under the Act to give proper effect to the implementation of the Act.

**The above instructions should be followed strictly by all the Criminal Courts in the State.**

**High Court, Appellate Side, )**  
**Bombay, 17th March, 1988 )**

**Sd/-**  
**(R.S. SINDHKAR)**  
**ADDITIONAL REGISTRAR**

\_\_\_\_\_  
**No. P.O.116/66**

**High Court, Appellate Side, )**  
**Bombay, 17th March, 1988 )**

**Sd/-**  
**(R.S. SINDHKAR)**  
**ADDITIONAL REGISTRAR**

## ANNEXURES - III

**Judgment of writ petition by the Mumbai High with regard to release of prisoners on P.R. Bond (Originally in English)**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION (PIL) NO. 386 OF 2004

Rajendra S. Bidkar ..... Petitioner

Versus

The State of Maharashtra and Ors. .... Respondents

Mr. V.A. Thorat, Advocate General, with Mrs. Usha Kejriwal, Additional Public Prosecutor,  
for the State.

WITH

**CRIMINAL WRIT PETITION NO. 721 OF 2004**

Sunil Suresh Shinde ..... Petitioner

Versus

State of Maharashtra ..... Respondent

Mr. N.H. Seervai with Mr. Amit K. Desai, Ms. R.B. Amroliya and Ms. Y.N. Katpitia for the  
petitioner.

Mr. V.A. Thorat, Advocate General, with Mrs. Usha Kejriwal, Additional Public Prosecutor,  
for the State.

WITH

**CRIMINAL WRIT PETITION (PIL) NO. 1094 OF 2004**

India Centre for Human Rights and Law and Anr. ....Petitioners

Versus

The State of Maharashtra and Ors. ....Respondents

Mr. V.A. Thorat, Advocate General, with Mrs. Usha Kejriwal, Additional Public  
Prosecutor, for the State.

**CORAM: DALVEER BHANDARI, C.J. & S.A. BOBDE, J.**

**DATE : FEBRUARY 09, 2005**

P.C.



The learned Advocate General for the State has convened a meeting of all concerned and from that meeting following agreed suggestions emanated and the petitioners and the learned Advocate General pray that orders be passed in terms of the suggestions arrived at by the parties for release of accused on P.R. Bond.

1. In cases where the accused is in custody as an undertrial prisoner for offences punishable with imprisonment for a period not exceeding three years, he shall be released on PR Bond by the trial Court if he has already been granted bail and he has not been able to avail of the bail for a period of six months from the date of the bail order. It is clarified that even on execution of PR Bond, all other conditions other than the financial condition attached to the bail order shall remain unaltered. It is further clarified that this order would be passed only in cases where accused is not required in any other case.
2. In cases where the accused is in custody as an undertrial prisoner for offences punishable with imprisonment for a period not exceeding seven years, he shall be released on PR Bond by the trial Court, if bail has already been granted to him and he has not been able to avail of the bail for a period of one year from the date of the bail order. It is further clarified that even on execution of PR Bond, all other conditions other than the financial condition attached to the bail order shall remain unaltered. It is further clarified that this order would be passed only in cases where accused is not required in any other case.
3. The learned counsel for the parties pray that for effective implementation of this order, it would be appropriate to send copies of this order to all trial Courts in the State, to the offices of the Public Prosecutors in the State and to the Office of the Member Secretary, Maharashtra State Legal Services Authority. We deem it appropriate to direct the Registrar General of this Court to communicate this order to all the trial Courts in the State.
4. The Maharashtra State Legal Services Authority is directed to send copies of this order to the District Legal Services Authority in the State so as to communicate this order from time to time to undertrial prisoners within their jurisdiction in order to enable them to move their respective trial Court for their release.
5. Since video conferencing centres are being set up in various parts of the State, copies of this order be affixed in the video conferencing centres also. In addition, a copy of this order be sent to Director General of Prisons, State of Maharashtra, for compliance.
6. List these petitions again on 9th March, 2005 at 2.45p.m. for further directions.

**CHIEF JUSTICE**

**S.A. BOBDE, J.**

## ANNEXURES - IV

***Circular issued by the Home Department GoM regarding the recommendations of the Hon'ble Lok Ayukta of Maharashtra following a case filed before it with regard to the mulakat system in the prisons and the related problems faced by the prisoners and their families. (Translated into English from the original Marathi letter)***

## ANNEX – 3

**Case of the LoK Ayukta  
PRS-2**

**No. MIS-0121/41/(133)/**

**Very Urgent  
Mantralaya,**

**Home Department,**

**Mumbai – 400 032**

**Dt. 25th August, 2003**

To

- All Dy. Inspector General of Prisons,
- All Superintendents of prisons (Central/District Prison)
- Principal, Prison Officers Training School, Pune/Borstal School, Nasik

**Subject: Regarding the implementation of the recommendations made by Hon. Lok Ayukta as per Section 12(1) of the Maharashtra Lok Ayukta and sub Lok Ayukta Act, 1971**

Shri Bhagwanji Rayani had complained to the Hon. Lok Ayukta regarding the harassment to the prisoners and their families during their mulakat visits to the prison and the corruption related to it. With respect to this complaint, the Hon. Lok Ayukta has informed PRAYAS organization to submit a report regarding the improvement/flexibility in the work system of the mulakat visits whereby there are no loopholes for further complaints in that regard. Accordingly, PRAYAS submitted a report to the Hon. Lok Ayukta incorporating the recommendations related to the place of the mulakat, the related staff involved and the related working pattern, etc. In this respect, a hearing took place before the Hon. Lok Ayukta, Mumbai on the 22<sup>nd</sup> April, 2003 in the presence of the Upper Chief Secretary (Home), Inspector General of Prisons(Pune), Superintendent, Mumbai Central Prison and a representative of PRAYAS organization alongwith Shri Rayani, and

in this hearing an elaborate discussion took place to reduce the problems faced by the prison inmates and their relatives during the mulakat visits, how to check the corruption involved and bringing about an improvement/flexibility in the related work pattern involved. In regard to the implementation of the recommendations made by the PRAYAS organization and the suggestions made by Shri Rayani, the Hon. Lok Ayukta has given the recommendations as per the related laws and information related to the implementation of these recommendations should be intimated immediately to the Hon. Lok Ayukta. The Inspector General of Prisons (Pune) informed that as per the circular No. Prisoners mulakat/\_\_\_\_\_/2003/K-5(3) dated 23-7-2003 the related information was given. But in that circular, there is an inclusion of incomplete suggestions and some information is given in a vague manner, thus we will again inform you about the same. Similarly, regarding the implementation of the recommendation put forth by PRAYAS, Mumbai and the suggestions given by Shri Rayani, and information of the recommendations made by Hon. Lok Ayukta under the abovementioned law is given in the attached informative papers. Accordingly, you should take immediate action as mentioned in the recommendations for the mulakat visits and other matters and should immediately send the detail information about its implementation to the Inspector General of Prisons, Pune. Wherever there is a need to send a proposal, the same should be disposed off immediately. The Dy. Inspector General of Prisons should immediately inform of the above mentioned suggestions to the prison Superintendents under his jurisdiction, and the implementation report of the suggestions should be immediately sent to the Inspector General of Prisons, Pune. Information about the implementation of the recommendations made under the abovementioned laws should be sent to the Hon. Lok

Ayukta by end of August, 2003 through the government, whereby taking this into consideration, request is that information about the same should firstly be sent to the Inspector General of Prisons, Pune immediately.

**(S.N. Hakim)**  
**Dy. Secretary of the Government**

For forwarding information and further urgent action:

Inspector General of Prisons, Maharashtra State, Pune

## ANNEXURES - V

***Circular issued by the Inspector General of Prisons, Pune regarding the improvements to be brought about with regard to mulakat visits and visitors' room (Translated into English from the original Marathi letter)***

**Circular  
23rd July, 2003**

**Out.No.Prisoners mulakat/ MCP/2003/K-5(3)/Pune-1**

**Sub.: Regarding the facility of mulakat room and visitors' room being given to the prison inmates**

Considering the increasing number of prisoners and thereby increase in the number of mulakats, there is a need to increase the number of mulakat rooms. Apart from this, to avoid inconvenience to the relatives of the prisoners who come to meet the prisoners, there is an utmost need to construct a waiting room for the relatives, and make arrangements for drinking water, bathroom, toilet for them. Similarly, it is important that the relatives should be informed about the rules of the mulakat system, and should be given the important phone numbers and addresses, etc. Thus, in this regard the following suggestions are being put forth.

- 1) If there is space available in the prison to increase the existing mulakat room, then a budget proposal should be immediately acquired from the Public Works Department (PWD), and the same be sent to Headquarters through the regional Dy. Inspector General of Prisons. And necessary action should be taken to see that there is a separate compartment for each prisoner in the present mulakat room.
- 2) If there is a waiting room for the relatives who come to visit the prisoners, arrangement for the facility of toilets, bathroom (separate for Men and Women), drinking water, electricity, etc should be done immediately. If there is no waiting room available, then space for a \_\_\_\_\_ room be decided by contacting the regional Dy. Inspector General of Prisons. A budget proposal can be acquired from the Public Works Department (PWD) in this regard, and the same be sent to Headquarters through the regional Dy. Inspector General of Prisons. The above mentioned facilities should also be made available in the present waiting rooms also.

- 3) Information to the relatives of the prisoners with regard to be below mentioned points should be displayed on a Notice Board which can be kept outside the waiting room:
- a) Telephone number of the District Probation Officer
  - b) The name, address and telephone number of (the non-government representative appointed by the government) on the National Human Rights Commission.
  - c) The name, address, and telephone numbers of the non-government organizations
  - d) Information about the visiting hours for the mulakat visits and the visiting timings of the lawyers.

Acknowledge the receipt of this circular.

**(B.T. Ninghlova)**  
**Special Inspector General of Police (Prisons)**  
**Maharashtra State, Pune -1**

C.C.:

- All prison Superintendents
- All prison Dy. Inspector General of Prisons
- Principal, Prison Officers Training School, Pune/Borstal School, Nasik

## ANNEXURES - VI

***Circular issued by the Inspector General of Prisons, Pune regarding the facility of mulakat visits available to the prison inmates (Translated into English from the original Marathi letter)***

**Circular  
23rd July, 2003**

Out.No. Prisoner mulakat/MCP /Lok Ayukta Mumbai/2003/K-5(3) Pune-1

**Sub.: Regarding the facility of mulakat being given to the prison inmates**

**Ref.: 1) Govt. letter No. MIS/0121/141/(133)/PRS-2, dt. 3rd June, 2003**

**2) Govt. letter No.MIS/0121/141/(K-133)/PRS-2 dt. 11th June, 2003**

With respect to the abovementioned subject, all prison Superintendents and Dy. Inspector General of Prisons are informed that as per the rules mentioned in Chapter No. 31 (Page No. 427) "Facilities to Prisoners" of the Prison Manual, 1979, undertrial prisoners are given the provision of mulakat once in a week while convict prisoners are given mulakat once in a month. As mentioned in the rules, every prisoner should not be permitted to meet his relatives for more than 20 minutes. It is also mentioned that at a time 5 relatives can meet the prisoner. But for the implementation of these rules, each prison adopts different methods/systems and there is a lot of corruption involved in it and this leads to the mental and physical harassment of the prisoners' relatives. Such types of complaints have been made by the prisoners' relatives and this news has been published in the English newspapers of Mumbai. Based on the article published in the newspaper, a citizen by the name of Shri Bhagwanji Rayani registered a complaint in the office of the Lok Ayukta, following which the Secretary, Home Department, Mantralaya was summoned before the Lok Ayukta to clarify the related issue. And due to the newspaper article, the image of the prison department has been tarnished. Therefore, all prison Superintendents and Dy. Inspector General of Prisons are being given the following instructions for improvement in the mulakat system, to see that there is no surpassing of the rules during the mulakat visits, to prevent the corruption involved in this process.

- 1) As mentioned in the Prison Manual, 1979, Pg.No.444, Form No.2, columns from Sr.No.1-13, the register should be written as stated in the rules.
- 2) A remark should be made in the register as to whether the prisoner has a right to mulakat or not.

- 3) After the mulakat, a clear remark should be made as to whether any meeting of the prisoner took place or not.
- 4) A written application should be taken from the relatives who have come to visit the prisoner and the same should be recorded in the register and the mulakat should be given.
- 5) For the female prison inmates, girls between the age of 18-21 years and for aged prisoners, a specific day in the week should be fixed for the mulakat visits, and this information should be given to the respective prisoners at the time of his entry into the prison.
- 5A) From the humanity point of view, children below the age of 15 years should be permitted to meet the prisoners very closely and comfortably.
- 6) In the prisons, where the number of inmates is between 2000-3000, respective arrangements should be made so that at least 10 prisoners can meet their relatives at the same time. If there is shortage of space in the present available meeting area, then the Public Works Department (PWD) may be contacted and a proposal in that regard be prepared from them and sent to the Head Office. And each prisoner should be provided with a separate compartment during the mulakat in the meeting area.
- 7) In prisons, where the number of prison inmates is more and the prisoners are housed in different barracks/sections, then in such prisons megaphones can be used to announce the names of the prisoners who are eligible for the mulakat facility.
- 8) Specially, during the mulakat of the women prisoners, female guards should be present in the meeting place and the female guard should maintain a record of the mulakat and during the mulakat, the female Prison Officer/female Havaldar should be present.
- 9) The facility for waiting, drinking water, toilet should be provided to the relatives of the prisoners who have come for mulakat.
- 10) In the mulakat waiting hall, a Notice Board should be kept where the rules related to mulakat are displayed. Detailed information regarding the rules related to mulakat should be written on the Board. Also the mulakat visit timings should be written. The prison telephone numbers should also be written in case there arises an occasion where the relative may want to meet the Superintendent/Dy Superintendent/Sr. Jail Officer.
- 11) On the Notice Board, information related to any compliant or suggestions should be mentioned. There is a Compliant Resolving Department in the prison and any complaints or suggestions can be written on the paper and put in a box kept in the mulakat waiting hall.

- 12) Utmost attention should be paid to see that gang related prisoners are not permitted mulakat without the letter from the respective police station. Especially, with regard to prisoners involved in gang war cases, depending on the number of prisoners, the prisoners can be informed whenever they are permitted for mulakat one day or half day in a week.

Acknowledge the receipt of this circular.

**(B.T. Ninghlova)**  
**Special Inspector General of Police (Prisons)**  
**Maharashtra State, Pune -1**

C.C.:

- All prison Superintendents
- All prison Dy. Inspector General of Prisons
- Principal, Prison Officers Training School, Pune/Borstal School, Nasik



ANNEXURES - VII

***Circular issued by the Director of State Library Directorate related to extending the facilities of library in all the prisons in the State. (Translated into English from the original Marathi letter)***

Out.No.L.D.6/ /2008-09/15845-85  
Library Directorate  
Maharashtra State, Nagar Bhavan  
Mumbai – 400 023  
Dt. : 7/1/2009

To  
Shri Vijay Raghavan,  
Project Officer, PRAYAS,  
Bldg. No.9, R.No.1, B.D.D.Chawls,  
Worli, Mumbai – 400 018

**Sub.: Regarding the provision of library facility to prison inmates in Maharashtra**

**Ref.: Your letter Out.No.Prayas/Prison/Libraries/2008 dt. 18/12/2008**

Respected Sir,

With respect to the above mentioned reference, we would like to inform you that through 20 Government District Libraries in the respective districts through the chain system the facility of books for reading to the members registered with the various libraries, schools and other educational institutions is being provided. Similarly, the prison inmates can also become members of the prison and avail of the same facility.

For this, 'every prison Committee' as per the stated rules can fill up the Membership Form of the Chain Scheme and submit it to the Government District Library and become member of the Chain Scheme, For this, as mentioned in the G.R. No. MSL 1096/15836/(241) - 5 dt. 24/7/1998, a deposit amount of Rs.500/- and a biennial entrance fee of Rs.150/- has to be paid to the respective Government District Library and thus get 25 books at a

time repeatedly for the facility of providing reading services to the prison inmates inside the prison. Thus, in this regard the necessary action may be taken accordingly. And all cooperation would be extended in this regard from the Directorate.

Yours faithfully,

(D.S. Chavan)

Director,

Library Directorate, M.S. Mumbai

C.C.:

- 1) Librarian, 20 Government District Libraries
- 2) Superintendents, all District/Central prisons

## ANNEXURES - VIII

***G.R. issued by the Home Department, Maharashtra with regard to formation of District level sub-committees as per the orders of the Mumbai High Court (Translated into English from the original Marathi letter)***

Regarding the formation of district level sub-committees as per the orders of the Mumbai High Court in reference to the Writ Petition No.2815/2003 filed by The People's Union for Civil Liberties

**Maharashtra Government  
Home Department  
Government Resolution No. MIS2004/ /100/PRS-2  
Mantralaya, Mumbai – 32, Dt. 24th September, 2004**

**Read: 1) Government Resolution: Law & Judiciary Department, No.-----  
195/5146/491(B)/----- Dt. 30th March, 1996 and others.**

**2) Orders of the Mumbai High Court in reference to the Writ Petition No.2815/2003 filed by the People's Union for Civil Liberties**

As per the orders of the Mumbai High Court with reference to the suo moto criminal Writ Petition No.8/1994 and 1103/94 regarding the problems faced by undertrial prisoners, a Committee was formed under the chairmanship of the Principal Secretary, Law & Judiciary Department as per a G.R. dated 30th March, 1996 issued by the Law & Judiciary Department.

In reference to the Writ Petition No. 2815/2003 filed by the People's Union for Civil Liberties & Others, the Mumbai High Court has passed orders of setting up sub-committees at the district level. Accordingly, the matter of establishing sub-committees at the district level was under consideration by the Government.

**Government Resolution :**

As per the orders of the Mumbai High Court in reference to the Writ Petition No.2815/2003 filed by the Peoples Union for Civil Liberties & Others, with regard to provision of legal assistance and rehabilitation of undertrial prisoners the government has decided to form sub-committees at the district level in each district of the State and the structure of the sub-committees will be as follows:

- 1) Chairman : District & Sessions Judge
- 2) Member : District Superintendent of Police
- 3) Member : District Women & Child Development Officer
- 4) Member : District Civil Surgeon
- 5) Member : Chairman, District Legal Aid Services Authority
- 6) Member : Secretary, Superintendent, Central/District Prison

**The above mentioned sub-committee will organize meeting once in three months whereby there are 4 meetings organized in a year, and will present their report regarding the problems of prisoners to the State level Committee.**

**As per the orders and in the name of the Governor of Maharashtra.**

s/d

(Kiran Thakur)  
Dy. Secretary, Govt. of Maharashtra

C.C.:

- Principal Secretary, Law & Judiciary Department
- Principal Secretary, Home Department (Prisons)
- Principal Secretary, Women & Child Welfare Department
- Secretary, Public Health Department
- Director General, Health Services, Mumbai
- All Dy. Directors, Health Services (8)
- All District Civil Surgeons (34)
- Director General of Police, Maharashtra State, Mumbai
- Inspector General of Prisons, Maharashtra State, Pune
- Member Secretary, Maharashtra State Legal Aid and Advisory Board
- All District & Sessions Judges
- All District Superintendent of Police
- All District Women & Child Development Officers
- All District Civil Surgeons
- Chairperson, District Legal Aid Services Authority (All districts)
- All Superintendents Central/District Prisons
- -----/PRS 2

## ANNEXURES - IX

***G.R. issued by the Home Department, Maharashtra with regard to the restructuring of District level sub-committees as per the orders of the Mumbai High Court (Translated into English from the original Marathi letter)***

Regarding restructuring of District level Sub-Committees as per the orders of the Mumbai High Court with reference to the Writ Petition No.2815/2003 filed by the Peoples Union for Civil Liberties

**Maharashtra Government  
Home Department  
Government Amendment Letter No.MIS-2004/-----100/PRS-2,  
Mantralaya, Mumbai – 400 032, Dt. 9th September, 2009**

**Read : Government Resolution No. MIS-2004/---100/PRS-2, Dt. 24/9/2004**

Amendment Letter: The Mumbai High Court had passed orders to establish District level Sub-Committees with reference to the Writ Petition No.2815/2003 filed by the Peoples Union for Civil Liberties. Accordingly, as per the abovementioned Government Resolution dated 24/9/2004, with regard to the provision of legal assistance and rehabilitation of prisoners, the Government had taken a decision to form Sub-Committees at the district level in all the districts of the State. Later, due to the demand of inclusion of additional members from other Departments/fields on the Committees, the restructuring of these Committees was under consideration by the Government. So accordingly, the Government has restructured the District Sub-Committees as follows :

- |   |          |
|---|----------|
| 1) District & Sessions Judge                                  | Chairman |
| 2) District Superintendent of Police                          | Member   |
| 3) District Civil Surgeon                                     | Member   |
| 4) Chairman, District Legal Aid Services Authority            | Member   |
| 5) Officer nominated by the Superintendent of Police (Rlys.)  | Member   |
| 6) District Education Officer                                 | Member   |
| 7) District Probation Officer (Women & Child Welfare Officer) | Member   |

- |   |                     |
|---|---------------------|
| 8) Officer nominated by the Commissioner, Municipal Corporation/Chief Executive Officer, Zilla Parishad | Member              |
| 9) Representative from the NGOs working in the prison   | Member              |
| 10) Superintendent, Central Prison/District Prison  | Member<br>Secretary |

**Terms of Reference of the Committee :** To discuss the problems of the under trial prisoners and arrive at solutions in that regard. To discuss and arrive at solutions on issues related to the police security required during the escorting of the prisoners, health related problems, problems of the women prisoners and their children accompanying them, education and vocational training for the prisoners, appropriate implementation of the Probation of Offenders Act and Borstal Schools Act, rehabilitation of the prisoners and other problems.

The district level Sub-Committees should conduct meetings once in three months and the report of the conducted meetings should be sent to the State Level Committee.

The Government Amendment Letter is made available on the Maharashtra Government website [w.w.w.maharashtra.gov.in](http://w.w.w.maharashtra.gov.in) and the computer passwork No. for it is 20090909172130001.

As per the orders and in the name of the Governor of Maharashtra.

**(T.V. Karpate)**  
**Upper Secretary, Home Department,**  
**Govt. of Maharashtra**

C.C.:

- Principal Secretary, Law & Judiciary Department
- Principal Secretary, Home Department (Prisons)
- Principal Secretary, Women & Child Welfare Department
- Secretary, Public Health Department
- Director General, Health Services, Mumbai
- All Dy. Directors, Health Services (8)
- All District Civil Surgeons (34)
- Director General of Police, Maharashtra State, Pune
- Inspector General of Prisons, Maharashtra State, Pune
- Member Secretary, Maharashtra State Legal Aid and Advisory Board

- All District & Sessions Judges
- All District Superintendent of Police
- All District Women & Child Development Officers
- All District Civil Surgeons
- Chairperson, District Legal Aid Services Authority (All districts)
- All Superintendents of Police – Railways
- All District Education Officers
- All District Probation Officers (Women & Child Welfare)
- All Commissioner, Municipal Corporation
- All Chief Executive Officers, Zilla Parishad
- Project Director, PRAYAS, 9/1, B.D.D. Chawl, Worli, Mumbai
- All Superintendents Central/District Prisons
- -----/PRS 2

## ANNEXURES - X

**G.R. issued in regard to the revision in some rules related to the Grants-in-aid scheme for released prisoners given for their welfare and rehabilitation(Translated into English from the original Marathi letter)**

About obtaining sanction for the revised regulations related to grants given for the welfare and rehabilitation of released prisoners

**Government of Maharashtra, Home Department,  
Government Resolution No. POA 9586/1[141]/PRS-2,  
Mantralaya, Mumbai – 400 032 Dt. 2nd January, 1993**

Read: Government Resolution, Home Department No. POA 0272/1/Roman J, Dt. 3rd August, 1977

(2) Letter of the Director, Correctional Services, Maharashtra State, Pune – Letter No. DCS/POA/----- Dt. 16-10-1989

**Resolution :** The grants given for the welfare and rehabilitation of released prisoners is fixed as per the Government Resolution, Home Department No. POA 0272/1[26] – J, dated 3rd August, 1977. As per this Government Resolution, which organization has got the approval, what amount of grants has to be given to the organization, what is the amount to be sanctioned for a personal business, etc. – all these details are clearly mentioned in it. Similarly, there is a clear mention of who would be in control/who would supervise and how would the supervision be, etc. Presently, as per Rule 13[1] of the Probation of Offenders Act, Navjeevan Mandal organization has been approved of obtaining grants from the government. Since CASP organization is also working towards the rehabilitation of prisoners, it is important that CASP is also given the necessary approval to receive grants from the government. But, even though the objective of CASP is rehabilitation, the organization will not be eligible to receive grants unless it undertakes work related to probation and thereby fulfills all the necessary conditions concerned. Thus, there has arisen a need to change the present rules so as to refuse grants to the organization as compared to the approval given to the Navjeevan Mandal organization.



In view of the above mentioned situation, a detailed letter of the revised rules as approved by the government is duly attached.

This order is being issued as per the approval of the Finance Department and its informal Reference No. CR 338/92/----8, dated 3-11-1992.

As per the orders and in the name of the Governor of Maharashtra.

**Signature/-**  
**Working Officer, Home Department**  
**Government of Maharashtra**

No. WCWD/Revised rule/POA Pune -1, Dated 16th November, 1998

Copy for information to :

- [1] District Probation Officers [All]
- [2] District Women & Child Welfare Officers [All]
- [3] Child Development Project Officers [All]
- [4] Child Development Project Officers [Seniormost] [All]

**For Director**  
**Women & Child Welfare**  
**Maharashtra State, Pune – 400 001**

## ANNEXURES - XI

***Accompaniment to G.R. of Home Department No. POA 0786/1(141)/PRS-2, dated the 2nd January, 1993*****DRAFT RULES****Rule – 1: Education, relief, training and rehabilitation :-**

These Rules may be called “Grant-in-aid to prisoners” due for release, aid to released prisoners and dependents of prisoners and released prisoners and rehabilitation of juvenile prisoners and Borstal School lads rules, 1993.

**Rule – 2 : Recognition of society : -**

Any society engaged in activities promoting the objectives listed in rule 1 and (2) Aid to released prisoners and dependents of prisoners and dependents of released prisoners, (3) Aid to rehabilitation of juveniles prisoners and Borstal Schools lads, may be granted recognition by Government of Maharashtra on the recommendations of I.G. Prisons.

**Sub Rule – 3: Subsidy to society:**

I.G. Prisons may sanction grant-in-aid by way of reimbursement of actual expenditure to the societies recognized under rule 2 above as under:

- (i) Immediate Relief to released prisoner upto Rs. 100/- per case for diet, clothing expenses, medical expenses and travel expenses.
- (ii) Financial assistance or other expenditure for his rehabilitation including purchase of tools of trade upto Rs.1000/- per released prisoner ;
- (iii) 80% of the expenditure on payment of financial assistance to children of prisoners undergoing life imprisonment in prison not exceeding Rs.750/- per year per child for purchase of text books, school equipment and uniforms and medical treatment, nutritious diet, spectacles, hearing aids, recommended by the Medical Officers of Prisons, Dispensaries;
- (iv) To meet transportation charge of workers of the society to visit prisons or to visit released prisoners, or their prospective employees for the purpose of their rehabilitation.

In addition to the above reimbursements, Inspector General of Prisons may sanction to the society administrative expenditure upto 50% expenditure incurred for employment of part-time staff subject to the maximum of Rs.2000.00.

Subject to availability, Superintendent of Prisonamy allot such society any suitable accommodation for their office purpose without charging rent. The society will however, have to vacate the accommodation if called upto to do so.

Relief and medical treatment may be allowed to be given at Jail Hospitals to released prisoners and released juvenile prisoners and Borstal School lads, dependents of prisoners, released prisoners and dependents of released prisoners.

**Rule – 4:** (1) The society eligible under rule 2 and desiring recognition shall make an application through the I.G. Prisons, Pune to the State Government together with a copy of each of its rules, bye-laws articles of associations, list of members and office bearers and a statement showing its status and past record of social and public service.

(2) The State Government may after making such enquiry as it considers necessary into the status, past record of social and public service and present condition of the society and after satisfying itself that the society possess sufficient means to carry out its obligations, grant recognition to society on condition that it shall undertake.

- 1) To abide by rules and any instructions issued by State Government and the I.G. Prisons and see that the same are followed by them and the personnel of the society;
- 2) To furnish to the State Government whenever required a statement of its financial position including the balance sheet and audited report if any.
- 3) The State Government may withdraw recognition granted to a society under Rule 2 after giving a notice of three months to the society;
- 4) The recognized society may, if it so dues, relinquish its recognition after giving it a notice of three months.

**Rule – 5:** Prisoner who has been given aid by I.G. Prisons by his Officers, should not be given financial assistance by society without obtaining prior permission from Inspector General of Prisons.

**Rule – 6:** (1) The I.G. of Prisons will have overall supervision of such recognized societies. He may Supervision delegate this supervision to the Dy. I. G. of Prisons for their respective region.

## ANNEXURES - XII

***Circular issued by the Commissioner, Department of Women & Child Development, Maharashtra with regard to the effective implementation of the Probation of Offenders Act, 1958 (Translated into English from the original Marathi letter)***

No.WCDC/POA/2008-09/3949  
Commissionerate of Women & Child

Development Maharashtra State, Pune – 1  
Dated : 30/07/2008

To

District Women & Child Development Officers [All]

**Subject : Regarding the effective implementation of the Probation of Offenders Act, 1958**

**Reference : Workshop conducted on 3<sup>rd</sup> & 4<sup>th</sup> October, 2007 on “Probation Services : Issues and Challenges”**

For the effective implementation of the Probation of Offenders Act, 1958, Prayas (Tata Institute of Social Sciences, Mumbai) and the Commissionerate of Women & Child Development had jointly organized a Workshop on “Probation Services : Issues and Challenges” on 3<sup>rd</sup> & 4<sup>th</sup> October, 2007. In the Workshop, many issues were discussed and recommendations were put forth, on the basis of which the following instructions are being given for the effective implementation of the Probation of Offenders Act, 1958.

- 1) The Administrative Department will conduct once in 2 months meetings with the District Probation Officers and the Probation Officers. In this meeting, there will be a reporting regarding the effective implementation of the Probation of Offenders Act, the sanctioned units and the acquired units in that regard. You will be informed in advance about the date of your department’s meeting.
- 2) As per Sec. 3 & 4 of the Probation of Offenders Act, 1958, if the Court has refused to resolve and has awarded the person imprisonment with fine or without fine and if there is a mention regarding this imprisonment in the Act or rules, then an appeal can be filed against the imprisonment given by the earlier Court. (Section 11)

If such cases are observed by the Probation Officer then as per the stated laws the Probation Officer can execute the authority given to him.

- 3) Home visits/ prison visits of convicts/probationers or submitting a report in the cases acquired through the court, though under the control of the court, the Probation Officers should try to personally visit the prison and court to acquire the legal cases.
- 4) As per the orders of the Supreme Court and the Home Department G.R. No. JLH-1006/C.No.125/PRS-2 dated 4/12/2006, action has been taken with regard to providing facilities to the women prisoners and their children below the age of 6 years. Therefore, the Probation Officers have also to personally give attention to the children of the women prisoners between the age of 3-6 years and acquire admission for them in the balwadi/anganwadi nearest to the prison. And if there are children above 6 years of age, then arrange for their rehabilitation with any relatives of the concerned prisoner or produce them before the Child Welfare Committee and acquire admission into a government/government sanctioned institution.
- 5) For the rehabilitation purpose, information of the various schemes of the Women & Child Development Department and schemes of the other Departments should be given to the women who are released from the prison. And if the question of shelter arises, then necessary action be taken towards acquiring admission for them into a government women institution (Rajyagruha) or any government approved women institution (Aadhargruha). And efforts be put in towards acquiring the benefits of the various schemes from their rehabilitation point of view.
- 6) As per the Commissionerate Letter No.WCDC/POA/2008-09/K-7/2684, dated 3/7/2008, it has been informed that the Probation Officers are appointed as Liaison Officers for the prisons of the district. Thus, the Probation Officers be appointed as Liaison Officers and information in this regard may be informed to the Commissionerate.

The above mentioned instructions are being given for the effective implementation of the Probation of Offenders Act, 1958. The semi-government report of the Probation Department may be presented before the Commissionerate by the 5th of every month.

Commissioner,  
Women & Child Development,  
Maharashtra State, Pune – 1.

C.C.: Director,  
Prayas  
B.D.D. Chawl No.9/1,  
Worli, Mumbai – 400 018

## ANNEXURES - XIII

**Recommendations made by the Hon. Lok Ayukta, Mumbai in regard to the mulakat visits of the prisoners (Translated into English from the original Marathi document)**

The detailed papers of the recommendations made by Hon. Lok Ayukta, Mumbai as per Sec.12(1) of the Maharashtra Lok Ayukta and Dy. Lok Ayukta Act, 1971

**The recommendations put forth by Prayas, Mumbai****A) Recommendations with regard to the mulakat place**

1. There is a need to expand the space of the mulakat area especially in the Central prisons of Mumbai and Thane, for which there is need for additional construction.
2. If provision is made that during the mulakat visit, when the prisoners meet their family members, for a clear and easy conversation between them if ten wooden compartments/dividers are arranged, then at a time ten prisoners can have mulakat.
3. When the prison inmates meet their family members, at that time for a easy and free communication between them, internal telephone service (intercom) should be made available. Accordingly, a telephone can be made available on either side of the divider net – one for the prisoner and another for the family members. And in this manner, they can communicate easily with each other across the divider net.

**B) Recommendations with regard to the work pattern of the mulakat system**

1. Instead of filling the form or taking written applications from the relatives for meeting the prisoners, as per the system already adopted in the Mumbai Central Prison and Byculla District Prison, a register book can be maintained where the relatives' name, relation with the prisoner, prisoner's name etc can be noted down. This system should be started in all the prisons.
2. One guard can be posted outside the visiting room of the prison everyday in the morning from 9.00a.m. to 10.00a.m. and afternoon from 1.00p.m. to 2.00p.m., and he can make a note in the register book of the name of the relatives visiting the prisoner, name of the prisoner whom they would like to meet.
3. After the list of the names of the prisoners for mulakat is acquired, the names will be checked as per the register to find out whether the prisoner was visited by his relatives during that week or not. Thus, this will help in the proper

implementation of the rule mentioned in the Maharashtra Prison Manual that undertrials prisoners are eligible for mulakat once in a week, while convict prisoners are eligible for mulakat once in a month.

4. After the above mentioned verification, the prison staff can announce the names of the prisoners in all the barracks through the megaphone.
5. After the prisoners have been identified as per the above mentioned procedure, they will be brought turn by turn to the mulakat room to meet their relatives.
6. It has been observed that the present timings of the mulakat visits are insufficient there the timings of the mulakat should be increased by an hour whereby in the morning it can be from 10.00a.m. to 1.00p.m. and in the afternoon from 3.30p.m. to 5.30p.m.
7. Children of prisoners below the age of 15 years should be permitted to meet their parents either in a special room or in the court room in the presence of the prison staff or within the observation of the prison staff. And this facility should be made available to them minimum once in a month.

**C) Recommendations with regard to the prison staff and the work process of the mulakat system**

1. Presently, there is a system of changing the prison staff daily for the mulakat visit. There should be a change in this, whereby if there is a change of the prison staff in charge of the mulakat visits once in a week, this will resolve the problem of coordination between the staff as well as bring about a feeling of stability among the staff.
2. In each barrack, a separate register book should be maintained for noting the names of the visitors and names of the prisoners who have been visited during that week. This will help in identifying the names of the various visitors who have come to meet the prisoner during that week.
3. In the prison, a central information centre should be installed for giving open instructions which can be heard throughout the prison, due to which after declaring the names of the prisoners it is heard all over the prison and thus if a prisoner is not responding to such declaration/sound, he can be found easily. This public address system can also be beneficial for the purpose of security in the prison.
4. In the mulakat room, a women police constable from the nearest police station should be posted and she should make a note of the problems of the female relatives and children.
5. It is very important to take steps towards computerizing the administrative work of the prison whereby the load on the prison staff and the working pattern will be reduced.

### **The points suggested by Shri Bhagwanji Rayani**

1. One police officer in civil clothes equivalent to the level of Dy. Superintendent of Police should be posted to keep a watch during the visiting hours.
2. Children of prisoners should be granted permission to visit once in a week.
3. For the future benefit of the prisoners, the government free legal aid facilities should be made available in the prison.
4. All the above mentioned recommendations should be implemented in all the prisons of the State.

### **Additional suggestions/recommendations put forth by Prayas, Mumbai**

1. Children below the age of 15 years should be permitted to meet their parents in a special room once in a month whereby a feeling of love and belongingness for their parents will be developed within them.
2. In the waiting hall of the mulakat room, for the guidance of the visiting relatives of the prisoners, a Notice Board should be displaced which should indicate the following information:
  - a) The telephone numbers, address and visiting hours of the District Probation Officer.
  - b) The telephone numbers, address and visiting hours of the non-government organizations working towards the welfare of the prisoners.
  - c) The telephone number, address and visiting hours of the District Legal Aid Services Authority.
  - d) The telephone number (Childline 1098) available for the benefit of the children.

This Notice Board should be titled as **“Guidance Centre for the prisoners, families of the prisoners and released prisoners”** and the information on it should be displayed in the languages of Hindi, English and Marathi.

3. If there is no facility/arrangement available for drinking water, toilet and bathroom near the mulakat room, the same may be made available.







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Prayas is a social work demonstration project of the Centre for Criminology and Justice, School of Social Work, Tata Institute of Social Sciences, established in 1990. Prayas focus is on service delivery, networking, training, research and documentation, and policy change with respect to the custodial/institutional rights and rehabilitation of socio-economically vulnerable individuals and groups. To this end, permission to visit criminal justice or custodial institutions and interact with persons detained or confined in police stations, prisons and government residential institutions in Maharashtra and Gujarat has been obtained from the Departments of Prisons and Women and Child Development, and the Judiciary.

This handbook is based on Prayas' experience of working for more than two decades in the field of criminal justice. It draws out the process and elements of initiating social work intervention in criminal justice settings towards the protection of legal rights and rehabilitation of vulnerable groups coming in contact with the CJS, as victims, offenders, custodialised populations and their families. It can help guide and support social workers, students and faculty of social work, field staff of government institutions, NGOs as well as individuals and organisations interested in initiating social work intervention in the field of criminal justice.



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