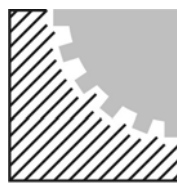


The background is a close-up of a rough, grey stone wall. In the upper right, there is a small, square window with a white frame and metal bars. In the lower right, there are black silhouettes of two children, one taller than the other, standing on a dark, irregular shape that represents the ground.

INITIATING WORK WITH CHILDREN OF PRISONERS

*Handbook Series on
Social Work in Criminal Justice*

**INITIATING WORK
WITH
CHILDREN OF PRISONERS**



PRAYAS

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

Published by :

Prayas
9/1, B.D.D. Chawls, Worli,
Mumbai 400 018
Ph.Nos. 022-24947156 / 24902285
E-mail : prayas_1990@rediffmail.com;
prayas.rnd@gmail.com

Compiled by :

Vijay Raghavan
Penelope Tong
Krupa Shah
Devayani Tumma
Vikas Kadam

Edited by :

Vijay Raghavan

First Edition : 2012

Copyright :

Prayas
Social Work in Criminal Justice
(A Field Action Project of the
Centre for Criminology & Justice,
School of Social Work,
Tata Institute of Social Sciences)

Printed at :

India Printing Works,
India Printing House,
42, G.D. Ambekar Marg,
Wadala, Mumbai 400 031
Ph.Nos. 022-6662 4969
E-mail : ipw@vsnl.net

Price :

₹ 75/-

ACKNOWLEDGEMENTS

- Aruna Nimse
- Jyoti Cherkupalli
- Kriti Chawla
- Pradyna Shinde
- Reena Jaiswar
- Roshni Nair
- Surekha Sale
- Vijay Johare
- Vishakha Dekhane
- Zarine Chinvala

Dr. Sanober Sahni, *Project Advisor, Prayas*

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 “Work with Children of Prisoners” attempts to document the experience of working with children of prisoners staying with their mothers inside as well as those left outside. These children remain invisible to the world outside. They need care and protection and specific services to prevent them from further exploitation and criminalization.

Important government resolutions and circulars of the prison and other related government departments as a result of Prayas’ intervention have been annexed in the handbook. The R.D. Upadhyay Vs. the State of Andhra Pradesh and Others judgment by the Hon’ble Supreme Court which issued directions to all States and UTs in 2008 laying down guidelines relating to children living in prisons with their mothers is also highlighted.

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 has also been drawn from the book published by Prayas (2002), ***Forced Separation: Children of Imprisoned Mothers.***

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

CONTENTS

Chapter - I

Introduction----- 9

Chapter - II

Work with children inside the prison with their mothers -----11

Chapter - III

Work with children left outside after Separation
from Arrested Mothers -----15

Chapter - IV

Services Provided and Emerging Issues -----18

Chapter - V

Conclusion-----20

Annexures -----21



CHAPTER - I

INTRODUCTION

In the course of work with the women prisoners and to develop a holistic approach towards their rehabilitation, there is a need to include extensive work with the children of the women prisoners as one of the major areas of work.

“Children of Prisoners’ could denote any of the following sub-groups:

- Children born to mothers while in custody
- Minors (which includes infants being breast-fed) permitted to be taken into police or prison custody with their mothers
- Minors, taken into penal custody with their mothers, who have been later sent outside (before or after attaining the prescribed age-limit), while the mother remains incarcerated
- Minors taken into custody with their mothers, who leave with their mothers (bail/discharge/acquittal/completion of sentence)
- Minors left outside when either or both parents are taken into custody
- Adult – sometimes married – children of prisoners
- Adult or minor children, from a previous marriage, of persons in custody
- Minors who grow into adulthood while a parent is serving a sentence



In his foreword to the Prayas study (2002) on Children of Prisoners, **Forced Separation: Children of Imprisoned Mothers**, Justice Shri C. S. Dharmadhikari (Retd) pointed out that **children of prisoners are “treated as criminals...They are victims who suffer the stigma attached to their parents..... Deprived of childhood and parental affection, their situation is no different from that of orphans”.**

Broad categories of children requiring attention:

(1) Children inside Prison with their Mothers

A woman prisoner (either under trial or convict) is legally permitted to keep her young children below the age of six years, with her. Depending on the period for which a mother is in prison, there are some children whose stay is brief, whereas others may be inside for a much longer period. And there are also those whose very birth has taken place in prison, and so have had no experience of ‘normal’ life.

(2) Children left outside after Separation from Arrested Mothers

This category of minors includes those who are either above the age of 6 years, and so cannot be taken into prison – or those who are left outside for some reason. These children could be found in any of the following situations

- Single child living alone
- Siblings living alone, unsupported
- Siblings living with father
- Married elder sister moves in temporarily
- Moving in with/looked after by relatives
- Supported by neighbours
- Looked after by parents’ friend
- Living with employer
- Admitted into government or voluntary residential institutions
- Runaway/untraceable

The work with children of prisoners could be categorized into the children inside the prison with their mothers and the children left outside the prison.



CHAPTER - II

WORK WITH CHILDREN INSIDE THE PRISON WITH THEIR MOTHERS

The law permits children upto the age of 6 years to be with their imprisoned mothers inside the prison. Many a times, suckling children or infants normally accompany their mothers to stay in the prison. But the prison environment is not conducive to the normal growth and development of children. At times, pregnant women are admitted into the prison and thus many children are born while their mothers are in prison. Such children never get to experience a normal family life, sometimes till the age permitted to stay inside.

Socialization patterns of these children get severely affected due to their stay in prison. Their only image of male authority figures is that of police and prison officials. They are unaware of the concept of a home, as we understand it. Boys may sometimes be found talking as females, having grown up only among women confined in the female ward. Unusual sights, like that of animals on the road (seen on the way to court with the mother) are frightening to them.

Frequently, due to overcrowding in the prisons, the children get transferred with their mothers from one prison to another, thereby leading to an unsettling of their already unsettled lives. Such children sometimes display violent and aggressive, or alternatively, withdrawn behaviour in prison. Thus, the children who are inside the prison suffer from the ill-effects of imprisonment as much or



even more than the adults. One can contemplate the effect that this may have on his/her future development.

The social worker can identify such cases and try to arrange adequate services for them, such as regular health care and vaccination, appropriate diet, adequate clothing, etc. by liaising with the prison authorities. The ailing children could be either referred to the visiting doctor for treatment or with the assistance of the prison authorities, sent to the nearest civil hospital outside.

Children completing the age of 6 years should be referred to the Superintendent for either handing them over to relatives who are ready to take their responsibility or for admission into an institution. Thus, the social worker can make the necessary inquiries through home visits regarding relatives willing to take responsibility or through the prison authorities, produce the child before the Child Welfare Committee to seek admission for the child into a children's home.

Creche/Balwadi inside the prison

The *Balwadi* in prison is to cater to the needs of children, who are forced to remain in prison with their mothers. This is a deprivation of their childhood rights, for no fault of theirs. Their world inside is marked by huge walls and barracks. It is as if they are paying the price for their parents' situation.

They live in an atmosphere which is marked by the use of inappropriate language, the occurrence of frequent fights between the prison inmates, use of violence by prison staff and exposure 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 a family structure, the concept of a home is almost absent. Their breakfast, lunch and dinner often get interrupted by the activities of the prison.

The *Balwadi* inside the prison makes an attempt to inculcate the concept of a home, and the outside world in the minds of these children. This can be attempted through showing pictures, flash-cards, puppet shows, miming and role plays.

Generally, the children between ages 1-6 years attend the crèche. The teacher conducts informal classes for them. It is very difficult to bring the children to the crèche. These children come with their mothers in the prison. Most of these children may not have been attending any crèche outside because their mothers



may not have taken such efforts or they were too young when they were outside. But when they come into the prison, they could be motivated to attend the crèche and slowly get into the habit of attending the classes.

Before admitting a child in the crèche, detailed information about the crèche programme can be given to the mother. The children who come inside the prison miss many things like home food, outdoor games and the affection of their family members. They also miss their community from which they learn many things. It is observed that due to the prison environment, children have problems in their physical and mental development. They do not whole-heartedly participate in the crèche activities or they do not always show interest in playing, preferring to sometimes sit alone in a corner.

In the crèche, the children can develop a bond with the teacher and slowly get involved in the activities. Gradually, the routine of going to the crèche and attending the classes gets developed. In the crèche, the children can be helped to adjust to the prison environment, learn language skills, and develop a sense of discipline, personal hygiene and etiquette.

There are children of different age groups coming to the crèche. According to their age, tasks could be assigned to them and records could be maintained about the child's progress. Children between 1-3 years can play with plastic toys. The teacher can make use of pictures, songs and toys while teaching in the class and impart general knowledge. Such activities help in developing and channelizing their minds.

The children above 3 years can be taught activities like introduction of numbers and alphabets, practicing numbers and alphabets, names of days, colours, fruits, vegetables, etc. The teacher can prepare the children towards attending a regular school after their release from prison. Group singing, story-telling, converting stories into games, and outdoor games can be conducted.

The children who are born in prison are not aware of the outside world. For such children, pictures and films can be shown to help them get an understanding about the outside world. When these children go with their mothers to court, they see many things and after coming back they normally tell the teacher stories about their experiences. The children usually discuss the differences between the outside world and the life inside the prison. Thus, children can be motivated to sit together and talk and develop a 'we feeling'.



Discussions can be held with women on issues significant to child care such as

- ❑ Importance of hygiene, health needs of the child and parenting skills
- ❑ Communication between mother and child (e.g. language used while communicating with children)
- ❑ Need to maintain cordial relations with other mothers

The *balwadi* teacher could thus make the mothers rethink about their lives through discussion about the impact of their lives on their children. She can also give information to the mothers about the progress of their children attending the balwadi. The teacher can also organize mothers' group meetings and literacy classes for them.



CHAPTER - III

WORK WITH CHILDREN LEFT OUTSIDE AFTER SEPARATION FROM ARRESTED MOTHERS

The age group of children left outside extends from those children who are a few years old to those who are close to entering adult hood. The arrest of their parents renders them vulnerable to a host of difficult circumstances:

Financial difficulties

Due to the absence of the bread winning member of the family, the standard of living of the family starts falling. Children start to miss meals, become irregular at school, are unable to pay rent, electricity, and grocery bills, school fees, and buy uniforms/books, etc. They often borrow from neighbours with an assurance that their mother will repay the amount. In extreme situations, there is no food at home, either due to lack of provisions or absence of a person to cook the meals. Personal hygiene of the children gets affected. They wear unwashed clothes, sometimes no clothes, and lack bedding, winter and rain wear.

Playing adult roles

Due to the above, the elder siblings have to often drop out of school, to earn a livelihood or look after household chores. They also have to make arrangement



for legal aid for their mothers, talk to the lawyers, go to court, try to arrange for bail, etc. In a singular example of role-reversal, the children, in their own way, start parenting their mothers in prison, reassuring them that things at home are under control, even if they are not.

Threat of losing shelter

Many families live in rented places and the threat of eviction is real, on account of non-payment of rent. Sometimes, the stigma of the mother's imprisonment leads to eviction threats. In some extreme cases, the whole family can forcibly be expelled from the area. Sometimes, relatives move in on the pretext of taking care of children and encroach upon the house.

Loss of legal documents

Due to no responsible person in the house, important legal documents such as the ration card, proof of residence, certificates, etc get lost or misplaced. Normally, the ration card gets cancelled because of not being in use, usually due to lack of income to buy the rations.

Decline in health status

Lack of proper food leads to malnutrition, decline in general health and vulnerability to illnesses and infections. Cases of pneumonia, tuberculosis, typhoid, malaria, diarrhoea, dental and skin problems, etc. are visible among the children or other family members. Normally, in prolonged illness cases, proper medication cannot be afforded. In such a situation.

Father not assuming adequate responsibility for children in his care

In some cases, the children are left to the care of the father who is either suffering from some illness or is addicted to alcohol, drugs or gambling or violent behavior. The presence of such a father is not helpful and sometimes instead is detrimental to the development of the children.

Trauma

The children are traumatized due to the arrest of the mother, the manner of questioning of the mother or children, environment in the police station/prison/court, prolonged separation from the mother or siblings (due to institutionalization or relatives taking charge), being left alone in the house, threats from the environment, (for example, verbal abuse and beating by neighbours, danger from



anti-social elements and fear of abduction or physical harm by members of the opposing party), etc.

Breakdown of family

In some cases, children leave home particularly the older children – running away, absconding, aggression and attempt to suicide. In general, there is a loosening of family bonds and increasing independence in decision making, particularly with respect to the elder siblings. The children are gradually on the path of delinquency.

Social stigma

The lowering of social status accompanied by the feeling of stigmatization leads to a withdrawal of the children from society. Feeling isolated, they at times become introverts and avoid going out, or attending social or family functions.

Disruption of education

Due to change in the roles and responsibilities of children, absence of a caretaker, social stigma and financial difficulties, children tend to neglect their education or drop out of school.

Increased risk

Due to absence of a primary caretaker, and the need to survive, children are at the risk of being exploited by neighbors /relatives, kidnapped, running away, or may even get into criminal activities.



CHAPTER - IV

SERVICES PROVIDED AND EMERGING ISSUES

The social worker can visit the homes of the women at their request, to find out about the situation of their children. After the visit, she can 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 the options. These could be as follows :

- Explaining the legal status of the mother's case and giving any legal guidance if necessary.
- To give moral and emotional support to the children
- Giving immediate financial assistance for food subsistence, medical care, school fees, uniform, books, etc.
- Sponsorship of education related expenses for at least one year.
- Arranging for mulakat between the mother in prison and the children outside or living in an institution.
- Keeping a regular contact with the children and the mother.



- Tracing and motivating relatives to take temporary care of the children
- Finding a foster family for the children
- Motivating neighbours to keep an eye on the children
- Temporary or long-term institutionalization of the children pending the mother's release from prison.

General issues related to the children of prisoners

For example, one of the basic conditions for admission into residential institutions is the death/permanent absence of at least one parent. In the case of these children, while both parents may be alive, they may be in prison, or the mother may be in prison and the father may be an alcoholic or an anti-social element and therefore unable to take care of the children. Therefore, though technically these children have both parents alive, at least temporarily, they are living like orphans. Yet agencies are reluctant to change their rules and admit such children into their institutions.

There is a stigma attached to such children and the community needs to be made aware that children of prisoners are victims of circumstances and suffer disabilities for no fault of theirs. They need the support and help of society at large. The social worker can network with the families, sponsorship agencies working for children, residential institutions and government department/agencies and members of the community or social groups towards fulfilling this objective.

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



CHAPTER - V

CONCLUSION

Social work with children of prisoners can help in demonstrating the need for intervention with this group to the prison authorities, welfare departments and organisations working with vulnerable children. These children get left out of the category of children in difficult or vulnerable circumstances. Many child rights activists are unaware of this group and only a handful of NGOs are working with them. There is an urgent need to pay attention to their problems, as they face both physical and emotional trauma, requiring skilled intervention.

There is a need to formulate a policy or a scheme for the welfare and rehabilitation of children of prisoners. The Supreme Court judgment in the R.D. Upadhyay Vs. State of A.P. and Others could act as a starting point for such a policy. In this regard, there is a need for a wider consultation and experience sharing by NGOs and government agencies in order to highlight the need for specialised services for this group. With some NGOs getting involved in this issue, the time is ripe for the government and the civil society to join hands and focus on this neglected group.



ANNEXURES

ANNEXURE - I

Important highlights of the Supreme Court judgment in the case of R.D. Upadhyay v/s. State of A.P. & others

Y. K. Sabharwal, CJI - Concerned by the plight of the under trial prisoners languishing in various jails in the country, various directions were issued by this Court from time to time. Presently, we are considering mainly the issue of directions for the development of children who are in jail with their mothers, who are in jail either as under trial prisoners or convicts. Children, for none of their fault but per force, have to stay in jail with their mothers. In some cases, it may be because of the tender age of the child, while in other cases, it may be because there is no one at home to look after them or to take care of them in absence of the mother. The jail environment is certainly not congenial for development for the children.

2. For the care, welfare and development of the children, special and specific provisions have been made both in Part III and IV of the Constitution of India, besides other provisions in these parts which are also significant. The best interest of the child has been regarded as a primary consideration in our Constitution
9. The National Institute of Criminology and Forensic Sciences conducted a research study of children of women prisoners in Indian jails. The salient features of the study brought to the notice of all Governments in February, 2002 are:
 - (i) The general impression gathered was that most of these children were living in really difficult conditions and suffering from diverse deprivations relating to food, healthcare, accommodation, education, recreation, etc.
 - (ii) No appropriate programmes were found to be in place in any jail, for their proper bio-psycho-social development. Their looking after was mostly left to their mothers. No trained staff was found in any jail to take care of these children.
 - (iii) It was observed that in many jails, women inmates with children were not given any special or extra meals. In some cases, occasionally, some extra food, mostly in the form of a glass of milk, was available to children. In some jails, separate food was being provided only to

grown up children, over the age of five years. But the quality of food would be same as supplied to adult prisoners.

- (iv) No special consideration was reported to be given to child bearing women inmates, in matters of good or other facilities. The same food and the same facilities were given to all women inmates, irrespective of the fact whether their children were also living with them or not.
- (v) No separate or specialized medical facilities for children were available in jails.
- (vi) Barring a few, most mother prisoners considered that their stay in jails would have a negative impact on the physical as well as mental development of their children.
- (vii) Crowded environment, lack of appropriate food, shelter and above all, deprivation of affection of other members of the family, particularly the father was generally perceived by the mothers as big stumbling blocks for the proper development of their children in the formative years of life.
- (viii) Mother prisoners identified six areas where urgent improvement was necessary for proper upkeep of their children. They related to food, medical facilities, accommodation, education, recreation and separation of their children from habitual offenders.
- (ix) No prison office was deployed on the exclusive duty of looking after these children or their mothers. They had to perform this duty alongside many other duties including administrative work, discipline maintenance, security-related jobs etc. None of them was reported to have undergone any special training in looking after the children in jails.

10. Some of the important suggestions emanating from the study are:

- (i) In many States, small children were living in sub-jails which were not at all equipped to keep children. Women prisoners with children should not be kept in such sub-jails, unless proper facilities can be ensured which would make for a conducive environment there, proper bio-psycho-social growth of children.



- (ii) Before sending a woman in stage of pregnancy, to a jail, the concerned authorities must ensure that particular jail has got the basic minimum facilities for child delivery as well as for providing pre-natal and post-natal care for both to the mother and the child.
- (iii) The stay of children in crowded barracks, amidst women convicts, under trials, offenders relating to all types of crime including violent crimes, is certainly harmful for such children in their personality development. Children are, therefore, required to be separated from such an environment on priority basis, in all such jails.
- (iv) A permanent arrangement needs to be evolved in all jails, to provide separate food with ingredients to take care of the nutritional needs of children to them on regular basis.
- (v) Children of women prisoner should be provided with clothes, bed sheets, etc. in multiple sets. Separate utensils of suitable size and material should also be provided to each mother-prisoner for giving food to her child.
- (vi) Medical care for every child living in a jail has to be fully ensured. Also, in the event of a women prisoner falling ill herself, alternative arrangements for looking after the child should be made by the jail staff.
- (vii) Adequate arrangements should be available in all jails to impart education, both formal and informal, to every child of the women inmates. Diversified recreational programmes/facilities should also be made available to the children of different age groups.
- (viii) A child living in a jail along with her incarcerated mother is not desirable at all. In fact, this should be as only the last resort when all other possibilities of keeping the child under safe custody elsewhere have been tried and have failed. In any case, it should be a continuous endeavour of all the sectors of the criminal justice system that the least number of children are following their mothers to live in jails.

11. The State Governments and Union Territories were requested to consider the aforesaid suggestions for implementation.

13.At the time of arrest of the women prisoners having children, indiscriminate arrest is not confined only to women/mother prisoners



but such arrest is automatically extended to these children who are of tender age and there is no one to look after the child and take care of the child without their mother. Such children are perforce subjected to a kind of arrest for no offence committed by them. Further, the atmosphere in jail is not congenial for a healthy upbringing of such children.....The arrangement pertaining to the education and looking after of these children is not adequate.....there is no specific provision or regulation in Jail Manual for facilitating the mother prisoners to meet the children. It is for the family protection of these women prisoners including their minor children that the trial period of under trials shall be minimized and a period of two years shall be fixed.

14. It was suggested that arrest of women suspects be made only by lady police. Such arrests should be sparingly made as it adversely affects innocent children who are taken into custody with their mother. To avoid arrest of innocent children the care and custody of such children may be handed over to voluntary organizations which can assist in the growth of children in a congenial and healthy atmosphere. Periodic meeting rights should be available to the women/mother prisoners in order to mother the healthy upkeep of the children.
51. It may be noted that on 29th August, 2002, a field action project prepared by the Tata Institute of Social Sciences on situation of children of prisoners was placed before this Court. Responses thereto have been filed by the Union of India as well as the State Governments.
52. The report puts forward five grounds that form the basis for the suggestion to provide facilities for minors accompanying their mothers in the prison :
 - a) The prison environment is not conducive to the normal growth and development of children;
 - b) Many children are born in prison and have never experiences a normal family life, sometimes till the age permitted to stay inside (four to five years);
 - c) Socialization patterns get severely affected due to their stay in prison. Their only image of male authority figures is that of police and prison officials. They are unaware of the concept of a home, as we know it. Boys may sometimes be found talking in the female gender, having grown up only among women confined in the female ward. Unusual



sights, like animals on the road (seen on the way to Court with the mother) are frightening.

- d) Children get transferred with their mothers from one prison to another, frequently (due to overcrowding), thus unsettling them; and
 - e) Such children sometimes display violent and aggressive, or alternatively, withdrawn behavior in prison.
53. Specific suggestions have been put forward vis-a-vis children once they reach the confines of the prison. The minimum is the existence of a *Balwadi* for such children, and a crèche for those under the age of two. The *Balwadi* should be manned by a trained *Balwadi* teacher and should have the facilities of a visiting psychiatrist and pediatrician. A full-time nurse could also be made available. Immunization should take place on a regular basis. If the child is sick and needs to be taken outside the prison, the mother should be allowed to accompany the child. The *Balwadi* would provide free space, toys and games for children. It can also organize programmes on mother and child care, hygiene and family life for mothers. It has also been suggested that these facilities should be located outside, but attached to the prison. This would combat the negative psychological impact of the prison environment and expose the children to 'normal' figures not found in the women's barracks. It is also suggested that specialized clothing including winter-wear and bedding including plastic sheets should be provided to children. Concerns have also been raised regarding the issuance of a birth certificate that mentions the prison as the place of birth of a child born in prison. It is suggested that child's residence should be mentioned as the place of birth and not the prison.
54. Emphasis has been placed on the diet of such children. It recommends that a special diet be prescribed, as per the norms suggested by a nutrition or child development expert body such as the National Institute of Public Cooperation and Child Development. The diet should be standardized according to the age of the child and not prescribed as uniform irrespective of the age of the child. The special needs of the child should be kept in mind, for instance, milk needs to be kept fresh which will not be the case if it is handed out only once in the morning. Toned milk may be required or boiled water may need to be provided. For satisfying these needs and providing a satisfactory diet may even require the creation of a separate kitchen unit for children.



56. The Union of India, in its affidavit, has pointed out that it has taken several measures for the benefit of children in general, including children of women prisoners in this larger group. These measures include 'Sarva Shiksha Yojana', Reproductive and Child Health Programme, and Integrated Child Development Projects and passing of the Juvenile Justice (Care and Protection of Children) Act, 2000 for the welfare of children in general.
57. Union of India also pointed out that the *Swadhar* scheme has been launched by the Department of Woman & Child Development with the objective of providing for the primary needs of shelter, food, clothing, care, emotional support and counseling to the women convicts and their children, when these women are released from jail and do not have any family support, among other groups of disadvantaged women.
65. In the light of various reports referred to above, affidavits of various State Governments, Union Territories, Union of India and submissions made, we issue the following guidelines:
1. A child should not be treated as an under trial/convict while in jail with his/her mother. Such a child is entitled to food, shelter, medical care, clothing, education and recreational facilities as a matter of right.
 2. Pregnancy:
 - a) Before sending a woman who is pregnant to a jail, the concerned authorities must ensure that jail in question has the basic minimum facilities for child delivery as well as for providing pre-natal and post-natal care for both, the mother and the child.
 - b) When a woman prisoner is found or suspected to be pregnant at the time of her admission or at any time thereafter, the lady Medical Officer shall report the fact to the Superintendent. As soon as possible, arrangement shall be made to get such prisoner medically examined at the female wing of the District Government Hospital for ascertaining the state of her health, pregnancy, duration of pregnancy, probable date of delivery and so on. After ascertaining the necessary particulars, a report shall be sent to the Inspector General of Prisons, stating the date of admission, term of sentence, date of release, duration of pregnancy, possible date of delivery and so on.



- c) Gynecological examination of female prisoners shall be performed in the District Government Hospital. Proper pre-natal and post-natal care shall be provided to the prisoner as per the medical advice.
3. Child birth in prison:
 - a) As far as possible and provided she has a suitable option, arrangements for temporary release/parole (or suspended sentence in case of minor and casual offender) should be made to enable an expectant prisoner to have her deliver outside the prison. Only exceptional cases constituting high security risk or cases of equivalent grave descriptions can be denied this facility.
 - b) Births in prison, when they occur, shall be registered in the local birth registration office. But the fact that the child has been born in the prison shall not be recorded in the certificate of birth that is issued. Only the address of the locality shall be mentioned.
 - c) As far as circumstances permit, all facilities for the naming rites of children born in prison shall be extended.
 4. Female prisoners and their children:
 - a) Female prisoners shall be allowed to keep their children with them in jail till they attain the age of six years.
 - b) No female prisoner shall be allowed to keep a child who has completed the age of six years. Upon reaching the age of six years, the child shall be handed over to a suitable surrogate as per the wishes of the female prisoner or shall be sent to a suitable institution run by the Social Welfare Department. As far as possible, the child shall not be transferred to an institution outside the town or city where the prison is located in order to minimize undue hardships on both mother and child due to physical distance.
 - c) Such children shall be kept in protective custody until their mother is released or the child attains such age as to earn his/her own livelihood.
 - d) Children kept under the protective custody in a home of the Department of Social Welfare shall be allowed to meet the mother at least once a week. The Director, Social Welfare Department, shall



ensure that such children are brought to the prison for this purpose on the date fixed by the Superintendent of Prisons.

- e) When a female prisoner dies and leaves behind a child, the Superintendent shall inform the District Magistrate concerned and he shall arrange for the proper care of the child. Should the concerned relative(s) be unwilling to support the child, the District Magistrate shall either place the child in an approved institution/home run by the State Social Welfare Department or hand the child over to a responsible person for care and maintenance.
5. Food, clothing, medical care and shelter:
- a) Children in jail shall be provided with adequate clothing suiting the local climatic requirement for which the State/U.T. Government shall lay down the scales.
 - b) State/U.T. Government shall lay down dietary scales for children keeping in view the calorific requirements of growing children as per medical norms.
 - c) A permanent arrangement needs to be evolved in all jails, to provide separate food with ingredients to take care of the nutritional needs of children who reside in them on a regular basis.
 - d) Separate utensils of suitable size and material should also be provided to each mother prisoner for using to feed her child.
 - e) Clean drinking water must be provided to the children. This water must be periodically checked.
 - f) Children shall be regularly examined by the Lady Medical Officer to monitor their physical growth and shall also receive timely vaccination. Vaccination charts regarding each child shall be kept in the records. Extra clothing, diet and so on may also be provided on the recommendation of the Medical Officer.
 - g) In the event of a woman prisoner falling ill, alternative arrangements for looking after any children falling under her care must be made by the jail staff.
 - h) Sleeping facilities that are provided to the mother and the child should be adequate, clean and hygienic.
 - i) Children of prisoners shall have the right of visitation.



- j) The Prison Superintendent shall be empowered in special cases and where circumstances warrant admitting children of women prisoners to prison without court orders provided such children are below 6 years of age.
6. Education and recreation for children of female prisoners
- a) The child of female prisoners living in the jails shall be given proper education and recreational opportunities and while their mothers are at work in jail, the children shall be kept in crèches under the charge of a matron/female warder. This facility will also be extended to children of warders and other female prison staff.
- b) There shall be a crèche and a nursery attached to the prison for women where the children of women prisoners will be looked after. Children below three years of age shall be allowed in the crèche and those between three and six years shall be looked after in the nursery. The prison authorities shall preferably run the said crèche and nursery outside the prison premises.
7. In many States, small children are living in sub-jails that are not at all equipped to keep small children. Women prisoners with children should not be kept in such sub-jails, unless proper facilities can be ensured which would make for conducive environment there, for proper biological, psychological and social growth.
8. The stay of children in crowded barracks amidst women convicts, under trials, offenders relating to all types of crimes including violent crimes is certainly harmful for the development of their personality. Therefore, children deserve to be separated from such environments on a priority basis.
- 9 Diet:

Dietary scale for institutionalized infants/children prepared by Dr. A.M. Dwarkadas Motiwala, MD (Paediatrics) and Fellowship in Neonatology (USA) has been submitted by Mr. Sanjay Parikh. The document submitted recommends exclusive breastfeeding on the demand of the baby day and night. If for some reason, the mother cannot feed the baby, undiluted fresh milk can be given to the baby. It is emphasized that *“dilution is not recommended; especially for low socio-economic groups who are also illiterate, ignorant, their children are already malnourished and*



are prone to gastroenteritis and other infections due to poor living conditions and unhygienic food habits. Also, where the drinking water is not safe/reliable since source of drinking water is a question mark. Over-dilution will provide more water than milk to the child and hence will lead to malnutrition and infections. This in turn will lead to growth retardation and developmental delay both physically and mentally.” It is noted that since an average Indian mother produces approximately 600-800 ml. milk per day (depending on her own nutritional state), the child should be provided at least 600ml. of undiluted fresh milk, over 24 hours if the breast milk is not available. The report also refers to the “Dietary Guidelines for Indians – A Manual”, published in 1989 by the National Institute of Nutrition, Council of Medical Research, Hyderabad, for a balanced diet for infants and children ranging from 6 months to 6 years of age. It recommends the following portion for children from the ages of 6-12 months, 1-3 years and 4-6 years, respectively: Cereals and Millets – 45,60-120 and 150-210grams respectively; Pulses – 15,30 and 45 grams respectively; Milk – 500ml (unless breast fed, in which case 200ml); Roots and Tubers – 50,50 and 100 grams respectively; Green Leafy Vegetables – 25,50 and 50 grams respectively; Other Vegetables – 25,50 and 50 grams respectively; Fruits – 100 grams; Sugar – 25,25 and 30 grams respectively; and Fats/Oils (Visible) – 10,20 and 25 grams respectively. One portion of pulse may be exchanged with one portion (50 grams) of egg/meat/chicken/fish. It is essential that the above food groups to be provided in the portions mentioned in order to ensure that both macronutrients and micronutrients are available to the child in adequate quantities.

10. Jail Manual and/or other relevant Rules, Regulations, instructions etc. shall be suitably amended within three months so as to comply with the above directions. If in some jails, better facilities are being provided, same shall continue.
11. Schemes and laws relating to welfare and development of such children shall be implemented in letter and spirit. State Legislatures may consider passing of necessary legislations, wherever necessary, having regard to what is noticed in this judgment.
12. The State Legal Services Authorities shall take necessary measures to periodically inspect jails to monitor that the directions regarding children and mother are complied with in letter and spirit.



13. The Courts dealing with cases of women prisoners whose children are in prison with their mothers are directed to give priority to such cases and decide their cases expeditiously.
14. Copy of the judgment shall be sent to Union of India, all State Government/ Union Territories, High Courts.
15. Compliance report stating steps taken by Union of India, State Governments, Union territories and State Legal Services Authorities shall be filed in four months whereafter matter shall be listed for directions.



ANNEXURE - II

Circular issued by the Public Health Department of Municipal Corporation of Greater Mumbai in regard to the birth certificate of children of women prisoners (Original document in English)

**MUNICIPAL CORPORATION OF GREATER MUMBAI
Public Health Department**

No.HO/51587/RI dt. 16-10-2000

C I R C U L A R

The circular is issued in context with the meeting of M.C. with Mr. Vijay Raghavan, Project Director, PRAYAS on 10-10-2000. During the meeting, following points were discussed and the decisions are as follows :-

1) Regarding the Birth Certificates of Children of women prisoners –

It was brought to the notice that if women in prison is delivered at the hospital, the certificate of the said child mentions “Prison” as the address. All MOsH should note that it is mandatory to mention permanent residential address in the Birth Certificate as per RBD Act, 1969. Hence, all the concerned hospital authorities should be conveyed to fill up the hospital records properly with permanent residential address, so that the same is registered in birth records.

2) Regarding difficulties at the time of hospital admissions of women in prisons –

It was pointed out that street children/destitute, who need admission at the Municipal Hospitals, face a lot of difficulties as the hospital authorities insist on 1 relative/guardian to remain 24 hours with the patient. Mr. Vijay Raghavan, Project Director, PRAYAS requested to relax this condition. This point was discussed and it is decided that hospital authorities will not insist on 24 hours attendance of guardian with the patient, provided PRAYAS (NGO) takes up the responsibility of the patient (be local guardian of the patient), visit the patient once in a day till



the duration of hospitalization and keep his/her (guardian) contact no., for use in emergency cases/decisional transfers etc. The hospital authorities may note and do the needful.

Executive Health Officer

Copy to: A.M.C. (WS) – for information please.

M.C. :- For information please.

All MOsH/AHOs/DEbHOs/M.O./M.S. of Peripheral & Special Hospitals/
Ch.M.S./Addl.EHO/DEAN(K)/DEAN(N)/DEAN(L)/M.S.O.&Dean J. J.
Hospital/Dean & Dir,M.E.

Mr. Vijay Raghavan, Project Director, PRAYAS, Social work in criminal
justice, Bldg.No.9,R.No.1, BDD Chawl, Worli, Mumbai – 18

For information and necessary action.

Executive Health Officer



ANNEXURE - III

Circular issued by the Probation Superintendent with regard to the rehabilitation of Children of Prisoners (Translated into English from the original Marathi document)

Circular

No. WCDC/Workshop/C-7/08-09/366

Commissionerate of Women & Child Development,
Maharashtra State, Pune
Dated : 13th January, 2009

To

District Women & Child Development Officers (All),

Sub.: Regarding the rehabilitation of children of convict prisoners

With reference to the above mentioned subject, we are informing you that according to a study conducted by an NGO, VARHAD, Amravati, it has been informed that while the prisoners are undergoing sentence in the prison, their children are deprived of the educational facilities. Thus, if in your district, if you come across such children of prisoners and if there is no proper guardian to take care of them and if they are being deprived of education and rehabilitation, then so as to avail the benefits of the various child development schemes for such needy and qualified children, necessary action may be taken. Or in view of their future rehabilitation, necessary action be taken of producing the children before the Child Welfare Committee for admission into government/government approved children's institutions and as per the orders of the Child Welfare Committee, action be taken towards the children's further rehabilitation.

(B.M. Kadve)
Probation Superintendent
Women & Child Development
Maharashtra State, Pune

Copy for information purpose:

- 1) Varhad, organization, Yashoda Nagar No.1, Post Rukmini Nagar, Amravati –
- 2) Prayas, organization, 9/1, B.D.D. Chawl, Worli, Mumbai – 400 018



ANNEXURE - IV

Circular issued by the Dy. Secretary of the Department of Women & Child Development regarding arranging meetings between the mothers in the prison and their children (Translated into English from the original Marathi document)

Action to be taken by Probation Officers in regard to arranging meetings of the mothers in the prison and their children.

**Govt. of Maharashtra
Department of Women and Child Development
Govt. Circular No.Misc - 2004/C.No. 53/Desk - 3
New Administrative Building , 3rd Floor, Mantralaya, Mumbai – 400032
Dt. 31st January, 2005**

Circular : All Probation Officers are being given the following instructions with regard to arranging meetings between the women prisoners who are admitted into the prison and their children.

- 1] The woman admitted into the prison can be from any district. Therefore, the Probation Officer who is also the Liaison Officer of the prison, will take the date and time from the Superintendent of the prison for the meeting of the woman prisoner's child with her and inform the Probation Officer of the respective district where the child of the woman resides. The concerned Probation Officer will personally visit the place where the woman's child is residing and inform the relatives of the woman the date and time of the visit and explain the necessity of the meeting arranged between the child with the mother.
- 2] If the child of the woman who is admitted into the prison is in any Government or Non – Government residential institution (Children's Home etc.) which is under the jurisdiction of the Department of Women and Child Development, then the Probation Officer who is also the Liaison Officer of the prison, will contact the Probation Officer of the respective residential institution and



request for the arrangement of meeting between the child and the mother. The responsibility of taking and bringing the child for the meeting with the mother will remain with the institution where the child is presently staying.

- 3] The meeting of the child with the mother should take place minimum once in a fortnight (15 days). Besides this, during any emergencies also such meetings should be arranged.

This order is being issued in consultation with the Home Department.

In the name of and by the orders of the Governor of Maharashtra.

(J. N. Rathod)
Dy. Secretary

C.C.

- Upper Chief Secretary, Home Department, Mantralaya, Mumbai
- Commissioner, Commissionerate of Women and Child Development, Maharashtra State, Pune
- All Police Commissioners / Superintendents of Police
- Dy. Inspector General of Prison, Mumbai, Pune, Aurangabad, Nagpur
- All District Women and Child Development Officers
- All Superintendents, Central Prisons
- All Superintendents, District Prisons
- Superintendents of all residential institutions for children
- Upper Secretary (Desk - 8), Department of Women and Child Development



ANNEXURE - V

Circular issued by the Dy. Secretary, Department of Women & Child Development regarding the Bal Sangopan Yojana of the department for children (Translated into English from the original Marathi document)

**Govt. of Maharashtra
Department of Women and Child Development
Govt. Resolution No.CW 2005/C.No. 91/Desk - 8
New Administrative Building, 3rd floor, Mantralaya, Mumbai – 400032**

Dated: 11th November, 2005

Read : 1] Govt. Resolution – Department of Social Welfare, Cultural, Sports and Tourism

No. BCA 1074/57116-N dt. 24/02/1975

2] Govt. Resolution – Department of Women and Child Development No. JJA 1094/C. No. 40/

Desk - 3 dt.15/12/1994

Govt. Resolution : The Government is implementing the Bal Sangopan Yojana for orphan, destitute, homeless and needy children between the age group of 0-18 years in order to provide a family environment for the children's upbringing, to meet their basic needs and for their development. This scheme has been started as per the Govt. Resolution dated 24/02/1975. For the implementation of the scheme, to motivate parents for the scheme and after the child is given to the family, to supervise whether the child is being looked after by the family appropriately – all this will be done by non-governmental organizations. As per the above mentioned Govt. Resolution dt 24/02/1975, rules for the Bal Sangopan Yojana and other non-institutional schemes have been formulated. Without making any changes in those rules, and only for the effective implementation of the Bal Sangopan Yojana, following detailed orders are being issued.



- 1] With regard to residence proof of the beneficiary, proofs of residence other than the Rationing Card should be considered as valid. For e.g. Rationing Card/ Electricity Bill/Water Bill/Home Tax bill/Municipal Corporation Certificate/ Corporator's Certificate.
- 2] All income proofs, other than the Certificate of Income issued by the Tehsildar must be considered as valid. For e.g.: Corporator's Certificate or Salary, Certificate of Parents' workplace, wherein there should be a clear mention of the type of job the parents are doing. Besides this, a photograph of the beneficiary's house should also be attached. This provision will only be in regard to the Bal Sangopan Yojana.
- 3] In the meeting of Board of Ministers dt. 9/3/1994, under the said scheme Rs. 500/- per month per head have been sanctioned to the beneficiary and the NGO. Accordingly as per the Govt. Resolution No. JJA – 1094/C No. 40/Desk - 3, dt. 15/12/1994, the beneficiaries of this scheme have been sanctioned Rs.450/- per month per head for security grant and Rs. 50/- per month per head for house rent, medicines, toiletries. Within the limit of the sanctioned grant under the said scheme, the beneficiaries will get Rs.425/- as security grant per month per head and the NGO will get Rs.75/- grant per beneficiary, thus total Rs. 500/- grant amount may be sanctioned.
- 4] The Child Welfare Committee should think of giving the benefit of the Bal Sangopan Yojana to the beneficiaries instead of giving admission into the institutions.
- 5] Home enquiry report of the Probation Officer should be kept confidential. Therefore, a copy of the home enquiry report should not be called for alongwith the application and other related documents. A copy of the home enquiry report should be maintained in the respective files by the social worker of the concerned non-governmental organizations.
- 6] District Women and Child Development Officer is being given the authority under this scheme to distribute the funds after examining the cases and sanction each case of the beneficiary.
- 7] The authority to give approval to the non-governmental organization alongwith the sanctioned number will remain at the level of the Commissioner, Department of Women and Child Development. For further expansion of this



- scheme, the Commissioner, Department of Women and Child Development should approve an increase in the sanctioned numbers as per the demand.
- 8] The non-governmental organization should conduct a detailed home enquiry of each beneficiary and prepare a document/file of each beneficiary and make it available at the time of inspection.
 - 9] The 'Admission Orders' must be given by the respective District Women and Child Development Officer. In future, whether the system of 'Admission Orders' is to be continued or should be checked and a proposal in that regard be sent to the Government.
 - 10] i) The prescribed sample of the Utilization Certificate will be as per Annexure 1 of the Rules of the Juvenile Justice Act, 2000.
 - ii) Child Welfare Committees should refer maximum number of children to avail the benefit of the Bal Sangopan Yojana.
 - iii) Under this scheme, funds should be distributed once in every 6 months. Also pending grants should be distributed at the earliest.
 - iv) Grants should be distributed to the organizations once in every 6 months through the District Women and Child Development Officer and in turn the organisations should distribute the grants to the beneficiary families every month.
 - v) All District Women and Child Development Officers should verify the documents of the received cases within one month and issue the final orders.

By the orders and in the name of Governor of Maharashtra

(Y. R. Gaikwad)
Dy. Secretary

- C.C. -- Office of the Hon. Chief Minister
- Hon. Minister (Women & Child Development)
 - Hon. State Minister (Women & Child Development)
 - Chief Secretary (Law & Judiciary), Mantralaya, Mumbai



- Chief Secretary (Finance), Mantralaya, Mumbai
- Chief Secretary (Planning), Mantralaya, Mumbai
- Commissioner, Women and Child Development, Maharashtra State, Pune
- All Chairpersons, Child Welfare Committees
- All Offices of the Department of Women and Child Development
- Desk Officer, Desk - 8



ANNEXURE - VI

Circular issued by the Dy. Inspector General of Prisons (Western Region) regarding provision of facilities to the children of women prisoners as per the guidelines of the Supreme Court (Translated into English from the original Marathi document)

Circular

Outward No. Women Prisoner /Reformation /
Supreme Court / 06 / PO - 3, Pune -6 dt. 9/6/2006

Subject : Regarding provision of facilities to children of women prisoners as per the guiding principles of the Supreme Court.

The orders/suggestions given by the Hon. Judge in the writ petition of R.D. Upadhyaya v/s. State of Andhra Pradesh & Others of how to take care of children of women prisoners are being sent to all prison Superintendents for immediate implementation. Accordingly actions should be taken and implementation reports of actions taken in that regard should be sent in written form without fail before 26/6/2006. Note should be taken that these orders/instructions should be followed only where there is prison for female prisoners, these instructions are not related to the prison for the male prisoners.

- 1] Those children who are with their mothers in the prison, should not to be treated like under trials or convicted prisoners.
- 2] For the pre-primary education, the facility of a Balwadi should be made available for the children of women prisoners in the prison. The concerned Balwadi should be made available not inside the prison but outside the prison premises.
- 3] When a pregnant woman prisoner is to be sent to a prison, the concerned Officer should confirm that in the prison there are the necessary arrangements for the child delivery, pre-natal and post-natal care facilities for the pregnant woman prisoner.
- 4] If a pregnant woman prisoner wants to deliver her child in a private hospital outside the prison, then accordingly, she may be given the concession of

temporary release / leave as per the orders issued by the Hon. Supreme Court. Such facility should be given only to woman prisoners who have been arrested under ordinary offences. If a pregnant woman prisoner has been arrested under some serious offence then on the grounds of security and by quoting valid reasons, the permission and facility of child delivery in a government/private hospital outside the prison as per her desire can be denied.

- 5] When the woman prisoner delivers her child in the prison, at that time it is necessary to record the birth of the child in the appropriate/concerned office and while thus recording, the Superintendent of the prison should take such care so that it should not sound even remotely that the child is born in the prison. While mentioning the address, only the name of the area should be stated.
- 6] Permission for conducting the name giving ceremony of the child born in the prison, should be granted. This point is mentioned in Rule No.8 of Chapter No. 41 “ Rules for Woman Prisoners” of the Prison Manual.
- 7] Permission should be given to the women prisoners to keep their children with them in the prison till they attain the age of 6 years.
- 8] After completion of 6 years of the child, as per the desire of the woman prisoner, the child of the said woman prisoner should be sent to her relatives. If the woman prisoner has no relatives and if nobody is ready to take care of the child, then for the upbringing of the child, the child should be handed over to the appropriate social institution taking care of small children and such institution should not be far away from that area so as to reduce the unnecessary trouble for the woman prisoner and her child while visiting each other. There is a clear mention about this rule in Rule No.11(1) of Chapter No. 41, “Rules for Woman Prisoners” of the Prison Manual.
- 9] Thus, in this manner, the child should be kept in the said social institution till the child attains the age of majority or till the release of that woman prisoner from the prison. This point is mentioned in Rule No.11(1&2) of Chapter No.41 “Rules for Woman Prisoners” of the Prison Manual.
- 10] In this manner, arrangement for the meeting/visit of children of the women prisoners who are kept in the social institution, with their mother prisoner should be made once in a week and the Director of Department of Social Welfare on the specified day should contact in advance the Superintendent



of the prison (the prison where the mother of child is kept) and make the appropriate arrangements accordingly.

- 11] Unfortunately, if the death of the woman prisoner whose children are thus kept in a social institution takes place, then the Superintendent of the female prison should inform about it to the related District Magistrate and request for the necessary arrangements to be made for care of the child of the related woman. If the relatives of the woman prisoner are unwilling to accept the child then the District Magistrate should hand over the child to a government managed institution for the nurturing of the child or if a responsible person from the society is coming forward to take care / foster-care of the child, then the child should be handed over to such a person.

Food, Clothing, Shelter and Medical Care

- 12] As per the respective weather conditions, necessary clothes should be provided to the children of the women prisoner inside the prison.
- 13] According to age of the child and for increase in the general necessary calories, the children of women prisoners should be provided the appropriate diet as prescribed by medical science. A circular/instructions of the Maharashtra Government dated 24th May, 2005 stated about the revised diet to be given to the prisoners of Maharashtra. And in that circular, the diet ratio mentioned for the children is similar to that suggested by the Supreme Court. Whatever little difference is there in the diet ratio for children, that is clarified in the following table:

Sr. No.	Name of the items	Revised diet ratio of the Maharashtra Govt. (1-4 years)	The new diet ratio as per the order of the Supreme Court		
			Age groups		
			6 – 12 months	1-3 years	4-6 years
1	Cereals	50 gms	45 gms	60-120 gms	150-210 gms
2	Pulses	30 gms	15 gms	30 gms	45 gms
3	Roots & Tubbers	25 gms	50 gms	50 gms	100 gms
4	Green Vegetables	25 gms	25 gms	50 gms	50 gms
5	Other vegetables	25 gms	25 gms	50 gms	50 gms

6	Fruits	100 gms	100 gms	100 gms	100 gms
7	Sugar	25 gms	25 gms	25 gms	30 gms
8	Oil	10 gms	10 gms	20 gms	25 gms
9	Besides 50 gms of dal, eggs, mutton, chicken, fish also should be given				
10	Milk	300 ml.	500 ml.	500ml.	500ml.

- 14] Separate arrangements should be made for the preparation of the food as per the above mentioned ratio for the children of the women prisoners, so that it is easy to supply the necessary vitamins and nutrients to the children of the women prisoners.
- 15] Each woman prisoner should be provided the necessary utensils of appropriate size and other necessary things for feeding her children and for other work.
- 16] Pure and clean water should be supplied to the children of women prisoner and periodically the water which is given to them, should be necessarily tested for its respective drinking purpose through the appropriate authorities. An explanation about this is mentioned in Rule No.33(1,2), 35 of Chapter No.5 of the Prison Manual.
- 17] For the appropriate physical growth of the children, they should be periodically medically examined by the female Medical Officer and it is necessary to arrange for the disease prevention vaccination at the appropriate time and the necessary table of the 'vaccination to be given' should be maintained in the respective registers. As per the advice of the Medical Officer, food and clothes (more in number and of different types whenever necessary) should be supplied to the children of the women prisoners.
- 18] If the woman prisoner falls ill, then the prison administration should make the necessary alternate arrangements for the caring of her children.
- 19] The beds supplied to woman prisoner and her child for sleeping must be clean and sufficient from the medical point of view.
- 20] The children of the women prisoners who are residing with their relatives or in a social institution, these children have the right to meet their mother.
- 21] If there is a mention or not in the court order of the woman prisoner about the admission of her children below the age of 6 years into the prison, the Superintendent of the Female Prison should admit such children into the



prison and take necessary care of them. Because there is no order of the court about admitting the children of the woman prisoner below 6 years along with woman prisoner, the Superintendent of the Women Prison should take care that does not happen that the child is denied admission into the prison.

- 22] It is the responsibility of the Superintendent of the Female Prison to provide the facility of proper education and recreation for the children of women prisoners inside the prison. If there is need of a creche for the children, then it is necessary to arrange for the same inside the prison. For that, it is necessary to arrange for ayahs and convict warders to take care of the children in the creche. In this crèche, the children of the female prison employees should also be permitted.
- 23] Appropriate arrangements of a creche for the children of the women prisoners in the age group of 1-3 years and training in a 'Balwadi' for the children in the age group of 3-6 years should be made. If possible, such 'Balwadis' should be outside the prison premises.
- 24] Often, children of women prisoners are kept with the women prisoners in sub jails where necessary facilities for taking care of children are not available. In such sub jails, women prisoners should not be kept, because in the sub-jails, there is lack of appropriate environment for the proper physical, mental and social growth of those children.
- 25] Women prisoners with children should not kept in barracks/cells where there is crowding of many types of women prisoners arrested for different offences, because that place is dangerous for the appropriate personality development of the children of women prisoners. Therefore, if possible arrangements should be made to keep the women prisoners with children separately.

(Madhav Karve)

**Dy. Inspector General of Prison
Western Region, Pune -6**

C.C.

- Superintendents,
Central Prison – Yerawada / Kolhapur (Kalamba)
District Prison -- Solapur / Sangli / Satara / Visapur /Kolhapur (City) /
Ahmednagar
Swatantrapur Open Colony, Atpadi, Dist. Sangli





प्लेटिनम जयंती
PLATINUM JUBILEE
1936-2011

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.



PRAYAS

9/1, B.D.D. Chawls, Worli, Mumbai 400 018.

Phones : 022 - 2494 7156 / 249 02285

Email : prayas_1990@rediffmail.com, prayas.rnd@gmail.com

