CHILDREN OF WOMEN PRISONERS

THE INVISIBLE TRIAL

PRAYAS
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Tata Institute of Social Sciences
Mumbai
The Team

This work would not have been possible without the foresight and leadership of Dr. Sanober Sahni, Project Advisor, Prayas, and Research Director of our 2002 study, *Forced Separation: Children of Imprisoned Mothers*. Prayas’s intervention with children of women prisoners was led by her in its initial years, and she continues to guide us in the field.

This case study is an outcome of a team effort. The following persons have contributed to its writing:

**Compilation and writing**

Tabish Ahsan

**Additional inputs**

Devayani Tumma
Surekha Sale
Pradnya Shinde
Minal Kolatkar
Priyanka Kamble
Reena Jaiswar
Vaishali Jaiswal
Minakshi Karoth
Krupa Shah
Sharon Menezes
Vijay Raghavan

**Editing**

Vijay Raghavan
We are grateful to the women prisoners and their children, for the opportunity to work with them, understand their lives, and learn from them.
Imprisoned dreams: The journey of children of women prisoners

It was a chance meeting with a girl whose one parent was serving a sentence in a prison for the murder of the other parent that prompted a student of TISS, pursuing her Master’s Degree in Social Work (with specialisation in Criminology and Correctional Administration), to do her research work on the circumstances of children of prisoners. The dishevelled state of the girl and her vacant eyes raised a barrage of questions in Krupa Shah’s mind, who decided to unravel the misery hidden behind this circumstantial twist where the parents, especially mothers, are in the prison and children are left behind with no one to take care of them. These children with incarcerated parents generally come from impoverished households and face many threats to their healthy development and lifelong wellbeing. Krupa’s research (which she submitted in 1993) fuelled the idea that these children, invisible to the world including child rights activists and policy makers, require social work intervention, resulting in Prayas commencing full-time field intervention for families of prisoners, with special focus on children.

In the meantime, before a formal process to start a systematic intervention was to commence, the work with the children of women prisoners (below 6 years, and living with their mothers in prison) started with a student’s fieldwork placement in Arthur Road Prison (Female Section) in Mumbai. The simple act of interacting with the children and playing with them showed positive changes in the mothers’ as well the children’s mental state. Over the years, this intervention has lent valuable knowledge and insight into their processing by the Criminal Justice System, and the need for extending care and protection to these children became visible. Raising issues with regard to such children and highlighting their needs at various fora has resulted in increased visibility of this group to authorities concerned and civil society organisations alike.

It has been observed that many of the cases of imprisonment of women prisoners involve spousal murders wherein the wife is arrested for the murder of her spouse either alone or with her paramour or other relatives. In such circumstances, where the mothers are locked in prison, the children below the age of six usually accompany their mothers in prison or are left in the care of some relatives. In case of children above six years (whereby the law does not permit the children to be brought inside prison), relatives or neighbours sometimes come forward to look after the children. If these options are not possible, the children are admitted to children’s institution through the Child Welfare Committee (CWC) by the police or upon application made by the mother before the trial court. The latter possibility might lead to a scenario where the mother is in prison, and the children may end up in different institutions based on their age and sex.

Prayas’s work with children of women prisoners has shown that these circumstances lead to a wide range of negative outcomes for the children. They include behavioural outcomes such as aggression, educational outcomes such as poor grade retention, health outcomes such as physical ailments and depression, and hardship and deprivation such as homelessness and food insecurity. Children also tend to face stigma from friends and neighbours and in school.
In such a scenario, sustaining an environment fostering normal growth is just not possible. In a way, the children become secondary victims and get penalized along with their mothers.

**Caged childhood: Children inside the prison with mothers**

*Just living is not enough... one must have sunshine, freedom, and a little flower.*

_Hans Christian Andersen_

Contact with the adult criminal justice system can be detrimental to children and families. Living in custody amongst women accused or convicted for committing various crimes can never be normal for any child of the tender age of six years or below. The prison environment is just not conducive for the holistic development of children. Many children who are born in prison never experience a normal family life, sometimes till the permitted age of six years.

The confinement of children along with their mothers leads to the confinement of their psyche. Due to prolonged stay in a negative and custodial environment, the socialisation patterns of these children get severely affected. The only image of male figures is that of authoritative police and prison officials. They are unaware of the concept of a home, as normal children understand it. The effect of their environment on their psyche is so strong that boys may be found impersonating and talking like the female gender, having grown up only among women confined in the female ward. Unusual sights, like that of stray animals on the road (seen on the way to court with the mother) are frightening to them.

There are common instances of children getting frequently transferred (due to overcrowding) with their mothers from one prison to another, which leads to their uprooting and unsettling. Such children become violent and aggressive, or alternatively, show withdrawn behaviour in prison. They also become victims of physical beatings by their mothers who sometimes take out their frustrations on their loved ones.

**Clipped wings: Children left outside**

*Our wings were clipped, our restrictions were imposed, our boundaries were tested...Can we be ever free?*

Children are deeply affected when a parent gets imprisoned. These children are the hidden victims of the penalties being served by their parents and often undergo severe psychological and emotional trauma. The first blow is served in form of separation from the parent and then the spate of blows follows in terms of the difficulties that they face in the absence of the parent, in this case, the mother. The age group of children left outside extends from those who are a few years old to those are close to entering adulthood. The arrest of their parents renders them vulnerable to a host of difficult circumstances.

Many a time, the police do not follow child friendly policies during the arrest of women. Prayas has come across many cases where the police have arrested women without allowing
them time to speak to their children or to make alternate arrangements in their absence. Sometimes, they are not informed that they can take their children below six years with them, if there is no one to take care of them outside. As a result, children have sometimes spent days alone, unaware that their mother is in prison.

Prof. Raghavan, who teaches at the Centre for Criminology and Justice at TISS, and Project Director, Prayas, asserts, “in every arrest, it should be mandatory for the police to ask whether the woman has children below the age of six, whether she wants to take them with her, and whether she has older children who need to be admitted to an institution? Instead, it depends on the sensitivity of the individual officer involved in the arrest. For children above six years, there are no systems to ensure that they meet and are aware of each other’s well-being, if the mother is in prison and the child in an institution”.

The intangible boundaries

Meena[1] was admitted to Byculla District Prison in the month of June 2013. She was arrested for the murder of her husband. On interacting with her, Prayas came to know that she had a 9-year-old daughter and an 8-year-old son who were currently in her marital home in Odisha. The children were born and brought up in Mumbai, and were studying in a missionary school in Mumbai. Meena had taken her children to Odisha, from where she was arrested by the police.

The social worker with the help of the police got the phone number of Meena’s brother. When she contacted the brother, she came to know about the status of the children. Prayas then contacted the CWC, Mumbai, with a request for arranging a mulakat between mother and her children in Odisha. The CWC opined that they cannot take a decision because the children cannot be produced before them, as they were living in Odisha. The CWC suggested that Prayas should contact the CWC in her native district in Odisha where the children were living. Correspondence and telephonic contact was established with the CWC in Odisha but no appropriate response was received.

An application was then submitted by Meena through Prayas to the District Probation Officer in Mumbai. The DPO forwarded her application to the CWC in Odisha. But the application received no response.

Prayas came to know that after the mother’s arrest, the children were living with their paternal grandparents. Meena requested the Prayas social workers to inquire about her children in Odisha. Prayas took support from a local organization and a social worker paid a home visit. He informed Prayas that the grandparents were not in a financial condition to take care of the children. Therefore, they were institutionalized in an orphanage in the native place.

Meena requested Prayas to arrange for a mulaqat with her children. The Prayas social worker wrote letter to District Collector, the CWC, and the District Child Protection Officer in her
native place to arrange for a mulaqat between the mother and her children, but received a negative response from them. Later, Meena requested Prayas if photographs of the children can be sent to her. Through the support of the local NGO, Prayas was able to get the photographs of the children from superintendent of the institution where the children were living. The photographs were handed over to the Superintendent of Byculla District Prison, who in turn, handed them over to Meena.

In the meanwhile, Prayas decided to approach Meena’s trial court judge to look into the matter of arranging mulaqat between the mother and her children who had not met each other for more than two years now. The judge asked the Prayas social worker to pay a visit and to enquire about the children and the family. The Prayas’s team visited Odisha and met the CWC members, the Project Officer, ICPS, the superintendent of the institution where the children were housed as well as the Collector’s Officer. They also paid a home visit to the grandparents’ house. Neither any of the officers were willing to take the responsibility of transferring the children from her native place to Mumbai, nor were they willing to arrange for a mulaqat with their mother. They said that they will do the needful if they received orders from the court.

In the end, nothing could be done and despite all the efforts, Meena and her children could not meet each other till she was finally released from prison after getting acquitted in her case.

Real-world implications for the children of incarcerated parents include a range of potential negative effects. It is not merely a scarred psyche, but at times, survival becomes a struggle. In situations where one parent is dead or has abandoned the family, the arrest of the other parent forces the children in a situation where they do not know where to start thinking from. All of a sudden, a child who was being taken care of, becomes the caretaker of self and younger siblings. There have been instances where the children had not eaten for days after the arrest of their mothers.

The list of adverse childhood experiences also includes children dropping out from school. Some children leave school because they cannot afford the expense, some become homeless because they cannot pay the rent or are shooed away by the relatives or neighbours.

**Children in State care: Children of imprisoned women living in institutions**

Living in an institution is no less than rebuilding life from scratch. At home, children stay in the care of their parents, family members and receive the affection of their friends and siblings. In cases where the mother gets imprisoned and her children above 6 years and cannot stay with her in prison, they may end up in custodial institutions, in the absence of a caretaker or a guardian. The first shock that the child gets is of the separation from the family and a simultaneous feeling of eviction from their home seeps in.
Many a times, a child is not able to comprehend what just happened and how her life got completely turned around. It has been found that in some cases, children do not know that their mother has been arrested for a wrongful act. They keep wondering why they have been brought to place away from their home.

**Scars that never went away**

Shortage in water supply and waiting in long queues to fill the water for daily use is a routine practice for many women in Mumbai’s slums. Like every other day, Lata (name changed) left home with pots in her hand, but the day was not going to pan out usual for her. She had a heated argument with one of the neighbours and it soon escalated to abuses. Other neighbours intervened and calmed them down.

On that night, the woman with whom she had a fight in the morning, set herself on fire and ended up with severe burn injuries. She was rushed to the hospital and there she blamed her altercation with Lata for taking that step. Lata was unaware of all this and the lady succumbed to her injuries.

Police arrested Lata for abetment to suicide. Lata had three daughters at that time, aged one and a half, three, and six years respectively. After her arrest, Lata’s husband Ramesh, who was an auto-rickshaw driver, had to take over the responsibility of taking care of the children. This affected his work as he had to spend time at home taking care of the girls. Ramesh’s meagre savings got exhausted quickly in hiring a lawyer for his wife and running the home.

Lata met Prayas social workers in prison. Prayas discussed the situation with Lata and Ramesh and opined that it would be better for the children to be placed in an institution so that Ramesh could resume work. It also meant that the children would be safe and Ramesh need not worry about them all the time. Both the parents agreed to this option and the girls were placed in a children’s institution.

Everything went well for the children for few months, but the eldest one started to face psychological issues over time. She became aggressive and dropped out of the school after repeated complaints about her violent behaviour. She would sometimes stand in middle of the road, shouting and abusing people.

Prayas referred her for psychological assessment and counselling to an organization working with children. The assessment showed that the girl’s attachment to her mother, and her subsequent prolonged separation from her had led to anxiety disorder issues. The drastic change in her social environment, away from home added to her behavioural issues. She was provided with counselling and psychiatric treatment and this showed some improvements in her.

In the meantime, Ramesh informed that he could not afford the lawyer anymore. Prayas provided the family with a lawyer. The case went on for more than two years before Lata was acquitted after spending two years in prison and away from her family. Even though the family reunited after Lata’s release from prison, it left a deep impact on the children who had to stay away from parents in the initial years of their life. Lata believes that this experience has deprived her daughter of maternal affection.
The life in an institution is very different from life at home. In any institution, one has to follow the rules and regulations of the “home”. Even playing or watching TV is during fixed hours. There are fixed timings for breakfast, lunch and dinner; and one eats what is served as per the fixed menu. One cannot go out of the institution to find answers to questions that keep bothering oneself. The development of the child depends on the sincerity of the staff of the institution, to help her understand and pass through this phase of transition. Even to be sure about safety of her mother, siblings and other family members is not easy for a child when confined within four walls.

Prayas’s work and research[2] has revealed the following about children living in institutions:

When children are institutionalized, they are confronted with the experience of being separated from their mothers, as well as having to adjust to a new environment of confinement, and to new people. While the basic care needs of the child may be fulfilled, there are some areas of concern pertaining to the fact of being the institutionalized child of an incarcerated mother which arise. These include:

**Irregular contact with the mother:** The institutions where the children are housed may be within the same city as the prison, in which the mother is lodged, or out of the city but within the same state, or, sometimes even in another state. The contact between the mother and the children through visits is often irregular and with wide time, the gap between visits may increase due to neglect by authorities concerned. Sometimes, children who are in another state or district may not see their mother for months and even years.

**Separation of siblings:** When children of one family are institutionalized, the availability of institutions, nature of institutions and the populations they serve take precedence over maintaining the family as a unit. Institutions may admit children from different age categories, and/or may admit boys and girls separately. At these times, siblings get distanced from each other and this negatively impact familial connections over time.

**Losing property that belonged to or was due to the family:** Children get institutionalized due to the absence of a caretaker, and not necessarily the absence of a house or property. However, when the property is left unoccupied and unattended for long periods of time, it may get broken into, encroached upon, or taken over by other relatives, especially if there is no authority to ensure its retention. In a similar manner, movable property, jewellery and documents may get stolen, or destroyed by pests or weather conditions. Rules guiding incarceration or institutionalization often do not take into consideration the need for protection of personal property, which in turn leads to loss of existing property or inheritance due to the non-availability of documents to prove rights. This may be the case even if police have sealed a house that is located in a slum.
Some challenges faced by children of women prisoners

Beyond the material effects, having a parent incarcerated is a stressful and traumatic experience of great magnitude. When children lose a parent’s support suddenly, often unexpectedly and lastingly, the challenges of keeping in touch with the parent and matters of sustenance can be overwhelming for the children, especially when they are in a fragile state of mind. Some of the challenges faced by children of women prisoners are highlighted below.¹

Financial difficulties: Due to the absence of the bread winning member of the family, the standard of living of the family begins to fall. Children end up missing meals, remaining absent in school, are unable to pay bills, rent, school fees, buy uniforms/books, etc. They are forced to borrow from acquaintances and 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. The standard of living of these children comes crumbling down.

¹Extract from a note submitted by Prayas o the Hon’ble Supreme Court in the R.D. Upadhyay Vs. State of Andhra Pradesh and Others case

Manju (name changed) and her husband were arrested by police for trying to sell their four-month-old son. When Prayas’s social workers interacted with Manju, she told them that the family was going through a rough patch and finances were not good. They already had three very young children – two daughters and a son and could not afford to look after another child.

As both the parents were in prison, the children were shifted to children’s institutions. As the children were of different ages and sex, they were admitted to separate institutions. Two of the elder ones, twelve-year-old boy and ten-year-old girl were admitted to an institution in Thane district. Based on their sex, they were kept in separate sections and were not able to meet each other. The younger three-year-old girl was admitted in an institution in Mumbai due to her young age, and the infant kept was in another different institution.

Manju tried to claim custody of the infant with her in the prison, but police denied it stating that there was threat to the security of the child from the mother. This situation resulted in the entire family getting separated from one another. The maternal grandmother tried to visit the children, but she was only able to meet the elder ones as they could recognize her. She could not make any contact with the younger two.

The parents were in prison for more than eight months before getting released and in the meantime, the children could not meet each other or go for a mulakat with either of the parents. In these kind of situations, it is the children who suffer the most. In most of cases, it is not easy for them to even make sense of what is going around them.

Playing adult roles: In the absence of parents, children of prisoners have to take up adult roles. Sometimes, 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, etc. In a singular example of role-reversal, it was found that children, in their own way, started parenting their mother in prison, reassuring their mother that things at home were under control, even if they were not.

**Threat to shelter:** Many families lived in rented places and the threat of eviction is real, on account of non-payment of rent. Sometimes stigma of the mother’s imprisonment also leads to eviction threats. In one extreme case, the whole family was forcibly expelled from the area. Sometimes, relatives move in on the pretext of taking care of children and encroached upon the house (In our study, we found an instance whereby the children were found to be sleeping outside the house while the ‘caretakers’ slept inside).

**Decline in health status:** Lack of proper meals leads to malnutrition, decline in general health and vulnerability to illnesses and infections. Cases of pneumonia, tuberculosis, typhoid, malaria, diarrhoea, dental and skin problems were noticed in our study. Proper medication was unaffordable in many cases, particularly, when the illness required prolonged medication. In one case, the treatment of a polio-affected child was stopped after the mother was arrested.

**Trauma:** The issue of trauma needs serious consideration. Children were found to be traumatised 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:** We also found instances of children leaving their homes, particularly the older children – running away, absconding, aggression and attempt to suicide. In general, there was a loosening of family bonds and increasing independence in decision making, particularly with respect to the elder siblings. Delinquency was reported in a few instances.

**Social stigma:** The lowering of social status along with the feeling stigmatised lead to withdrawal of the children from society. Feeling isolated, they sometimes become introverted, and avoid going out, or attending social or family functions.

**The umbilical cord is cut: How mothers suffer sans their children**

*Ask a man what he fears most in prison and he will say loss of freedom. Ask a woman the same question and she will be worried about her children.*
It is said that mothers do not sleep…. They just worry with their eyes closed. Now wonder about a mother who is in prison and does not know much about the whereabouts of her children. Her worries cannot be fathomed.

Savita’s worries are palpable. It’s clearly written on all the furrows that her forehead has woven during her prison days. She is serving sentence in prison for the murder of her husband. The reason for the murder is that the husband tried to molest their daughter repeatedly. Savita sought help from her in-laws and neighbours who flatly refused to believe her. One day, when she caught her alcoholic husband red handed during the act, the rage flowed and she closed the chapter by killing him. Now, Savita is in jail and her sixteen years old daughter and two younger sons are left behind with no one to take care of them. She does not expect any help from her in-laws because she is the one who killed their son. The social workers handling the case revealed that in the absence of the mother, the sixteen years old daughter has taken on the mantle of the head of the family. To fend for herself and her two younger brothers, she got into a relationship with a fifty years old man who gives her money on and off. The irony of the circumstances is pretty visible in this case and is heart-breaking… Savita has lost her daughter to the same demons from which she wanted to protect them!

The duality of the punishment of imprisonment often burdens a woman. Firstly, for the offence for which she is accused of and secondly, for the punishment her children have to undergo due to her arrest. The unsure situation of the children is a greater punishment for a mother than the imprisonment per se. Women prisoners keep asking about their children, says a social worker dealing with women in prison. She adds that the worries of these women get more acute if the father is absent, alcoholic or plain ineffectual. These women, more often than not, keep wondering what food the children are eating, whether they are being taken care of, whether they are going to school, whether there is anyone harassing them… the list is endless

Meetings with mothers in prison

Prayans’s experience shows that meetings between mothers in prison and their children are infrequent, irregular, or non-existent, thus affecting the relationship between the children and their mothers negatively. This is due to a host of reasons including distance from the prison and the place of residence of the children, lack of resources to travel to and fro, breakdown of family relationships, cumbersome procedures during mulaqat, etc. The security of self itself is a big concern for the children. Many young children are bewildered by the arrest of their mother and even when they do, they do not have the clarity or the knowledge about the procedures involved in mulaqat.

Prayas: An attempt that bloomed into a programme for children of prisoners

Initial steps
As has been explained in the earlier sections, the challenges faced by children of prisoners are multitudinous. There is a dire need to deal with the challenges and issues of these children empathetically. The financial and social troubles can follow a family for years, as parents released from prison struggle to regain their footing in a community, sometimes burdened not just by the difficulties of finding a job when one has a criminal record, but by debt from unexpected sources, and limits on collecting benefits or finding housing. Social stigma often adds to the barriers faced by them, making life difficult and often forcing them to migrate to unfamiliar surroundings.

A series of intervention programmes were initiated by Prayas to create an environment of trust for these children and to introduce them to a normal world that had long eluded them because of their circumstances.

A balwadi (pre-school classes) was initiated for the children living in prison with their mothers to provide basic education and socialisation that they were missing in a women’s prison. A balwadi is defined as "a rural pre-primary school run economically but scientifically and using as many educational aids as possible, prepared from locally available material" (reference).

The interesting story behind how the first balwadi was set up goes back to 1988-89, when, Sangeeta D’Souza, one of the MA students from TISS placed in the Women’s Section of Arthur Road Prison, was doing her field work with women and children. Dr. Sanober Sahni, founder of Prayas, was her fieldwork supervisor. The initial years of student’s field work placement were very challenging. Issues of women prisoners were far too complicated and students were struggling to understand what could be done in intervene in these situations. Sangeeta naturally started veering towards interacting with the children in prison, playing and spending time with them. These activities made her field work rewarding and at the same time made a visible difference to the children and their mothers. The idea of starting work with children in prison grew out of this experience. Dr. Sahni proposed to the Department of Medical and Psychiatric Social Work (MPSW) at TISS to start work with children living in prison. The MPSW Department then started field work placement through one of their field action projects, the Child Guidance Clinic (CGC), now known as Muskaan. A student named Ruchi Maheshwari who was placed in the CGC for her field work started visiting Arthur Road Prison and worked with these children. Based on this experience, the CGC suggested that a specialised balwadi be set up to take care of the psychosocial needs of these children. Based on further discussions between Prayas, MPSW Department and the CGC, a balwadi was started in the Women’s Section at Arthur Road Prison, with the support of Child Rights and You (CRY), a funding and advocacy organisation on child rights. This was perhaps the first specially designed intervention for children of prisoners living in prison with their mothers in India.

Ms. Pradnya Shinde, currently, Assistant Director, Prayas, was appointed as the first balwadi teacher for this project. The balwadi was initially run by the CGC and Pradnya learnt the ropes of running a play school for children in a custodial setting under their supervision.
This initiative was instrumental in laying down the template of a prison balwadi. After two years, Prayas took over the Balwadi from CGC and CRY continued to support it. After running the balwadi for a few years, Prayas approached Pratham, an NGO focussing on pre-school education, to run balwadis in prisons. Acknowledging the need, Pratham started balwadis in Byculla[3] and Kalyan prisons.

**Consolidation phase**

In the meantime, Dr. Roshni Nair, now a faculty with CCJ, was appointed at Prayas in 1994 to set up a special Children of Prisoners’ Unit (COP Unit) within Prayas to work on the issues faced by children of women prisoners. Dr. Nair worked out the nuts and bolts of the COP Unit’s programme. She interacted with women in prison to understand the issues and problems faced by their children left outside, visited their homes and assessed the need for intervention. She arranged mulakats between the children living in the community or in institutions and the imprisoned women, arranged educational sponsorships and emergency financial or medical support for children left outside.

Gradually, the size of the team grew and Prayas expanded the scope of its work with children of women prisoners to four prisons in Maharashtra and one prison in Gujarat.

In 2002, Prayas completed a study titled *Forced Separation: Children of Imprisoned Mothers*. The study was based on data collected about the situation of children of women prisoners left outside in two cities. It was aimed at deepening the understanding, as well as widening the scope of rights based work with this group. The study collected empirical data and was built on the work and knowledge gathered on the issue over the years.

Alongside its direct work with children, Prayas has been involved in a continuous process of bringing about systemic and policy level changes, both at the state and central level. Capacity building of the prison staff and sensitization training programmes for the judicial and police officers around the issues of children of prisoners have been at the core of Prayas’s work.

The work in the COP Unit can be understood under three broad categories:

**Work with the mothers in prison and children of prisoners**

The work starts with the identification of women with children, inside prison or left outside. After the identification of the children who are left outside, social workers pay visits to homes or institutions, based upon the information gathered from the mothers. A plan is prepared for the children with the involvement of the mother.

The intervention goes beyond working with the children alone. It involves working with the guardians or family members, staff of child care institutions, Child Welfare Committees, police, judiciary and prison staff. The COP Unit also supports the expenses on educational,
food, shelter and health needs of children left outside so that guardians can take care of the children in the absence of the mother.

Training and capacity building of staff

With an effort to highlight the issues faced by the mothers and children, Prayas has been conducting training programmes, workshops and seminars with CJS and allied functionaries on a regular basis. This helps in building the capacities of the staff to understand and work around these issues. Prayas has conducted workshops on children of prisoners with department of prisons, judiciary, police, NGOs and colleges/departments of social work in Maharashtra, Gujarat and at the national level.

Prayas has also published a manual titled Initiating Work with Children of Prisoners: Handbook Series on Social Work in Criminal Justice[4] to act as guideline for organizations to initiate work with the Children of Prisoners.

Prayas’s work has led to similar initiatives being started by TISS alumni in Maharashtra, Gujarat and Madhya Pradesh, thus expanding both the scope and range of interventions with this group. Prayas has also founded the Forum for Socio-Legal Initiatives in Criminal Justice,[5] a forum of civil society organisations working in the CJS towards the rights and rehabilitation of criminal justice affected populations. This forum publishes a quarterly newsletter titled Dialogues in Criminal Justice and Rehabilitation, which publishes contributions by field personnel highlighting issues from the field of criminal justice.

Policy advocacy

In order to advocate for systematic and policy level changes, Prayas has continuously shared its experiences of issues and possible solutions that have worked in the field. Prayas has been pursuing with the Department of Women and Child Development (DWCD) to include children of prisoners in its schemes and programmes. Based on years of advocacy work, the first anganwadi for children living in prison was set up in Byculla Prison outside the prison premises in 2012, under the Integrated Child Development Scheme (ICDS). Since then, seven more anganwadis have been started in prisons through the ICDS, four of them outside the prison premises. In Gujarat ICDS department has issued a circular to provide supplementary nutrition to children in prison in places where mobile van facility is available.

After a series of meetings and submissions made by Prayas, children of prisoners were included in the list of “children in especially difficult circumstances” in the National Plan of Action for Children 2005. This was the first time that children of prisoners got recognized under the category of children living in difficult circumstances. In Maharashtra, the Bal Sangopan Yojana, a sponsorship scheme for children living with foster families is provided with a monthly financial support of Rs. 425/- per child per month, now includes children of
prisoners as one the beneficiary groups. This was made possible through the efforts of VARHAD[6] and Prayas.

Following a similar line, UNICEF India’s Country Report for the National Plan of Action for 2003–2007 included children of prisoners in the list of children in need of care and protection. The report was an outcome of the deliberations in a regional workshop organised by UNICEF at TISS, where Prayas made a presentation on the situation of children of prisoners.

**WORK AT A GLANCE 2013-18**

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<th>Total Outreach – 722</th>
<th>(Data for Thane Prison is between 2015-18)</th>
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**TOTAL OUTREACH**

- Byculla Prison, 246
- Kalyan Prison, 343
- Thane Prison, 133

**NATURE OF WORK**

- Visit to Courts
- Visit to Prisons
- Liaisoning with CWCs
- Visits to Hospitals
- Visits to NGOs
- Visits to Children’s Institutions
- Visits to Schools
- Liaisoning with Government Departments
- Visits to Police Stations
- Home visits conducted for Children of Prisoners

Legend:
- Byculla Prison
- Kalyan Prison
- Thane Prison
Prayas made a submission before the Supreme Court in the R.D. Upadhyay v/s. State of A.P. & Others case, through the Amicus Curae in the PIL. The Submission was based on Prayas experience of working with children of prisoners and its research study conducted in 2002 on the issue. The Hon’ble Court in its final orders passed in 2006, laid the foundation for policy guidelines pertaining to women prisoners and their children. Justice Y.K. Sabharwal, then the Chief Justice of India, remarked in the judgment that “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.” In the same judgement, the court also said that “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”.

The Allahabad High Court, in the Bachchey Lal versus State of U.P. & Others case (PIL NO 2357 of 1997), invited Prayas in 2014 to visit the prisons in UP and give a report regarding the situation of under trial and convicted prisoners. Prayas submitted a comprehensive report with wide ranging recommendations including on children of prisoners. In its final orders passed in August 2014, the High Court issued guidelines for to the welfare of children of prisoners staying with mothers inside the prisons as well as children living outside, based on Prayas’s recommendations.

Prayas was appointed an Amicus Curiae in the Suo Moto PIL filed in the Bombay High Court in 2014 on the situation of children of women prisoners. Prayas made its submissions pointing out the need for better facilities, protection and welfare of the children inside prison and those left outside. In its order in 2017, the court provided several guidelines for ensuring the welfare and protection of the rights of women prisoners and their children. The High Court directed that “the details about the property of the arrested woman (house or land) should be entered in the station diary and charge- sheet. In case the arrested woman has no family member to look after her house/property, the police should bring this to the notice of
Imagine a situation, where your birth certificate or Aadhaar card mentions that you were born in prison. Well, that is a reality for many children born in prison. Prayas has been fighting against this practice. With the Supreme Court’s intervention in the RD Upadhyay PIL, this effort has gained a legal push and resulted in the Maharashtra Prisons Department issuing a notification to stop this practice and use the address provided by the prisoner at the time of admission.

The COP Unit has been continuously trying to mitigate the gap between the mothers in the custody and children left outside. Through advocacy efforts of Prayas, the Department of Prisons issued a circular that now allows telephone calls between children of prisoners outside and mothers in prison. Similarly, advocacy efforts with Department of Women and Child Development (DWCD) have resulted in several circulars and GRs being issued by DWCD to facilitate mulaqat between children living in institutions and their mothers in prison.

One of the major breakthroughs that Prayas has been able to bring in is face to face meetings between children left outside and mothers in prison. A circular has been issued by the Maharashtra Prisons Department in 2017 allowing face to face meetings between children left outside and their mothers in prison, instead of the usual practice of meetings through a wire mesh or glass partitions.

Inside the walls of the prison, the time appears to lose meaning. However, the world outside keeps moving on. Imagine a person who has spent the last ten years inside a prison, cut off from their family and community. Prisoners have to re-learn and adapt to the changed family and community situation when they return to society. Often, their inability to adapt results in their getting further isolated from the society, despite having returned to it. To improve this situation, the Maharashtra Prison Department decided to take measures to keep prisoners in touch with their families, especially their children left outside, while they are still in prison. This thought gave birth to the Galabhet programme in 2016. As the name suggests, this programme attempts to allow the prisoners to meet their children below 18 years face to face, once in a quarter. While initially this programme was meant for convicted prisoners, Prayas’s advocacy efforts has resulted the facility being extended to under trial prisoners as well, especially women under trial prisoners.

In 2018, Prayas in collaboration with the Tata Trusts, conducted an impact assessment study of the Galabhet programme. It was found that in all the five prisons from where data was collected, the programme has shown positive outcomes. Prisoners who were able to meet their children were reported to have vastly improved mental health condition. They felt more hopeful and positive towards life.
The work that Prayas initiated almost three decades back has come a long way. Yet the journey isn’t over and there is a long road ahead. Many changes have come in form of the guidelines and court orders, the gap in the implementation remains huge. Still, a lot depends on the sensitivity and inclination of the individuals who work with specific cases. This is an area where not many organizations have gone deeper, even though the struggle needs more hands. With a plan to continuously improve the existing model by learning and unlearning, Prayas continues to engage with the prisoners and their children on the ground. Yet, the firm belief that a sustainable change will only come through advocacy and working with the systems guides the path. In the coming years, Prayas is planning to undertake a national level study to examine and assess the facilities available for Children of Prisoners in India. It aimed at bringing the stakeholders on a platform in national workshop and deliberate on the findings to take the further course of action.

[1] All names have been changes to protect confidentiality.
[3] The Women’s Section had shifted from Arthur Road to Byculla Prison
PRAYAS
A Field Action Project of
The Centre for Criminology and Justice

TATA INSTITUTE OF SOCIAL SCIENCES
MUMBAI