

Editor's Note

This issue of Dialogues highlights the work done by partner organisations of the Forum for Socio-Legal Initiatives and Rehabilitation in Criminal Justice during and after the pandemic period. Persons being processed by the CJS largely consist of those from lower socio economic and marginalised background. For example, more than 85 per cent of prisoners are from SC, ST, OBC and Muslim community as per Prison Statistics India Report 2020 (Source: National Crime Records Bureau). In terms of education, 27 per cent were non-literates and another 41 per cent had studied below the 10 th standard. Most people work in the informal sector as daily wagers with hardly any social security or social capital.

The pandemic affected their lives in myriad ways. Prayas did a study on the situation of persons processed by the CJS and their families during the pandemic, titled A Rapid Assessment Needs Survey of Criminal Justice Affected Persons and their Families (2021). The study revealed that most of these families were in a dire situation. They lost jobs or livelihood opportunities due to the lockdown and later due to the downturn in the economy. Many had to return to their native places due to loss of livelihood and inability to pay house rent in towns and cities. Those that got left behind had to live a hand to mouth existence. The children had to drop out of the education process due to inability to pay school fees or not having mobile devices to continue with the online mode. Families had to also face illness and death and could not access relief services easily, which were being arranged by civil society organisations.

The Forum partners pitched in and tried to ensure that persons and families with whom that had been working in the pre-pandemic times did not get left behind as far as extending basic support was concerned. They were engaged in distribution of dry rations, medical support, arranging temporary shelter, and supporting the education of children, especially in term of arranging smart phones to bridge the digital divide.

As the pandemic situation ebbed, the organisations began working towards finding options to stabilise the livelihood situation of the affected families and ensuring that the children do not drop out of education. There is an urgent need to put our heads together to formulate innovative programmes and policies for people coming from marginalised backgrounds within the criminal justice system. We need to ensure that ongoing efforts to reach out to pandemic-affected populations include those who face social stigma due to processing by the CJS. We must bear in mind that families of these persons, especially their children, suffer the impact of stigma and labelling for no fault of their. Civil society and the State must come forward and reach out to them so that they are able to live their lives with dignity and self -respect, as we celebrate the 75 th anniversary of our independence.



Prayas organized training and income generation activity on piece rate basis



An inmate taking part in an drawing competition orgaized on the eve of 75th anniversary of independence day



Training session conducted with the help of expert on the topic Self Help Groups

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PRAYAS

ACTIVITIES UNDERTAKEN DURING COVID-19 PANDEMIC



- Prayas coordinated with prison authorities, District Legal Services Authorities (DLSAs), Home Guards, District Collectorate, and Para Legal Volunteers and **reached out to more than 1800 families** of prisoners, released prisoners, children in conflict with law and women rescued from commercial sexual exploitation, through distribution of dry rations and cash transfers to take care of food subsistence, payment of medical bills, house rent, travel expenses to reach home, etc.
- Prayas also provided masks, hand wash, sanitisers, hygiene kits and sanitary pads to inmates of prisons, and women and children's shelter homes, at the request of institutional authorities.
- Prayas has been **assisting the Bombay High Court in Suo Moto PIL on Prisons and the COVID situation** and has raised important issues like vaccination of prisoners who do not have ID proof documents and review of cases who can be released on bail by the Under Trial Review Committees (UTRCs) at the district level. **The Court passed orders on these issues based on our suggestions.**
- The National Forum on Prison Reforms, an alliance of organisations working on prison reforms (Prayas is a member of this forum and

currently its Convener) moved an Intervention Application in the Supreme Court in the Suo Moto PIL on COVID Contagion and Prisons.



- **The apex court has passed very good orders including constituting High Powered Committees (HPCs) to identify categories of prisoners who could be released on bail or parole, provide regular testing and medical facilities for prisoners and prison staff, and maintain proper hygiene and sanitation in prisons.**
- Prayas worked in close coordination with the DLSAs towards release of under trial prisoners based on guidelines issued by the Maharashtra HPC in identifying prisoners who could be released on interim bail, and escorting some of them home due to non-availability of public transport during the lockdown, at the request of the prison authorities.

- Based on Prayas request, the Maharashtra Prisons Department issued circulars allowing phone calls between under trial prisoners and their lawyers and family members. Similarly, the Department of Women and Child Development Government of Maharashtra, issued a circular allowing children in institutions to make video calls to their incarcerated parents, due to suspension of physical mulakats during the lockdown.
- Prayas conducted a Rapid Needs Assessment Survey of Prayas beneficiaries impacted by the COVID 19 pandemic, whereby data was collected through telephonic interviews from more than 500 respondents.



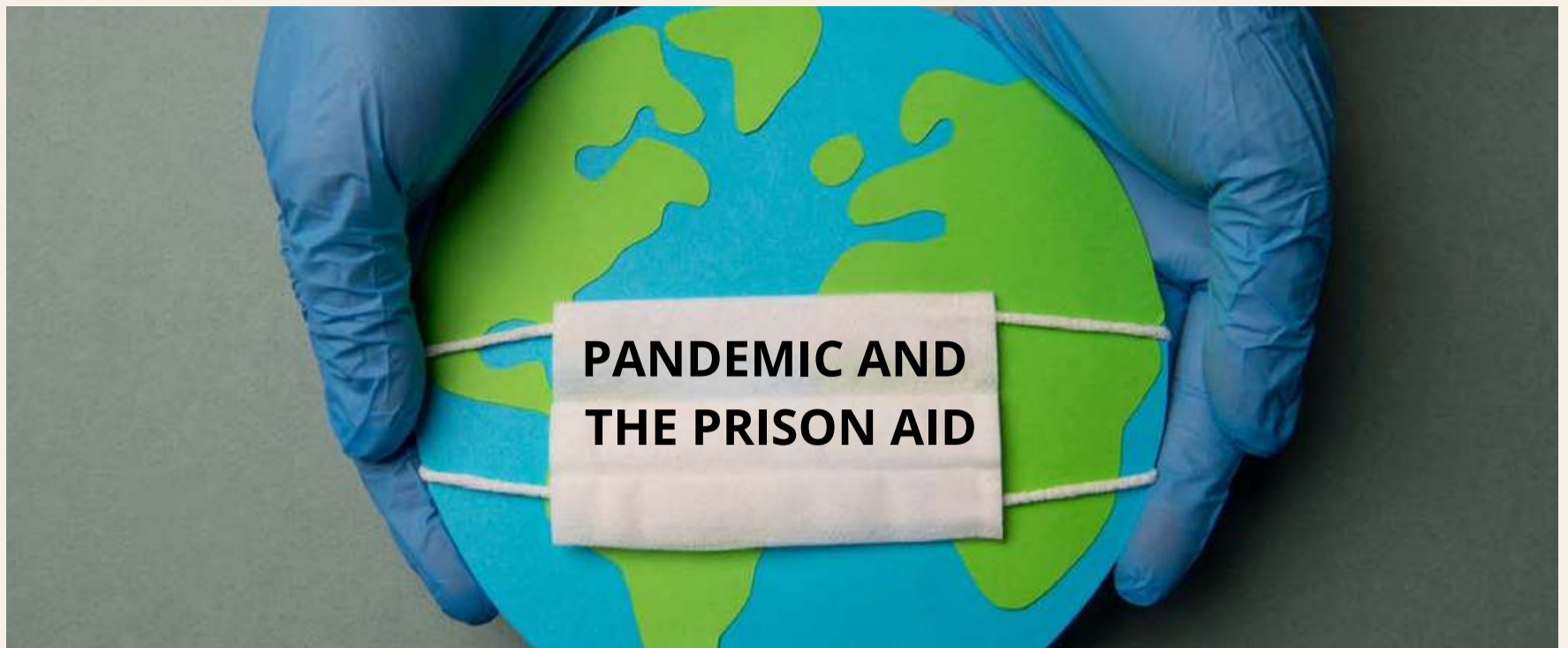
- This report has helped to generate knowledge about the situation of criminal justice affected populations and their families during the pandemic and has come up with recommendations on steps that need to be taken to ensure their basic dignity and livelihood.

- Prayas organised a webinar with DWCD officials to highlight the situation of shelter homes during COVID 19 period, especially on problems faced by the staff and residents in managing the homes and to understand problems faced by released victims from shelter homes during the lockdown.



- Prayas and ARZ (Anyay Rahit Zindagi) Goa, organised 4 consultations on Social and Economic Impact of Covid 19 with participants which included commercially sexually exploited women and women and transgenders in engaged in commercial sex.





PROF. SHEREEN SADIQ

- **WAFI** is an outreach program of the Department of Sociology, Aligarh Muslim University. It was initiated in 2017 with the support of Ms. Sabika Abbas and Tapan Vahal, both Criminal Justice fellows of the Centre for Criminology and Justice, TISS, Mumbai.
- With the participation of students of the university, the programme aims to provide social and legal aid to the inmates of Aligarh District Jail. Students participating in the programme are divided into three teams; Prison Visit Team, Court Team and Home Visit Team.
- The Prison Visit Team visits Aligarh District Jail once a week, i.e., on each Saturday, meets few inmates and select cases which are in need of legal and social support
- The Home Visit Team often looks into matters of lack of contact of the inmates with their family members and well-being of the children living outside while their parent(s) is/are incarcerated.
- In 2020, with the first wave of Covid-19, the programme was discontinued because of the absence of students on the campus. Since, the situation did not return to normal even after a year of the first wave, it was decided to carry out the work apart from the department.
- WAFI team had met her during prison visit and suggested her to learn bag making and embroidery skills from her co-inmates.
- She was then provided with raw materials for making cloth bags and the items produced were sold out among friends and acquaintances, to help her financially.
- Another female prisoner released after thirteen years volunteered to join the Kadam Welfare Society. Access to prison is denied during the pandemic.

SUPPORT PROVIDED TO NEEDY DURING THE PANDEMIC

GLOBAL CARE FOUNDATION

The last week of March 2020 saw many untold things unfold. All of a sudden, the whole country came to a screeching halt and a complete lockdown was announced. Every person in the country faced some or the other problems owing to the lockdown. The implications of the lockdown were worst felt by the people belonging to the financially backward sections of the society. Some were forced to beg while others were forced to abandon their homes and some just gave into suicides. The situation all around was grim with the pandemic of Covid-19 spreading like a wildfire along with many people facing various adversities.

Many NGOs, self-help groups and public-spirited citizens jumped to the rescue of the people and provided them essentials. Many NGOs detoured from their ordinary course of work and went ahead with supply of basics to the downtrodden people. Global Care Foundation also like others devoted its services to help the common man in Mumbai and surrounding areas survive the lockdown.

Following are a few activities of Global Care Foundation during the lockdown:

1. FOOD DISTRIBUTED IN ISOLATION CENTERS OF COVID-19

It was the erg of Covid-19 pandemic, many people got infected and were isolated or quarantined for treatment and also for breaking the chain of transmission of the infection. These people who were housed in isolation/quarantine centers didn't have access to homemade nutritious food as they could not contact their family members who too were in

isolation. In the given scenario, Global Care Foundation stepped in and with due permissions from Municipal Corporation of Greater Mumbai, provided food to Fasting and Non-Fasting persons and milk and biscuits to children, during the holy month of Ramadan. The isolation/quarantine centers at Tata Institute of Social Sciences (TISS) and Bhaba Atomic Research Center (BARC) were served by Global Care Foundation with the help of other NGOs.

2. 13,147+ RATION KITS DISTRIBUTED IN MUMBAI & THANE.

The Covid-19 pandemic lockdown rendered lakhs of people homeless and without food. Even when people had meagre amount of money, there was no source to purchase food for survival. Most lost their jobs making the overall condition deplorable. The worst hit were the daily wagers, laborers, widows, house-helps/maids, senior citizens, handicaps, etc. whose finances dried up as a result of losing their respective stable sources of income. The conditions in the slums of Mumbai and suburbs was absolutely grim with people being forced either to die of starvation or commit suicide because of the prevalent conditions.

Azim Premji Philanthropic Initiatives (APPI) under their CSR project came forward in such testing and difficult times to serve the people with ration kits wherein Global Care Foundation lend them a helping hand and was successful to reach out to 13,147 families. Monthly Ration Kits were provided to such deserving families with the help of our volunteers and other social workers in the months of May and June 2020.

Complete care was taken to ensure that there was no transmission of infection during the food donation drive and that the volunteers observed all precautionary guidelines from wearing PPE kits to having social distancing.

3. SANITIZATION AND MEDICAL KIT SUPPORT TO DISTRICT LEGAL SERVICES AUTHORITY DURING COVID-19 PANDEMIC

In order to ensure the safety of common people who visited DLSA for getting Legal Aid, Global Care Foundation gifted medical necessities kits on 22nd June 2020 to the authorities on their request which contained reusable masks, sanitizer bottles, face shields, aprons and a thermal screening machine for Family, Labour, Small Causes & Industrial Court. The Authorities of DLSA, Mumbai appreciated and were thankful for our Initiative.

4. PIL FILED BY GCF IN BHC

A Public Interest Litigation was filed by Global Care Foundation in the Hon'ble Bombay High Court, in order to provide directives to all the prisons across the state of Maharashtra to act upon the directives of the Hon'ble Supreme Court to decongest and depopulate the prisons owing to the Covid-19 pandemic as the prisons are overcrowded and there is no scope for social distancing therein.

5. 15,500 PACKETS OF DRY RATION DISTRIBUTED

Once life looked like it resumed to normal after the massive lockdown in 2020, the number of people who were pushed to poverty were aplenty. Also, lockdown like

restrictions returned from January 2021, thereby rendering even middle-class families helpless since they had exhausted their savings after closure of business or loss of job. That made the whole condition even more deplorable.

Azim Premji Foundation came to the rescue of the poor and a massive drive of dry ration kit distribution was undertaken. 15,500 packs of dry ration were distributed in slums, orphanages, to underprivileged sections, single women, etc. in districts of Mumbai, Thane, Navi Mumbai and Palghar. **This was achieved through a colossal grant of Rs. 2,02,47,650 and 18 drives.**

6. TRAMPOLINES PROVIDED TO HOUSES

70 houses were provided trampoline roofs in Chembur after the Tauktae cyclone blew away their shelters roof. This help was extremely necessary since people were already reeling under the covid after effects.

7. COOKED FOOD DISTRIBUTION

500 people distressed due to lockdown and pandemic created difficulties were provided cooked meals for two months in Nagewadi slums of Chembur. Cooked food was given since the slum dwellers live on marsh land and do not provisions to cook food.

8. ORGANIZATIONAL WORK DURING 2020-21

Although the judicial machinery turned sluggish in the first hit of Covid and lockdown, we were functioning and trying hard to release under-trials as per the High Powered Committee guidelines of the Hon'ble Supreme Court. With the opening up of the judicial functions and relaxation of covid protocols, we began work in full swing and thereafter released 115 undertrials by paying their cash bails until date.

During the same period, 14 sessions of legal aid clinic were held wherein the people were guided through our experts for various matters involving family disputes, property disputes, criminal cases, matrimonial issues, etc.

Also, 14 awareness programs were held in different areas of Mumbai to enlighten the masses and make them legally aware and socially conscious. Apart from the regular mainstream work, we started a Youtube awareness video series 'The Pledge-Crime Prevention Series with Mr. Quaiser Khalid, IPS.'

Recently, a Skilled Development Center was started in Observation and Children Home, Dongri with the collaboration of Prayas.

DISTRIBUTION OF DRY RATION KITS TO SERVE THE MOST VULNERABLE VICTIMS DURING COVID- 19

DISHA

Anita (Name Changed) is a 58-year-old widow from Mayanagar, Amravati. She had two children, one of whom was mentally challenged and the other died in murder in the year 2018. Her son was a rickshaw driver. One day his rickshaw hit the accused and the accused stabbed him to death in that altercation. Anita has been running the house ever since and has been suffering from elephantiasis for the past year.

DISHA team helped Anita to file an application for compensation under Maharashtra Victim Compensation Scheme in October 2019.

But Anita could not even collect the documents asked by the District Legal Services Authorities required to get benefit of the scheme. DISHA is helping her to fulfil the legal compliance to get benefit from the compensation scheme.

A daily- wage labourer, she has no other source of income, so she has been forced to be at home without food during the first lockdown in 2020. Although the government declared to provide food grains on ration shop, Anita had not been given the ration Anita went to the ration shop two to three times but the shopkeeper refused to give her food grains. Eventually frustrated, Anita called DISHA for help. We provided her with a dry ration kit for three months.

Attempts were also made to find out why the shop owner refused to give her ration, but the shop owner did not respond to us over the phone. This issue of hoarding of ration was raised before the Superintendent of Police Amravati and he assured to find a way.

The situation of all the crime victims is more or less similar to that of Anita. The situation of these families was critical in the first wave of outbreak/lockdown and it has become even worse in the second wave.

In the last wave, we were providing psycho-social support to all victims over phone and helped the neediest victims with the dry ration kit. During the second wave we received maximum request of victims to provide dry ration kits.

We with the help of Mariwala Health Initiative Foundation (Mumbai) and three public spirited individual donors provided such 228[1] victims with dry ration kit of Rs. 3216 just to survive this tough time. This dry ration kit has enough rations (wheat, rice, oil, spices, salt, pulses, soap, sanitizer and masks) for a family of 5 people for a month.

[1] 228 victims = 98 from Amravati (Male 48, Female 50), 118 from Yavatmal (Male 82, Female 36), 12 from Nagpur (Male 6, Female 6)

In order to reach maximum number of victims, a smaller kit of Rs.900 was prepared with the help of ARPAN NGO (Mumbai) and provided to 308[1] victims.

A total of 536 victims were provided dry ration kits and psycho-social support to survive the difficult times of Covid-2019.

All these victims live in remote villages and it was very difficult for social workers to reach their villages in the lockdown. Social workers worked hard to get help to the victim's home. While doing this, 3 out of 8 workers got infected with Covid-2019.

[1] 308 victims = 228 from Amravati (Male 120, Female 108), from Yavatmal (Male 80)



PRAYAS organized training of macramé gift items for women in protective home

SOCIO- LEGAL INTERVENTION DURING COVID- 19

Law Foundation Bihar

INTRODUCTION

The devastating effects of the Covid-19 pandemic were not distributed equally most of us felt the blow of economic standstill. Howsoever, hand-to-mouth workers and daily-wage earners from marginalized communities were the worst sufferers, losing their livelihoods, unable to secure even basic necessities for sustenance. The stigmatized under-trial prisoners who were recently released on bail had to face the trauma of unemployment and no social security. LAW Foundation's efforts focused on the socio-legal rehabilitation of such marginalized communities at the intersection of criminal justice, social insecurity, and the economic impacts of the COVID-19 pandemic.



SOCIAL BENEFICIARIES

Our social beneficiary group consisted of under-trial prisoners along with nomadic and 'de-notified' (NT-DNT) communities.

a. Under-trial Prisoners: - *The Supreme Court (SC) had notified on 23.03.2020, that every state was required to constitute a High-Power Committee to ascertain categories of prisoners eligible for bail, parole, or furlough for the purpose of decongesting prisons. According to CHRI's state-wise COVID-19 response report estimate of released under-trial prisoners was zero as per the Bihar government's data. 413 prisoners were transferred from one jail to another across the state to counter overcrowding and social-distancing protocols. The transferred population, besides losing contact with their families, also suffered unnecessary legal procedural challenges in their cases. Filing of bail applications were delayed for frivolous reasons such as procuring signatures on vakalatnamas, bail bonds, etc. Newly released prisoners also faced formidable socio-economic challenges their criminal history made it all the more difficult to secure livelihoods and*

rehabilitate themselves in the prevailing conditions.

b. Nomadic and De-notified communities (NT-DNTs):- They were identified as a social beneficiary group because they are not only criminalized by birth during colonial times, but also they continue to be incarcerated, being prime targets for police to slap unsubstantiated cases of theft or excise. They are marginalized due to stigma, exclusion, violence and discrimination as a result of their social background. Being a nomadic they are often precluded from government welfare schemes for lack of proper documents such as address and identity proofs. The pandemic heavily restricted their movement. Due to lack of any permanent arrangements for shelter, they were forced to squat under bridges in makeshift homes with no amenities for food or sanitation.

INTERVENTION AT THE GRASS-ROOTLEVEL

a. Free Legal Aid services:- LAW Foundation during the Covid-19 lockdown had assisted in facilitating the bail bonds and release order to the concerned authorities. Due to the complete lockdown the inmates as well their family members were unable to gather the current status of the respective cases, LAW Foundation had bridged this gap by providing the current status of the cases to the respective inmates and their households through telephonic services. In a number of cases due to the complete lockdown the prison has prohibited the physical 'mulakati' services consequently prisoners were unable to meet their family members. We helped the family members accessing the 'video conferencing mulakati' at Barh and Masaurhi Prisons.

Confirming to the protocols of physical distancing the Bihar government had transferred the prisoners from overcrowded jails to various other less crowded jails rather than releasing the under-trials on bail. LAW Foundation came to know about it during the case intervention in few cases. Thus visited the Samastipur prisons after learning about the transfer of prisoners. We facilitated in availing bail to more than 105 under-trial prisoners on Personal Recognizance bail bonds (PRBBs) from Samastipur prison as part of our legalaid interventions who were booked under the Bihar Liquor Prohibition Act, 2018.

We also visited at Bhagalpur Central prison and provided legal counselling to the under-trial prisoners who were transferred from Beur Central Jail, Phulwarisharif Sub-Jail, and Danapur Sub-Jail due to overcrowding in these prisons. We are also in the process of facilitating premature release for an ailing 70-year-old convicted prisoner who is under-going life imprisonment and had spent more than 18 years in the Prison. We have filled a petition for his premature release however his case is currently pending before the Patna High Court.



LAW Foundation had been continuously working upon the issues of marginalized custodial population throughout the Covid-19.

b. Humanitarian Support

Apart from legal aid, counselling and facilitating in securing bails, our efforts were also focused on providing humanitarian support by distributing dry ration kits. LAW Foundation was able to distribute dry ration kits to more than 320 households (UTPs and NT-DNTs) in collaboration to Azim Premji Philanthropic Initiative. The dry ration kit was to offer comfort and respite in those hard times it included:

ITEM	QUANTITY
Atta	15 kg
Rice	10 kg
Dal	2 kg
Mustard oil	2 kg
Salt	1 kg
Spice mix	100 gm each of common spices
Tea leaves	100 gm
Sugar	1 kg
Soap	4 bars (2 for washing, 2 for bathing)
Washing Powder	1 kg

We prepared a distribution strategy and had already informed 5 volunteers a week in advance, taking due Covid-19 precautions. The programme was implemented in phases, starting with Paliganj followed by Naubatpur, Masaurhi, and Barh. The distribution was completed across the five districts over a span of ten days. Overall, our small team through their relentless and dedicated efforts managed to reach out to about (100 households in May 2020 and 250 households in June 2021).

CASE NARRATIVE

Society harbours certain prejudices against women who are unmarried till elder age, participate in outside work or does an employment. Most women across social strata are economically dependent on male members. When women undertake the task of providing for their families without the security of an immediate male relative, they had to face indifferent demeanour of society. An independent bread-winner woman in the patriarchal Indian society becomes the subject of stigma, harassment, exploitation, and even violence.

The moving case of one of our female beneficiaries will help illustrate this issue more elaborately. Vimla 1 aged between 38-40 years, hailed from an extremely marginalized community from a remote village in Gaya. She, along with her three children, had returned home from Mumbai at the outset of the pandemic to see her sick mother.

When we visited her house for distributing dry ration kit, we saw the destitute condition of her home. She was the sole breadwinner in her family of five members, she used to remit money earned out of her commercial sex work. A major chunk of her earning was spent on her mother's medical expenses. However, due to the pandemic sex-work came to halt and she was forced to return back with no means of sustenance. She had no way to avail housing benefits or public distribution system of government schemes due the marginalized identity, stigma of her occupation, and having three children without marriage. As a result, the villagers segregated her on caste and occupation lines. All the available resources were concentrated in the dominant-caste bastis. She was living with her family in a broken, dilapidated mud hut in an isolated village. During our visit, we discovered that she was skilled in tailoring and are in process of arranging basic equipment for her self-employment. LAW Foundation also provided her with extra ration at her doorstep. An observation that warrants our attention is the gendered nature of social mobility and access to resources. In every official documents it requires a patrilineal trace of either one's father or husband. In her case, there were no immediate male relatives that could be traced to her, society is quite insensitive and prejudiced against marginalized women, especially those who do not belong to a family headed by a man. A lot of lives are caught at the margins of law and society. Gender here plays an unfavouring role.

OBSERVATION

a. Undertrials Prisoners:-

The prisoners that were transferred to different jails across the state could not do

mulakatis with their family members due to the distance as well as the Covid-19 restrictions. The pandemic is a time of extreme duress but unfortunately, some of our incarcerated population had to go months without meeting their families. Most of them had no way to contact their homes or even check-in with family members. Recently released under-trials faced the burden of social stigma and exclusion food, shelter, and livelihood became extremely scarce.

b. NT-DNTs:- During our visits, we made some poignant observations about the living conditions of NT-DNTs beneficiaries. Most of them had no permanent housing and lived in small huts. Lack of identification and address proof deprived them of PDS reliefs as well. The sale of their handicrafts was at an all-time low. Migrant labourers who had returned from other states also had no means of livelihood to support their families. They were forced to gather produce from local forests or go hungry for days under their makeshift tents. Their condition was so destitute that receiving ration kits from us drove some of them to tears.

CONCLUSION:-Our visit and interactions with the community motivated us to continue our endeavours towards the cause of social justice and legal empowerment. LAW Foundation was able to provide relief to more than 320 households in the challenging hour of the pandemic. Our organized efforts and dedicated teamwork made it possible for us to cover a major chunk of the affected and vulnerable population within our area of work. These experiences inspired us to work hard and contribute to the society in a meaningful way.