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## Working with silenced under-trial prisoners in India during the COVID-19 pandemic

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### ABSTRACT

The outbreak of the COVID-19 pandemic was an entirely new challenge for the entire nation of India. As black clouds of poverty and unemployment hovered over the marginalized sections of the society, the faulty criminal justice system totally neglected its vulnerable under-trial prisoners. This story is about how one group – Ambedkar Group, endeavored to assist the highly stigmatized and silenced under-trial prisoners, who had been released on bail prior to the pandemic and nationwide lockdown. They had been left on their own with no support system or resources to survive. The Ambedkar Group decided to take up their cause.

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## Background

The nationwide COVID-19 pandemic lockdown was implemented on mid-night March 22, 2020, in India. Luckily, I (lead author, Mr. Praveen) was on the train to my hometown in the State of Bihar. There were rumors about the lethal Covid-19 everywhere, like a spreading fire. People were discussing the pandemic on social media, news channels, word of mouth, and so forth. What to do? What not to do? A sense of horror filled the air.

The morning of March 22 was not normal. The railway station was empty. You could hear pin drop silence, except for the train announcing part.

Coming back home at the right moment was a brilliant move. However, day by day the situation got worse. People wanted to be with their families, but lack of transport forced them to become their own angels. Largely, the labor-class, marginalized, vulnerable, and poor people who had nothing to eat or no source of employment or daily-wage work were completely devastated. Their bodies and souls had started to fight for food and survival.

In contrast, the marginalized under-trial prisoners were not free and had no alternative of rotting away in prison. Hardly, any case applications were allowed to be filed and even if filed the hearing dates kept being deferred; either due to some technical issue in the online platform or the absence of presiding judges.

The lives of under-trial prisoners had taken a turn for the worse with no one even dared to care. At least media and other forms of communication gave labor-class people a coverage throughout India which encouraged others traveling back to their home-town.

Reading newspapers, listening to radio, browsing social media – all of them had printed or posted some bad news about a mishap, accident, or sudden death of the labor-class people.

One of the incidents still stands out in my memory. A group of people were traveling from some districts of Uttar Pradesh, India. In the middle of the night, they stopped to rest on the railway lines. As they slept, a train came. All of them, except for one, were admitted to the Intensive Care Unit (ICU). Their belongings, stale Chappati, and vegetables were scattered among their amputated body parts. This ghastly incident was not an isolated event. I felt the horror in my soul. In time, it morphed into anger. I knew I had to spring into action and do something for the marginalized sections of society.

### **The Ambedkar group and the “target group”**

The Ambedkar Group had always been devoted to social work. We were a group of young professional social workers aiding under-trial prisoners in accessing free Legal Aid Services, under Article 39A of the Indian Constitution, 1950. We had created a social wave of justice through our work and we are always ready to answer the society’s call.

The group comprises five people including me (Mr. Praveen). The others will be revealed in time. I knew the situation in our home state “Bihar,” India. Bihar was not capable of accommodating such a large number of people coming back or admitting those who needed medical care into the hospital.

The group made a strategic plan to assist the marginalized people who were neglected by government policies and programs.

After analyzing the impact of the pandemic during the month of April, two fellow group members Mr. Shubhendu and Miss Tanya, who had social policy expertise, shared their thoughts with me.

Mr. Shubhendu said,

One of the most neglected groups was the under-trial prisoners who had been released on bail, just before the lockdown.

Miss Tanya added,

The De-notified, Nomadic, and Semi-Nomadic Tribes [DNTs, SNTs and NTs] also referred to as the Banjaras, which means vagabonds; they are worst sufferers of this Covid-19 epidemic lockdown.

Taking this as an opportunity to activate the group, we conferenced called with the other two group members Mr. Santosh and to Miss Pushpa, who had social

counseling expertise. We all discussed among ourselves about the weaker section of the society. How vulnerable, helpless, and needy they are right now? Mr. Santosh said,

Recently when I visited to one of the NT, SNTs, DNTs under-trial prisoner house to inquire about his situation, the prisoner said, 'Isse acha toh main jail mein hi sahi tha malik kam se kam sar pein chaat aur peit mein roti ka dana toh tha. Ye insaaf mere kisi kaam ka nhi' (It was far better to be in jail; at least I had shelter and two times meal to eat. This Justice is of no use to me).

Despite government-run initiatives and the Public Distribution System (PDS) which facilitates the supply of food grains and distributes essential commodities to a large number of poor people through a network of Fair Price Shops at a subsidized price, the nomadic, semi-nomadic, and de-notified communities are excoriated for lack of any documents that support their very existence. Consequently, they are treated as invisible and as if they have no voice.

Further Miss Pushpa says,

Even I am very disturbed with all the on-going chaos. Victimized under-trial prisoners are dying everyday either due to infection or due to hunger. We all must do something for these marginalized sections of the society.

Miss Tanya speaking for herself and on behalf of Mr. Shubhendu said,

We both can form a policy for the initiative of aiding the under-trial prisoners and the NT, SNTs, and DNTs during this epidemic.

All the members agreed, and one said,

It will be a nice group work initiative towards social welfare of the vulnerable community.

The conference call ended on an affirmative note and we all agreed to catch up as soon as possible.

## **Strategic planning and implementation**

A plan was handed over to me by Miss. Tanya, and she said;

Keeping in mind the epidemic lockdown we formulated a balanced diet chart that [incorporates] the necessary amount of caloric intake.

I had a rough plan to aid somewhat around 150 families. Hence, accordingly, Miss Tanya made a rough chart of the quantities of commodities needed to reach that goal. The ration kit would be comprised of wheat flour, rice, pulses, mustard oil, sugar, chuda (flattened rice), soaps (for washing and bathing), red chili, turmeric powder, coriander powder, potato, and onion.

Mr. Shubhendu stated,

Primary health care is also a necessity. Hence, apart from those basics of survival, we should provide at-least primary medical amenities like disinfectant soap and masks to fight against the virus. Hitherto, any effective vaccine had not yet been developed, thus making masks and sanitizer a shield and sword.

The primary medical basic amenities would specifically comprise masks, hand gloves, sanitizer, soaps, and an antiseptic liquid solution like Dettol.

Miss Tanya said;

Since we are not medical health care personnel, I think stepping in their shoes would be a little problematic for us. Also, at the current moment of time buying all the primary health care stuffs in such large quantities [is problematic]. We [need to obtain] a medical health care personnel identity card.

We agreed to the plan for distributing rations. Then, I asked about the implementation process. How we will be implementing it?

Mr. Santosh said,

I have all of the contact numbers of the under-trial prisoners whom we had provided free legal aid services and are out on bail during the lockdown or a few months prior to it.

So, Mr. Santosh took the initiative to either visit their houses or call them over phone and would analyze the situation accordingly. The decision of aiding would be solely depending upon their present family and economic condition.

Miss Pushpa said,

I too have a few numbers of the tribal community whom we had provided social counselling.

One of the main aspects of this initiative that was still unresolved was, where would we distributing all the ration, primary health-care stuffs, and other things? Also, considering the pandemic, when the entire nation was going through economic hardship, we were no exception. Me being the financial supervisor of the Ambedkar group, I had to coordinate all of the efforts we decided to undertake.

### **Finding an accessible location**

I soon learned that the Azim Premji Foundation, dedicated to an equitable, humane, and sustainable society, was working for the betterment of the prisoners bailed out during this lockdown in several states. Considering it as an opportunity for resource mobilization, I sent a formal proposal to the Foundation. Within days the foundation responded positively and asked us to collaborate with “Mr. Abhishek,” Director of the Bhartiya Jan Utthan Parishad, which is involved in the empowerment of rural and marginalized communities.

Soon I discussed all of our plans and the target group whom we had decided to aid during the lockdown. Realizing the difficulty in the area and all of the resources needed for buying, distributing, and storing the resources. He said,

I will look for a place or we can discuss it over time. As far as funding the commodities is concerned, it will be provided by the Azim Premji Foundation.

Once we found funding, the location and site for distribution were still unresolved. Mr. Abhishek who is quite experienced in these matters continued to be a great help over time.

Mr. Abhishek and the Ambedkar Group had a fruitful discussion about where to distribute rations.

Mr. Shubhendu and Miss Pushpa chimed in,

We are not comfortable travelling so far in this lockdown. Everywhere there is police cordon. Also, the recent news of the virus spreading also through aerosol make us worried about being infected.

Meanwhile, the Government announced that if anybody wanted to travel, they need to get a special *Covid-19 Pass* issued by the Government of India. Another issue to address. Nevertheless, we all applied for a Covid-19 pass. Luckily it was issued to all of us in a couple of days. Yet, the distance issue still persisted.

Mr. Abhishek said,

Why not distribute in one of our group member's houses?

Miss Pushpa said,

We can distribute the ration kits near my house. The area is sparsely populated.

Miss Tanya said,

No, it would be uncomfortable for me. I would have to travel 15km while on the other hand me, Miss Pushpa, Mr. Santosh, and Mr. Abhishek had to roughly cover only 2km.

This was a challenge in itself. Over few days, we kept on talking to each other about the place. I could not see any solutions coming.

Mr. Santosh said,

Why not we figure out some place which is in the middle of everybody's residence.

Yes, it is a nice idea. The shop from where I am buying all the commodities is exactly the place, we all are looking for. Nobody needs to travel far and also it is on the main road. Thus, easily accessible.

Mr. Shubhendu said,

One by one we would allow the individual to come forward, but only after covering their mouth and nose with mask or towel. Additionally, before entry, we would provide sanitizer to sanitize their hands.

All of us agreed to it. Now, I could really see the initiative taking its shape!

### Offering emotional support to the disenfranchised

The more you share your problems, the less the load to bear as you explore the issues and explore different solutions.

Mr. Shubhendu,

While the ration kits were being distributed to the target group, we must maintain distance between the people, ask them to cover their mouths, and nose and provide sanitizer to sanitize their hands, allowing them to enter one by one.

To ease the burden of the under-trial prisoners as well as the NTs, SNTs, and DNTs, whose hearts were filled with emotional pain and agony, Miss Pushpa asked them,

How is your health and family condition back at home?

One of the under-trial prisoners who was bailed out just a couple of months ago, became by Miss Pushpa.

He started weeping stating that his family is on the verge of dying from hunger. He said, *"Humlog pauroti aur pani ke sahare zindagi guzar rahe hain"* (We are constantly surviving on a loaf of bread and water). *"Ghar mein aanaj ka do daana nahi hain malik"* (There's not a single piece of food grains oh lord!). *"Isse acha toh main jail, mein hi tha apne pariwar, se dur kamse kam unko ankho ke samne tarapte huye marte toh nhi dekhta"* (It was much better in jail, separated from family, at-least not watching them dying a horrible death).

Miss Tanya handed me the ration kits which I then passed to the next person in line. She had already made sure that there were equal amounts of commodities in each package and packed it for distribution.

At the same time, Mr. Santosh entered the individual's name on a sheet of paper to keep track of who had participated in the distribution of ration kits.

Mr. Abhishek was coordinating with the members of our group. The whole process was quite smooth. There were some up-downs however nothing that we could not easily overcome.

The entire day turned gloomy. Their poor faces and doleful life kept on pestering me. I wondered to myself, what else can I do for them?

Our group was not only physically fatigued but also experiencing the mental agony related to the misery they heard and saw in front of their naked eyes, such as what Miss Tanya had encountered. Thankfully, we had one another to debrief together.

Miss Pushpa, being a counselor, knew how to put things into some perspective for all of us. She said that we are all absorbing and feeling their pain, that it was normal to do so.

After some discussion, aimed at supporting one another amid the pain we were experiencing, I asked that we hold hands and to pray for the under-trial prisoners, NT, SNTs, DNTs well-being.

“Hey iswar hey parmatma aap apni daya, aur kripa iss sansar ke din dukhiya logo par banaye rakhe. Unhe iss musibat ki ghari se samna krne ki prena, sakti, aur dridhnischay de”. (May the lord bless the vulnerable people of this earth. Provide them enough strength, motivation and firmness to fight this hard time in their life.)

We were able to reach out to more than 150 families of under-trial prisoners. We provided them ration kits and, more importantly, a glimmer of hope that they could survive and fight their way through this dreadful time.

## Conclusion

The societal taboo against this prisoner class and the NT, SNT, DNT communities is exacerbated by the lack of government relief or beneficial legislation on their behalf.

A lack of planning and implementation of reintegration and rehabilitation policies make the situation even worse. There is no legislation that empowers prisoners to secure decent jobs once they leave prison, because of their criminal records. Stigma and social taboo are slowly poisoning their lives.

With no food to eat, no water to drink, and their voices rendered inaudible to a Government that had essentially labelled them as non-people, they most often suffer in silence.

The ethical conundrum we faced was that, although we did what we could to help our target group with meeting certain basic needs and offering emotional support, we were unable to support even more people that the Government had also neglected.

Our group achieved its targeted goal but, at the same time, our hearts and souls were hurting given the ongoing chaos and constantly increasing death toll of the deadly infection coupled with hunger, malnutrition, and poverty throughout the land.