

**A Study of the Socio-Economic Profile and
Rehabilitation Needs of Muslim Community
in Prisons in Maharashtra**

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ABSTRACT

Introduction

Muslims constitute the second largest religious group in India and thus the largest religious minority. The 2001 census enumerated India's Muslim population at over 138 million constituting 13.4 per cent of the country's population. There are number of problems and grievances of minorities in general and Muslims in particular, some delicate and some complex, some real and some perceptible. The Muslim backwardness in the country can evidently be seen, as they lag behind the majority community – both educationally and economically.

The major grievances of religious minorities relate perhaps to the operation of the State agencies of law and order, justice, welfare, education and health, public services, state contracts, licenses and credit. According to the Sachar Committee Report, India's population is 84 per cent Hindu, and the remaining population is 13 per cent Muslim and 2.4 per cent Christian. Yet prison statistics show that this ratio is not reflected in India's prisons. There are debates about the causes of this discrepancy between the populations of Muslims in society and in prison.

The above discussion leads to a need to understand the socio-economic situation and the causative factors that have led to the current state of affairs, as far as the over representation of the Muslim community in prisons is concerned. Given the fact that the Sachar Committee has highlighted the over representation of Muslims in Maharashtra's prisons, it becomes particularly important to study the social composition of Muslims in prisons in the state and explore their experiences in the prisons. Finally, there is a need to suggest ways and means to address the issues which emerge.

Methodology

The study focuses on the socio-economic profile and rehabilitation needs of Muslim prisoners in Maharashtra. In addition, the study aims to reveal their experiences vis a vis criminal justice processing and the system and identifying their rehabilitation needs. In order to achieve these objectives, the quantitative methodology using the survey method has been used to collect primary data. In addition, interviews with prisoners to capture some qualitative dimensions about the situation and their subjective viewpoint about their reasons of arrest and entry into the crime world will be done. Additionally interviews with key informants such as prison officials and NGO representatives working with the prisoners in Maharashtra will also be conducted.

The universe of the study consists of Muslim prisoners housed in prisons across the state of Maharashtra. It includes male and female prisoners; and under trial and convict prisoners from Central Prisons and District Prisons Class I and II in all regions and districts of the state

The responses have been qualitatively analysed to add to the findings emerging from the quantitative analysis (using the SPSS package) of the data. A few cases studies have been documented to provide depth to the findings emerging from the study.

Some major findings

1. The Mumbai Central and Thane Central Prisons together house 52 per cent of the under trial Muslim prisoners. Among the convicted Muslim prisoners, Nashik Central Prison reported highest number of prisoners in both the male and female category.
2. The majority of Muslim prisoners belong to the age group of 18-30 years, accounting for 65.5 per cent of the total Muslim population in prisons in the state. In terms of education, it has emerged that most of the Muslim prisoners are literate and studied up to primary level (58.2 per cent).
3. Most of the Muslim prisoners i.e. 42.50 per cent have been charged with offences against the human body, followed by offences against property (29.4 per cent).
4. A very marginal proportion of the respondents were unemployed at the time of their arrest, most of whom were women, largely home makers. This clearly shows that the male respondents, though with poor education and lacking in formal technical skills, were engaged in some type of employment. Majority of the respondents i.e. 42.7 per cent earned a monthly income in the range of Rs. 2001 to Rs. 5000/-.
5. The family profile of the respondents revealed that 41 per cent had only one earning member in the family. It needs to be highlighted that 26.5 per cent of the respondents did not have any other earning member except themselves, thus implying that these families had no income earning member after the arrest of the respondent.
6. Out of the total number of respondents interviewed, 69 per cent were under trials and 31 per cent were convicts. Among the convicts, 49.5 per cent were sentenced to life imprisonment and 21 per cent were sentenced to periods ranging between seven to fourteen years. As far as period left for release, it was found that 51.8 per cent of the convicts have less than one year left for their release. This has implications for pre-release preparation towards their rehabilitation.
7. It has emerged that among the total respondents, 75.5 per cent were arrested for the first time and 24.5 per cent are repeat arrestees. This shows that majority of the respondents were not career criminals.
8. It has emerged that 43.6 per cent respondents had lawyers to fight their cases while 25.4 per cent did not have lawyers. In 70 per cent of the respondents who had lawyers, the lawyer's fees were paid by their families, thus indicating that most respondents who had lawyers had family support.

9. In 52.3 per cent of respondents' cases, their bail applications were rejected by the courts and only 25.6 per cent were granted bail. Of the respondents whose bail was rejected, 48 per cent did not know the reasons behind the rejection.
10. It was found that in 62.8 per cent of the respondents, their family members came to meet them in prison while in 30.9 per cent of cases, no one came for *mulakat*. This implies that majority of the respondents' families were in touch with them and they had the support of their families after their arrest.
11. It was found that 61.6 per cent of the respondents did not have any contact with NGOs. It emerged that majority of the respondents either did not approach NGOs working in prisons or were unaware about their work.
12. With regard to their children, it was found that 47.8 per cent respondents had children left outside and a majority of them i.e. 91.3 per cent, were living with their families, thus indicating that a majority of the respondents' children had family support. But there were instances of children living alone needing social support.
13. It has emerged that 95.3 per cent of respondents had a place to go after their release from prison; among them, most i.e. 87.6 per cent stated that they would go back to their family home. This implies that the majority of the respondents had family support.
14. Another important reason stated by the respondents was conflict with the police system. Most of them considered themselves as victims of a corrupt police system. From some narratives, it emerged that the criminal background of the respondents follows them even when if they want to get out of crime. The police often arrest such persons due to their criminal record on suspicion, implicate them in false cases (to 'solve' pending cases in the police station) or arrest them under preventive detention charges.
15. Some respondents believe that the biased attitude of the system against the Muslim community is responsible for their repeated arrests. The bias against them is greater against the people who have migrated from Northern India. It needs to be highlighted that the majority of the respondents had negative experiences with the system.
16. It has emerged that socio-economic situation of the Muslim community needs to be addressed. Almost 74 per cent of the respondents expressed the need for jobs after their release. Poverty eradication and development of the community through employment generation and implementation of government schemes would impact positively to reduce the crime.
17. Majority of the respondents stated that there was an urgent need to increase the number of courts to reduce the pendency of cases. The system of financial bail needed review and alternatives needed to be explored so that prisoners without social supports are able to go out on bail.

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CHAPTER I

INTRODUCTION

Prison populations have remained at the margins of welfare and development, and have seldom been viewed as in need of or deserving of social services. With the development of criminology as a subject of enquiry, a gradual shift has taken place, whereby the individual alone is no more held responsible for his/her norm or law breaking behaviour.

Criminology in a narrower sense is described as the “scientific study of crime as a social phenomenon” or “a science that deals with different aspects of behaviour that violates criminal law” (Bloch & Geis, 1970: 79; cited in Ahuja, 2000). In its broadest sense, it is referred to as the “entire body of knowledge regarding the causes and prevention of crime, punishment and correction of criminals, and operation of correctional institutions and agencies”. (Gibbons, 1977: 3; cited in Ahuja, 2000)

This shift has led to the development of an understanding of crime causation that includes psychological, social, economic and political factors as being responsible for deviant behaviour in human beings.

This has included a gradual policy shift away from capital punishment, torture and debilitating forms of punishment, imprisonment as and not for punishment, more humane custodial conditions, protection of legal and human rights, and finally a focus on retraining, rehabilitation and social inclusion.

The Situation of Prisons in India

The situation of prisons in our country came into focus in the early 1980s, when the National Police Commission highlighted prison conditions and the plight of under trial prisoners. Activists such as Sheela Barse filed public interest litigations on custodial conditions, and judges like Justice P.N. Bhagwati and Justice V.R. Krishna Iyer passed landmark judgments. These steps brought much needed relief to thousands of under trial prisoners, who were released on personal bond or simply discharged in their cases.

The system of prison welfare in the country is set in the context of reformation and rehabilitation of the convicted prisoner. Prisons were originally meant to house those who had been convicted by the law for the offences they were charged with. However, one fact that the authorities and civil society did not take note of was the rising number of under trials in the prisons. Owing to the rising crime rate, it is observed that the number of prisoners has expanded since last century. However, the number of prisons has not increased post-independence correspondingly, thus resulting in overcrowding and non-classification of prisoners in accordance with correctional principles. Overcrowding is also the result of the inability of under trials to avail of the bail facility due to lack of sureties and/or inability to pay cash bail.

As per Prison Statistics India 2006 Report, there are a total of 1336 prisons in the country, housing a total population of 373271 prisoners as against a stipulated capacity

of 263911 prisoners. Out of this number, as of 2006, 31.3 per cent were convicts, 65.7 per cent were under trials and the balance 3 per cent being détenues and others. As far as the male-female ratio is concerned, 96.1 per cent were males and 3.9 per cent were females.

Under trial prisoners

Largely following a sustained campaign in the columns of Indian Express, attention was drawn in the eighties to the question of the very large number of under trial prisoners who spend long periods of imprisonment in prisons all over the country even before their cases come up for trial. The Law Commission too has devoted its seventy-eighth report, to the subject of "congestion of under trial prisoners in jails". According to the Law Commission's report, on January 1, 1975 there were 220146 prisoners in jails in India. Of these, as many as 126772, or 57.6 per cent, were under trial prisoners. In other words, the majority of those imprisoned were those whose guilt had yet to be proven. The Law Commission also collected some statistics of under trial prisoners in selected central jails as on September 1, 1978. These present an even more appalling picture. In the Central Jail of Ambala, out of 254 prisoners, the number of those who had been convicted and who were undergoing any sentence of imprisonment was only 23. Thus 90.9 per cent of the prisoners in the jail were under trials. In the Central Jail, New Delhi, out of 2373 prisoners, only 267 were convicted persons undergoing sentences of imprisonment. The proportion of under trial prisoners here was thus 88.7 per cent. In effect what this means is that it is possible for the administrative and police authorities to arrest anyone, charge him with certain offences and, without infringing the due processes of law in any manner, keep him in prison for many months or even longer.

This is not just an abstract possibility, but something which happens again and again every single day of the year to large numbers of the poor in our villages and towns who have the misfortune of falling foul of the rich and the powerful. The large numbers of under trial prisoners in Indian prisons belong to one of the following three categories: (a) persons charged with non-bailable offences, in respect of whom the courts have declined to pass orders for their release on bail, (b) persons charged with non-bailable offences in respect of which the courts have passed orders for bail but who, because of the difficulty of finding appropriate surety or some other reason, fail to furnish bail bond, and (c) persons charged with bailable offences, but who, because of the difficulty of finding appropriate surety or some other reason, fail to furnish bail bond.

However, the Law Commission fails to point out how many under trial prisoners in the country as a whole belong to each of the above categories. It is, however, certain that a significant proportion consists of those charged with bailable offences that ought to be released on bail as a matter of right. Statistics for the Central Prison, New Delhi, for instance, show that out of 2106 under trial prisoners as on September 1, 1978, as many as 1456 were charged with bailable offences (Economic and Political Weekly, Vol.14, No.14, 1979 April 7: 642).

The situation of prisons in Maharashtra

As per the figure available as on 15/10/06, the total prison population in Maharashtra is 26364. The total number of males is 24839 and females are 1525. The total convict population is 8954, including 8520 males and 434 females. The total under trial population is 17157 including 16067 males and 1090 females. The total number of détenues are 253 including 252 males and 1 female. As against this existing prison population, the authorized capacity of prisons in the state is 17167 (Males - 16,824 and Females - 943).

Table 1.1: Prison population in Maharashtra (2003-04)

Prison-wise Authorised Accommodation, Daily Average Number of Prisoners and Occupancy Rate in Maharashtra (2003-2004)							
Name of Prison	Authorised Accommodation			Daily Average No. of Prisoners			Occupancy Rate per cent
	Male	Female	Total	Male	Female	Total	
Central Prison							
Yeravada	2053	126	2179	3290	299	3589	164.70
Kolhapur	1137	0	1137	1194	0	1194	105.01
Mumbai	804	0	804	2919	0	2919	363.06
Thane	1105	0	1105	2516	0	2516	227.69
Aurangabad	619	31	650	767	25	792	121.85
Nashik Road	1920	57	1977	2164	64	2228	112.70
Nagpur	1569	81	1650	2327	87	2414	146.30
Amaravati	939	34	973	1354	68	1422	146.15
Total	10146	329	10475	16531	543	17074	161.86
District Prison Cl-I							
Yeravada Open Prison	150	0	150	205	0	205	136.67
Kalyan	505	35	540	1143	114	1257	232.78
Byculla	312	0	312	468	0	604	150.00
Spl. Prison Ratnagiri	243	3	246	129	2	105	53.25
Paithan Open Prison	300	0	300	233	0	242	77.67
Dhule	285	9	294	347	8	316	120.75
Akola	673	22	695	465	30	416	71.22
Bhandara	248	5	253	207	6	244	84.19
Chandrapur	142	11	153	518	26	538	355.56
Yavatmal	104	5	109	271	18	267	265.14
Wardha	153	9	162	359	14	318	230.25
Borstal School, Nashik	105	0	105	26	0	19	24.76
Aurangabad Open Prison	50	0	50	0	0	0	0
Total	3270	99	3369	4368	199	4567	142.43

Name of Prison	Authorised Accommodation			Daily Average No. of Prisoners			Occupancy Rate per cent
District Prison Cl.-II							
Alibag	80	2	82	139	5	144	175.61
Sawantwadi	56	22	78	42	5	47	60.26
Buldhana	97	4	101	190	11	201	199.01
Parbhani	98	12	110	166	10	176	160.00
Osmanabad	203	12	215	337	30	367	170.70
Beed	94	17	111	240	10	250	225.23
Nanded	90	15	105	256	10	266	253.33
Jalgaon	186	14	200	372	23	395	197.50
Visapur	512	0	512	57	0	57	11.13
Solapur	127	14	141	231	13	244	173.05
Sangli	205	30	235	272	20	292	124.26
Satara	159	9	168	264	22	286	170.24
Ahmadnagar	42	6	48	169	17	186	387.50
Open Colony, Atpadi	21	0	21	15	2	17	80.95
Mumbai Dist. Women Prison	0	100	100	0	272	272	272.00
Total	1970	257	2227	2750	450	3200	137.66
District Prison Cl.-III							
J.J. Hospital	20	0	20	0	0	0	0
Kolhapur (City)	101	24	125	147	9	156	124.80
Total	121	24	145	147	9	156	107.59
Grand Total	15507	709	16216	23799	1220	25019	154.29

(Source IndiaStats.com)

The above table shows the annual average occupancy rate of prisons in Maharashtra for the year 2003-04. The following picture emerges from the table:

The occupancy in Central prisons is 161.86 per cent, indicating an overcrowding of 61.86 per cent, more than the authorized capacity of prisons in the State.

The occupancy rate for District Prisons Class I is 142.43 per cent, indicating an overcrowding of 42.43 per cent

The occupancy rate for District Prisons Class II is 137.66 per cent, indicating an overcrowding of 37.66 per cent.

The occupancy rate of District Prisons Class III is 107.59 per cent, indicating an overcrowding of 7.57 per cent.

The average occupancy including all prisons in the State is 154.29 per cent, indicating an overcrowding of 54.29 per cent.

Another trend that emerges from the table is that the Central prisons are most overcrowded (61 per cent) and District prisons Class III are least overcrowded (7 per cent). This is in keeping with general trend of rising crime rates in big cities and comparatively less crime rates in towns and mofussil areas. This trend is reflective of the situation in the country as well as in Maharashtra.

Social composition of the prison population

While sex-wise breakup of the prison population is available, breakup in terms of caste, class, ethnicity or religious denomination has not been so far been attempted by the National Crime Records Bureau. However, it is a well documented fact that prisons in India and across the world house populations who are marginalized and from the poorer sections of society. Various reform committee reports, newspaper reports and literature available on situation of prisons in the country have reiterated from time to time that large numbers of under trial prisoners and convicts are in prison for petty and minor offences and come from extremely poor backgrounds. Experts and NGOs working in prisons have often felt that that the proportion of persons coming from SC/ST and religious minorities, especially Muslims is far higher in prisons than their population percentage in society.

Literature is available in the west which has highlighted this aspect of prison populations and criminologists have tried to explain this anomaly in terms of social and family disorganization, influence of criminal sub-cultures on youth in areas inhabited by marginalized sections of society, dropping out of youth from such sections from the education system and peer pressure pushing them into crime, bias in the criminal justice system against the poor and the marginalized, and labeling by society leading to criminalization of the marginalized.

“The fact that minorities are overrepresented in American prisons is a sad commentary on the American penal system. The latest figures from the Bureau of Justice Statistics, the Federal clearinghouse for justice statistics, show that while blacks represent only 13 per cent of the American population, they total more than 37 per cent of those incarcerated in state and federal prisons. Persons of Hispanic origin, a rapidly growing cohort within the country, represent 14 per cent of the American population but 20 per cent of those who are incarcerated.” (Sabol and Harrison, 2007)

Muslims in India

Muslims constitute the second largest religious group in India and thus the largest religious minority. The 2001 census enumerated India's Muslim population at over 138 million constituting 13.4 per cent of the country's population. The largest concentrations, about 47 per cent of all Muslims in India, according to the 2001 census, live in the three states of Uttar Pradesh (30.7 million; 18.5 per cent), West Bengal (20.2 million; 25 per cent), and Bihar (13.7 million; 16.5 per cent). Muslims represent a majority of the local population in Lakshadweep (93 per cent in 2001) and Jammu and Kashmir (67 per cent in 2001). High concentrations of Muslims are found in the eastern

states of Assam (31 per cent) and West Bengal (25 per cent), and in the southern state of Kerala (24.7 per cent).

Table 1.2: Percentage of Muslim population in Indian states (2001 Census)

State	Population	Percentage
Jammu & Kashmir	6,793,240	66.9700
Assam	8,240,611	30.9152
West Bengal	20,240,543	25.2451
Kerala	7,863,842	24.6969
Uttar Pradesh	30,740,158	18.4961
Bihar	13,722,048	16.5329
Jharkhand	3,731,308	13.8474
Karnataka	6,463,127	12.2291
Uttaranchal	1,012,141	11.9225
Delhi	1,623,520	11.7217
Maharashtra	10,270,485	10.6014
Andhra Pradesh	6,986,856	9.1679
Gujarat	4,592,854	9.0641
Manipur	190,939	8.8121
Rajasthan	4,788,227	8.4737
Andaman & Nicobar Islands	29,265	8.2170
Tripura	254,442	7.9533
Daman & Diu	12,281	7.7628
Goa	92,210	6.8422
Madhya Pradesh	3,841,449	6.3655
Pondicherry	59,358	6.0921
Haryana	1,222,916	5.7836
Tamil Nadu	3,470,647	5.5614
Meghalaya	99,169	4.2767
Chandigarh	35,548	3.9470
Dadra & Nagar Haveli	6,524	2.9589
Orissa	761,985	2.0703
Chhattisgarh	409,615	1.9661
Himachal Pradesh	119,512	1.9663
Arunachal Pradesh	20,675	1.8830
Nagaland	35,005	1.7590
Punjab	80,045	1.5684
Sikkim	7,693	1.4224
Mizoram	10,099	1.1365

Percentage distribution of population (adjusted) by religious communities: India – 1961 to 2001 Census (excluding Assam and J&K) (Source: Islam in India, www.wikipedia.com)

The issue of who constitutes a minority group is a contentious one. The United Nations Sub-Committee on the Prevention of Discrimination of Minorities has suggested that the term should include those non-dominant groups in a population, which possess and wish to preserve stable, ethnic, religious, linguistic traditions and characteristics, which are markedly different from those of the rest of the population.

The rights of minority groups are clearly spelt out in the Fundamental Rights of the Indian Constitution, mentioned in Articles 29 and 30. Article 29 states, "any section of the citizen residing in the territory of India or any part thereof, having a distinct language, script or culture of its own, shall have the right to conserve the same". Article 30 acknowledges "the right of minorities based on religion or language to establish and administer educational institution of their choice".

If these Articles are read together, it would appear that the Indian constitution envisages three categories of minorities - classified in terms of language, religion and culture, whose rights are guaranteed so as to maintain their identities intact.

There are number of problems and grievances of minorities in general and Muslims in particular, some delicate and some complex, some real and some perceptible. The Muslim backwardness in the country can evidently be seen, as they lag behind the majority community – both educationally and economically. -

The major grievances of religious minorities relate perhaps to the operation of the State agencies of law and order, justice, welfare, education and health, public services, state contracts and licenses and credit. The grievances of the minorities are not confined only to these areas. Formations other than the State, such as political parties, social and cultural associations, trade unions, caste-based and religious bodies and others may operate to create material disabilities against religious minorities giving rise to such grievances.

The Sachar Committee Report has acknowledged that one of the most important grievances of the Muslim community is inadequate representation in various services under the control of the government. Despite the fact that the Constitution provides equal opportunities to all irrespective of their caste or religious background, the number of Muslims recruited to various services have never been above 5 per cent and mostly lower (around 2 or 3 per cent) in government service. The relative number of jobs held by Muslims in government and in industrial and commercial undertakings has been a bone of contention for a long time. There is a strong feeling among Muslims that this number has been steadily declining.

Another major problem facing the minorities is the continued eruption of large scale communal riots from time to time. Regardless of which side starts the riot, Muslims generally suffer most in terms of lives lost and property destroyed and in conjunction of

each other keeps the Muslims at a gross economic loss. This was clearly evident from the Gujarat violence in 2002, in which several Muslims were victimized as a result of the Godhra incident.

Table 1.3: Some comparisons between Muslims and Hindus based on census data (2001)		
Composition	Hindus	Muslims
Per cent total of population 2001	80.5	13.4
Sex ratio (national average 933)	931	936
Rural sex ratio	944	953
Urban sex ratio	894	907
Child sex ratio (0-6 yrs)	925	950
Literacy rate (avg. 64.8)	65.1	59.1
Work participation rate	40.4	31.3

(Source: www.wikipedia.com)

Representation of the Muslim community in prisons in India

According to the Sachar Committee Report, India's population is 84 per cent Hindu, and the remaining population is 13 per cent Muslim and 2.4 per cent Christian. Yet prison statistics show that this ratio is not reflected in India's prisons. A total of 102652 Muslims are in prison out of the total prison population of 373271 as per the Prison Statistics India Report (2006). The states with the most disproportionate amount of Muslims in prisons are Maharashtra, Gujarat and Kerala.

In Maharashtra, Muslims account for 10.6 per cent of the general population; yet they comprise 32.4 per cent of the prison population. For those incarcerated on terms of less than a year, the figure rises: 42 per cent of prisoners on short-term sentences in the state are Muslims. In Gujarat, where Muslims account for 9.06 per cent of the populace, they account for 25 per cent of all prison inmates. Assam has the second-highest number of Muslims in its population (Jammu & Kashmir has the highest), at 30.9 per cent of the general populace.

There are debates about the causes of this discrepancy between the populations of Muslims in society and in prison. Higher rates of poverty among Muslims are one of the reasons attributed to this discrepancy. The Sachar Committee notes that in urban areas, Muslims living at the poverty level account for 44 per cent of the urban poor, compared to the national figure of 28 per cent. Another factor cited by field activists and experts is the issue of bias in society and the criminal justice system, especially the police, against Muslims which contributes their rising numbers in prisons.

Rationale for the study

The above discussion leads to a need to understand the socio-economic situation and the causative factors that have led to the current state of affairs, as far as the over representation of the Muslim community in prisons. Given the fact that the Sachar Committee has highlighted the over representation of Muslims in Maharashtra's prisons, it becomes particularly important to study the social composition of Muslims in prisons in the state and try to understand what needs to be done so as to mainstream them in society. There is a need to arrive at an estimate of the number of Muslim prisoners in Maharashtra and explore their experiences in the prisons. It is also important to understand the socio-economic and educational backgrounds of the Muslim prisoners as well as their rehabilitation needs. Finally, there is a need to suggest ways and means to address the issues which emerged during the process of this study.

Statement of the research problem

“Study of Socio-Economic Profile and Rehabilitation Needs of Muslim Community in Prisons in Maharashtra”

Objectives of the study

The study is sought to be kept both ambitious and practicable, given the constraints of time and resources. The following objectives have been formulated to give direction to the topic of the research:

1. To arrive at an estimate of the Muslim community members in prisons in Maharashtra.
2. To understand the socio-economic and educational background of the Muslims in prisons in Maharashtra.
3. To understand the experiences of Muslims housed in prisons vis a vis criminal justice processing and the system.
4. To understand the rehabilitation needs of Muslims housed in prisons in Maharashtra.
5. To suggest ways and means to address the issues emerging from the study.

RESEARCH METHODOLOGY

The study focuses on the socio-economic profile and rehabilitation needs of Muslim community in Maharashtra. This study aims to develop a clearer understanding about the current situation of Muslims lodged in prisons in Maharashtra, explore the socio-economic composition and reasons for overrepresentation of Muslims in Maharashtra and in the process also identify measures to correct this imbalance.

The study also aims to suggest interventions to address the problems and concerns of Muslims lodged in prisons in Maharashtra. The study uses the quantitative methodology and a combination of quantitative and qualitative methods to collect data from prisons.

Research design

The research being undertaken is descriptive in nature. The study aims to describe the social, economic and educational background of Muslim community members in prisons in Maharashtra. In addition, the study aims to reveal the experiences of Muslims housed in prisons in Maharashtra vis a vis criminal justice processing and the system and identifying their rehabilitation needs. In order to achieve these objectives, the quantitative methodology using the survey method has been used to collect primary data. In addition, interviews with prisoners included a few questions to capture some qualitative dimensions about the situation of the respondents and their subjective viewpoint about their reasons of arrest and entry into the crime world. These responses have been qualitatively analysed to add to the findings emerging from the quantitative analysis (using the SPSS package) of the data. A few cases studies have been attempted to provide depth to the findings emerging from the study.

Universe

The universe of the study consists of Muslim prisoners housed in prisons across the state of Maharashtra. It includes male and female prisoners; and under trial and convict prisoners from Central Prisons and District Prisons Class I and II in all regions and districts of the state.

Sampling process

For arriving at the sample size, six criteria were taken into consideration. Firstly, it was felt that one needs to take into account the region-wise distribution of prisons in Maharashtra. The Maharashtra Prison Department is divided into four regions namely Eastern, Western, Southern and Central. To understand the socio-economic situation and representation of the Muslim inmates in prisons in Maharashtra, it was therefore decided to cover all the regions.

Secondly, the type of prison was an important classification used for sampling. There are totally 9 types of prisons namely Central Prison, District Prison Class-I, District Prison Class-II, District Prison Class-III, Women's Prison, Borstal School, Special Prison, Open Prison and Open Colony. It can however be concluded that Central Prison, District Prison Class-I, District Prison Class-II and District Prison Class-III are the major types of

prisons. Each Region has 2 Central Prisons except the Southern Region which has 3 Central Prisons. All the Central Prisons in Maharashtra were selected for data collection. The reason behind this was that Central Prisons are located in metropolitan areas and house a larger population; hence stood a greater chance of a larger representation of Muslim inmates.

Sex wise distribution of the inmates was the third criteria considered for sampling. Only those prisons were taken up for study where there was representation of both male and female inmates, except in Thane Central Prison which only houses male inmates.

The fourth criterion was classification according to the type of prisoners, i.e. convicts or under trials.

The fifth criterion chosen was the urban and rural distribution of prisons. In each region, the prisons were selected to include both urban and rural areas. For example, in the Eastern region, Nagpur and Amravati Central Prisons were selected for the study. Akola, Bhandara, Chandrapur, Yavatmal, Wardha are the District Class-I. Among these, Chandrapur and Akola prisons were selected for the study. While doing this selection, the representation of the Muslim inmates was also taken into consideration as it was important to understand the reasons for larger representation of Muslim inmates. In the Southern Region, Mumbai and Thane Central Prisons were selected for the study. Among District Prisons, Kalyan, Byculla and Ratnagiri were selected for the study.

The sixth criterion was the selection of prisons where there is a larger representation of Muslim inmates. For this, the Prison Statistics Maharashtra 2004 Report was referred to. According to the available figures, there are a total of 10136 Muslim inmates across all prisons in Maharashtra. After classifying the data on the basis of region, type of prison, sex, urban/rural and Muslim inmate's representation, a total of 15 prisons were selected for the study.

A sample size of 10 per cent of the universe was decided for data collection purposes except in Kalyan and Byculla Prisons. In these prisons, the total number of inmates was 1849 and 4520 respectively, at the time of data collection. If the 10 per cent criterion was used for these prisons, the sample size would be 636, which was too large a size to handle. Therefore, it was decided that in prisons where the population was more than 500 Muslim inmates, a maximum of 50 respondents would be interviewed.

To understand the socio-economic, education, work profile, legal status and rehabilitation needs of the inmates, the structured interview method was used. An interview schedule was developed based on the research questions, the objectives and a review of literature.

Respondents for the interviews were identified from the official data which was available in the registers. To arrive at the total number of Muslim inmates and prepare a list of such inmates, a format was developed to collect legal data pertaining to them. From the list prepared, 10 per cent were chosen randomly for the interviews.

Sources of data collection

Primary sources

The data has been primarily collected from the Muslims prisoners housed in prisons in Maharashtra, along with interviews with key informants such as prison officials and NGO representatives working with the prisoners in Maharashtra.

Secondary sources

The secondary sources of data in the study include the prison records which were made available by the prison authorities in the various prisons in Maharashtra as well as the records of National Crime Records Bureau. Secondary sources also include a review of literature, review from books, newspaper reports, official reports and internet sources.

Tools of data collection

1. Interview schedule

A structured interview schedule was prepared by the research team keeping in mind the objectives of the study. The schedule contained questions which were largely quantitative in nature but at the same time, it also contained certain open-ended questions which could elicit qualitative data. The interview schedule was divided into 9 broad sections covering all the objectives of the study (See Annexure Number I).

The interview schedule covered questions relating to personal information, family background, legal status, post arrest situation, custodial conditions as well as post release situation.

2. Case studies

From the sample, seventeen cases were selected with whom in-depth interviews were conducted using an interview guide. These interviews elicited specific and some of the common problems faced by Muslims housed in prisons in Maharashtra. The case studies gave an insight into the different dimensions and an overview of the problems of Muslim prisoners. The interview guide largely contained questions which elicited qualitative data. The guide was prepared keeping in mind issues relating to triangulation of data.

3. Interview guide for prison officials

An interview guide was prepared for the prison officials in order to get a clearer idea of their perceptions towards the Muslims housed in the prisons in Maharashtra. The guide for prison officials was designed in order to understand the problems faced by the Muslim prisoners more closely and also understand their rehabilitation needs, as the attitude of prison officials has a direct bearing on the needs of prisoners.

4. Interview guide for NGO representatives

An interview guide was designed for the NGO representatives who have been working with the prisoners for a considerable amount of time. The experiences of these respondents were useful to understand issues relating to discrimination against the

Muslims in prisons, if any, and to understand the reasons for overrepresentation of the Muslims in the prisons. The guide also covered questions to understand their perspective towards the rehabilitation needs of Muslim prisoners.

Pilot testing

A pilot test was conducted by the research team before starting the data collection process in order to test the tools of data collection, identify gaps and areas of overlap. The pilot test was useful to restructure the tools and also readjust the interviewing techniques of the researchers.

Data analysis

Depending upon the nature of the information collected, the data was analysed both quantitatively as well as qualitatively. The quantitative data was analysed by using the SPSS package and the in-depth interviews were qualitatively analysed to strengthen the findings from the study.

Experiences of the researchers

The researchers got a chance to visit different categories of prisons in Maharashtra i.e. Central Prisons, District Prisons, Open Prisons, etc. This journey of data collection covering 14 districts of Maharashtra was a unique experience and a huge learning opportunity for the researchers.

An important learning for the researchers which they had to deal with while working with the prison system was its bureaucratic and hierarchical structure. The prison regime is characterised by its own rules and regulations which need to be followed strictly. Permission is required from a specific authority for every task and activity to be undertaken and one has to work within specified boundaries.

The researchers started data collection from Byculla District Prison. There was a natural curiosity in the mind of researchers about the prison and prisoners. After getting permission from the Superintendent, the researcher went to the female barrack to prepare the list of Muslim inmates. While preparing the list, the researcher faced many difficulties.

Firstly, women asked queries about the subject and one had to explain to each one of them the objectives of the research, which proved to be a difficult task. Secondly, women from other religions asked to why only Muslim inmates' names were being collected. Thirdly, some women did not have correct information about their cases e.g. under which section they have been arrested, the date of arrest etc.

The researchers realized that there was a possibility of spreading wrong messages among the prisoners about why data was being collected only with regard to Muslim prisoners. Taking into consideration the sensitive nature of this research, the first lesson the researchers learnt was that going into the barrack and preparing the list of prisoners was not the appropriate way. The male researcher also had a similar experience in Mumbai Central Prison in the male barracks.

Preparing the list of inmates was time consuming work in the data collection process, especially in prisons like Thane or Mumbai Central Prison where there was more representation of Muslim inmates. In Thane prison, it required fifteen days to prepare the list only as one had to go through each page of the registers. In this prison, the researcher went through almost sixty to seventy registers.

In some prisons, one got information that there was a software system in the prison office that has the information of all prisoners but permission to see the soft copies or to get printouts of that information from computers was not given. In some prisons, one got the list which had the name of the prisoners and their under trial or convict numbers which made the task easier.

Another time consuming task was to wait for the inmates for the interviews. The researchers gave a list of selected prisoners to either the prison staff or the inmates who were assisted the prison staff in the judicial section of the prison. If the list reached the correct person, the prisoners would be brought on time; otherwise the researchers had to wait for hours.

There were a number of barracks in each prison and to call for a person living in these barracks was a problem. Sometimes, even after announcing their name, they did not arrive for long periods of time. To meet the selected prisoners from different barracks and bring them to the office space where the interviews were conducted proved to be a time consuming task.

Another problem was that after waiting for a long time, all the selected prisoners would come together. These prisoners had to therefore wait for their turn. For interviewing one person it required a minimum of half an hour. Meanwhile, the others would get bored till their turn came. And at the end of the day's working hours, some inmates whose interview could not be done did not come the next day.

Though all the prisons have a similar pattern of work, the researchers found that there is difference in the working style. Prisons like Nashik Central Prison which is especially for convicts seemed very particular about work. Here, all the staff including the inmates who were working in the office was prompt about time and tasks.

The researchers interviewed almost all categories of inmates who were arrested under different charges. After having a discussion with inmates regarding their socio-economic conditions, childhood experiences, factors leading to their arrest and situation after arrest, the researchers got insights into the various situations that occurred in their lives and how they coped with the same.

Each respondent had their own views about their cases, the police and the prison system. Most respondents seemed despondent and considered their prison term as the end of their lives. On the other hand, some inmates found their way in life while in prison. As one of them said, "I was wandering elsewhere. God sent me to prison. It is a result of my bad deeds which I have done in the past. Here I discovered the path of God inside".

In some prisons, the researchers found that the attitude of the Superintendent to be positive towards inmates. The interactions between the staff and inmates were harmonious in these prisons. The environment of the prison seemed motivating that it resembled a correctional institution rather than a prison. The prisoners seemed calm, positive and ready to express their views. The helping and enthusiastic staff emerged as the main reason behind this.

In some prisons, the prison staff found the idea of doing research in prison novel. For them, people coming from outside to do research was a new phenomenon, especially a female researcher interviewing male inmates. It also emerged that in prisons where NGOs were active, the response of prison staff towards the researchers was positive and supportive.

On the other hand, in a few prisons, one found a biased attitude of the prison staff towards the Muslim inmates and towards this research. The researchers found it difficult to draw out the required data from the inmates in such prisons. They had to work in unfavorable conditions.

In most of the prisons the researchers interviewed the inmates initially in the presence of a prison officer. Both researchers and inmates felt uncomfortable with this. Inmates were hesitant to share about their case background and family problems. But after some time, once the staff became comfortable with the idea of the research and the presence of the researchers, they would give the required space to the researchers.

Some prison officers who had a vast experience shared their experiences about issues and problems faced by prisoners, the role of NGOs and the need for change in the system. They supported the researchers in getting proper information. Their suggestions were helpful in completing the work in the specified period of time. For example, in one of the prisons where the representation of Muslims was high, calling inmates for the interviews from different barracks was a time consuming task. One of the prison officers gave a suggestion to divide the respondents barrack-wise and keeping in the mind the criteria of age, under section, marital status, habitual or first timer, etc. This saved time and data collection was completed faster.

In some prisons, inmates were not interested in being interviewed. It emerged that the reason behind this was that a number of NGOs, students of law and social work colleges visited the prison. Prisoners felt that these people only come for getting information from them and do not do anything to help them. They were tired about talking of their problems or discussing about their cases to different people.

Sometimes, when one visited a prison with a lot of expectations, the actual visit did not match the expectations and vice versa. For example, in one of the prisons known for its correctional and welfare programmes, a terror attack in the city led to tightening of security in the prison. The researchers were not given freedom to do their work. On the other hand, in a prison in a district place, the researchers were given a free hand in data collection and were able to get valuable insights on issues. All these experiences were helpful to the research team and enriched their professional and personal lives.

CHAPTER II

STATISTICAL INFORMATION ABOUT PRISONS IN MAHARASHTRA

This chapter is based on analysis of data from the prison records and registers in fifteen prisons in the state. The researchers went through all registers pertaining to under trial and convict prisoners to identify Muslim prisoners and data pertaining to them is the basis of the analysis presented below:

Table 1.1: Total number of Muslim prisoners in Maharashtra

Name of the Prison	Type of prison	Total No. of under trials		Total no. of convicts		Total	Percent
		Male	Female	Male	Female		
Akola	District Prison Class 1	46	0	06	0	52	1.6 %
Thane	Central	565	0	49	0	614	19.8%
Aurangabad	Central	68	0	60	0	128	4.1%
Chandrapur	District Prison Class 1	23	0	5	0	28	0.9%
Kalyan	District Prison Class 1	148	65	0	0	213	6.9%
Ratnagiri	Special Prison/District Prison Class 1	03	0	2	0	05	0.1%
Taloja	Central	96	0	23	0	119	3.8%
Nashik	Central	23	11	288	35	357	11.5%
Amravati	Central	43	01	67	02	113	3.6%
Mumbai	Central	557	0	15	0	572	18.5%
Byculla	District	53	72	06	06	137	4.4%
Jalgaon	District Prison Class 2	24	0	6	0	30	0.9%
Kolhapur	Central	18	0	126	05	149	4.8%
Pune	Central	218	11	117	34	380	12.3
Nagpur	Central	107	02	74	06	189	6.1
Total		1992	162	844	88	3086	100%
Grand Total		2154 (64.5)	(5.2)	932 (27.3)	(2.8)		

Table 1.1 shows that of the total number of Muslim inmates in prison, 19.8 per cent are in Thane jail which is seconded by Mumbai Central Prison at 18.5 per cent. Ratnagiri and Chandrapur account for less than 1 per cent of the prisoners from the total 15 jails in Maharashtra.

It emerged that around 70 per cent of the Muslim prisoners (male and female) fall in the category of under trials and the remaining 30 per cent in the convict category. In the category of under trials prisoners, 64.5 per cent of Muslim prisoners are males and 5.2

per cent are female. In the category of convicted prisoners 27.3 per cent of the Muslim prisoners are males and 2.8 per cent are females.

The Table also depicts that among the prisons surveyed, Thane and Mumbai Central Prisons accounts for more than 35 per cent male Muslim prisoners in the under trial category. Among the total number of male Muslim convicted prisoners Nashik and Kolhapur have a larger number of 288 and 126 prisoners respectively. Among the female convicted category, Nashik and Pune account for 35 and 34 Muslim prisoners respectively. It is evident that central prisons have more number of male Muslim convicted prisoners than female across Maharashtra in all the categories surveyed. In contrast, Byculla District Prison and Kalyan District Prison have a larger number of under trial Muslim prisoners than other prisons surveyed in Maharashtra.

Table 1.2: Age wise distribution of Muslim prisoners

Name of the prison	18 to 23 Years		24 to 30 Years		31 to 40 Years		41 to 50 Years		51 years and above		Total
	UT	Con	UT	Con	UT	Con	UT	Con	UT	Con	
Akola	13	1	11	1	14	1	5	2	3	1	52
Thane	204	14	221	15	98	11	31	5	11	4	614
Aurangabad	22	5	26	23	11	17	7	13	2	2	128
Chandrapur	5	0	10	1	6	3	2	0	0	1	28
Kalyan	85	0	65	0	36	0	18	0	9	0	213
Ratnagiri	1	0	1	0	2	0	1	0	0	0	05
Taloja	42	8	32	4	15	8	7	1	1	1	119
Nashik	9	80	15	112	4	81	5	33	1	17	357
Amravati	7	6	11	23	17	24	7	8	3	7	113
Mumbai	164	5	232	2	118	7	31	0	12	1	572
Byculla	64	5	36	6	18	1	4	0	3	0	137
Jalgaon	8	1	8	1	5	1	3	2	0	1	30
Kolhapur	4	3	44	2	7	47	2	21	1	18	149
Pune	108	18	77	50	27	41	15	29	2	13	380
Nagpur	38	15	41	21	16	36	9	5	5	3	189
Total	774	161	830	261	394	278	147	119	53	69	
Grand Total	935 (30.2%)		1091 (35.3%)		672 (21.7%)		266 (8.6%)		122 (3.9%)		3086 (100%)

UT = Under Trial and Con= Convict

Table 1.2 shows the age wise distribution of Muslim prisoners surveyed in Maharashtra jails. It is evident from the above table that the highest numbers of Muslim prisoners are in the age group of 24-30 years i.e. 35.3 per cent, followed by the age group 18-23 years at 30.2 per cent and the age group 31-40 years which accounts for 21.7 per cent. The lowest number of Muslim prisoners belongs to the age group of 51 years and above which accounts for 3.9 per cent. From the above table, it has emerged that the majority of Muslim prisoners belong to the age group of 18-30 years which in total is 65.5 per cent of the Muslim prisoners.

Table 1.3: Marital status of Muslim prisoners

Name of the Prison	Total No. of under trials				Total no. of convicts				Total
	Married	Un-married	Widow /Widower	Separated	Married	Un-married	Widow/ Widower	Deserted	
Akola	32	13	1	0	04	2	0	0	52
Thane	304	261	0	0	35	14	0	0	614
Aurangabad	44	24	0	0	49	11	0	0	128
Chandrapur	08	15	0	0	3	2	0	0	28
Kalyan	121	89	1	2	0	0	0	0	213
Ratnagiri	2	1	0	0	2	0	0	0	05
Taloja	42	55	0	0	13	9	0	0	119
Nashik	19	15	0	0	220	97	2	4	357
Amravati	34	9	1	0	64	05	0	0	113
Mumbai	315	242	0	0	7	8	0	0	572
Byculla	96	29	0	0	8	4	0	0	137
Jalgaon	9	15	0	0	4	2	0	0	30
Kolhapur	13	5	0	0	82	49	0	0	149
Pune	25	4	5	0	211	135	0	0	380
Nagpur	55	24	1	0	81	27	1	0	189
Total	1119 (36.2%)	801 (25.9%)	9 (0.2)	2 (0.06)	783 (25.3 %)	365 (11.8%)	3 (0.09%)	4 (0.1%)	3086 (100%)

Table 1.3 shows the distribution of marital status among the under trial and convict Muslim prisoners across the prisons surveyed. In the under trial category 36.2 per cent of the Muslim prisoners are married and 25.9 per cent are unmarried while the widowed and separated categories account for negligible numbers at 0.2 and 0.06 per cent respectively. Although the married Muslim prisoners are higher than unmarried prisoner, the difference between both is negligible and there are a significant number of the prisoners who belong to the unmarried category.

Secondly, in the convict category, 25.3 per cent of Muslim prisoners are married and 11.8 per cent belong to the unmarried category. It has emerged from the data that married Muslim convicts are more than unmarried convicts. This has further implications on the families of Muslim prisoners in the convict category, who may need support in the absence of the male member in the family.

Table 1.4: Educational status of Muslim prisoners

Name of the Prison	Educational levels							Total
	Illiterate	Primary	Secondary	Higher Secondary	Graduation	Post Graduation	Other	
Akola	45	7	0	0	0	0	0	52
Thane	176	378	45	7	5	1	2	614
Aurangabad	21	107	0	0	0	0	0	128
Chandrapur	0	28	0	0	0	0	0	28
Kalyan	91	90	28	2	2	0	0	213
Ratnagiri	0	1	3	1	0	0	0	05
Taloja	55	64	0	0	0	0	0	119
Nashik	101	256	0	0	0	0	0	357
Amravati	23	80	5	2	3	0	0	113
Mumbai	147	422	0	1	0	1	1	572
Byculla	78	53	6	0	0	0	0	137
Jalgaon	9	14	6	0	1	0	0	30
Kolhapur	45	63	27	7	7	0	0	149
Pune	141	202	9	15	11	2	0	380
Nagpur	37	143	7	1	1	0	0	189
Total	969 (31.3%)	1908 (61.8)	136 (4.4%)	36 (1.1%)	30 (0.9%)	4 (0.1%)	3 (0.09%)	3086 (100%)

Table 1.4 shows the educational distribution of Muslim prisoners. 31.3 per cent of the Muslim prisoners belong to the illiterate category followed by the primary education category which accounts for 61.8 per cent of Muslim prisoners. In the other educational categories such as Secondary, Higher Secondary, Graduation and Post Graduation, the total per cent is 6.5. The above table indicates that majority of the Muslim prisoners belong to the primary education category or below i.e. illiterate, which totally accounts for 93.1 per cent.

Table 1.5: Country wise break-up of Muslim prisoners

No.	Name of the State	Total no. of inmates	Percent
1.	India	2784	90.2%
2.	Bangladesh	289	9.3%
3.	Nepal	04	0.1%
4.	Tanzania	2	0.06%
5.	South Africa	2	0.06%
6.	Nigeria	2	0.06%
7.	Jordan	1	0.03%
8.	Pakistan	1	0.03%
9.	Dubai	1	0.03%
	Total	3086	100.0%

Table 1.5 shows the break-up of Muslim prisoners as per their country of origin. The table highlights that 90.2 per cent of Muslim prisoners belong to India, followed by Bangladesh which accounts for 9.3 per cent.

Table 1.6: State wise break-up of Muslim prisoners

No.	Name of the State	Total no. of inmates	Percent
1.	Maharashtra	2264	73.3%
2.	Uttar Pradesh	220	7.1%
3.	West Bengal	86	2.7%
4.	Bihar	57	1.8%
5.	Madhya Pradesh	27	0.8%
6.	Jharkhand	27	0.8%
7.	Karnataka	26	0.8%
8.	Gujarat	17	0.5%
9.	Jammu & Kashmir	15	0.4%
10.	Delhi	14	0.4%
11.	Andhra Pradesh	10	0.3%
12.	Rajasthan	6	0.1%
13.	Kerala	6	0.1%
14.	Orissa	1	0.03%
15.	Haryana	3	0.09%
16.	Tamilnadu	2	0.06%
17.	Assam	2	0.06%
18.	Tripura	1	0.03%
19.	Out of India	302	9.7%
	Total	3086	100%

Table 1.6 shows the state wise break-up of Muslim prisoners. Majority of Muslim prisoners (73.3 per cent) belong to Maharashtra followed by Uttar Pradesh which accounts for 7.1 per cent. Thus the data shows that majority of the prisoners belong to Maharashtra while other states does not account for significant numbers. The prisoners represented a total of eighteen states of the country.

Table 1.7: District wise break-up of Muslim prisoners

No.	Name of the district	Total no. of inmates	Percent
1.	Mumbai	693	22.4%
2.	Thane	412	13.3%
3.	Pune	198	6.4%
4.	Raigad	24	0.7%
5.	Akola	55	1.7%
6.	Amravati	78	2.5%
7.	Aurangabad	84	2.7%
8.	Nashik	53	1.7%
9.	Osmanabad	8	0.2%
10.	Parbhani	12	0.3%
11.	Nanded	23	0.7%
12.	Buldhana	27	0.8%
13.	Beed	24	0.7%
14.	Ahmadnagar	18	0.5%
15.	Chandrapur	33	1.0%
16.	Dhule	1	0.03%
17.	Gadchiroli	5	0.16%
18.	Solapur	35	1.1%
19.	Gondia	1	0.03%
20.	Hingoli	7	0.2%
21.	Jalgaon	24	0.7%
22.	Jalna	14	0.4%
23.	Kalyan	7	0.2%
24.	Kolhapur	23	0.7%
25.	Latur	8	0.2%
26.	Washim	19	0.6%
27.	Nagpur	125	4.0%
28.	Ratnagiri	3	0.09%
29.	Sangli	26	0.8%
30.	Satara	11	0.3%
31.	New Mumbai	38	1.2%
32.	Wardha	13	0.4%
33.	Yavatmal	8	0.2%
34.	Other than Maharashtra	976	31.6%
Total		3086	

Table 1.7 shows the district wise break-up of Muslim prisoners. 22.4 per cent of the Muslim prisoners belong to Thane district and 13.3 per cent belong to Mumbai. Together they constitute 35.7 per cent of the total Muslim prisoners in the state, followed by Pune and Nagpur districts at 6.4 and 4 per cent respectively. Across the remaining 33 districts, the representation of Muslim prisoners is less than 4 per cent. It is evident from the data that the majority of Muslim prisoners are in Thane and Mumbai districts. The table also highlights that 31.6 per cent of Muslim prisoners belong to states other than Maharashtra.

1.8: Section wise distribution of the inmates

Table 1.8 shows the section wise distribution of Muslim prisoners. The table highlights that 42.5 per cent of Muslim prisoners are arrested for offences against the human body, followed by offences against property which is 29.4 per cent. Other than these two categories, 10 per cent of the arrests are under charges of illegal immigration and 4 per cent for drug related crimes (NDPS Act). Thus the data shows that the majority of crimes for which the Muslim prisoners are arrested belong to offences against human body.

1.8 Section wise distribution of the inmates

Section	Akola		Thane		A'bad		Chandrapur		Kalyan		Ratnagiri		Taloja		Nashik		Amravati		Arthur Road		Byculla		Jalgoan		Kolhapur		Pune		Nagpur		Total	Percent
	U	C	U	C	U	C	U	C	U	C	U	C	U	C	U	C	U	C	U	C	U	C	U	C	U	C	U	C	U	C		
109-120	0	0	9	0	1	1	0	0	4	0	0	0	0	0	0	0	0	0	3	0	3	6	0	0	0	0	0	0	14	0	41	1.3%
120 b	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	0	0	3	0	0	0	0	0	0	0	2	1	1	1	15	0.4%
(121 to 130, 131 to 140 143 to 160)	3	0	0	9	0	0	0	0	2	0	0	0	0	0	0	2	0	7	0	0	0	0	0	0	1	2	10	0	0	0	36	1.1%
(302 to 318, 323 to 348, 352 to 377)	36	3	237	8	35	50	11	0	65	0	1	0	18	1	18	187	26	56	148	1	8	0	15	2	15	110	80	97	33	51	1312	42.50%
(379 to 402, 403 to 440, 447 to 462)	3	1	209	13	22	1	8	2	90	0	1	0	40	4	6	37	16	2	227	4	44	1	6	2	0	8	98	17	44	4	910	29.4%
(465 to 489 E)	3	0	19	0	3	0	0	3	0	0	0	0	4	0	0	15	0	1	26	0	0	0	0	0	2	2	12	6	1	6	103	3.3%
(493 to 498) & (498 A)	1	0	3	1	2	1	2	0	1	0	1	1	0	0	2	11	1	0	4	0	0	0	2	0	0	2	5	0	5	1	46	1.4%
511	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	56	0	0	0	0	0	0	0	0	0	0	0	56	1.8%
MCOCA	0	0	15	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	1	0	0	0	0	0	4	5	1	14	44	1.4%
NDPS/MPDA	0	1	25	1	1	0	0	0	1	0	0	1	0	5	3	14	0	3	38	0	0	0	1	2	0	7	8	5	6	3	125	4.0%
ATS/TADA/OS A	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	3	0	0	3	0	2	0	0	0	0	0	0	13	0	0	26	0.8%
Passport act	0	0	22	17	0	2	0	0	50	0	0	0	31	13	2	40	0	0	42	7	65	5	0	0	0	0	6	6	1	0	309	10.0%
Atrocity Act	0	1	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0.09%
Arms Act	0	0	1	0	0	0	0	0	0	0	0	0	1	0	1	2	0	0	0	0	0	0	0	0	0	0	1	1	3	0	10	0.3%
B.P.Act	0	0	13	0	0	0	0	0	0	0	0	0	2	0	2	1	1	0	6	0	2	0	0	0	0	0	3	0	0	0	30	0.9%
POTA	0	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	0.3%
Explosive act	0	0	0	0	4		0	0	0	0	0	0	0	0	0	0	0	0	1	3	0	0	0	0	0	0	0	0	0	0	8	0.2%
Total	46	6	565	49	68	60	23	5	213	0	3	2	96	23	34	323	44	69	557	15	125	12	24	6	18	131	229	151	109	80	3086	100%
Grand Total	52		614		128		28		213		5		119		357		113		572		137		30		149		380		189		3086	100%

CHAPTER III

Profile of the Respondents

This chapter presents an interpretation and analysis of data which was obtained through interviewing Muslim inmates in prisons of Maharashtra. A total of 339 number of inmates across 15 prisons were interviewed for this study. For collecting data, the researchers used structured interview schedules which included information related to their socio-economic status, family condition, educational status and work background, legal status of the case, rehabilitation needs and their suggestions. This chapter helps to understand the overall situation of the Muslim inmates who are lodged in prisons in Maharashtra.

Table: 3.1 Region wise break-up

No.	Region	Name of the Prison	Frequency	Percent
1	Eastern Region	Nagpur C.P, Amravati C.P, Chandrapur D.P, Akola D.P	51	15.0
2	Western Region	Pune C.P. Kolhapur C.P.	61	18.0
3	Central Region	Nashik C.P, Aurangabad C.P, Jalgaon D.P.	60	17.7
4	Southern Region	Mumbai C.P, Thane C.P, Taloja C.P, Byculla D.P. , Kalyan D.P, Ratnagiri special Jail	167	49.3
		Total	339	100.0

The above table presents the region wise break-up of Muslim inmates interviewed. The table clearly shows that 49.3 per cent of the prisoners are from the Southern region i.e. half of the Muslim prisoners belong to Southern Region and the other half of the population are from the Eastern, Western and Central Regions. The Eastern Region shows the lowest Muslim prison population at 15 per cent. The Southern Region includes prisons like Mumbai Central Prison, Thane Central Prison, Taloja Central Prison, three District Prisons Class-I (Byculla and Kalyan Prisons and Ratnagiri Special Prison). According to Prison Statistics Maharashtra 2006 and 2007, the highest number of Muslim under trials is from Thane Central prison (2470) and their occupancy rate is 224 per cent.

Table: 3.2 State wise break-up

No.	State	Frequency	Percent
1	Maharashtra	263	77.5
2	Uttar Pradesh	26	7.6
3	West Bengal	13	3.8
4	Madhya Pradesh	7	2.0
5	Bihar	9	2.6
6	Kerala	1	0.2
7	Karnataka	4	1.1
8	Gujarat	2	0.5
9	Delhi	2	0.5
10	Jammu & Kashmir	3	0.8
11	Rajasthan	1	0.2
12	Jharkhand	2	0.5
13	Outside India	06	1.7
	Total	339	100

Table 3.2 distributes the respondents as per the states they belong to. In this table, it is clear that 77.5 per cent of Muslim prisoners belong to Maharashtra followed by Uttar Pradesh which represents 7.5 per cent while other states are 3.8 per cent or below. Overall, 11 states are represented.

At the time of interview, both permanent and present addresses of the respondents were asked for, but the majority of them gave their present residential address. In the prisons register too, majority of respondents gave their present address though their permanent address may be different. It also emerged that the majority of the respondents had migrated to Maharashtra from different states of India especially from Uttar Pradesh, Bihar and West Bengal to earn their livelihood.

Table 3.3: Revenue Division wise break-up across Maharashtra

No.	Revenue division	Frequency	Percent
1	Mumbai Division (Thane, Raigad, Ratnagiri, Sindhudurg)	145	55.1
2	Pune division (Satara, Sangli, Solapur, Kolhapur)	31	9.1
3	Nashik division (Dhule, Jalna, Nandurbar, Ahmednagar, Bhusawal)	21	6.1
4	Aurangabad division (Jalna, Nanded, Osmanabad, Parbhani, Hingoli, Beed)	24	9.1
5	Amravati division (Akola, Washim, Buldhana, Yavatmal)	21	6.1
6	Nagpur division (Chandrapur, Wardha, Bhandara, Gondia, Gadchiroli)	21	6.1
	Total	263	100

Table 3.3 distributes the respondents as per the six Revenue Divisions in the state. The data shows that Mumbai Division has 55.1 per cent of Muslim prisoners, followed by Pune and Aurangabad Divisions at 9.1 percent each. Nashik, Amaravati and Nagpur show an equal proportion of 6.1 per cent of Muslim prisoners. Thus it is clear that a majority of the respondents belong to the Mumbai Division. This is corroborated by the Sachar Committee Report, which highlights that though India's population is predominantly rural, the level of urbanization of the Muslim population is higher than the population as a whole. In 2001, 35.7 per cent of the Muslim population was urban compared to 27.8 per cent of the overall population. In many states like Tamil Nadu, Maharashtra, Karnataka, Andhra Pradesh, Madhya Pradesh, Gujarat and Chhattisgarh, the majority of the Muslims live in urban areas.

3.4: Age, Sex and marital status of the respondents

Table 3.4.1: Age of the Respondents

No.	Age	Frequency	Percent
1	Below 18 Years	2	0.6
2	18 to 23 Years	90	26.5
3	24 to 30 Years	113	33.3
4	31 to 40 Years	89	26.3
5	41 to 50 Years	30	8.8
6	51 Years and above	15	4.4
	Total	339	100.0

Table 3.4.1 shows the distribution of the respondents by age. The data shows that 33.3 per cent of the respondents are from the age group of 24 to 30 years. If we add the figure between the age group of 18 years to 23 years to it, the total per cent between 18 years to 30 years becomes 60.4 per cent which is a significant percentage of the population and a cause for concern, given the fact that they belong to the category of youth. Above the age of 41 years, the representation of Muslims in prisons shows a declining trend.

Table 3.4.2: Sex of the respondents

No.	Sex	Frequency	Percent
1	Male	309	91.2
2	Female	30	8.8
	Total	339	100.0

From the Table 3.4.2 it is clearly seen that 91 per cent of the respondents were male. This needs to be compared with the overall population of males in prison, which is close to 97 per cent, which means that more Muslim women are in prison as compared to the overall average.

Table 3.4.3: Marital status

No.	Marital status	Frequency	Percent
1	Unmarried	130	38.3
2	Married	181	53.4
3	Divorcee/Separated	15	4.4
4	Widow/Widower	13	3.8
	Total	339	100.0

Table 3.4.3 highlights that while 53.4 per cent of respondents are married, 46 per cent of inmates are unmarried, divorced or widowed at 38.3, 4.4 and 3.8 percent respectively. This data also correlates with majority of the inmates being in the 18 to 30 years category (Refer to table 3.4.1).

3.5: Education status and skill levels of the respondents

Table 3.5.1: Education Status

No.	Education status	Frequency	Percent
1	Illiterate	91	26.8
2	Primary	130	38.3
3	Secondary	83	24.5
4	Higher Secondary	16	4.7
5	Graduation	15	4.4
6	Post Graduation	2	0.6
7	Other	2	0.6
	Total	339	100.0

Table 3.5.1 depicts the education status of the respondents. The table highlights that 38.3 per cent of the respondents are educated up to primary level. If we add the percentage of illiterates to this, it adds up to 65.1 per cent, which indicates that most respondents are educated only up to primary level. The data also indicates that only 0.6 per cent of the respondents completed their post graduation which is very marginal. This finding matches with the of 2001 census literacy rate figures among Muslims. The literacy rate among Muslims in 2001 was 59.1 per cent, far below the national average of 65.1 per cent.

In India, a significant proportion of the backward population still remains deprived of the benefits of higher education and Muslims comprise an important category of the deprived communities. According to the Census data while only 7 per cent of the population aged 20 years and above are graduates or hold diplomas, this proportion is less than 4 per cent among Muslims. Besides those having technical education at the appropriate ages (18 years and above) are as low as 1 per cent and amongst Muslims, this is almost non-existent.

According to Sachar Committee Report, drop-out rates among Muslims are highest at the level of Primary, Middle and Higher Secondary compared to all the Socio-Religious Categories (SRCs). The disparity in graduation attainment rates is widening since the 1970's between Muslims and all other categories both in urban and rural areas. Only one out of the 25 under-graduate students and one out of 50 post-graduate students is a Muslim in colleges. Thus the gap between Muslims and other SRCs increases as the level of education increases.

Table 3.5.2: Skill levels

No.	Skills	Frequency	Percent
1	No Skill	163	48.0
2	Technical	108	31.9
3	Service Sector	20	5.9
4	Crafts	35	10.3
5	Business	13	3.8
	Total	339	100.0

Table 3.5.2 indicates that 48.0 per cent of the inmates have no skills. These are the respondents who have a very low education status and majority of them are illiterate. Following this, 31.9 per cent of the inmates have technical skills like carpentry, mechanical skills, A.C. repair, refrigerator repair, fabrication, fitter skill, tailoring, computer or machine operating skills, driving, electrical repair, interior designing skills, welding, plumbing, electronics repair, painting, etc.

Majority of the inmates who have technical skills neither are not technical graduates nor hold any diploma. They have learnt these skills through on-the-job training. According to the Sachar Committee Report, the proportion of technical graduates is important as it indicates the stock of technical skills available in the community and the nation. While the pool of technical graduates is even lower with only 2 in every 1000 persons being a technical graduate, the situation of Muslims is worse than that of all SRCs.

3.6: Work background of the Respondents

3.6.1: Total number of jobs held

No.	Total number of jobs held	Frequency	Percent
1	Unemployed	15	4.4
2	First job	267	78.8
3	2 to 3 jobs	55	16.2
4	4 to 5 jobs	2	0.6
	Total	339	100.0

Table 3.6.1 indicates the total number of jobs held by the respondents. This table clearly depicts that majority of the respondents (78.8 per cent) were in their first job. This correlates with the data regarding the age group majority of the respondents belong to (Refer Table 3.4.1).

Table 3.6.2: Period of employment in current job

No.	Period of employment	Frequency	Percent
1	N.A.	15	4.4
2	Less than 1 Year	9	2.7
3	1 to 3 Years	65	19.2
4	4 to 6 Years	82	24.2
5	7 to 9 Years	47	13.9
6	10 to 15 Years	78	23.0
7	15 + Years	36	10.6
	Total	339	100.0

Table 3.6.2 shows the period of employment of their current job. It shows that 24.2 per cent are working in the same profession since the last 4 to 6 years. If one adds to this figure the percentage of the respondents who are working in the same profession since 7 to 9 years we get an aggregate of 38.1 per cent. Thus, the maximum numbers of respondents were working in the same profession since a number of years. The reason behind this could be that the majority of them lack education and technical skills, therefore preventing their upward mobility.

There is a very marginal proportion of the respondents who are unemployed, comprising mostly of female respondents who were home makers. It clearly shows that the male respondents, though having lower education and lacking in technical skills were engaged in some or the other type of employment.

This section refers to the type of work the respondents were engaged in before coming to prison.

Table 3.6.3: Type of work of current job

No.	Type of work	Frequency	Percent
1	N.A.	15	4.4
2	Technical work	115	33.9
3	Own shop/Hotel/Business/Company/ Merchant/Builder	67	19.8
4	Service Sector	61	18.0
5	Self-employed	14	4.1
6	Wage Labour	57	16.8
7	Primary Sector	6	1.8
8	Others	4	1.2
	Total	339	100.0

Table 3.6.3 shows the variation in the work or jobs done by the respondents. A significant number of them i.e. 33.9 per cent were engaged in some technical work, followed by 19.8 per cent who had their own business e.g. running an eatery, chicken or meat shop, ironing shop, bakery etc. Eighteen per cent of the inmates were engaged in the service sector which included being a doctor, manager, teacher, bank staff,

journalist, sales job, security staff, waiter, maid, cloth seller, fruit seller, etc. Very few of them i.e. 1.2 per cent were involved in illegal occupations such as sex trade and begging.

The Sachar Committee Report stated that a large proportion of Muslim workers are engaged in small proprietary enterprises and their participation in formal sector is significantly less than the national average. This data indicates that there is a large proportion of Muslims (both men and women) working in self-owned proprietary enterprises and particularly so in urban areas.

From this table it is also clear that the participation of Muslim prisoners in the government sector is nil. The Sachar Committee Report too mentions that Muslims in employment in government departments is abysmally low at all levels. The Muslim community has a representation of only 4.5 per cent in Indian Railways and almost all (98.7 per cent) of them are positioned at lower levels. The number of Muslims in government security agencies is around 4 per cent. Their representation is very low in universities and in banks. In no State does the representation of Muslims in the government departments match their population. Overall the percentage of Muslims as police constables is only about 6 per cent. Their poor presence in the judiciary has been a matter of major concern.

This table also shows that the representation of the Muslim respondents in the primary sector i.e. in agricultural activities is marginal at only 1.8 per cent. This further implies that this group may not own agricultural land and therefore has to migrate to urban centres for employment. If this figure is compared with the national figures, it is found that the participation of Muslim workers in agricultural activities is much lower than the workers of all other SRCs, i.e. less than 40 per cent of Muslim workers are engaged in agriculture as compared to about 58 per cent of all other workers taken together.

Table 3.6.4: Monthly Income

No.	Income	Frequency	Percent
1	N.A.	15	4.4
2	Less than Rs. 2,000	42	12.4
3	Rs. 2,001 to 5,000	145	42.7
4	Rs. 5,001 to 7,000	34	10.0
5	Rs. 7,001 to 10,000	47	13.9
6	Rs.10,001 and above	56	16.5
	Total	339	100.0

Table 3.6.4 indicates that a majority of the respondents i.e. 42.7 per cent earned a monthly income between the ranges of Rs. 2001 to Rs. 5000, followed by 16.5 per cent who earned a monthly income of Rs. 10,001 and above.

3.7 Family background

Table 3.7.1: Type of Family

No.	Type of Family	Frequency	Percent
1	Joint family	112	33.3
2	Nuclear family	221	65.0
3	N.A. (Orphan)	06	01.7
	Total	339	100.0

Table 3.7.2: Total number of members in the family

No.	Members in the family	Frequency	Percentage
1	N.A.(orphan)	6	1.8
2	1 to 4	177	52.2
3	5 to 8	134	39.5
4	9 to 12	19	5.6
5	13 and above	3	0.9
	Total	339	100

Table 3.7.1 and Table 3.7.2 indicate that 65 per cent of the inmates have a nuclear family. Only information of members who were living with the respondents was collected. The data shows that 52.2 per cent respondents have an average of 1-4 members in the family. If one adds to this figure the 5-8 members category, it adds up to 91.7 per cent. Thus most of the respondents belong to the nuclear family set up and have an average 1- 8 members in their family. The table also shows that 1.8 per cent respondents do not have any members in their family. This is the group that may not be bailed out as no support system exists for them. Majority of the respondent's parents have more than 3 to 4 children which could be one of the factors responsible for poor socio-economic situation.

Table 3.7.3: Total earning members in the family

No.	Earning members in the Family	Frequency	Percentage
1	No other earning member	90	26.5
2	1	139	41.0
3	2 to 3	94	27.7
4	4 to 5	15	4.4
5	6 to 7	1	.3
	Total	339	100

According to Table 3.7.3, 41 per cent respondents have only one earning member in their family. On the other hand 26.5 per cent respondents do not have any other earning member in their family except themselves. This is a cause of concern as the family is therefore dependent on the respondent, who is the primary bread winner of the family.

Table 3.7.4: Total income of the family

No.	Total income of the Family	Frequency	Percentage
1	No Income	90	26.5
2	Up to 2,000	53	15.6
3	2,001 to 6,000	90	26.5
4	6,001 to 10,000	38	11.2
5	10,001 to 20,000	33	9.7
6	20,001 to 30,000	12	3.5
7	30,001 to 50,000	12	3.5
8	50,000 +	11	3.2
	Total	339	100

Table 3.7.4 indicates a lot of variation in the total income of the family. For 26.5 per cent of the respondents, the family has no income as already highlighted in the previous table. At the same time another 26.5 per cent respondents have a monthly income between Rs. 2001 to Rs. 6000. The data also shows that 20 per cent of the respondents have more than Rs. 10,001 and above income. The data also indicates that 3.2 per cent of the respondents have an income of Rs. 50,000 and more. Thus 53 percent of the respondents have either no income or income only up to Rs 2000. This needs to be correlated with the number of family members which averaged to 1-4 members (Refer to table 3.4.2)

CHAPTER IV

LEGAL STATUS AND POST ARREST SITUATION

This chapter examines and analyses the legal status and the post arrest situation of the respondents. It also attempts to understand the legal situation of the co-accused of the respondents, based on the data that emerged from the respondents' interviews.

Table 4.1: Offences charged under

No	Section	Frequency	Percent
1	Abetment (Sections 109 to 120)	3	.9
2	Criminal Conspiracy (Section 120B)	1	.3
3	Sections 121 to 130, Sections 131 to 140 and Sections 143 to 160	2	.6
4	Offences affecting the human body (Sections 302 to 318, Sections 323 to 348, and Sections 352 to 377)	179	52.8
5	Offences against property (Sections 379 to 402, Sections 403 to 440, Sections 447 to 462)	89	26.3
6	Offences relating to documents and to property marks (Sections 465 to 489 E)	25	7.4
7	Offences relating to marriage (Sections 493 to 498) & cruelty by husband or relatives of husband (498 A)	9	2.7
8	Criminal intimidation, insult and annoyance (Sections 504 to 510)	1	.3
9	Attempts to commit offences (511)	2	.6
10	MCOC Act	5	1.5
11	NDPS Act	13	3.8
12	TADA / Official Secrets Act	4	1.2
13	Passport Act	6	1.8
	Total	339	100

According to Table 4.1, there are mainly two categories under which Muslim inmates are charged under; 52.8 per cent of the inmates are charged under the sections relating to offences against human body i.e. under the charges of murder, attempt to murder, assault, rape and kidnapping. This implies that majority of respondents are charged under violent offences of serious nature. 26.3 per cent of the inmates are arrested under the sections relating to offences against property i.e. theft, robbery and dacoity. If one compares this data with the National Crime Records Bureau (NCRB) data, during 2008, crime rate in crimes against the body was 41 per cent and crimes against property was 38 per cent. This shows that a higher proportion of Muslim respondents were arrested for bodily offences than the general population.

Table 4.2: Period in police custody

No	Period in police custody	Frequency	Percent
1	N.R./N.A./No	19	5.6
2	Up to 7 days	203	59.9
3	8 days to 14 Days	74	21.8
4	15 days to 21 Days	28	8.3
5	22 days to 30 Days	10	2.9
6	31 days to 45 Days	2	.6
7	46 Days and above	3	.9
	Total	339	100

Table 4.2 indicates that 59.9 per cent respondents were in police custody up to a maximum of seven days. Only 12.7 per cent of the inmates were kept in police custody between 15 days to 46 days and above. This indicates that most of the respondents were transferred to judicial custody or were out on bail within seven days of being arrested. This in turn implies that either the police investigation was over within seven days or the magistrate in their cases did not find it necessary to extend their period of police custody beyond seven days. If one were to try and interpret tables 4.1 and 4.2 together, given the fact that majority of the respondents were arrested in violent crimes, it emerges that most of these offences may have been crimes of passion or 'heat of the moment' crimes, which did not require detaining the accused in police custody for long periods and involving detailed investigations. It is therefore possible that most of the respondents arrested for violent crimes may have committed these crimes as a result of inter-personal or familial disputes rather than due to involvement in organised crime (which would have required longer periods of detention in police custody to investigate such crimes).

Table 4.3: Type of prisoner: Under trial or convict

No	Type of prisoner	Frequency	Percent
1	Under Trial	234	69.0
2	Convict	105	31.0
	Total	339	100.0

Table 4.4: If convicted, period of sentence

No	Period of sentence	Frequency	Percent
1	Up to 6 Months	5	4.7
2	1 to 3 Years	12	11.4
3	3 to 7 Years	13	12.3
4	7 to 14 Years	23	21.9
5	Life Imprisonment	52	49.5
	Total	105	100.0

Table 4.3 shows that 69 per cent of the respondents are under trial prisoners and 31 per cent are convicts. Table 4.4 shows that 49.5 per cent of the convicted prisoners are convicted to life imprisonment, while 21 per cent of the inmates are convicted for periods ranging from seven to fourteen years of imprisonment. Only 4.7 per cent of the inmates have been convicted for a period not exceeding six months. This table is in line with Table 4.1 which shows that more than 52 per cent of the Muslim prisoners are charged with serious offences.

Table 4.5: Period left for release

No	Period left for release	Frequency	Percent
1	Less than 1 Month	29	27.6
2	1 to 6 Months	15	14.2
3	6 Months to 1 Year	11	10.4
4	1 to 3 Years	12	11.4
5	3 to 7 Years	16	15.2
6	7 to 10 Years	5	4.7
7	More than 10 Years	17	16.1
	Total	105	100.0

Table 4.5 represents the period of sentence left for release of convicted Muslim prisoners. As per this table, 27.6 per cent of convicts have less than one month for their release. If one adds this figure with the percentage of convicted prisoners who have between one month to one year left for release, the percentage of convicted Muslim prisoners who have less than one year left for their release comes to 51.8 per cent. This has implications on the rehabilitation needs and pre-release preparation of Muslim convicted prisoners. It emerges from this table that there is an urgent need to plan for the rehabilitation needs for more than half of convicted Muslim prisoners in Maharashtra.

Table 4.6: Status of cases pertaining to under trial prisoners

No	Status	Frequency	Percent
1.	Charge sheet not filed	30	12.8
2.	Charge sheet filed	111	47.4
3.	Bail granted	19	8.1
4.	Charged framed	23	9.8
5.	Trial started	42	17.9
6.	Judgment stage	09	3.8
	Total	234	100

Table 4.6 indicates the current status of under trial respondents. This table shows that in 47.4 per cent of the respondents' cases, their charge sheets have been filed. The table also reveals that the trials have started in only 17.9 per cent of the cases and in 3.8 per cent of the inmates' cases, the trials have reached the judgment stage. This indicates the slow pace of the judicial process. According to the NCRB data, at the end of 2008, 84.6 per cent IPC cases remained pending for trial in various criminal courts of the country. This trend matches with the situation prevailing with regard to pendency of trials in criminal courts in the country.

Table 4.7: First-time or repeat arrestees

No	Arrest details	Frequency	Percent
1	First-time Arrestees	256	75.5
2	Repeat Arrestees	83	24.5
	Total	339	100.0

Table 4.7 shows the frequency distribution of first-time and repeat arrestees. Out of the total respondents interviewed during the study, 75.5 per cent were first-time arrestees and the remaining 24.5 were repeat arrestees. This indicates that the overwhelming majority of respondents arrested were first-timers and this trend corroborates with the crime data of the general population, as per NCRB reports. The recidivism rate in India is very low at 8.6 per cent in 2007, and 7.7 per cent in 2008 as per Crime in India. Since the official recidivism rates are calculated on the basis of convictions and not on arrests made, the rate is affected by many factors such as pendency of cases in courts, conviction rate and 'wrongful' arrests of persons with criminal record (on the basis of suspicion). However, this table shows that the percentage of repeat arrestees amongst Muslim prisoners in Maharashtra may be higher than that of the general prison population. The reasons for this needs to be further investigated. The issue of bias against the Muslim community by criminal justice agencies, particularly, the police, cannot be ruled out here.

Table 4.8: Arrest details of the repeat arrestees (criminal section charged at first arrest)

No	Section	Frequency	Percent
1	Abetment	2	2.4
2	Sections 121 to 130; 131 to 140; and 143 to 160	2	2.4
3	Offences affecting the human body	33	39.7
4	Offences against property	34	40.9
5	Offences relating to documents and to property marks	1	1.2
6	Offences relating to marriage and Cruelty by husband or relatives of husband	2	2.4
7	MCOC	1	1.2
8	NDPS	3	3.6
9	Arms Act	5	6.0
	Total	83	100.0

Table no 4.8 shows the frequency distribution of the arrest details of the first arrest of respondents who were repeat arrestees. The above table shows that 40.96 per cent of the respondents were arrested for the first time under property offences while 39.75 per cent were arrested in offences against the human body. This indicates that most repeat arrestees were arrested for the first time for property and bodily offences in almost equal proportion.

Table 4.9: Criminal sections charged with at second arrest

No	Section	Frequency	Percent
1	N.A.	51	61.4
2	Abetment (Section 109 to 120)	1	1.2
3	Offences affecting the human body (Sections 302 to 318, 323 to 348 and 352 to 377)	14	16.8
4	Offences against property (Sections 379 to 402; 403 to 440; and 447 to 462)	14	16.8
5	Offences relating to marriage (Sections 493 to 498) and Cruelty by husband or relatives of husband (498 A)	1	1.2
6	MCOC	1	1.2
7	NDPS	1	1.2
	Total	83	100

Table 4.9 shows the frequency distribution of the arrest details of the respondents at the time of their second arrest. Data relating to their second arrest was not available in 61.4 per cent of the respondents. Among the 83 respondents, 38.5 per cent respondents were arrested for the second time. In the remaining number of respondents where arrest details of their second arrest was available, once again the majority of the inmates were arrested under offences against human body and property offences in equal proportion (16.8 per cent each). The other categories of offences show very marginal representation.

Table 4.10: Presence of co-accused

No	Presence of co-accused	Frequency	Percent
1	Yes	219	66.4
2	No	120	33.6
	Total	339	100.0

Table 4.10 shows the frequency distribution of respondents who have one or more co-accused in the cases registered against them. It is clear from this table that 66.4 per cent of the respondents were arrested with at least one co-accused and 33.6 per cent were arrested alone for the offence allegedly committed by them. This trend confirms the established fact that most crimes are committed in groups or in the company of two or more persons.

Table 4.11: No. of co-accused

No.	No. of co-accused	Frequency	Percent
1	1	55	25.1
2	2-5	126	57.5
3	6-9	26	11.8
4	10 to 13	7	3.1
5	14 and above	5	2.2
	Total	219	100

Table no 4.11 shows the frequency distribution of the number of co-accused at the time of arrest. The table shows that 57.5 per cent of the respondents had between 2 to 5 co-accused, followed by 25.1 per cent of the respondents having only 1 co-accused. Only 11.8 per cent of respondents had between 6 to 9 co-accused arrested with them, and 5.3 per cent of respondents had 10 or more co-accused arrested with them. It is clear from this table that most respondents were not arrested in gang-related offences and were less likely to be involved in organised crime activities.

Table 4.12: Religion and sex of co-accused

Religion	Sex	Frequency	Percent
Muslim	Male	528	67.1
	Female	74	9.4
	Total	602	76.5
Hindu	Male	171	21.7
	Female	08	1.0
	Total	179	22.7
Any other	Male	05	0.6
	Female	00	00
	Total	05	0.6
Grand Total		786	100

Table 4.12 shows the frequency distribution of the religion and sex break-up of the co-accused. The table shows that 76.5 (9.4 per cent females) per cent of the respondents are Muslims and 22.7 (1 per cent females) per cent are Hindus. Given the fact that majority of the respondents are arrested for bodily offences resulting from inter-personal or familial disputes (refer to table 4.2), it is likely that the co-accused would be from the same religious denomination.

4.13 Legal status of co-accused

Religion	Legal status	Frequency	Percent
Muslim	In custody	432	54.9
	Released on bail	148	18.8
	Got released	15	1.9
	Wanted	07	0.8
	Total	602	76.5
Hindu	In custody	112	14.2
	Released on bail	55	6.9
	Got released	10	1.2
	Wanted	02	0.2
	Total	179	22.7
Any other	In custody	04	0.5
	Got bail	00	00
	Got released	00	00
	Wanted	01	0.1
	Total	05	0.6
Grand Total		786	100

Table 4.13 shows the frequency distribution of the legal status of the co-accused. Among the Muslim co-accused, 54.9 per cent of the respondents are in prison along with the respondents while 18.8 per cent of them are released on bail. Among the Hindu co-accused, 14.2 per cent are in custody, while 6.9 per cent are out on bail. This shows that a larger proportion of the Muslim co-accused are in custody compared to the Hindu co-accused. This may be due to poor socio-economic situation of the Muslim co-accused or their inability to access legal aid.

4.14 Whether any preventive detention charges initiated

No	Preventive Detention initiated	Frequency	Percent
1	Yes	11	3.2
2	No	328	96.8
	Total	339	100.0

4.15 If yes, details

No	Details	Frequency	Percent
1	Chapter case (u/s 107-110 Cr. P.C.)	08	2.3
2	MPDA	03	0.8
3	N.A.	328	96.8
	Total	339	100.0

Table 4.14 shows the frequency distribution of the preventive detention of the respondents. The table highlights that 96.8 per cent of the respondents have not been detained under preventive detention charges, thus indicating that they are not viewed as a threat to peace and order by the police. This implies that most respondents do not have connections with criminal gangs or have any record which may be a threat to maintenance of law and order.

4.16: Legal representation

No	Whether lawyer appointed	Frequency	Percent
1	N.A. (Convict)	105	31.0
2	Yes	148	43.6
3	No	86	25.4
	Total	339	100.0

4.17: Payment of lawyer's fees

No	Details	Frequency	Percent
2	Self	25	16.8
3	Family	104	70.2
4	Friends	11	7.4
5	Co-accused	5	3.3
6	Contractor/Boss	3	2.0
	Total	148	100.0

Table 4.16 shows the frequency distribution of the legal representation of the respondents. This table reveals that 25.4 per cent of respondents do not have a lawyer to represent them in their cases.

Table no 4.17 shows the frequency distribution of the source of financial support towards the payment of lawyers' fees. Among 148 respondents, 70.2 per cent of the respondents have financial support from their family. This indicates that most respondents are receiving support from their families as far as legal fees are concerned. This reinforces the finding that most respondents are not connected with criminal gangs, as otherwise they would most likely have had lawyers financed by their gang members. It also indicates that most respondents are in touch with their families and are being supported by them, thus implying better chances of post-release support from family towards their rehabilitation.

4.18: Bail status

No	Details	Frequency	Percent
1	Yes	195	57.5
2	No	39	11.5
3	N.A. (convict)	105	30.9
	Total	339	100.0

4.19: When was bail applied for?

No	Details	Frequency	Percent
1	N.R.	27	13.8
2	Up to 6 Months	69	35.3
3	6 Months to 1 Year	42	21.5
4	1 Year to 3 Years	29	14.8
5	3 Years to 6 Years	16	8.2
6	6 Years and above	12	6.1
	Total	195	100

4.20: Who applied for bail?

No	Details	Frequency	Percent
1	N.R.	11	5.6
2	Self	10	5.1
3	Family	170	87.1
4	Friends	2	1.0
5	Co-accused	1	0.5
	Total	195	100

Table 4.18 shows that 57.5 per cent of the respondents have applied for bail.

Table 4.19 indicates that 35.3 per cent of the respondents applied for bail within 6 months of arrest, while 21.5 per cent applied between 6 months to 1 year.

Table 4.20 indicates that 87.1 per cent of the respondents' families had applied for bail. These tables indicate that most Muslim under trial respondents did apply for bail within

one year of being arrested; and in most cases, bail was applied on their behalf by their family members through a lawyer appointed by them. This in turn implies that most respondents maintained contact with their families and received their support even after their arrest, thus improving their chances of rehabilitation after their release.

4.21: Whether bail granted or not

No	Details	Frequency	Percent
1	Rejected	102	52.3
2	Granted	50	25.6
5	In process	43	22
	Total	195	100

4.22: If rejected, reasons

No	Reason	Frequency	Percent
1	Seriousness of offence	15	14.7
2	Threat to victim	15	14.7
3	Strong evidence	7	6.8
4	Lack of documents/Surety	6	5.8
5	Lawyer has not explained	6	5.8
6	Wanted/Co-accused is wanted	4	3.9
7	Do not know reason for rejection	49	48
	Total	102	100

Table 4.21 indicates that in 52.3 per cent of the respondents, bail was rejected and only in 25.6 per cent of respondents, bail has been granted.

Table 4.22 shows that in 5.8 percent of respondents, their lawyers have not explained the reasons for rejection of bail to them while in 48 per cent of respondents, they do not know the reason behind rejection of bail by the courts. This indicates the lack of proper communication between the respondents and their lawyers, who do not seem to be accountable to their clients.

4.23: Prison *mulakat* and/or on visits on court dates

No	Details	For <i>Mulakat</i>		On Court dates	
		Frequency	Percent	Frequency	Percent
1	No one comes	105	30.9	172	50.7
2	Immediate family	213	62.8	154	45.4
3	Relatives	12	3.5	06	1.7
4	Friends	07	2.0	05	1.4
5	Girl Friend	02	0.5	02	0.5
6	Employer	00	0	01	.2
	Total	339	100	339	100.0

Table 4.23 shows the frequency distribution of whether anyone and who comes to meet the respondents in prison (*mulakat*) and/or on court dates. The table reveals that immediate family members and relatives come to meet 66.3 per cent of respondents in prison (*mulakat*) and 47.1 per cent of respondents on court dates. This again indicates that family members of majority of respondents are in regular touch with them. It is however important to note that in 30.9 per cent of respondents, no one comes for prison *mulakat* and in 50.7 per cent of respondents, no one comes to meet them on court dates. This could be due to reasons of poverty (not having enough money to travel), family members living outside the city or the district where the respondent is imprisoned, or weakened family bonding.

4.24: Written communication with family

No	Details	Frequency	Percent
1	Yes	130	38.3
2	No	209	61.7
	Total	339	100.0

Table 4.24 shows the frequency distribution of whether respondents have any written communication with their families i.e. letters being sent and received. In 61.7 per cent of respondents, there is no written communication between them and their families, while 38.3 per cent of respondents have some evidence of written communication with their families. Lack of written communication between the respondents and their families could be due to reasons such as illiteracy or the fact that physical meetings between them are regular.

4.25: Last contact with family

No	Details	Frequency	Percent
1	No family	6	1.7
2	Within 1 month	157	46.3
3	1 Month to 6 Months	6	1.7
4	6 Months to 1 Year	84	24.7
5	1 Year to 3 Years	58	17.1
6	3 Years and above	15	4.4
7	No Contact with family	13	3.8
	Total	339	100.0

Table 4.25 indicates that 46.3 per cent of the respondents met with their family members within the last one month, 24.7 per cent within the last six months to one year and 17.1 per cent within the last one to three years, at the time of data collection. This indicates that most respondents were in some form of contact with their families

through visits in prison or on court dates. Very few inmates i.e. 3.8 per cent of the respondents did not have any contact with their families.

4.26: Allowed to meet family immediately after arrest

No	Details	Frequency	Percent
1	Yes	150	44.2
2	No	129	38.1
3	No one has come	31	9.1
4	N.R.	29	8.6
	Total	339	100.0

Table 4.26 indicates that 44.2 per cent of the respondents were allowed to meet their family members immediately after their arrest (during police custody) by the police, while 38.1 per cent of the respondents were not allowed to meet their families. This reveals a clear violation of the D.K. Basu guidelines.

4.27: Contact with NGOs/CSOs

No	Details	Frequency	Percent
1	Yes	51	15.0
2	No	209	61.6
3	Do not know about such organizations	79	23.3
	Total	339	100.0

4.28 If yes, details

No	Details	Frequency	Percent
1	N.A (no contact/not aware about NGO)	289	85.2
2	Participation in Programmes (Yoga, Lectures, Recreational Activities, etc.)	43	12.6
3	Counselling	2	0.5
4	Legal Aid	2	0.5
5	Gave information, but did not help	4	1.2
	Total	339	100

Table 4.27 shows whether the respondents had any contact with NGOs/CSOs. The table highlights that 61.6 per cent of the respondents did not have any contact with NGOs/CSOs, and 23.3 per cent of them did not even know about their existence. Only 15 per cent of the respondents were in some form of contact with such organisations. This indicates the poor level of community participation in prisons and the need to develop a policy to encourage civil society involvement in counselling, legal aid, education, vocational training, recreational activities and rehabilitation of prisoners.

Table 4.28 indicates the type of involvement of the respondents who had some contact with NGOs/CSOs. This table reveals that 12.6 per cent of the respondents had participated in programmes such as yoga sessions, lectures, recreational activities, etc. organised by NGOs/CSOs. Very few of them had received services such as counselling, legal aid or vocational training.

4.29: Children left outside

No	Details	Frequency	Percent
1	Yes	162	47.8
2	No	177	52.2
	Total	339	100.0

4.30: If yes, under whose care?

No	Details	Frequency	Percent
1	With maternal / spousal family	148	91.3
2	With in-laws	7	4.3
3	With relatives	4	2.4
4	Children living together, no support of elders	1	0.6
5	Not aware about their situation	2	1.2
	Total	162	100

Table 4.29 shows that 47.8 per cent of the respondents have children left outside. Table 4.30 shows that 91.3 per cent children are living with their maternal or spousal families and 4.3 per cent with their in-laws. There are a few respondents (0.6 per cent) whose children are living together without the support of elders, and 1.2 per cent respondents are not aware about the situation of their children. This table indicates that majority of the respondent's children have some support of their families or are living under the care of relatives.

4.31: Problems faced by family members

No	Country	frequency	percent
1.	Children are very young	10	2.9
2.	Children dropping out from school	26	7.6
3.	Financial problems	106	31.2
4.	Emotional problems	70	20.6
5.	Lack of family/social support (parents, relatives, friends, etc)	10	2.9
6.	Family member suffering from health problems	20	5.8
7.	Opposite party giving trouble to family	02	0.5
8.	N.R.	95	28
	Total	339	100

Table 4.31 shows that 31.2 per cent of respondents' family members are facing financial problems, followed by 20.6 per cent facing emotional problems, and 7.6 per cent of respondents' children dropping out of school. From this table it is clear that majority of the inmates were the main earning members in their families and their families were totally dependent on them. Therefore, after their arrest, their families are suffering from economic crisis.

4.32: Place of shelter after release

No	Details	Frequency	Percent
1	Yes	323	95.2
2	No	16	4.7
	Total	339	100

4.33: If yes, details

No	Details	Frequency	Percent
1	No shelter	16	4.7
2	Family home	297	87.6
3	Relative's home	6	1.8
4	Friend's place	4	1.2
5	Own house	8	2.4
6	Work place as shelter	7	2.1
7	Shelter in an organisation	1	.3
	Total	339	100

Table 4.32 shows that 95.3 per cent of the respondents have some place to go to for shelter, after their release from prison. This means that the majority of the respondents have social support. Table 4.33 indicates that after their release, 87.6 per cent of the respondents plan to return to their family home. However, 4.7 per cent of the respondents do not have any place to go after their release.

4.34: Support required after release

Sr. No	Details	Immediate support		Long term support	
		Frequency	Percent	Frequency	Percent
1	Shelter	35	8.8	13	6.2
2	Medical	08	2.0	01	0.4
3	Legal aid	57	14.4	00	00
4	Money for subsistence	87	22.0	00	00
5	Children Education	28	7.0	00	00
6	Emotional support	135	34.1	24	12.0
7	Job	45	11.3	166	80.1
8.	Marriage	00	00	03	1.4
	Total	395	100.0	207	100.0

Table 4.34 shows the immediate and long term support required after their release from prison. It needs to be highlighted that some respondents have given multiple responses. As far as immediate support is concerned, 34.1 per cent of the respondents have stated that they need emotional support after release. This is followed by 22 per cent of the respondents stating that they would need money for subsistence. In terms of long term support, majority of the respondents i.e. 80 per cent stated that they would need help with regard to finding employment or jobs.

CHAPTER V

REASONS FOR ARREST AND EXPERIENCES WITH THE CRIMINAL JUSTICE SYSTEM

In the process of data collection, apart from deriving the information related to Muslim inmate's socio-economic condition, legal status of the case and rehabilitation needs; the researchers held discussions with the respondents about how they got involved in the case registered against them and the factors leading to their arrest. This chapter is based on the analysis of these open-ended discussions, and has been categorized into two broad sub themes. The first sub theme contains an offence wise analysis of the inmate's views related to their cases. The second sub theme contains an analysis of their experiences with regard to police and prison system and some general problems faced by the Muslim community.

I. Offence Wise Analysis

1. Offences against the human body

It has emerged from the quantitative analysis (Chapter IV) that there are a higher percentage of Muslim respondents arrested under bodily offences i.e. murder, attempt to murder, rape, kidnapping, assaults, etc. Majority of these incidents, however are related to conflicts in family relationships, disputes over money or property matters, love affairs, conflicts arising out of peer relations, feelings of revenge, etc.

1.1 Offences arising out of conflict or disturbance in family relations

It has emerged that a majority of cases of murder and attempt to murder were related to conflict and strain in spousal relations. Lack of communication with the spouse, disinterest in marital life, conflict with in-laws relating to daily household work, adjustment problems with spouse and in-laws, long distance relationship, etc. resulted in suicides by the spouses, according to the respondents. These cases, according to them, were later registered under murder or abetment to murder by the police and they were subsequently arrested under these charges. Some respondents expressed that their spouses were killed accidentally and they were not responsible for the act. But their in-laws filed complaints to take revenge. On the other hand, some respondents stated that they had clashes with their spouses over small issues which landed them in prison.

According to Moiz, his wife committed suicide in a fit of rage:

My wife was short tempered in nature. I have a child but my wife was not paying proper attention to the child. As a consequence I had to look after all the family responsibilities. Her behavior led me to believe that she was not interested in our family. One day we quarreled over a small issue and in the heat of the moment, she committed suicide.

Salim explained his arrest thus:

We were living with my brother and sister-in-law. My wife did not know housework but that was not an issue. She was not happy and wanted to go to the village with her family. We did not have proper communication with each other. She had some gynecological problem which was hindering her pregnancy. When we consulted the doctor, he said that it can be treated. I was ready for the treatment and wanted to collect the money for the same. After some days, she committed suicide. Her family complained that I had illicit relations with my sister-in-law and because of which their daughter committed suicide under trauma.

Shamsuddin blames his in-laws for being falsely implicated in the murder of his wife:

I was working for a living in Saudi and would come home at periodic intervals. My wife was staying in India with my parents and brothers. When I used to come home, she had clashes with me as she wanted to live separately. One day, she burnt herself on the same issue and while saving her I too got 50 per cent burns. She had 90 percent burns. But my daughter gave a statement implicating me under the pressure of my in laws.

Muktar stated that his wife had gone to her parent's house for vacation. Days passed but her family was not sending her back. He called her frequently but she refused to come back to him. He then went to his in-laws place and had a fight with her brothers. Her brother got injured in the fight and he was arrested under the charges of attempt to murder. He does not understand why his wife doesn't want to live with him. He wants to live with her and his daughter. Her family is forcing her to divorce him now.

In some cases, especially female respondents who have been arrested under the charges of soliciting, it emerged that poor socio economic condition and disturbed family situation forced them into the flesh trade.

Saira stated that her father left them when she was very young. After some years, her mother also left her. She has a sister and a brother, both younger to her, and she had to take care of them. They used to make candles for sustenance. Later, she gave up the responsibility of her siblings and came with her friend to explore life in the city. There she came in contact with 'wrong people' and got involved in the flesh trade.

Shaheen is separated from her husband. She stated that she came to Mumbai in search of a job. Her two children live with her mother in West Bengal. She lived in a red light area and worked as a maid in a brothel. She was not earning enough to satisfy the needs of her family. She got involved in the flesh trade to increase her income. One day she was arrested in a police raid.

1.2 Offences due to disputes relating to money or property

It has emerged in some cases that disputes or clashes over money or property with friends, neighbors, or relatives resulted in fights, which sometimes accidentally ended up in murder cases.

Shahid expressed that he had lent money to his friend who did not return all of it, leading to clashes between them. In one such physical fight between them, his friend got killed. To hide the crime, he called another friend to help. While they were on their way to dispose the body, police caught them and he was arrested. He feels guilty and regrets the act. At the same time, he feels that he did not have any other option at that time.

Siraj recounted how enmity over a land dispute led to his imprisonment:

I had four acres of farm land. Three of my neighbors captured my land. I filed a complaint with the Tehsildar, Gram Panchayat and the local police station. But they did not take any action. One day, the neighbours came to my house and beat me up badly. I called my brother for help. In the fight, the neighbours got injured and they filed a case against me, leading to my arrest.

1.3 Offences due to peer pressure

In many cases it was found that peer pressure became an influencing factor to commit offences. Broadly it was found that three reasons led to the commission of the crimes. Firstly, clashes between local groups in the area resulted in fights and sometimes led to serious offences. Secondly, getting involved in drugs and alcohol intake at an early age led to lifestyle problems and need for money to sustain the addiction, resulting in entry into the crime world. Thirdly, some respondents seem to have got involved in crime for the sake of friendships.

Kader and Ikram have a common experience to share. They expressed that they were part of a local group in the area which had regular clashes with another group. One day, in one of these clashes, a boy got killed and they ended up in prison for the murder of the boy.

Iftekar highlighted how peer pressure and drugs led him to crime:

I had three friends from school and we used to stick together. I got addicted to cigarettes, ganja, charas and alcohol in their company. Our addiction led to need for money to sustain our habits. This in turn led to involvement in a case of kidnapping. Later I got involved in the murder of a man under the influence of drugs.

Ijaz blames his friendships for his current plight:

I was from a well educated family and had my own business of fabrication. My monthly income varied from 1.5 lacs to 2 lacs. I had my own house where I lived separately. My friends kidnapped one child and I was implicated in this case. I was convicted to five years imprisonment in the case. My friends deceived me. They are out on bail.

Ali stated that his friends had a fight with a person over throwing garbage near their house. One day, they drank a lot and his friend took him along to kill the person. He was a minor then (under 18 years of age) and his friends assured him that he would be released if anything happened. He just went with them but his friends later alleged that he had committed the crime. He became the main accused in the case.

1.4 Offences due to love affairs

It has emerged that majority of cases of rape were related to failed love affairs. In many cases, it was found that the girl was a minor and parental or family opposition to the relationship, on grounds of caste and religion led to the minor girl's family filing a case of rape against the youth involved. The accused in such cases consider themselves as innocent and falsely implicated in the case by the parents of the girl. In some cases, opposition to the relationship led to fights leading to 'heat of the moment' murder.

Farhan states how his involvement in a love affair has led to his current plight:

I am from a well educated family. My father and brothers are doctors. I loved one girl and we had relations lasting over five months. We wanted to get married but the girl's family was opposed to our relationship. One day we ran away and got married. We have all the documentary evidence in support of our marriage such as video tape, photographs, etc. Some days later, her family called her and informed that her mother was seriously ill and she must come back to see her. When we went to her house, her brother caught me and handed me over to the police.

I have been charged of rape. I thought that the girl was 19 years of age, but later came to know that she was 16 years. The police arrested my brothers who had nothing to do with the case. The police also planted arms in the medical shop which we owned and sealed our property. The media projected that our family was engaged in various illegal activities and making blue films of girls. My family members and I have been implicated in a false case and our lives are destroyed.

Akhtar stated that he has own fabrication shop. He had an affair with a Buddhist girl lasting for over two years. Her family was opposed to their relationship. The girl was minor. One day, they ran away and went to Nashik to his aunt's place. After one month, the police reached his aunt's place arrested him on charges of kidnapping and rape. He never thought that this would happen. His girl friend had come with him as per her own consent and he had never forced her.

Aslam stated that he had got engaged with a girl and they had planned to get married after a year. However, as time passed, the girl's family became opposed to their relationship. One day, they planned to elope. He came to her house to fetch her, but her mother saw him and started opposing them. In the ensuing clash, her mother got killed and he was arrested under charges of murder. He was sentenced to life imprisonment at the tender age of 19 years. He has been in prison since the last six years.

Shanawaz narrated the turn of events leading to the murder of a boy, who molested his girl friend:

On the eve of Navratri, I had gone out on a date with my girlfriend. One drunken boy tried to molest my girlfriend and I resisted him. This led to a fight and the boy got killed. The incident happened in a fit of anger. Had I controlled my anger, I would not be in prison today.

1.5 Falsely implicated

There are a fair number of the respondents who feel that they have been falsely implicated in their cases. The major reasons attributed by them for being falsely implicated can be categorized broadly into four categories. Firstly, some of the respondents attribute it to feelings of revenge by the opposite party and trapping them in false cases. Secondly, because of them being a witness in one case, the opposite party has implicated them in a false case in order to weaken the case. Thirdly, some respondents attribute the offence taking place in their area of residence leading to them being arrested on suspicion. Lastly, some of the respondents blame the police for implicating family members of the alleged offenders who evade arrest, or torture them to extract confessions, at the behest of vested interests, or due to bias against their community.

Moiyyed narrated that in his area there were some Bangladeshi people who were doing illegal activities of bringing the girls from Bangladesh and enforcing them into the flesh business. He complained about these illegal activities and they have been arrested and convicted. After they were released from jail the girl working with them accused him of rape. He even doesn't know about the girl and feels that there is a nexus between the police and those Bangladeshi people. His brother and mother also got arrested in the case and this has happened with a complete plan to take revenge.

Atif narrated how he was falsely implicated in a case of murder due to him being a witness in another case of murder:

One day I was going to home in night around 1:30 a.m. and saw seven people beating up a man, leading to his death. These men were residents of the same area where I live and have a police record. I was an eye witness in this case. After a month, another murder took place in the opposite party's family and they implicated me in that case. They are threatening my family and have also broken down my house.

Rahim stated that a boy was killed in his area and thirteen people including him were arrested in the case. He was offering prayers in the local mosque when the murder took place and everyone in the area knew that he was innocent. He does not know how his name was included as one of the accused in the case.

Shazia stated that she belongs to a good family. Her husband had a T.V showroom and her brother-in-law was a contractor. Her brother-in-law and husband were accused by the police in a case of kidnapping and murder. They absconded and police arrested her on suspicion. Her sister-in-law and their servant were also arrested. She says,

We are innocent. We do not know anything about their business. We used to live at home. In our home, women are not allowed to work. Why did police arrest us? For the last 3 years, we are in prison. I do not know whether they were involved in this case or not, but they ran away. They are selfish men and must be enjoying somewhere. We are being punished for their actions.

Some respondents expressed that police uses their powers at the behest of vested interests. They torture them to extract confessions against them. Respondents from northern India, especially from Uttar Pradesh and Bihar felt that the police have a negative attitude towards them. Their regional identity is enough for the police to charge them with false cases.

Murtuza stated how his involvement in an accident with a policeman led to him being implicated in a case of attempt to murder.

One day, my motorbike met with an accident with another motorbike driven by a policeman. We both fell down and got injured. The accident happened as the policeman was drunk and it was his mistake. The policeman demanded Rs. 20000/- to settle the matter which I denied, and he filed a case against me. The police took me into custody and tortured me for ten days. They kept me starving for hours at a stretch. I should have been charged for rash and negligent driving, at the most. But I have been charged with attempt to murder.

Asim attributes bias against his community as the reason for his arrest in a case of murder.

After I came back from my village, I was picked up by the police. I was kept in their custody for 14 days and was beaten up badly. I did not know the case against me till I saw the charge sheet. I have been booked under murder charges. I do not know who has been murdered. I feel that I have been implicated because I am from Uttar Pradesh and have no support here.

Noora narrated that he is from Uttar Pradesh and lives with his wife and children. In his area of residence, a person got killed. He does not know anything about the deceased. The police came and took him for the investigation. They told him that they would release him once the pressure from the higher authorities to catch the culprit lets up a little. Later, they took his signature on some papers and charged him with murder.

1.6 Offences owing to political rivalry

It has emerged that some respondents got involved in offences due to their involvement in politics and/or as a result of political rivalry. Firstly, some respondents were active members of local party politics and frequent clashes with the opposite party resulted in their involvement in criminal acts. Secondly, close association with a political party led to the opposite party falsely involving them in the case. Thirdly, some respondents attributed their arrest to victimization by a political party as they were involved in some good cause and the party saw them as a threat to their political base.

Arshad narrated that there were two parties in the jurisdiction of his *Nagar Parishad*. He was a member of the ruling party. The opposition party was engaged in illegal businesses and they had the support of the local police. Their political rivalry led to many clashes between them. One day, they came to kill him and in the ensuing clash, he murdered a rival party member.

Moiz stated how political rivalry led to him being falsely implicated in a case:

I was a member of one political party. That was a day of elections. A person from the opposite party was found molesting a girl whom I resisted. We argued with each other and nothing more happened that day. After some days, the person whom I had resisted was killed and they falsely accused me along with ten others in the case.

Arshad stated that he is a doctor and had his own clinic. He was working with a foreign NGO for the welfare of the people in a slum on health issues on voluntary basis. The local unit of a political party in the area was demanding that the organization must conduct the activities under their party's banner. One day, a girl in that area suffered from some serious health problem. He treated her but unfortunately she died after a few days. He was implicated in a case of medical negligence and sentenced to life imprisonment. He feels that the political party had put immense pressure on the police to get him implicated in this case. They 'managed' the witnesses and even his lawyer in the case.

1.7 Business rivalry

It has emerged that some of the respondents were engaged as contract killers by businessmen to finish off their rivals. These respondents stated that it was a common practice in businesses like the construction industry to finish off their rivals in order to expand and monopolise the business.

Fardeen stated that his father is an engineer and his brother is in the army. He is from an educated family. He dropped out school in his fourth standard as he was not interested in studies. For the last 15 years, he has been working as a contract killer. His employer, whom he calls as "Seth", pays him a monthly salary of Rs. 35000/-. This is the third time he has come to prison on charges of murder. He accepts his involvement in the cases. He says that he cannot leave this profession as he has killed people and made

many enemies. If he gives up this 'work', he is likely to get killed by his enemies. He is positive that this time too, as in the past, he will get released soon. His family is not aware about his activities.

Nasir stated that he had his own travel agency. One of his business rivals wanted to finish off his business and establish his own. They clashed over this one day, resulting in his rival getting killed.

1.8 Violent behavior from childhood

Some of the narratives revealed the aggressive nature of the respondents from childhood. They tended to be violent and this tendency increased as they grew older. Their involvement in small fights turned into serious offence at a later age. They found it difficult to get along with others.

Umar expressed how his aggressive nature since his childhood led him into violent acts later in his life:

I was short tempered from my childhood. When my teacher in school beat me one day, I beat him back. I was in the third standard then. The doctor had to sew his wound with six stitches! I left school after that incident. I had frequent clashes with many people and I often ended up beating them. When I was 15 years old, my family sent me to Gujarat to my sister in order to bring some changes in my behavior. But their efforts were of no use.

As grew older, I got involved in many cases. I would always keep a weapon with me. I have become what I am due to my nature. At the age of 22 years, I committed my first murder. He was my friend and also a criminal. One day we clashed on some issue and in anger, I killed him. I was discharged in the case as I had good lawyer and I threatened the witnesses. In the current case, I had a fight with some people, and in the ensuing clash, one person died and three were injured. I have been convicted in this case but my appeal is pending before the High Court. I feel that this case too, I will get released as in my earlier cases. I have many enemies because of the previous murders. There is a threat to my life from them. If the situation arises when I feel that I could be killed, I will kill as many as required to save my life.

1.9 Clashes with strangers

In cases where the respondents were involved in cases of assault, it emerged that most of them were involved in clashes over some petty issue, and in many cases, in a state of drunkenness.

Imran stated that some youth used to drink and roam around his house, creating a nuisance for his family. Many a time, he told them to go away and not disturb his family. But they would repeat the behavior time and again. One day, when his mother went to

tell them not create trouble outside their house, they slapped his mother. Imran along with his two brothers beat up these youth. They went away after this incident but came back with weapons. This led to further clashes between them. The family members of the youth filed police complaints against his family. The police took action against him and his brother based on the complaint.

Jalal stated that he and his friends had gone for a party, where they got drunk. After the party, on their way home, they clashed with some youth which landed them in prison.

2. Offences against property

As far as respondents arrested for property offences are concerned, the charges largely include theft, robbery and dacoity. The main reasons that emerged from the narratives of the respondents with regard to reasons for involvement in these offences could be categorized into conflict with the police system, influence of peer relations, influence of the area of residence and need for money.

2.1 Conflict with the police system

Most of the inmates arrested under the charges of robbery and theft expressed that they were victims of a corrupt police system. Sometimes, the nature of the business or economic activity in which a person is engaged in could put him in a potential conflict situation with the law, as these businesses have illegal overtones e.g. scrap dealers. In this business, it is difficult to prove that the goods which have been purchased or sold are not stolen property, as there is usually no documentary proof of goods purchased or sold (in terms of bills and receipts). The owners or sellers of this business are often targets of the police and may be interrogated or their shops raided to check if they have been transacting any stolen property. Some of these dealers do receive and sell stolen property along with their legal business. As a result, most scrap dealers have to give bribes to the police in order to remain in business. In order to meet the demands of the police, they have to earn higher incomes, which they may do by purchasing stolen material at cheap rates and selling it at market rates. Thus it becomes a vicious cycle which is difficult to break out of.

Some respondents expressed the view that persons with a criminal record of property offences often become targets of police action against them. Respondents stated that the police implicate them in false cases, in order to harass them and keep them under check, and also to clear their backlog of unsolved cases. According to these respondents, the police system does not give them an opportunity to get out of crime. As soon as they get released from prison, the police 'fix' them in another case. They thus find it difficult to come out of the circle of crime.

A few respondents stated that in some cases, the accused are involved in petty cases but the police charge them with more serious offences, enhance the sections against them or charge them with additional cases. This happens when the real culprits in such cases

bribe the police and get away and the charges are then 'fixed' on petty offenders, to 'solve' the pending cases

Ihsan stated how he was framed by the police since he could pay the bribe amount demanded by them:

I have my own scrap shop. The business was doing well. I was earning forty to fifty thousand a month. I was arrested under the charges of purchasing stolen material. The police demanded Rs. 10 lacs 'to settle the matter' and I initially paid 2.5 lacs. I was not able to pay the remaining amount and hence the police charged me with false cases. In this line, one has to pay bribes to the police, in order to continue the business.

Fardeen, a garage owner, narrated his experience of a frame up by the police:

One day, a car came to the garage for repairs. The owner of the car told me to repair the car and he will come back after an hour. When he came back, the car was not repaired as I was busy in some other work. The man started abusing me. I also got angry and told him that I will not repair his car. The next day, the police came and arrested me on charges of robbery. Later I came to know that the car owner was a policeman.

Sajid stated that he had a criminal record. Due to this, the police arrested him every time there was a petty crime in the area.

I am trying to make a new beginning. Every time I start some work, the police arrest me on some charges. They also demand money from me. Those who can pay are set free. The police are very powerful and can do anything.

Ahmed is a skilled worker in the gold jewelry business since last 15 years. He says that he had purchased a gold chain from a friend. He later came to know that it was stolen property, and he was arrested in the case. He accepts his crime but alleges that the police have charged him in thirty different cases of the same nature.

While it may be possible that the respondents quoted above may not be innocent, it is not the objective of the study to establish their innocence or otherwise. The point to be highlighted here is how they construct meanings about their lives, based on their experiences. It emerges from these narratives that the respondents do not see the actions of the police as free from bias and corrupt practices. They view the police as an unjust system using unfair methods in the performance of their duties. This has implications in the law abiding behavior of the respondents, since if they do not have faith in the police and the criminal justice functionaries to deliver justice, it is likely that they would tend to view their own actions as a consequence of an ongoing conflict with the unjust actions of the system rather than in terms of their own actions.

2.2 Influence of peer relations

It emerges from the analysis of the interviews that most respondents arrested on charges of theft were young in age and first time arrestees. Some of them admitted their involvement in these acts as 'committed by mistake' and expressed regret about it. They attributed it to the 'bad company' of their friend circle.

Rehman stated that he was working as a plumber and his family condition is poor. Some of his friends committed a robbery and were arrested. When police interrogated them about other members involved in the case, they named him as an accomplice. The police arrested him and charged him too in the case even though they did not recover any of the stolen property from him. Rehman blames his friend circle for his present state.

Rehan stated that he worked as a casual labor in a construction site. He admitted to keeping bad company and being addicted to various kinds of drugs. His group was involved in illegal activities such as chain snatching to sustain their habits. One day, while snatching a chain from a woman, he was caught and arrested by the police.

Jalal stated that he was arrested in 27 cases of theft but has been discharged in all his cases over time. He admits that he was part of a group that was involved in all the cases. After his release from prison, he wants to change himself. He blames his involvement in crime to peer pressure and influences.

2.3 Need for money

Some respondents expressed that the need for money led them to committing robbery or theft. It emerged that these respondents were engaged in seasonal work, such as waiters or cleaning work in the catering business. In this business, one earns well during the marriage season. In the off season, they found it difficult to manage their expenses. In case of any emergency in their family during this period, they reasoned that crime was the only option to earn money. Some respondents expressed that their involvement in theft was on account of not being able to sustain their addictions through legal sources.

Akbar stated that he worked as decorator of marriage tents, which is seasonal work. When there is no work in the off season, he does petty jobs or sells fruits. One day, his wife fell ill and he did not have money for her treatment. To get money, he went along with a 'friend' to commit a theft, who suggested that this could be an easy means to make money with least risk. However, they were later arrested by the police. He regrets his involvement in the crime but feels that he did not have any other option.

Shakir expressed that he got addicted to brown sugar. He used to do scrap collection and whatever money he earned was spent in drugs. To sustain his addiction, he got involved in theft and was arrested by the police. He now wants to quit his addiction and reform his ways.

2.4 Influence of the area of residence

On important factor that emerged from the narratives was the negative effect of the area of residence or the physical environment on the respondents' lives. These respondents lived in neighbourhoods marked by existence of illegal activities, such as illegal liquor and gambling dens. They grew up in an environment where illegal activities were 'normalised' and viewed as sources of livelihood; these activities thrived in their areas in collusion with the police and local authorities, and they grew up watching their older adults and youth of the area being engaged in such activities. In some cases it has emerged that disturbed family situation and poor parenting are responsible for their situation. Some of them became habitual offenders; they feel that their situation is now beyond correction and they cannot be rehabilitated.

Fardeen stated that in the area where he grew up, there existed many groups engaged in illegal activities. He describes how he got involved with these groups and their activities:

I came in contact with them at an early age. Under their influence, I started smoking and drinking at early age. Initially, I committed small thefts of Rs. 10 to 100/-, which I would spend on food and drink. But later, my desire to spend increased. Due to my mistakes and the influence of my environment, I became a thief. If I had lived in a better environment, I would be living an honest life today.

Shahid is a motor driving teacher and has spent a good part of his life in prison. He has completed sixteen years of his life in prison in various cases. He has been to prison on 25 occasions in jail and has been charged under MPDA seven times. So far, he has been convicted to eleven years of imprisonment. He feels his large family size and its poor socio-economic situation led to his neglect as a child and was responsible for him straying on the wrong path, under the influence of his friends of the area.

Shehzad stated that he lives with his parents and their financial situation is good. His father owns a shop and he worked in the shop with his father. He has spent ten years of his life in prison and has been here five times. He was also externed from the city limits for two years. He accepts that he turned to crime due to peer pressure and his environment.

Moiz stated that his family wanted him to study Urdu and become a *Maulavi*. But he wanted to study Hindi and did not have any interest in studying Urdu. He ran away from home and went to Delhi and lived on pavements and under the staircases of a mosque. He would beg for survival and became used to people abusing him. He got involved in illegal activities to supplement his income. He was arrested and taken to the observation home. After his release, he continued his activities. Later he came in contact with some groups who were involved in chain snatching, theft and robbery. Gradually, he became well known in the area and people were afraid of him, which he liked.

3. Offences related to documents and property marks

There is a considerable representation of Muslim respondents in offences relating to documents and property marks i.e. fake currency, cheating, fraud and forgery. The reasons for getting involved in these offences vary. The main factor that emerged is that the absence of legal documents led these respondents to engage in forging documents, to expand their business interests. Some of them blamed the corrupt police and legal system for their involvement, and saw themselves as victims of the system. In a few cases, it emerged that engagement with persons involved in fraudulent activities (agents) led to their arrest.

3.1 Lack of legal documents

There is higher percentage of respondents who have been arrested under charges of possession of fake documents or committing fraud to acquire documents. It emerged from that most respondents involved in these offences came from educated backgrounds. They were largely businessmen, who in order to start their businesses, required capital. But they found it difficult to fulfill the basic requirements of getting loans from banks and financial institutions. They 'managed' the documentation required by banks by acquiring illegal documents, in order to get loans. After some days, they were arrested by the police for producing forged documents. In some cases, it was found that there was a racket which helped these respondents in acquiring such documents and was handled by technical experts from various fields.

Harun stated that he owns a box making shop since the last 15 years. To expand his business, he needed a loan but as he lived in an area that was blacklisted by banks and financial institutions, he couldn't get the loan. With the help of a friend, he managed the fake documents, got the loan and invested the money in his business. After some days, the man who had prepared the documents got arrested and on further interrogation, he named Harun as an accomplice, leading to his arrest. Harun admits his crime and is ready to face punishment for the same, but says that the police have implicated him in three other cases in which he was not involved.

Moiz also had a similar story to tell:

I came to Mumbai in search of work. My luggage was stolen at the station which contained my driving license. To get a job in a company, I prepared a duplicate license. But somebody had informed the police about my duplicate license and I was arrested. The person who had prepared the license has also been arrested.

Shahid has a car hire business. He stated that he was working in Muscat for seven years. Due to some problems he left his job and came to Mumbai two years ago. He wanted to start a cyber café but all his documents pertained to Muscat. No bank was willing to give him a loan on the basis of his documents. One of his friends, a software engineer, prepared fake documents for him to get the loan. His friend had a team who prepare such fake documents in order to get bank loans. With the help of those documents, he

succeeded in getting a car loan of Rs. 4 lacs, out of which he had to give Rs. 50,000/- to his friend as commission. He invested the money in his new venture. After some days, his friend got arrested and later he too was arrested.

3.2 Corrupt legal system

It emerged from the narratives that there are rackets involved in producing false surety papers to get accused persons out on bail, in collusion with the court staff. In such cases, the lawyers are involved too.

Sohella stated that she was illiterate and worked with a lawyer who prepares fake documents for surety bail and produces her as surety in the court to get accused persons out on bail, on commission basis. She says that there are many people like her who are in this business. Accused persons who are not from Mumbai and hail from other districts of Maharashtra or outside Maharashtra find it difficult to produce sureties or arrange the required documents. These people or their families approach such lawyers to get released on bail, with the help of fake documents and sureties.

3.3 Deceived by agents

Majority of respondents charged under fake currency cases stated that they were deceived by some friend or agent. In some cases, it was found that in order to get jobs, the respondents came in contact with agents. These agents involved them in fake currency business and led to their arrest. Some respondents expressed that their friends had deceived them.

Hameeda stated that she was from Kolkata and came to Mumbai for work. She worked as a maid servant for some duration. Then she came in contact with a Bangladeshi man. He lured her to join for better income prospects. There was another girl along with her. He gave her a Rs. 500/- note and sent her to a shop to purchase food. It turned out to be a fake note. The shop owner called the police and the two women were arrested. The person who lured them escaped.

Mir stated that he was working in Mangalore as a fish seller. To earn more money, he went to Dubai. One of his friends gave him a packet to deliver to someone in India, on one of his trips to India. He was not aware of the contents of the packet. At the airport, the Indian customs officials searched the packet and arrested him in a case of fraud currency supply racket. Mir blames his fate and says that he trusted the wrong person.

4. MCOCA, TADA and Official Secrets Act

Some of the respondents arrested under serious offences such as TADA, MCOCA and Official Secrets Act stated that the negative attitude of the police against the Muslim community led to their arrest.

Arshad expressed that he came for first time to prison under MCOCA. He was a member of an informal group in his area. They started a library in their area and had collection of books on Islam. The police warned them to stop this activity but they felt that they were not doing anything illegal. After some days, an arms and RDX recovery case was

registered and he was arrested along with twenty others in this case. He says that he does not know his co-accused. The police used third degree methods on him and forced him to accept his involvement in the crime. He feels that the torture tactics of the police can force innocent people to accept their involvement in crimes. He feels that this has happened with him only because he is Muslim.

5. Passport Act

It has emerged that in the case of Bangladeshi respondents arrested under the Passport Act, their poor socio economic situation and lack of income opportunities in Bangladesh forced them to come in India illegally. Majority of them came to India with the help of agents. The agents helped them get local residence papers and settle down in India. They also got them jobs based on their skills. These agents charged a commission from them for the services rendered.

Rashida stated that she has large family with six children. Her husband has committed suicide. She does not have the support of either her parental or her marital family. Some people in her village wanted to take the disadvantage of her vulnerable situation. She decided to run away from this situation and earn her livelihood. She came to India with the help of an agent whom she paid Rs. 4000/-.

6. NDPS Act

There are two categories of those arrested under the NDPS Act – those who are involved in the business of supply of drugs and those who get arrested for consuming drugs. Most of these respondents were addicted to various kinds of drugs from an initial phase of their lives.

Sarfaraz who is convicted under the NDPS Act to life imprisonment stated that he was exporting clothes to gulf countries. He came in the contact with people who were involved in the drug business. He joined them in the business of supplying heroin to earn more money.

Mumtaz stated that her husband used to sell *ganja*. According to her, it is very common in Agra. She stated that she did not even know that selling *ganja* was a crime.

Jaffar stated that he is from an extremely poor family. He got involved in wrong company at an early age. His friends were engaged in theft and drugs. He started to drink and then got into various drug addictions like *charas* and *ganja* when he was barely ten years old. He was sent to a social organization when he was a child but did not stay there for long. He had a fight with someone and was arrested. He feels if he would have stayed on in the organization, he would have reformed himself. Now he wants help for his de-addiction.

Asma stated that her husband was a drug seller. She was against her husband's involvement in the drug business but he would not listen to her. He would harass her and their children too. In 2006, a large racket of drugs dealers was caught by the police. She was arrested with her husband and other ten others. She blames her husband and the police for her plight.

II. Experiences and perceptions about the CJS

1. Need to change in the system

It has emerged after analysis of the responses that most respondents are very unhappy with the functioning of the criminal justice system, especially police and the courts. They expressed that the present system is unsuccessful in reducing crime. They feel that there is a need to bring about radical changes.

1.1 Police system

Majority of the respondents blame the police. They add that there is crime in society but the police add fuel to it. They speak of the nexus between the police and vested interest groups, use of unfair methods and violence to extract confessions, corruption in the system, bias against the minorities and marginalised sections of society, and police action against criminals that lead them to a life of further crime rather than promote rehabilitation.

Farukh feels that police are corrupt. They take money from the culprit and involve innocent people in cases. If the police are unable to find the culprits, they put the innocent in prison.

Shahid expressed that in present system, there is no scope for reforms. The police put innocents in prison. They must investigate cases properly before they charge anyone with a crime.

Sajjad stated that the police create crimes. The innocents are caught and put behind bars. Muslims are targeted as they perceive them as a criminal minded. The system needs to be reformed and police should be made accountable.

Moiz expressed that every time he tries to start life afresh, the police arrest him in some false case. They also demand money from criminals and those who can pay are set free. The poor are victimized. The police are very powerful and can do anything.

1.2 Prison system

Some respondents felt that the prison system should be strict in order to bring changes in the criminal attitude of prisoners. They felt that the prison system functions loosely.

Zubair stated that the Superintendent must be strict in order to maintain law and order inside prisons. Entry of contraband items and drugs and illegal rackets inside prisons must be stopped.

Harun stated that prisons have become places where criminals were being trained towards the production of crime in society. The prison multiplies crime instead of reducing it. There are habitual offenders, criminal gangs and people with money power who rule the roost inside. They get extra facilities, more time during *mulakat*, force poor prisoners to work for them, etc. Nobody in prison listens to the voice of the poor and marginalized people.

1.3 Courts

Some respondents raised the issue of the slow pace of trials in courts and the inability to go out on bail, even in petty offences due to the financial system of bail. They felt that this has a very negative effect on the physical and mental condition of prisoners. Their family and work life gets negatively affected and leads them to further crime.

Alim stated that his case was taking a long time. This will have a negative effect on his education and family life.

Parvez feels in petty offences, if people are not able to go out on bail and remain in prison, they get frustrated and at the same time learn the skill of crime.

Akhtar expressed that he got legal aid but his lawyer does not meet him regularly. He has no idea about his case in court.

Rizwan feels that the courts are responsible for justice; so they must work properly. The law does not function as per the Constitution. People who have money know how to manage the system. Police and criminals have a nexus and they profit from it.

2. Bias and prejudice

Some respondents expressed their views about the factors responsible for backwardness of the Muslim community and the reasons for their overrepresentation in prisons. They felt that education and some of their customs are responsible for their backwardness. Some respondents felt that there was discrimination in society on the basis of religion and caste which has a negative impact. They demanded reservation in educational institutions and government jobs and change in the attitude of society to bring about their development.

Shafiq feels that the reason that the Muslim community are in prison is due to their poor educational status.

Jaffar expressed that illiteracy, poverty, lack of proper knowledge about their religion and lack of young and dynamic leaders with a modern outlook is responsible for their current situation.

Mateen feels that the number of Muslim prisoners is high in prisons because they do lack in education and their income levels are low. He suggests that the smaller family size as a solution to some of these problems.

Fida feels that there is a mindset amongst Muslims that they will not be able to get jobs in government, and hence take to petty businesses. Because of their poor education and family situation, they find it difficult to survive and thus may get involved in illegal activities.

Muneer feels that after the demolition of Babri Masjid, the rift between Hindus and Muslims has widened. Due to the bomb blasts and riots in 1992, the perception of the police towards Muslims has become negative. The police are prejudiced against the Muslim community and view them as criminal minded. Migrants from Uttar Pradesh and Bihar are viewed with prejudice by the police. He feels that the political leaders

exploit this rift for their own interests and profit. He also feels that economic inequality in society and lack of employment opportunities could push people into crime.

Arshad stated that police view Muslims negatively. The Muslim community needs education towards their development. Muslims should get reservation so that they could get benefits of development. A few Muslims are involved in terrorist activities and commit heinous crimes and this is generalized to the entire community. The majority community should have faith with minority and vice versa.

Murtuza expressed his bitterness about the bias in the system and society against the minorities:

There are two types of laws in the country. One is for Hindus and other is for Muslims. The policeman is first a Hindu and then a policeman. The judge is first a Hindu and then a judge and the lawyer is first a Hindu then a lawyer. People who work against the State, indulge in rioting, killing of thousands of innocent people, and harassment of women and children roam are free in this country. They are not punished. I am suffering only because I am Muslim.

Shoaib expressed his fears about the breakdown of the social fabric if the bias and prejudice against Muslims in society continues:

The police have a negative perception towards the Muslim community and act with bias against them. Due to the actions of the police and fundamentalist politics, the perception towards Muslims is negative in society. If the situation continues to be like this, the next generation may get into further crime and vested interests could use them. Society's perception and the negative feelings of hatred have to be reduced. Only then there is hope for a better tomorrow. Otherwise the situation will get worse for individuals, their families and society.

CHAPTER VI

CASE STUDIES

6.1 Farzana

Farzana is a 25 year old who was arrested for the murder of her husband. She got married at the age of 13 and has studied up till class 8th. She has only one sister who also got married early and is like her friend. Her family was not supportive about their education.

Farzana's husband was an auto driver. She has 2 children. Her elder son was studying in 4th class and daughter was studying in 2nd class. She worked as a maidservant initially and since she had learned music she used to sing in an Orchestra and earn a monthly income of Rs. 4000. Farzana's husband was the eldest in his family. His parents are living in Kolkata and they are construction workers.

On that unforgettable day as usual she prepared lunch and fed the children and went to work. Her husband had also come in the afternoon for lunch. After having lunch he slept. Her children went to play outside the room. After sometime, his friends came and killed him. Later they got arrested and told the police that Farzana was also involved in the murder as she had instructed it. That is how the Police arrested her also.

Farzana was clear that she was innocent and had been deceived by the killers one of whom was her husband's friend. She is clueless of their motive as she is unaware of any enmity between them. In their 13 years of marriage she states that she had a very good relation with her husband and that he was a nice human being. Everything was going well and then this incident changed her life. Her children are very intelligent, used to do well in school and now have dropped out. Farzana has lost not just her husband and her home but her children too who now live with her parents in Kolkata. She has emotional and little bit of financial support from her parents. Her father gave her a lawyer but one month has gone by and yet nothing has happened. She has not spoken to anyone from an NGO.

About the future, she needs guidance and support. After being released from jail, she wishes to go to her parents in Kolkata. If she gets a job in Kolkata she will settle there, otherwise, she has to come to Mumbai in search of work. Her husband had an LIC policy and she wants help for getting money from LIC.

She feels scared because according to her she hasn't done anything yet she is in jail. If she is not released from jail, she wonders what will happen to her children who now do not have both their parents. She just wants to go back to her children and bring some stability back into their lives.

Farzana feels that she is falsely implicated in the murder case of her husband and needs help. There is a need for a strong network of organizations who are working for the rehabilitation of prisoners and children of prisoners so such cases can be referred to them.

In situations like this it is the children who get most affected, of seeing their father dead, their mother being taken away by the Police, also the effect on her and his parents at this loss. Her parents do not have any support in Mumbai. It is difficult to stay in Mumbai when your financial position is not good. How can they come to help her? Her in laws also believe that she has not done anything, but their financial condition is also not good. How do people feel when no one comes to visit them in jail or court?

6.2 Jalal

Jalal is a 19 year old boy and currently in Arthur Road jail as a convict under the sections of rape and kidnapping. He is originally from Uttar Pradesh. He has 5 brothers and 2 sisters and his parents. His whole family is involved in agriculture work. What they cultivate in the farm, they use for themselves. They have joint family in the village. His 3 uncles are also farmers. His economic condition is poor.

Nobody in the family is literate except his father. His father was a gambler and lost some property in gambling. His parents always fought over money matters. His father used to beat his mother. Jalal did not like to work in the farm that is why he came to Mumbai in search of a job. He never went to school as it was far from his village. His siblings are also illiterate.

He has been working since 12 years of age. His first work place was a hotel and the working hours were 6.00 am to 10.00 pm. He was working very hard in the hotel but his boss was never satisfied with his work. After this work, he went to his cousin in Delhi. He used to do scrap collection there. However, he did not like the work because the police frequently arrested him with other kids and used to keep them in custody and release them after a few days.

Then he came back to Mumbai and has been here since the last 4 years. He was assisting a Tempo driver with whom he was living in a slum. In that area, there was a girl who was 16 to 17 yrs old. She belonged to the Pardhi Samaj. They used to love each other but her family was opposed to their relations. The girl had her stepmother and 3 sisters and they did not get along well with each other. One day, she told him that her mother was going to get her married against her will in Karnataka and if he did not marry her, she would die. They planned to run away. Jafar did not want to go to his village as he was scared of his father therefore; he went to his cousin's house in Delhi. His cousin has a wife and children. His cousin and his wife got angry with Jalal. However, that girl convinced his cousin that she came on her own. His cousin immediately informed Jalal's father and his father allowed him to come to his house. Then Jalal went to Uttar Pradesh with that girl. They explained everything to his parents. That girl said that she did not want to go back to her family. His father got convinced after listening to the girl and asked Jalal to earn some money and that after some months he will conduct a court marriage. Jalal went to Delhi for work and the girl started living with his parents and sisters. She was happy there.

Meanwhile in Mumbai her mother filed a case against him. After 3 months, police came to Uttar Pradesh and arrested his parents. Police tortured his parents in the Police Station and he was declared as 'wanted'. Then his brothers informed him about the incidence and he surrendered himself. His cousin in Delhi also got arrested. The girl's mother tortured her and forced her to give a statement. In the charge sheet, it was written that Jalal took her forcefully to Delhi and his cousin and he raped her. The girl also gave a statement in the court that she went by herself and he did not force her. In spite of that, he got a punishment of 5 yrs imprisonment under the charges of kidnapping and in rape section. He felt awful for his cousin as he had no connection in this matter and was innocent. His family was dependent on him and now they are in very vulnerable condition. He regrets his act. He said that in court they were talking in English and sometimes in Marathi and he was not able to understand anything. He admits that because of his illiteracy and being unaware about the law he is now in prison.

Now he wants to appeals to the high court. After 4-5 days, he is going to Nashik jail. He needs help in this case from an NGO. His family condition is bad and they find it difficult to come to Mumbai to meet him. After his release from jail, he wants good job. He believes that he will be acquitted.

6.3 Mehmoona

This is a story of how an exploited, harassed and unfortunate childhood which led to deviant behavior.

Mehmoona is a twenty two year old separated woman. Her original name is Seema and she is from Pune. Her mother died when she was eight years old and her father left the family soon after that. She is the only child of her parents. She has two uncles and one aunt from maternal side. They all are married. One uncle used to live in Pune and another uncle and aunt are living in Mumbai with their families. Her granny is living alone in a slum in Mumbai. After her mother died, she was living with her maternal uncle and aunt. Her uncle was a labourer and aunt worked at home. They have 2 children. Her uncle was a quite good man but her aunt was a cruel lady. She used to behave very badly with her. Sometimes she used to beat Seema but her words were more torturous than her physical action. She had a daily quarrel with her husband because of her. She used to say in front of Seema, "You are a beggar; my 'great husband' has brought you from the road, what is your use? Your mother hasn't given anything to us. Get out from my house" Then her uncle used to call her grandmother i.e. his mother and ask for money.

Seema used to do all the house work. She used to wake up at 5.00 am and go to the forest to collect firewood. Sometimes her aunt behaved properly in front of her uncle. After he went for his work, she started taunting her. After finishing the daily chores she used to go to school as a result she felt tired in school. In school she had one friend, whom she shared everything with. She studied till 5th standard, but could not

read and write fluently. Her mind was always engrossed with a number of thoughts. Her friend tried to make her happy. But when school time got over, she used to feel restless and tense. After going to home she had to do work again.

Every day she had to suffer and she felt very lonely, helpless. She missed her mother and father. She told her Uncle to send her somewhere knowing that she was not wanted. She was unaware of any organisation that she could go to and there was nobody to look after her. One day after a big fight her aunt wanted her thrown out immediately so she was sent to her maternal aunt in Mumbai.

Here the aunt was kind, but her husband was an alcoholic. He quarreled with her aunt and used to say, "Seema is not our responsibility. It's difficult to have her live here". Forced by these conditions she shifted to her grandmother's house. The uncles did not even look after their own mother, so it was not unusual that they did not want to take care of Seema. Her maternal uncle and aunt kept her for some years because she could be used in household chores. Her grandmother used to work and she didn't want to keep Seema with her because she was living in a slum and the area was not good. For some days she lived with her grandmother and helped with the house work but her mind was always full of thoughts of why no one cared about her, where her father was and why did her mother have to die. One day she walked out from home and felt like just going somewhere far away. She went to the railway station and caught a train, of course without ticket and reached Gujarat. She roamed about for two days. While begging she met a lady who spoke very kindly with her and gave her food, clothes and took her home. Seema lived in her home for two days and felt very good.

After two days she sold Seema to one man. She cried a lot and didn't even know what was going on. He took her to a brothel where a lady beat her up a lot. After that one man came and raped her. One day she tried to run away from there but they caught her. Some times when a police raid would take place, all the girls would be hidden underground. After the police had gone, they used to beat her again. Few months later the agent transferred Seema to a famous red light area.

There again the same thing continued. By then she had lost her dignity, lost everything, so finally she accepted this profession. She worked in the brothel for almost three years. Then Arbaz came into her life. He used to love her a lot. He gave money to her agent and they got married and she became Mehmoona. The initial days of her marriage were excellent. She didn't know Arbaz's business and he used to tell her he had a proper job.

Some days later she came to know from his friend that he was a thief. She did not believe it. One day, when Arbaz went for work, she followed him and got a shock. She felt bad because she thought that after miserable days now some good has come in her life. She believed him and he also deceived her. In this period she was pregnant. But Arbaz wanted her to abort the child and Mehmoona did not. He used to quarrel with her every day on this issue. One day he gave her some medicine; she started feeling restless and lost her child. She cried and went into depression. During that period her husband

also got arrested and that was a very bad phase of her life. A failed suicide attempt and she went back to her old business but this time she was working by herself.

Few days later she met a Muslim girl who was also doing the same business. They become very good friends. One day she travelled with her to Mumbai for some work. There her friend met with two guys. One was her relative and other one was her friend. Mehmoona met them for the first time. Two days later when they were sitting outside the hotel, her friend's relative and his friend robbed one person. That person immediately called the police and they got arrested. She tried to convince the police that she did not even know them.

She does not believe anyone anymore and just wants to get out of jail. No one is there to come and see her. She doesn't want money in life. She just wants true love, care and support.

6.4 Munir

Munir's father is a farmer and he has two siblings, a brother and a sister, who are studying in the tenth standard in the village.

Munir was born in a district in Bihar where he studied till the 8th class in village itself. His sister was living in Mumbai and she called him to Mumbai to study further and settle down. He came to Mumbai and completed his studies till tenth stand and simultaneously learnt leather work. After learning the leather work skill he started working and earning due to which his studying got neglected and later he discontinued.

Initially he worked in his sister's in-law's leather factory and sent money to his home in the village. During this period his sister passed away and eventually he left that and started working elsewhere. To learn more skills he completed a certificate course in leather skills. He would visit his family once a year. His family includes his mother, father, elder sister (who passed away), another sister who is married in Delhi and her husband who works in a private factory. He has younger brother and sister who are studying.

One day he came to know that his father is seriously ill and planned to go to visit his father. When the train reached Kalyan station he felt a stomach pain. When the pain started increasing and he couldn't tolerate it any more he thought of going to doctor and got down at Kalyan station.

He was sitting on the platform and thinking whether to go back to Sion or go to doctor, when three Policemen came and asked him where he came from. He told them what happened and also gave them his train ticket. He had a luggage bag which the police checked and found 12000/- rupees in it. He explained that it was his savings and that he was on his way to his village as his father was very ill.

Despite telling them about the situation he was taken to the police station and made to wait there. They got his bag and gave him tea and some medicine for his pain. After

some time they took him to the higher officials and opened his bag and found a 'packet' which he wasn't aware of how it was in his bag. When the police questioned him about it he told them that he is not aware of it and the police started beating him and told me that this is an illegal drug used for making people unconscious. He pleaded that he did not know anything and should be let off. He feels that police arrested him for the 12000/- Rupees and filed false charges against him.

He was sent to prison and this was his first time so he didn't know where he is and what to do in this situation. A few other prisoners suggested that he should get in touch with his family members and they may be able to help get him out. He was helpless as he could not inform his family. His father was already ill and his mother couldn't come to Mumbai alone. After two months in jail he thought of calling his family but then again the thought of the social stigma that his parents will have to go through knowing he is in jail prevented him from getting in touch with them. He has an unmarried sister and was worried about how his being in prison would affect her future life. In jail he gets frustrated that there is no meaning left in his life. He thinks of his family often and he is not aware what situation they are in now.

He wants to get out of prison but he doesn't have money, a lawyer or anyone to support him. He told the judge about his problems and was asked to bring an application for a government lawyer which he has given but is still waiting for action on the same.

Many people across the country come to Mumbai specially people from backward regions in order to get employment opportunities that Mumbai provides. Munir is one of them who had come to Mumbai to find opportunities and live a good life as compared to what life in a village was. The social perception in our society towards victims of crime is negative and thus he is afraid and spending his days in jail. The result of crime is harmful not only to the individual but to his family and if the person is innocent, all the pain in jail seems without reason and increases the frustration of the individual.

6.5 Samia

In Byculla Prison, many of the Muslim women prisoners are from Bangladesh and are arrested under the Passport act. This case highlights the issue of Bangladeshi women inmates, causes of their migration, their socio-economic status etc.

Samia is a 26 year old married woman. Samia's husband owns a general store in Bangladesh but it is not going well which is why he originally came to Mumbai. He used to do petty jobs in Mumbai. After that, Samia also joined him with her two daughters and son. After she got arrested her son and husband went back to Bangladesh. Her daughters are living with her in prison.

Samia lost her mother when she was seven years old and her father remarried. She has two brothers who are married and she got married at the age of fourteen. Recently her brother died in an accident. In Bangladesh she used to do sewing work and earned Rs 750 per month.

Samia had been in Mumbai only for two months before she got arrested. Her husband had been living in Mumbai since the last six months and had gone to Bangladesh to see his mother when she got arrested with a group of seventeen people for being an illegal resident without a passport. Among the 17, 8 got bail and 9 people are in a prison now.

Referring to migration, she said that Bangladesh is a very poor county and there is always famine there. There is a lot of poverty, things are costly and jobs are few. That is why majority of people come to Mumbai. Further she added that half of Mumbai is full of Bangladeshis. Here they get some job at least and are able to feed themselves and their families. She was very dismissive about the Government's welfare programmes.

She also added that her husband is a bad character and has married six times so far deceitfully. She is living with him for the sake of the children and because she does not have support from either her parents or in-laws.

She looked very happy while talking and was looking forward to be released the following month. Initially she was tense in prison but after a few days she felt that here she got enough food and proper attention during her pregnancy and her delivery was done without any problem. Her older daughter goes to a Balwadi and the Jailor is very kind in nature.

She misses her freedom but knows that life outside is also a challenge but she does not like to live in prison. Her philosophy of life is to be happy wherever you are as there is no use being depressed or sad.

Her relations with inmates from Muslim and other communities are very good. They share their problems, feelings and quarrel with each other but they are a support system too. They participate in all programs of the NGO and celebrate festivals together. After being released from jail she is worried whether she will get a job in Bangladesh. Since the last one and half years she is not in contact with her family. She is unaware about their situation. Another problem is that, they have their luggage and some furniture in Mumbai and after their release from prison; they will directly be sent to Bangladesh and cannot take their luggage with them. This is a problem common to all Bangladeshis. Some of them have been living in Mumbai for more than 10 to 15 years. They got married here, have kids, have some property, furniture, etc. They get arrested and are sent back to Bangladesh. After some time they come back to India again.

When Samia got arrested she didn't even know about the Passport Act. This is a story of majority of the female prisoners from Bangladesh. Majority of them do not even know that a passport is necessary when visiting another country. Some of them have been living in India since a long time and consider themselves as residents of India. They have their property in Mumbai. After they get arrested their savings and assets get misplaced. To get them back, they come to Mumbai 'without a passport'. In their region, it is common to come to India as it takes only three hours to reach Kolkata.

6.6 Sohail

Sohail's mother does some home based embroidery work. He lost his father and has two siblings, a brother and a sister. His brother left school and works as driver and his sister handles the household work after studying till the 10th standard.

When Sohail was 15 years old he started working in a garage because he wanted to be a mechanic. He thought of making some profit by selling vehicle parts which could be re-used and are in good condition. First he purchased the vehicle part and then after finding a suitable customer he would sell the parts to them, in this way he generated some profit for himself apart from his daily work in the shop. While he was engaged in the purchase and sale, this was been observed by a police informer of the area, who told the police about this.

The police came for an inquiry and asked for the bills of all the materials and took him to the police station. There was another person with him from whom he was purchasing the material. In the police station a bribe of Rupees 15000/- was demanded to release them from the charge. He could not pay the money as it was beyond his economic capacity. The person along with him paid the money and he was released and they charged Sohail. Police increased his age and put him in Byculla jail.

When he went to jail and interacted with other inmates they explained that if he confesses to the crime he will be punished and released otherwise it will create many problems to fight the case as he did not have any kind of support. He agreed and confessed to the crime and was given six months of imprisonment.

After completion of the punishment he went back to the market and again started working as he was really interested in learning mechanic skills. One day the police took him to A.C.P and announced an externment case against him for the next six months.

Sohail's family is in Mumbai so he couldn't leave them and stayed in his area. When two months were left for the completion of the case somebody saw him in the area and complained to the police and he got arrested again and jailed.

Sohail's dream of being mechanic was lost and he left the market because if he would have continued to work the police would have caught him again and put false charges. Then he shifted from mechanic work and started learning tailoring skills and learnt it within three years and started working as tailor. Along with that he was learning driving skills.

His tailoring work was going well but in off season there would not be sufficient work and he thought that he should apply his driving skill to find a suitable job which will give him income throughout the year. After searching he found a job as driver. He was happy with his job as it gave a regular income, he could save some money and contribute to his family.

One morning he went to work and had gone to deliver material and was sitting beside the truck as the labourers were unloading it.

When he was in jail there was a man who knew him, suddenly a CID van came and the person pointed towards him and police forced him into the van. Police took him to the police station and inquired about his past cases. He told the police that he was working and not engaged in any illegal activity but police forced him to confess to the crimes and beat him. He gave the card and contact details of where he was currently working but the police didn't listen to him.

After the police arrested him, his friends were worried and went to a lawyer who suggested he draft a letter in the name of the Commissioner to inquire about what is happening. CID came to know about the letter and they asked Sohail how the letter has come when he has mentioned he has nobody. He was unaware that his friends had given a letter and that they had also filed a missing complaint in the police station. Finally a case of murder was filed against him and he was also charged under MCOCA. When he went to jail he got surety bail but there is nobody to give surety for him. His friends were not able to give surety under their family pressures so he couldn't get out on bail. As the case is also under MCOCA, his friends were afraid.

He has to pay rupees 20000/- as surety and the person who will pay this amount will charge him some extra amount apart from it and some money to lawyer which will come around 30000/- rupees all of this which he cannot pay. He feels that he has been falsely involved in the case due to his past records.

The criminal background of an individual never leaves him like shadow. Once a criminal record has been charged on an individual he becomes vulnerable especially when he is economically backward and unable to protect his own interest.

Sohail being in jail despite getting bail creates a pessimistic picture of an individual who couldn't afford his bail on economic terms and thus is forced to live in jail. Such a situation creates conditions of crime for future as individuals become disillusioned with the system and work against it.

CHAPTER VII

ANALYSIS OF CASE STUDIES

To understand the socio-economic and rehabilitation needs of the Muslim prisoners in Maharashtra, seventeen case studies were developed on the basis of in-depth interviews with respondents, one from each of the prisons from where data was collected. These case studies have been analysed thematically and are being presented in this chapter. The themes and sub themes include early childhood experiences, family situation, schooling, peer group influences, factors leading to arrest, situation after arrest, views about criminal justice system, rehabilitation needs and suggestions. This chapter helps to support the findings that have emerged from the analysis of the structured interviews (which were quantitatively analysed) and the analysis of qualitative responses to the open-ended questions put to the respondents during the quantitative survey.

1. Early Childhood Experiences

- **Loss of parental support at early age**

It emerged that the loss of family support at an initial phase of life had a deep impact on the life of the respondents. Further the feelings of dependency on a relative created disturbance in the minds of the respondents which led some of them running away from home.

Mohammed Yusuf says that, his father passed away when he was a small child. He was in school when his mother too passed away due to Malaria. He was sent to his aunt's house in Tamil Nadu along with his two brothers where he re-started his studies. One day, his aunt gave him Rs. 400/- for his school fees, which he lost. He could not ask his aunt for money again, which was needed to pay the fees. He sensed that her family was not very happy about the additional financial burden on them on account of him and his brothers living with them. He felt that he had become a liability on them. In these circumstances, rather than ask for money to pay his fees, he decided to leave home.

It emerges from this case that the passing away of parents led to the responsibility of children falling on a close relative. The feeling of being unwanted pushed the respondent to leave home.

Mehmoona relates how the death of her mother was a turning point in her life:

My mother died when I was eight years old. After my mother passed away, my father left our family and went away somewhere. I had to live with my maternal uncle and aunt. My uncle was a good man but my aunt was a cruel lady. She behaved very badly with me. She would sometimes beat me but showered me with harsh words every day, which would hurt more than the beatings. She quarreled with her husband everyday because of me. She would call me a beggar, and say that her husband had brought me from the streets. She would often tell me to get out of the house and use abusive language against my mother.

I would do all the household work. My day began at 5.00 in the morning. After finishing the daily chores, I would go to school. I used to feel tired in school. My friends in school tried to make me happy. But when school got over, I would feel restless and tense. After reaching home from school, I had to work at home again. I never had a childhood.

It was heart breaking, and I felt lonely and helpless. I would tell my uncle to send me away somewhere, rather than keep me with him in this situation. I was tormented with questions about my existence. Why did nobody want me? Where is my father? Why did my mother die?

One day I walked out from home, went to railway station and caught a train. I reached some place in Gujarat. For two days, I just roamed here and there. While begging for food, I met a woman. She spoke very kindly to me. I told her everything. She gave me food, clothes and took me to her home. But after two days, she sold me to a man. I cried a lot. I didn't even know what was going on. He took me to a brothel. In the brothel, I was physically abused by a woman. She tied me to the bed and tortured me for two days. Then, a man raped me. I was forced into prostitution. A few months later, an agent transferred me to a red light area. My childhood was hell...

It emerges from the above case that lack of affection and a feeling of being unwanted by the family led to the respondent running away from home. This led to her further abuse and exploitation. In both cases, the loss of parents and having to live with relatives or guardians who were unable to provide an emotional anchor to the respondents led to feelings of being a burden, being unwanted and dependency on guardians. These feelings played a major role in the respondents taking a drastic step like leaving home for good.

- **Entry into the labour market**

It has emerged that most of the respondents' parents were either illiterate or had poor educational status. They were engaged in petty jobs for the survival of their families. Lack of awareness among the parents about the importance of education and absence of motivation to send their children to school, combined with the poor financial condition of the family, forced many of the respondents to start working at an early age. Some of them never went to school and some respondents left the school at an early age due the factors mentioned above. Most of them expressed that they were interested in schooling. Very few of them reported that they did not complete education because of lack of interest in education.

Jalal, a 19 year old youth, currently in a central prison as a convict serving a sentence for kidnapping, stated that he started working at the age of twelve:

My parents were illiterate and I too never went to school. My father was a farmer and the financial condition at home was poor. Initially, I began by helping my parents in agricultural work. Later, my father sent me to work in a restaurant

outside the village. My working hours were from 6.00 am to 10.00 pm and I would get Rs. 800 per month. I had to work very hard but my employer was never satisfied with my work. Sometimes he would beat me for this.

Some years down the line, I went to my cousin in Delhi. I got engaged in scrap collection work. I did not like this work because the police would frequently arrest me with other kids, keep us in custody and release us after four or five days. Over time, I moved to Mumbai. For the last four years, I was in Mumbai, working as an assistant to a tempo driver and also living with him in a slum.

Iqbal Ali, a twenty nine year old married man is in a central prison as under trial (under sedition charges), stated that he was interested in education. His father was truck driver and was suffering from an illness. He had to leave school after completing his ninth standard and started selling vegetables to support the family.

Shafiq stated that he born in a poor family. Both his parents were illiterate and were engaged in labor work. His family had a two acre plot of land. Whatever grew on the farm was used up by the family. He did not get a chance to study due to his family condition.

Mehmoona was forced into prostitution due to her family situation. She stated that “after losing my dignity, I lost everything and finally accepted my fate”. She worked in a brothel for almost three years.

Riaz, a 26 year old man convicted to life imprisonment, stated that he left studies when he was in the fourth standard, as he was not interested in studies. His family had seven acres of land and he would help in agricultural work.

Jalal is from the Hindi speaking belt of India. He revealed that due to lack of education, he found himself in miserable situation. He feels vulnerable when proceedings are on in court. His lawyer and the judge speak in English and sometimes in Marathi and he is not able to understand anything. He admits that because of his lack of education, he is unaware about the law and therefore is languishing in prison.

These narratives highlight that lack of support and their family situation, forced some respondents to leave their education and become an income source to their families at early age. It has also emerged that many of the respondents regret the fact that they had to drop out of school and realize that education is necessary to survive in today’s world.

2. Socio-economic situation of the family

- **Poor income source and large family size**

It has emerged from the analysis of the case studies that the majority of the respondents belong to the lower socio-economic status. Large family size coupled with poor income source seems to be the main reason for their economic backwardness. The per capita income of the families was very low.

Rias has five siblings including three brothers and two sisters. His father is a farmer and his annual income is Rs. 20,000/- per annum. His parents were educated till the primary level; his two brothers and a sister were studying in Urdu medium. Two of his siblings had left the school and were helping their father in agricultural work.

Jalal stated that he had five brothers and two sisters. He came from a joint family. His three uncles and their families were living with them. Their monthly income was around Rs. 5000/-. His siblings had never been to school and helped their parents in the family occupation. The socio-economic condition at home was very poor.

Shama is a thirty-eight year old married woman from a city, serving a life sentence with her husband and cousins-in-law under charges of murder. She stated that her husband had five brothers and four sisters. On her maternal side, she had three brothers and three sisters. Her husband was a vehicle dealer and his monthly income was Rs. 5000/-. They lived in a small hut near a temple.

Shama feels that large family size and low education is the main reason for their deprivation. She feels that if her in-laws had two or three children, they could have educated them properly. Their economic condition might not have been as bad as this. Her husband does not even own a house. It is difficult to manage the rent, food, clothing, health, education and other expenses of the family within their meager income. Her husband has nine siblings. It is very difficult to look after and satisfy the needs of the family. She feels happy that she has only two children.

- **Addiction of the father**

It has emerged that majority of the respondents' fathers were addicted to alcohol and smoking. Half of their earnings were spent in these addictions. Since the family income was not sufficient to look after the needs of the family, spending on these addictions created disturbances in the family.

Jaffar expressed that his father was an alcohol addict. He was a gambler and lost some property in gambling. His parents always fought over money matters. One day his father lost his temper and beat his mother badly, due to which she got a spinal cord injury and became handicapped for life.

3. Peer group influence

It has emerged that peer group had a great influence over some of the respondents, in terms of their entry into the crime world.

Jamal, lost his parents at early age. He considered himself as a burden on his aunt. He felt uncomfortable to ask for every need of his from his aunt. He shared his problems with his friend whose thoughts influenced him. Their attraction about life in Mumbai, led to their running away from home and reaching Mumbai. They did not have any support in the city nor did they have any skills to find work.

In my school, there was a boy who told me that we should go to Mumbai and make our lives. I began to feel that money was the only valued commodity in this world. Without money, no one values you. So I decided that I must have money and to earn money, I decided to come to Mumbai along with my friend.

Amiruddin, twenty four years of age, is convicted to life imprisonment and has completed five years in prison. He stated that at his work place, there was a manager whose behavior and language was abusive. His friend also worked at the same place and had clashes with the manager. All his friends were against this manager. His friends made a plan to kill him, in an act of revenge. He too joined the plan. He was arrested with his friends after the murder. However, his friends were later released. He does not know the reason of their release but feels that owner's influence and money could be one the factors for their release.

It appeared from the interview that the respondent joined the commission of the crime under peer influence, but more importantly, it seemed as if he did not realize the seriousness of the consequences of getting involved in the act. He now realizes the impact of his involvement in the crime on his life and his family.

Jaffar was in college doing his graduation and was an active member of the community in his area. He lived with his mother and uncles. His father has passed away in childhood. He had a group of friends who used to celebrate Ganesh, Eid and other festivals in the area. He narrates how his involvement in these activities led to his present situation:

The corporator of my area told us that we should perform the celebrations only under his guidelines and the banner of his political outfit. We disagreed with his demand and he was offended. He wanted to influence the youth of the area for political gain.

One day some boys came to my area and beat up one of my friends from our group. We did not react as we did not want to get involved in violence. The incident repeated itself with another friend; this time the corporator's boys beat another friend of ours with weapons. I felt that this time, they had crossed the limit and there was a need to respond. I and my group went to their area with a plan, broke into the corporator's office and beat his son who was sitting there. We wanted to teach him a lesson and take revenge.

I have applied for bail, but it was rejected by the court as the victim unfortunately succumbed to the injuries inflicted on him by us, and he died. My college years are going waste. My mother went into shock and was admitted to hospital. Whatever I did was only because of friendship.

4. Reasons for entry into prison and perceptions about their involvement

It emerged that each respondent has his perception about how he ended up in prison and which factors or forces were responsible for their arrest. The attempt here is to focus on respondents' perceptions about their involvement in their cases.

- **Bias against Muslims**

Some respondents pointed out that bias against the Muslim community in the criminal justice system is responsible for them being in prison.

Murtuza is a 29 year old male currently in a district prison under charges of violation of the Official Secrets Act (for spying). He narrates how the nature of his work brought him under the eye of suspicion of the police and alleges that he has been falsely accused by intelligence agencies due to a bias against his community:

I was working as an agent in textile exporting companies. My role was to meet prospective buyers. I had knowledge of latest fashions, fabrics and current market trends. I also knew Arabic language. My employers would send me to Dubai and Pakistan to get orders. Some of my relatives also live in Pakistan.

One day, I had some clashes with the owner of the company where I was working, due to which I stopped working for them. His buyers too stopped taking orders from this company and this affected the company's business. One day the owner of the company called me and told me to forget all differences and start all over again.

A few days later, a Pakistani person called me. He gave me the company owner's reference and asked me to meet him regarding some business. He met me near his house and took me in his car. There were a few other people in the car. Once in the car, they started asking me about my business and about my relatives in Pakistan. They also started beating me. They were from the Intelligence Bureau and later arrested me under the Official Secrets Act, for spying. They took me to the ATS office and kept me for two days in illegal custody. According to the police, they found three CDs and Rs. 60,000 from my bag. Among the three CDs, according to them, one CD contained secret information relating to the Indian Navy and the Army. They alleged that I was connected with SIMI and my relatives in Pakistan had connections with terrorists and the Taliban.

I have been implicated in this case. If I was a terrorist, how could I go to meet clients carrying such kind of CDs? My business was different. How could I have secrets of the Navy and the Army? I was only a member of SIMI. In October 2005, the train blasts incident took place in Mumbai. Some SIMI members were arrested under this case. According to the police, those arrested in the case were in touch with me. I told the police that I had contact with SIMI members before the organisation was banned. I just knew them as a members but I did not have any other relations with them. During the investigations, the police found nothing against me.

Murtuza strongly feels that the discriminative attitude of the police against Muslims is one of the major reasons for his arrest. He says that the police do not have enough evidence against him and yet he remains in prison. Two years have passed and the case is dragging on in court. He misses his court dates because the police escorts to take him to court are often not available. He has applied for bail thrice, but it has been rejected each time. He also applied for transferring the case to a different judge, but nothing has happened yet.

In another case, Mohammad Yusuf stated that he had gone to meet his friend in Navi Mumbai. He and his friend got late that night (they were little drunk). His friend insisted that he come over to his house, but Mohammad Yusuf did not want to create unnecessary trouble for his family and so decided to go back to his own home in the central suburbs in Mumbai. When he reached the railway station in Navi Mumbai to catch a train, he came to know that the last train for his destination has already gone and next train was scheduled for 4.00 am.

He sat on the platform waiting for the next train. While he was waiting, a young man in his early twenties came and sat next to him. He asked Mohammad Yusuf about the train and explained that he has to go to a station in the western suburbs. Around 3.00 am in the morning, the police came for a routine round-up in the premises. As soon as the man saw the police, he ran away. Mohammad Yusuf could not understand what was happening after which the police came and caught him.

They kept him in custody three days before they presented him in court. They tortured him in the lock-up; hung him naked upside down and abused Muslims. When he was unable to bear the torture, he accepted all the crimes which he was not a part of. He was transferred to the prison after some time. He did not receive his charge sheet till the fifth month after his arrest and he complained about this to the judge. Since he refused to accept the charges against him in court, his trial has now started. He has been sent to police custody for short periods at the request of the police for further investigations.

Mohammad Yusuf did not have anyone to support him or money to hire a lawyer; hence he has taken a legal aid lawyer to fight his case. He says that false witnesses were presented against him in his case and he has been pronounced guilty by the court. He feels that if he had a private lawyer, he would not have lost the case. His lawyer did not take much interest in the case; he did not even read the charge sheet.

The torture by the police and the communal abuses hurled against the respondents brings into question the behavior of the police and indicates their prejudice against the Muslim community in both these cases. The respondents revealed that the difficulties faced by them are generic problem faced by prisoners e.g. long intervals in court dates and lack of police escorts to take them to court on their dates. Mohammed Yusuf's allegation about legal aid lawyers, that they do not even read the charge sheets properly and take interest only if they have been paid, raises serious questions about the role of the legal aid lawyers and the free legal aid system.

Suban, another respondent, feels that police are prejudiced against Muslims; they link them to Pakistan or terrorism. They express these views privately before the accused but it never comes out in the open in the outside world.

- **Bias against migrants**

Some respondents spoke about the bias of the police against migrants from North India, especially Uttar Pradesh and Bihar.

Ahmed is originally from Uttar Pradesh. He stated that he came to a small town in Maharashtra to live with his brother, for better work opportunities. There was drought like situation back in his village and farming was not possible any more. His child and wife had health problems, and he needed money for their treatment. He had to give up agricultural work as it did not provide sufficient means to provide for his family and his children's education.

Sometime after moving in with his brother, he came to know that his brother had illicit relations with a woman who had two children. He confronted his brother about the relationship but to no avail. To get a more detailed picture about the situation, he went to the woman's house. He met her mother who explained that she wanted her daughter to marry his brother. She told him that she had three houses which she would give to her daughter after their marriage and also give some money to start a better life. Ahmed rejected the proposal as he came to know from the area about the involvement of the family in illegal activities like illicit liquor business, gambling and even prostitution. When Ahmed opposed the proposal, she threatened him with dire consequences.

After three days, the police arrested Ahmed and two of his friends. In the police station, the police asked him whether he was ready to get his brother married with the woman's daughter. There was no one to question the false arrest. The woman too came to the police station and told him that if he was ready to accept the proposal, she could get him out of police custody.

The police alleged that they had recovered glass and iodine from his possession and charged him with making fake currency notes. The Police Sub-Inspector assured him that he would be released as there was no evidence against him. In the police station, they forced him to sign on some papers and they produced fake currency notes of rupees five hundred (as recovered from him) when he was produced in court. In the court, the judge too assured him that he would be discharged as there was not much evidence against him. Ahmed says that in the end, to save the police, the judge convicted him.

The respondent in this case expressed his negative experiences with the police system. He explained how the system itself has been used to settle a private matter, by influencing the police, which is not only illegal in nature but has larger impact on the lives of individuals who are involved. He also seemed to indicate that he suffered this plight since he had no local support and the police was biased against him due to the fact that he was from U.P.

- **Criminal background of the respondents**

Some respondents expressed that the criminal background of an individual never leaves him; it follows the individual like a shadow and reappears when one is making serious efforts to turn over a new leaf. Once a criminal case has been charged on an individual, he becomes vulnerable, especially if he is from an economically poor background and is unable to protect his interests. Some respondents pointed out that innocent people become victims of the system and the real culprits escape the law for the simple reason that they can bribe or influence the system.

Iftekar, a 29 year old respondent has so far been arrested twelve times. His first arrest happened in 1999 and was the result of an ongoing quarrel between two groups; one of the groups included his friends. In one such clash between the groups, he went to the spot to solve the dispute. But one person died in the fight. According to Iftekar, the opposite party falsely involved him in the case. He later was discharged in that case. He was arrested for the second time in 2004 under charges of causing grievous hurt. He was discharged in this case in court. He narrates his situation once he had a criminal record:

I was arrested again under charges of causing simple hurt. This was a false case, which the police charged me with. I was discharged in this case too. In 2007 and 2008, I was externed from the city limits by the police. At the time of externing me, the police also charged me with another case of unlawful assembly and later a case of housebreaking and theft. All these are false cases.

After so many false cases against me, I got frustrated. I approached a political party to seek their help. But they too used me for their selfish interests. They involved me in a criminal conspiracy case. I agreed to involve myself in this case, and in return, the party assured me that they would protect me from future illegal torture by the police. I did not see any other option and felt that if I worked for the party, they would protect me from police atrocities.

Shahid narrated that when he was fifteen years old; he started working in Chor Bazar area in Mumbai city. He worked in a garage because he wanted to become a motor mechanic. In the garage, customers would come enquiring for motor parts of different vehicles. He thought that he could make a profit by selling the parts which were in good condition. He would find suitable customers and then sell the parts to them. He made some profit in this manner, apart from his daily work in the garage. One day the police informer in the area informed the police about his activities.

The police came for an inquiry and asked him to produce bills of all the parts he had sold. They took him to the police station, along with another person from whom he used to purchase the parts. In the police station, they demanded Rs. 15000/- to release them. He could not pay the amount as it was beyond his economic capacities. The person who was brought along with him paid up and he was released and the police charged Shahid with selling stolen property. Police increased his age and put him in prison. In the meanwhile, his father died and he lost his only source of support to get out of the mess.

In prison, he interacted with inmates who explained to him that if he confessed to his crime, he would be sentenced by the judge to the period already spent by him in prison and get released; otherwise, he was likely to languish in prison in the absence of family and legal support. He decided to confess to the crime and was awarded six months of imprisonment by the court.

After completion of his sentence, he went back to the area and again started working in a garage, as he was really interested to learn automobile mechanic skills. One day, the police took him to the A.C.P of the area and he was informed that they had decided to extern him from the city limits for six months. Shahid's dream of becoming a mechanic was shattered. He left the area and started learning tailoring skills. He learnt the skill in three years and started working as tailor. He also worked as truck driver in a company.

One fine morning, he went to work and had gone to deliver some material to the area where he used to work earlier. He was sitting beside labourers while they were unloading the material from truck. Suddenly a CID van came and a person pointed towards him and the police forced him into the van. The police took him to the police station and inquired about his past cases. He told the police that he was working and not engaged in any illegal activity but they beat him and forced him to confess to some crimes he had not committed. He showed the police the business card of the company where he was working to prove his credentials but the police did not listen to him.

After police arrested him, his friends were worried and went to a lawyer. The lawyer suggested that they draft a letter to the police commissioner complaining about the police actions. The police DCB CID came to know about the letter and they asked Shahid about the letter. He was unaware that his friends had submitted the letter. The DCB CID had taken him into custody on 18/09/2006 and he was in their custody on 19/09/2006, yet they charged him of a murder case that happened on 19/09/2006. They alleged that he had murdered a person and filed a case under MCOCA against him.

He got surety bail of Rs. 20000/- but there was nobody to stand surety for him. His friends were not able to stand surety due to family pressure, so he could not come out on bail. Shahid feels that he has been falsely involved in the case due to his past record.

It emerges from both these cases that police harassment due to the criminal record of the person could lead to disillusionment with the system and the person taking to crime as a way of life.

- **Corruption**

A number of respondents point the finger at the police and consider themselves as victims of a corrupt system.

Munir stated that one day he came to know that his father was seriously ill. He planned to go to the village to see his father. He took a train from Mumbai at 10:45 pm. When the train reached Kalyan, he felt a severe pain in his stomach. As the pain increased and he could not tolerate it any longer, he got down at Kalyan station to see a doctor.

He was sitting on the platform and thinking whether to go back home or go to a doctor, when three policemen came and enquired where he had come from. He replied that he was going to his village and he was from Mumbai; and that due to a severe pain in his stomach, he had de-trained at Kalyan station. He also gave them his ticket when the police asked for it. He had a luggage bag, and when the police enquired what was in the bag, he told them that there were clothes and eatables in it. Then, the police checked his bag and they found Rs. 12000/- in it. When they asked about the money, he explained to them that he worked in Mumbai and since his father was not well, he was going home to see him and was carrying some money along with him for the same purpose.

Despite the explanation, the police took him to the police station and made him sit there till 2.00 am. They got his bag and gave him tea and some medicines for his pain. After some time, they took him to a higher official and opened his bag again. This time, they found a 'packet' which he was not aware of. When the police asked him about it, he told them that he was not aware of its contents and how it has come inside his bag. The police started beating him and told him that this was a drug used to making people unconscious.

He appealed to them that he did not know anything about the 'packet' and requested them to leave him, but nobody was ready to listen to him. They put him in the lock-up. When he asked them about his bag and money, he did not get any reply from them. He feels that the police arrested him since they wanted to steal his money and therefore filed false charges against him in order to carry out their plan.

Akhil stated that that due to rivalry with his mother, the police falsely involved him in a case of fake currency notes. They produced his computer and some other material evidence as evidence in the court to charge him with making fake currency notes. Akhil feels that the police are corrupt; they do not arrest the real criminals and act against helpless and poor people, trapping them in false cases. He adds that the police have enormous powers and no accountability due to which the poor and helpless suffer injustice in the system.

- **Political rivalry**

Some respondents pointed out that the political interference influences the legal process.

Asif is thirty two years of age, married and is from a city in the Vidarbha region of Maharashtra. He owned a vegetable stall in the local market. There was a local political leader who also had a vegetable shop in the same market. Asif had sharp business acumen. In a short period of time, he began doing very well in his business. After some time, he started another second stall near his stall. His financial position became good. According to Asif, the local leader was envious of him. He narrates how this led to the turn of events in his life:

At the time of my wife's delivery, the main doctor in the government hospital where my wife was admitted, asked for money for her to be operated. I informed the Anti-Corruption Bureau about this; a trap was laid by the ACB and the doctor was arrested. The doctor and the local political leader had connections. They falsely involved me in a case of robbery. Along with me, four others were arrested. Among the co-accused, I knew only two of them. They were both without any support and were good people. They too were in the same business.

The amount of the robbery is 15,000. This case against me is false. The pressure from the opposition party is so high that I could not succeed in getting bail. I had applied for bail in the Sessions Court but it was rejected. I have appealed against the order in the High Court. I have also complained to the State Human Rights Commission, the DIG's Office and the Police Commissioner's Office. However, I have not received a positive response from anywhere. I am now in depression.

In the case of Jafar, his friends were beaten up by members of a political party from another area, due to some political rivalry. At first, he did not react, but repeated violent behaviour on their part led to him getting involved in retaliatory violence, due to which he is now in prison.

- **Misuse of the law**

Some respondents felt that there were gaps in the law or its implementation, which leads to its misuse by vested interests.

Mariam stated that her aunt (father's sister) was in love with a person, who was from the Hindu community (a *Rajput*). Her father and other members of the family were opposed to their relationship. Her father got her married off to another man against her will. Her husband was an auto-rickshaw driver. Over time, problems emerged in their relationship. She was unhappy with her husband. She was jealous of Mariam and her marital life.

After a year of marriage, she committed suicide by burning herself. At the time of the incident, Mariam had come to her parent's house with her family. Her aunt was also there. One day, Mariam and her aunt had a fight over a petty issue. They argued with each other a lot. Later, the aunt went into a room, locked herself inside and committed suicide. Mariam was arrested along with her parents and husband. Her husband and father were acquitted in the case. But Mariam was convicted along with her mother. Mariam questions the legal system which put her behind bars:

I am innocent. I was married at the age of seventeen. I was not a part of the decision making processes in my family. During my children's vacations, I would come to my father's house. I was happy with my family life. My father got my aunt married against her will leading to her suicide. But today, he is out. My aunt gave a statement to the police against me and her mother.

Many women are in prison under section of 498A or 302 i.e. cases of women's harassment (saas bahu cases). If the woman commits suicide in such situations, the police arrest the whole family. In prison, there are some women in such cases who are above 70 years of age; they cannot even walk properly and were not in the scene of the crime at the time of the incident.

Such cases should be properly investigated by the police. The response of society in such cases is to sympathise with the victim's family. It is true that there may be some people or reasons behind such incidents. However, the police arrest the whole family and sometimes even arrest those who are distant relatives. In my case for example, my husband who had no connection with the incident was also arrested.

Riaz also feels the same and does not have not much faith that he will get justice. He was convicted in a murder case. His neighbour was a Hindu (*Maratha* caste); they had good relations and no conflicts between their families. One day, his neighbour's wife's body was found in the well of their farm. Riaz's brother found her and brought the body up from the well. After three days, the police arrested Riaz under suspicion.

He was convicted in the case and currently, the matter has gone in appeal to the High Court. He has applied for bail considering his young age factor (when he was arrested, he was less than 18 years of age). He is not very hopeful of getting justice. He says, "I do not have much knowledge and information but all I would say is that justice should be done".

5. Situation of the respondents and their families after arrest

It has emerged that any legal case whether it is minor or serious, creates stress and tensions in the life of the accused and his family. They have to face negative experiences with the legal system; the legal procedures are lengthy and consume a lot of time leading to feelings of frustration. If the accused is the main earning member of the family, the situation of the family becomes more critical. It has very negative consequences on the future of unmarried girls in the family due to social stigma; in many instances it affects their marriage prospects.

Abdul stated that after his arrest in a case of robbery, his family's condition became miserable. He was the main earning member in his family. He owned two stalls in the vegetable market. At the time of his marriage, his elder brother committed suicide. He was an alcoholic. On the day of his wedding, his brother was drunk and misbehaved with people. Therefore, Abdul got angry and reprimanded him. His brother, in a fit of rage, jumped into the well and died. His wife and five children live with him.

Another elder brother too committed suicide after Abdul's arrest. He was an auto driver. His widow and four children also live with them. His parents are very old. After his arrest, his father had a heart attack. He applied to the court for bail to meet his parents but the court rejected the application.

There are sixteen members in his family and no earning member. Both their stalls are now closed. The family survives by selling their assets. Two motorbikes, a fridge, and a TV have so far been sold. For his case, the lawyer charged a hefty amount.

Abdul is worried about the women in his house. He feels that they may be forced into prostitution for the survival of the family. The women in the family cannot work in the market because the opposition party will give trouble to them and they need to look after the children. All children are young in age.

Rizwan feels guilty that that his family has had to suffer because of his actions. He is the eldest at home; his parents are old and he has a younger brother. He was the main bread earner; now the family has no means of survival. People around have distanced themselves from the family and view them with suspicion. The family is unable to find a suitable match for his sister.

Shariq, who was the only support to the family, expressed that his family was traumatized due to his arrest. His mother has given up her involvement in social work. His family has had to deal with the social stigma that comes with arrest and criminal justice processing. He is worried about his sister's marriage and feels that it would be difficult to find a match for her.

Shafiq feels that he has lost his family. He alone knows how tough life in prison is. He does not know how the family is surviving without him. At one moment, he talks about the hopelessness of life but when he thinks about his family, he again finds reason to live. His child has health problems and he finds it difficult to imagine how the family is managing without him. Every moment in prison is hard and frustrating.

Munir stated that he feels helpless. He has not informed his family about his arrest, as his father is ill and his mother would not be able to come to Mumbai to meet him. After two months in prison, he thought of informing his family but then again he thought that if he did that, people in the area would come to know about his arrest and his family would have to face social stigma. He has one sister who yet to be married and he feels that news about his imprisonment would affect her marriage prospects.

Afzal feels that due to his case, he and his family have lost their identity. His family is suffering a lot. They had to leave their house and are in deep debt. He has also lost his career.

Farzana was arrested in the murder of her husband. She stated that after her imprisonment, her children have had to drop out from school.

Amina stated that after her arrest, her life changed completely. Her husband has married her twin sister. Her husband informed her about this one year after they got married, when her sister became pregnant. After the initial shock, she has rationalized this life-changing event. She now feels that in any case, her husband was not going to spend his life 'single'. She has forgiven him now. Her elder daughter lives with her husband and step mother. She is worried about her daughter because her sister is aggressive and dominating in nature.

6. Life in prison

There are mixed reactions about the prison system. Some respondents find it difficult to spend even one day in prison while others feel a sense of support inside.

Amina had strange notions about life in prison. She had images of the prison authorities shaving off her head, keeping her in a dark room and forcing her do back-breaking work like grinding of grains with a stone grinder (*chakki peesna padega*). She now laughs about her misconceptions about prison life. She praises the women staff. She says that prisoners are alive because of them.

They take care of us more than our family members. My twin children are also living in prison. We have all facilities here. A teacher is appointed who takes the adult literacy classes. Some organizations visit the prison and teach life skills, vocational training, yoga, etc. Such organizations should come more regularly. We feel good when we see a new person from outside the world.

Samina stated that after she was arrested, she was tense for some days. Now she feels that in prison, one gets enough food. She delivered her child in prison without any problems. Her daughter goes to school. The jailor and other staff are kind to her. She misses her freedom but is thankful that she has a roof over her head (which she did not have when she was out). Her children get nutritious food inside. She does not get these facilities outside.

On the other hand, Shafiq expressed that he is frustrated with life in prison; he says that as soon as he is released, he would go back to his village and never come back to the city.

Abdul feels suicidal. He has attempted suicide twice after coming to prison. He hates the police and the legal system. He feels that after he gets released from prison, he wants to kill some police officers and kill his family and himself. In prison, to spend one day is like spending a year.

7. Rehabilitation needs

Family support emerges as the primary need of the respondents. The family's response towards their arrest and release has a crucial bearing on the life of respondents. It emerged that those with good family support did not expect any help from NGOs after their release.

Amir stated that his family has supported him in this difficult situation. After his release from prison, he does not think he would face many problems as his family supports him.

However there are other respondents who do not have any support who stated that they needed long term support to settle down in life.

Muskan needs long term support including shelter, financial assistance, employment and emotional support.

Samina convicted under the Passport Act, stated that after her release from prison, she is worried about whether she will get a job in Bangladesh. She is not in contact with her family since her arrest a year and a half back. She is unaware about their situation. She is worried about losing her belongings and furniture lying in their house in Mumbai as after her imprisonment, the police would directly deport them to Bangladesh. According to her, all Bangladeshi prisoners face this problem.

Abdul needs legal aid and feels the need for emotional and financial support. On the other hand, Rehman feels the need for protection from police torture after his release.

8. Suggestions by the Respondents

Respondents who have had substantive experiences with the police and prison system made some suggestions regarding improving the condition of the prisoners. They felt that radical changes are needed in the police system, prison conditions and the attitude of society towards prisoners.

Rias gave a number of suggestions for the reintegration of prisoners in society:

People come to prison under different cases and have many things to ventilate, but there is nobody to listen to them. There is a need for trained persons in prison with whom prisoners can share their feelings. Secondly, society must accept prisoners once they come out, whatever their mistakes in the past. If society does not accept them, they would remain disturbed and are likely to turn to crime. People do not see them as human beings; they treat them as criminals and exclude them from society. Due to this attitude, it is difficult for released prisoners to assimilate and

become a part of society. Thirdly, the government and civil society organizations must extend their helping hand to them and their family members. He pointed out that Social Welfare Department gives a grant of Rs. 5000/- to released prisoners which should be increased. Fourthly, there is a need to take action against corrupt practices of the police. Political interference should not be allowed in policing.

Rias stated that there must be some structure and personnel in prison to listen to the feelings, emotions, grievances and expectation of prisoners and to convey it to relevant authorities for further action. They need to provide counselling, advice and motivation to prisoners to deal with their situation:

The existing schemes must be evaluated and improved upon. The Rs. 5000/- grant for released prisoners is too small and the procedures involved in getting the grant are very cumbersome. There must be periodic evaluation of schemes and changes incorporated based on these evaluations.

Another important aspect is the slow pace of trials in courts. This forces prisoners to spend unnecessary time in prison. If a person is innocent, this can have disastrous consequences. Even otherwise, every prisoner has a right to fair and speedy trial. The judicial infrastructure needs to be strengthened to deliver timely justice. Otherwise, people will lose faith in the system.

Salim suggested that the government should establish a rehabilitation authority to look after the families of prisoners, and training and employment of prisoners. He raised the issue that democracy becomes a “falsehood” when people get arrested in false cases and justice is denied to them. He feels that there is need for radical changes in society. Citizens should come out and challenge the malpractices in the system. Real democracy will come only if every citizen of this country actively participates in its processes.

Amir felt that for prisoners from outside Maharashtra, some arrangements should be made so that they could meet their families occasionally. Secondly, he feels that mass awareness needs to be created about the crime and its impact on individuals, to reduce crime.

To bring accountability and transparency in the Police system, Rehman suggested that if a case against an individual is proved false in court, action should be taken against the police. To bring greater transparency, he suggested that cameras should be installed and all telephone calls should be recorded in police stations. Thirdly, mechanisms should be put in place to stop the practice of filing false cases against released prisoners, based on suspicion. He suggested that police training should be improved to improve policing practices. To improve the prison system, he suggested that a committee should be set up to hear the grievance of prisoners. Secondly, prisoners’ feedback should be recorded in their ‘history sheets’.

9. Socio-economic situation of female respondents

It has emerged from the analysis of case studies that in terms of literacy, age at marriage and participation in decision making processes, Muslim women prisoners have a comparatively lower status vis a vis the male respondents.

- **Literacy rate**

It has emerged from all the case studies (which is supported by the data from the structured interviews) that the overall literacy rate of the Muslim community in prisons in Maharashtra is low. If one looks at the data through the gender lens, it emerges that the literacy rate is lower among female respondents than the males. Lack of importance to female education by their families is the main reason behind their poor literacy levels rather than poverty. It emerges that female respondents were not provided with enough motivation and/or support to go to school. Also, the quality poor quality of education is indicated by the fact that many of those who have completed their primary education are unable read and write.

Mariam is a thirty year old married woman convicted to life imprisonment. She is illiterate and got married at the age of seventeen. On the other hand, Mehmoona studied till the fifth standard in school but cannot read and write fluently.

- **Age at marriage**

It has emerged that a very high proportion of the female respondents were married at a very early age. This resulted in these women being overburdened with family responsibilities at an early age.

Samina is a twenty-six year-old married women convicted under the Passport Act. She is from Bangladesh. She stated that her mother died when she was just 7 years old, following which her father married the second time. She was married off at the tender age of fourteen. She has a son and two daughters. Her daughters are in prison with her and her son is lives with his father in Bangladesh.

Farzana was married at the age of thirteen. She has a sister, who too was married off at an early age. Due to early marriages, they could not complete their education. Furthermore, early pregnancies put additional stress on them.

- **Participation in decision making processes**

When the researcher discussed with the female respondents about who took major decisions regarding their families, it emerged that the respondents hardly participated in the decision making processes in the families, whether pertained to the running of the house or issues such as education, marriage, or employment of their children.

Shama stated that she has six siblings. The only good aspect about her parents was that they knew about the importance of education and that education facilities were available in the village. Therefore, she could study till the twelfth standard. However, she feels that her education is of no use:

In our community, women have a very low status. A woman is like puppet whose strings are in the hands of the men. I feel like going for work and earn some money but I am not allowed to work outside, as a woman working outside is considered to be a matter of low status in our society and also against our culture.

Mehmoona points out that when she became pregnant, she wanted to have the baby but her husband did not; so he told her to abort the child. He would quarrel with her every day on this issue. One day, he gave her some medicine and she lost her child. After this incident, she went into depression.

On being asked about her husband, Samina replied that her husband was not a nice man and that he had a bad character. She revealed that he had married six times so far. He did not reveal about his earlier marriages to the women he deceitfully married. She continues to live with him but does not have any faith on him. She needs to continue her marriage for the sake of her children, as she does not have either parental support or the support of her in-laws. Her poor educational status and her economic condition have further handicapped her situation.

CHAPTER VIII

REHABILITATION NEEDS AND EMERGING SUGGESTIONS

The following section is based on the responses of the Prison officials, NGO personnel and prisoners about the rehabilitation needs of the Muslims prisoners and their suggestions for an effective rehabilitation strategy. Interviews with seventeen prison officials in selected prisons for data collection and with five NGO personnel who work on prisoner's issues were conducted. The interviewed prison officials were superintendents or senior jailors of the prisons and had vast experiences of the criminal justice system. This chapter is broadly divided in two major parts i.e. rehabilitation needs of the prisoners and suggestions.

1. Larger factors at play

1.1 Education

Majority of the respondents felt that the Muslim community lacks in education. This is the main reason for their backwardness as education is an important tool for the development of a community. They felt that the community must be prepared to adapt to the fast changing situations in the world and this would help in crime reduction. They felt that the educational backwardness is the main reason for the over representation of the Muslim prisoners in prisons.

According to them, Urdu and religious teaching should not be a substitute for modern education. Due to their poor educational qualifications, Muslims are unable to find suitable employment opportunities in the job market. This further marginalizes them and may push them into crime. They also felt that the low status of women in their community led to socio-economic backwardness. If women were given proper education, it would help improve their status and lead to the development of the community.

Some respondents raised the issue of socialization, whereby families push their children to learn a skill at an early age rather than motivate them towards education. This leads to the educational backwardness which could be linked to crime.

1.2 Poverty

Majority of the respondents felt that the socio-economic condition of their community was an important factor leading to Muslims in prison. Basic requirements of the community have not been fulfilled which resulted in backwardness. This backwardness creates problems for the development of the community as they could not avail good education due to poor economic conditions.

1.3 Situation of women

Most of the respondents believe that the low status to the women is a major issue of concern. According to them, patriarchal society is responsible for women getting pushed into crime. Lack of education and employment opportunities, early marriages and pregnancies and gendered division of labour lead to the neglect and exploitation of

women. Women empowerment must be seriously focused on towards the overall development of the community.

1.4 Need for mature leadership

Most of the respondents felt that the community lacks mature political leadership which could raise the concerns of the community towards socio-political reforms. To clarify the point, many respondents gave the example of Dr. Babasaheb Ambedkar and his famous message of "*Educate, agitate and organize*". According to the respondents, it should be the responsibility of educated people from the community to bring modern ideas and reform.

1.5 Role of the media

A few respondents expressed that the Muslim community carries social stigma within society, which gets reinforced through the media. Media is an opinion maker and has substantial influence on people's opinions. After the series of bomb blasts and terror attacks at many parts of the country, negative opinions about the Muslim community have been propagated through a biased reporting about these incidents in the media. The entire community is viewed as involved in anti-national acts and acts of terrorism. There is a need to change this perception through responsible and sensitive reporting about terror acts and its perpetrators in the media.

2. Rehabilitation strategies and suggestions

2.1 Adult education programmes

All the respondents suggested the need to spread education among the community in prison. They emphasised the need to start adult literacy and education programmes with the help of NGOs and opening study centres of the National Institute of Open Schooling and Open Universities, through which prisoners could get access to education while in prison. This would also help in productive use of their time, especially when it came to under trial prisoners whose currently do not have avenues of productive engagement inside prisons.

2.2 Vocational training and employment

Most of the respondents advocated the need for creation of employment opportunities after their release from prison. Among the interviewed prisoners, 74 per cent of the inmates expressed that they need job after their release from prison. They requested that certified vocational training programmes and courses should be started for prisoners, through the department of technical education and NGOs working the area of vocational training. These courses should be so designed as to enhance their employability once they are out of prison. The Modular Employment Scheme for vocational training of school drop outs initiated by the Ministry of Labour and Employment, Government of India could be started through ITIs and NGOs who are recognised as Vocational Training Providers (VTPs) by the Ministry through its Regional Centres in all states.

The vocational training activities conducted inside prisons such as carpentry, textiles, welding, carpet making, farming, etc. need to be supported better. The government

should provide the latest technology and financial support for purchase of raw materials so that a greater number of prisoners, including under trial prisoners can take benefit from it.

2.3 Socio-legal support and legal aid

Respondents without much family support stressed on the need to provide socio-legal guidance to prisoners, to further prevent their criminalisation. Such prisoners are often provided support by habitual and gang elements inside which makes them vulnerable to crime. Social workers should be appointed inside all prisons and NGOs working on providing counselling, family contact and support, support to children left outside, legal guidance and arranging legal aid to needy prisoners should be encouraged and supported to work inside prisons.

2.4 Nodal Point on Aftercare

Vocational training facilities should be extended to released prisoners and children of prisoners as well. A Nodal Point on Aftercare should be set up in each district to provide vocational guidance and sponsor training programmes for released prisoners and their families. Counsellors attached to this structure could help clients to register with the nearest Employment Exchange, link them with job placement agencies, and guide them to obtain documents such as ration card and access to government schemes for the welfare of minorities and socially vulnerable groups. A separate department of correctional services should be set up to look after the welfare and rehabilitation needs of the prisoners.

2.5 Increasing staff strength

Many of the prisons are overpopulated and the staff is not adequate to handle rising numbers, putting extra pressure on them. There is an urgent need to increase the staff strength in prisons, especially in the more overcrowded ones. There is a need to review the personnel both in terms of security and correctional staff. Post of jailors, vocational instructors, teachers, welfare officers and medical officers should be filled and the number of sanctioned posts should be increased. Adequate human resources must be provided to enhance the functioning of the prisons.

2.6 Scientific classification of prisoners

There is a need to implement scientific classification of prisoners. They need to be categorized into first-time offenders, young offenders, petty offenders, habitual offenders, gang related offenders and so on. This can help in planning the rehabilitation strategies for the different groups based on their emerging needs.

The Probation of Offenders Act, 1958, should be implemented more effectively. There should be regular visits by probation officers inside prisons so that cases may be identified by them who could be given the benefit of probation and such cases brought to the notice of the judiciary, so that the PO report in these cases may be called for and they may be considered for release on probation.

2.7 Role of NGOs

Most respondents felt that opportunities should be given to NGOs to work inside prisons. A few respondents also felt that necessary financial allocation should be made so that such organisations are supported in the work of rehabilitation of prisoners. Prisoners from all the communities stay in the prison. NGOs with secular credentials should be allowed inside prisons to ensure that communal amity is promoted in prisons.

2.8 Rehabilitation scheme for released prisoners

Respondents and key informants expressed the need to increase the grant amount available for the rehabilitation of prisoners under the Grant-in-Aid Scheme for released Prisoners from the current amount of Rs. 5000/- to Rs. 50,000/-

Arrangements should be made for providing shelter to children of prisoners who have little or no social support. The Liaison or Welfare Officer in prison should network with NGOs to identify such children needing support in terms of educational sponsorship, counselling, subsistence allowance and/or institutionalisation. The foster care scheme *Bal Sangopan Yojana* under the Department of Women and Child Development should be used more effectively to reach out to vulnerable children left outside, while the parent is in prison.

2.9 Police reforms

Most of the respondents strongly felt that police system needs to be reformed. Respondents expressed that sometimes, the police frames innocent persons and charges them with offences in order to 'dispose off' pending and unsolved cases; There is a need to stop such malpractices. There should be a grievance redressal mechanism within the police system, as recommended by the National Police Commission, so that citizens may file complaints against such practices and there is a system in place to investigate and take appropriate action.

2.10 Victim support

Some respondents advocated that not only prisoners, but victims of crimes should be given attention and support by the State, to balance between the interests of prisoner and victim rehabilitation. A victim compensation board along with socio-legal guidance facilities may be set up in this regard.

2.11 Awareness about the impact of crimes

Some respondents expressed that ignorance about the legal consequences of committing crimes could be a factor for some people to get involved in crimes. Awareness should be generated in society, especially amongst the youth about the dangers of involvement in criminal activities. Respondents stated that many of the youth are influenced by the media and enter the crime world due the 'glamour and easy money' factors. Awareness programmes should be organised to dispel these myths in schools, colleges, CBOs, youth group forums, etc.

CHAPTER IX

MAJOR FINDINGS

1. Findings based on the statistical information about Muslim prisoners

The following figures are based on the analysis of records available in the prisons with regard to under trial and convicted prisoners:

1.1 Highest and lowest percentage of Muslim prisoners

The highest percentage of Muslim prisoners (19.8 per cent) is from Thane Central Prison followed by Mumbai Central Prison (18.5 per cent). The lowest percentage of Muslim prisoners is reported from Ratnagiri and Chandrapur Prisons which account for less than 1 per cent of the overall prison population. The Mumbai Central and Thane Central Prisons together house 52 per cent of the under trial Muslim prisoners. Among the convicted Muslim prisoners, Nashik Central Prison reported highest number of prisoners in both the male and female category.

1.2 Category wise break up

Among the fifteen prisons surveyed in Maharashtra, it has emerged that 70 per cent of the Muslim prisoners are under trials and remaining 30 per cent are convicted prisoners. This figure corroborates with overall situation of prisons in the state and the country.

1.3 Sex wise break up

There is a higher population of male Muslim prisoners than female prisoners across all surveyed prisons in Maharashtra. Of the 70 percent under trial Muslim prisoners, 64.5 per cent of are males and 5.2 per cent are females. Out of the 30 percent convicted Muslim prisoners, 27.3 per cent are males and 2.8 per cent are females.

1.4 Age break up and literacy levels

The majority of Muslim prisoners belong to the age group of 18-30 years, accounting for 65.5 per cent of the total Muslim population in prisons in the state. In terms of education, it has emerged that most of the Muslim prisoners are literate and studied up to primary level (58.2 per cent). The remaining 31.4 per cent of Muslim prisoners are illiterate. In other educational categories such as Secondary, Higher Secondary, Graduation and Post Graduation, the total percentage of Muslim prisoners is 4.4 per cent.

1.5 Marital status

It has been found that most of the Muslim prisoners are married under both the under trial and convict categories constituting 61.5 per cent, followed by 37.7 per cent Muslim prisoners who are unmarried. The categories of widow/separated/single are negligible in number.

1.6 Location/address

Majority of the Muslim prisoners i.e. 90.2 per cent are Indians, followed by Bangladesh accounting for 9.3 per cent. The Bangaladeshi Muslim prisoners are arrested for illegal immigration.

Within the country, most of the Muslim prisoners i.e. 73.3 per cent are from Maharashtra followed by Uttar Pradesh which accounts for 7.1 per cent. Other states are not represented in significant numbers. The prisoners who are from Maharashtra include a substantial number of migrants from other parts of the country who are now settled in the state.

Among the Muslim prisoners from Maharashtra, it was found that 22.4 per cent are from Thane district and 13.3 per cent belong to Mumbai district, thus constituting 35.7 per cent of the total Muslim population in prisons across the state. This is followed by Pune and Nagpur Districts at 6.4 and 4 per cent respectively. It is evident from the data that majority of the Muslim prisoners in Maharashtra belong to urban centres thus revealing urban centric nature of arrested Muslim population.

1.7 Offences committed

Most of the Muslim prisoners i.e. 42.50 per cent have been charged with offences against the human body, followed by offences against property (29.4 per cent). This indicates that a greater number of Muslim prisoners are arrested in violent crimes.

2. Findings based on interviews with the respondents

2.1 Profile of the respondents

The following analysis and findings are based on the interviews held with a sample of 339 Muslim respondents from across 15 prisons in the state:

2.1.1 Region wise break-up

It has emerged that 49.3 per cent of the respondents are from the Southern Region. The other half of the respondents are from the Eastern, Western and Central Regions. The Eastern Region shows the lowest percentage of Muslim prisoners at 15 per cent.

2.1.2 Area of residence

It has emerged that 77.5 per cent of the respondents belong to Maharashtra and balance are from others states. Though most of the prisoners reported their current address being with the state, a majority of them are from different states of the country, especially from states such as Uttar Pradesh, Bihar and West Bengal, who came to the state in search of their livelihood.

Based on the six Revenue Divisions within the state, a majority of the respondents are from the Mumbai Division accounting for 55.1 per cent. This shows that the majority of Muslim prisoners are from urban areas.

2.1.3 Gender and age break up

Most of the respondents i.e. 60.4 per cent are between the age group 18 to 30 years of age which are the most productive years of life. Respondents above the age of 41 years show a declining trend. Women respondents constitute 8.8 per cent of the total sample, while male respondents constitute 91.2 per cent.

2.1.4 Marital status

Majority of the respondents i.e. 53.4 per cent are married. Only 3.8 per cent of the respondents were in the category of widow/widower/divorced/separated.

2.1.5 Education and skill levels

Majority of the respondents i.e. 38.3 per cent are educated up to primary level. If we add the percentage of illiterates the percentage of respondents who are either illiterate or studied upto the primary level comes to 65.1, thus indicating the poor educational status of the respondents. Only 0.6 per cent of the respondents had completed their post graduation.

It has found that 48.0 per cent of the respondents have no formal technical skills. These respondents had low education levels with the majority being illiterate. Some of them i.e. 31.9 per cent possessed skills like carpentry, automobile repairs, A.C. repairs, refrigerator repairs, metal fabrication, fitter work, tailoring, computer/machine operating skill, driving, electrical repairs, interior designing skills, welding, plumbing, electronic part repairs, painting, etc. However, they were not technical graduates or diploma holders but had learnt these skills while on their jobs.

2.1.6 Work profile and income level

Majority of the respondents i.e. 78.8 per cent, were in their first job at their time of arrest, and 38.1 per cent of them had been working in the same job since seven to nine years. The reason for this trend was that majority of them lacked education and had little chance of upward or lateral mobility. A very marginal proportion of the respondents were unemployed at the time of their arrest, most of whom were women, largely home makers. This clearly shows that the male respondents, though with poor education and lacking in formal technical skills, were engaged in some type of employment. Very few i.e. 1.2 per cent prisoners were involved in illegal occupations which included sex trade and begging. The participation of the respondents in the government sector was nil. In addition, the representation of the respondents in the primary sector i.e. agricultural activities was marginal (1.8 per cent).

Majority of the respondents i.e. 42.7 per cent earned a monthly income in the range of Rs. 2001 to Rs. 5000/-.

2.1.7 Family situation

Most of the respondents i.e. 65 per cent came from nuclear families. In terms of membership of the families, 91.7 per cent had between one to eight members in the family. Majority of them had more than three to four siblings.

The family profile of the respondents revealed that 41 per cent had only one earning member in the family. It needs to be highlighted that 26.5 per cent of the respondents did not have any other earning member except themselves, thus implying that these families had no income earning member after the arrest of the respondent. As far as family income was concerned, 26.5 per cent of the respondents' families had a monthly income between Rs. 2001 to Rs. 6000/-, which was very low considering the fact that the average family size was in the range of four to six.

2.2 Legal status and post arrest situation

2.2.1 Offences charged with

Majority of the respondents i.e. 52.8 per cent are charged under offences against the human body i.e. murder, attempt to murder, rape, kidnapping and assault. This is followed by offences against property i.e. robbery, dacoity, theft etc., which is 26.3 per cent. This implies that majority of the inmates are charged under serious offences which is a cause for concern.

2.2.2 Type of prisoners and current status of convicted respondents

Out of the total number of respondents interviewed, 69 per cent were under trials and 31 per cent were convicts. Among the convicts, 49.5 per cent were sentenced to life imprisonment and 21 per cent were sentenced to periods ranging between seven to fourteen years. Majority of the respondents were sentenced under serious offences. As far as period left for release, it was found that 51.8 per cent of the convicts have less than one year left for their release. This has implications for pre-release preparation towards their rehabilitation.

2.2.3 Current status of the under trial respondents

Among the under trial respondents interviewed, the charge sheets have been filed in 47.4 per cent of their cases. Only 3.8 per cent respondents' cases have reached the judgment stage, thus indicating the slow pace of the trials in courts.

2.2.4 Period in Police custody

It emerged from the data that 59.9 per cent of the respondents were in police custody for periods up to 7 days. In 44.2 per cent cases, the respondents were allowed to meet their families after their arrest while in 38.1 per cent cases; the prisoners were not allowed to meet their families, thus indicating that the D.K. Basu Guidelines were not being implemented in a substantial proportion of cases.

2.2.5 Details of repeaters

It has emerged that among the total respondents, 75.5 per cent were arrested for the first time and 24.5 per cent are repeat arrestees. This shows that majority of the respondents were not career criminals.

Among the repeat arrestees, 40.96 per cent were charged in the property related cases while 39.75 per cent were under offences against the human body at the time of their

first arrest. Their second arrests were also mostly under the same category for which they were arrested the first time with little variation in the percentages.

2.2.6 Details of co-accused

The data shows that 66.4 per cent of the respondents were not alone at the time of crime while 33.6 per cent were arrested singly. This trend matches with the arrest patterns of the general arrested population and confirms with the view that most crimes are committed in groups.

Majority of the respondents i.e. 57.5 per cent have between two to five co-accused persons. Most of the co-accused i.e. 76.5 per cent of them are Muslims and 22.7 per cent Hindus. Among Muslim co-accused, 54.9 per cent were in prison while among the Hindu co-accused, only 14.2 per cent were in custody at the time of data collection, thus indicating the weak social supports of the Muslim co-accused compared to their Hindu counterparts.

2.2.7 Details of lawyer/legal aid

It has emerged that 43.6 per cent respondents had lawyers to fight their cases while 25.4 per cent did not have lawyers. In 70 per cent of the respondents who had lawyers, the lawyer's fees were paid by their families, thus indicating that most respondents who had lawyers had family support.

Among the under trial respondents, 57.5 per cent had applied for bail, out of which 35.3 per cent had applied within six months of their arrest. The data shows that in 87.1 per cent of these respondents, their families had applied for bail on their behalf. It has also emerged that 52.3 per cent of respondents' bail applications were rejected and only 25.6 per cent were granted bail. Of the respondents whose bail was rejected, 48 per cent did not know the reasons behind the rejection.

2.2.8 Meetings/communication with families and NGOs

It was found that in 62.8 per cent of the respondents, their family members came to meet them in prison while in 30.9 per cent of cases, no one came for *mulakat*. In 46.3 per cent of the respondents, they met their family members within one month of their arrest. This implies that majority of the respondents' families were in touch with them and they had the support of their families after their arrest.

It was found that 61.6 per cent of the respondents did not have any contact with NGOs. It emerged that majority of the respondents either did not approach NGOs working in prisons or were unaware about their work.

2.2.9 Situation of the respondents and their families after arrest

It has emerged that any arrest whether it is for a minor or major offence, creates stress and tension to the accused and also the family. It also emerged that the arrest of the respondent has negative consequences on the chances of finding marriage partners for their unmarried daughters and/or siblings due to the social stigma associated with arrest and imprisonment.

The data revealed that 31.2 per cent of the respondents' families were facing financial problems. In majority of these cases, the respondents were the main earning members in their families, and in their absence, the families had to face economic hardships.

With regard to their children, it was found that 47.8 per cent respondents had children left outside and a majority of them i.e. 91.3 per cent, were living with their families. Very few children i.e. 0.6 per cent were living without any support of elders. This indicates that a majority of the respondents' children had family support and/or were living under the care of relatives. But there were instances of children living alone needing social support.

It has emerged that majority of the respondents i.e. 95.3 per cent had a place to go after their release from prison; among them, most i.e. 87.6 per cent stated that they would go back to their family home. This again implies that the majority of the respondents had family support. Very few respondents stated that they did not have any place to go after their release.

2.3 Findings from the case studies

The following findings are based on the analysis of the seventeen case studies based on in-depth interviews with selected respondents from fifteen prisons in Maharashtra:

2.3.1 Early childhood experiences

It has emerged that loss of parental support (either one or both) at an early phase of their childhood led to many problems including some of them running away from home. Parental loss was accompanied by lack of support by guardians and was a major reason behind the future developments in their lives, including facing violence and abuse.

2.3.2 Socio-economic situation

The poor socio-economic condition of the family and lack of awareness and motivation of the parents with regard to their education forced many respondents into the labour market at early age to earn for survival of the family. Though a majority of had a desire for education, their family situation did not allow for it. This negatively affected their chances of finding better employment opportunities later in their lives and increased their vulnerabilities to criminal influences. It emerged that large family size, lack of sufficient source of income and addiction of the fathers created disturbances in the family situation and played an important role in their entry into the world of crime.

2.3.3 Status of female respondents

It has emerged that the social status of the female respondents in prison was poor compared to their male counterparts, which is a cause for concern and needs attention. Majority of the female respondents were illiterate and were married off by their families at an early age. Their position in their families vis a vis decision making processes was found to be secondary. They did not get opportunities in their lives to improve their situation, owing to their lack of education and socio-cultural barriers, making them dependent on the male members of their families.

2.4 Reasons for arrest and experiences with the CJS

From the narratives of the respondents and the case studies, some findings have emerged about how their involvement in their cases and their perceptions regarding the reasons for arrest and experiences with the CJS:

2.4.1 Conflict in marital/love relations

It has emerged that there is a higher proportion of the respondents charged under offences against the body. It needs to be highlighted that most of these incidents are related to conflicts in spousal relations. Lack of communication, disinterest in marital life, conflict with in-laws, adjustment problems with the spouse and in-laws, and physical separation with the spouse (long distance relationship) resulted in suicides committed by their spouses in many cases; the respondents were consequently implicated in abetment of suicide or murder cases. In some cases, the respondents stated that the suicidal act was committed but in a fit of rage or as an act of revenge. In some case, they stated that it was a case of accidental murder.

In many of the rape cases, the respondents highlighted that it was consensual sex as a result of a love affair, but a case of rape was registered by the parents of the victim who happened to be a minor. The parents were opposed to the relationship on grounds of caste or religion. These respondents considered themselves innocent and felt that they had been falsely accused in the case.

2.4.2 Peer pressure

Most respondents reveal that peer pressure led them to involvement in criminal acts. Constant clashes with other youth groups in the area, contact with persons involved in illegal activities, addiction problems and need for money to sustain the same pushed some respondents into criminal activities. Majority of the respondents were young in age and were first-time offenders.

2.4.3 Conflict with the police

Another important reason stated by the respondents was conflict with the police system. Most of them considered themselves as victims of a corrupt police system. According to them, some businesses like the scrap business involve purchase and sale of stolen property. The scrap dealers have to bribe the police to remain in their businesses. In order to meet the demands of the police, they buy stolen property at low prices and get higher margins by selling them at a higher price. The police know that such dealers deal in stolen goods and hence are able to demand bribes from them, in return for allowing them to continue their business. It thus becomes a vicious cycle which is difficult to break out of. Sometimes, these persons get arrested by the police for dealing in stolen property, if they are unable to meet the demands of the police or when there is pressure on the police from their superiors to take action against such activities.

From some narratives, it emerged that the criminal background of the respondents follows them even when if they want to get out of crime. The police often arrest such persons due to their criminal record on suspicion, implicate them in false cases (to 'solve' pending cases in the police station) or arrest them under preventive detention

charges. Continued harassment by the police creates hurdles in the correctional path of the respondents. They find it difficult to come out of the vicious circle of arrest-imprisonment-release-arrest. Their situation is more vulnerable when the respondents come from economically weak background and are therefore unable to protect their interests.

Some respondents believe that the biased attitude of the system against the Muslim community is responsible for their repeated arrests. The bias against them is greater against the people who have migrated from Northern India i.e. Uttar Pradesh and Bihar. Their regional identity becomes reason enough for the police to charge them under false cases. It needs to be highlighted that the majority of the respondents had negative experiences with the system.

2.4.4 Offences due to political or business rivalries

Some prisoners revealed that their close association with political parties sometimes leads to false charges being leveled against them by those in opposition to them, and false cases being registered against them. Similarly, some respondents stated that they were arrested due to false charges being leveled against them by their business rivals in order to tarnish their reputation and remove them from their path.

2.4.5 Area of residence

One of the important factors that emerged was the negative impact of the area of residence of the respondents, who lived in areas characterised by the presence of illegal activities, such as gambling, drug peddling and illicit liquor dens. These respondents expressed that they were witness to the flourishing of illegal activities in their areas since childhood, which tended to 'normalise' these activities in their minds. Many of the respondents who were involved in repeat offences came from such neighbourhoods.

In some of the narratives, it emerged that the respondents had destructive attitude or mindset since from childhood. For most of them, their conflict with law started at early age and ended up in prison via the observation home. They found difficult to get along with others and were involved in fights with their peers and family members from an early age.

2.4.5 Lack of resources and income opportunities

In the cases of offences against property, it emerged that lack of economic resources led some of the respondents to get involved in robberies or thefts. This applied more to respondents who were engaged in seasonal work. They expressed that in their off season, they found it difficult to manage their family expenses. During any emergency in the family, they had to resort to illegal means to tide over the crisis.

There is a considerable representation of the respondents arrested under the charges of offences related to fake documents and property marks i.e. fake currency notes, cheating, fraud and forgery of documents. The respondents involved in these offences were better educated. They were involved in forgery of documents in order to get loans from banks to start their business. They found it difficult to fulfill the basic

requirements and produce the documents required to get loans. Some of them paid agents to make fake documents in order to get the loan. In some cases, it was found that there were rackets handled by experts involved in this activity.

It was found that respondents charged under the Passport Act were from a poor socio-economic condition and lacked income opportunities in Bangladesh, thus forcing them to enter India illegally. Majority of them entered the country through agents who took a commission from them for the services rendered. The agents helped them settle in India and offered them jobs based on their skills.

2.5 Views of prison officials, NGO representatives and prisoners about rehabilitation needs

2.5.1 Need for modern education

A major finding that has emerged on the basis of interviews with key informants to improve the situation of not only Muslim prisoners but the Muslim community as a whole is the need to promote modern education. It was stated that the Muslim community lacks education and formal technical skills which creates hurdles in finding jobs in the formal sector and emerges as the main reason for their economic backwardness. Children should be provided free and compulsory education and there should be a special focus on women's education.

2.5.2 Empowerment of women

It emerged that the low status of women in the Muslim community was on account of socio-cultural practices such as early marriage, early pregnancies, neglect of education of female children and cultural barriers to mobility. There is a need to create awareness in the community to empower women and focus on education and employment.

2.5.3 Addressing poverty

It has emerged that socio-economic situation of the Muslim community needs to be addressed. Almost 74 per cent of the respondents expressed the need for jobs after their release. Most of the respondents advocated that if suitable employment opportunities are created, they would not get involved in criminal activities. Poverty eradication and development of the community through employment generation and implementation of government schemes would impact positively to reduce the crime.

2.5.4 Mature leadership

Interviews with key informants and respondents highlighted the need for positive role models and mature leadership within the community. Educated people from the community need to take greater responsibility to bring modern ideas and reforms.

2.5.5 Vocational training and socio-legal counselling facilities for prisoners

It emerged that there was a need to introduce certificate short-term vocational courses for under trial prisoners and long-term training for convicts. These training programs should have the potential to enhance the employability of prisoners when they get released from prison. Provision of vocational training facilities inside and outside

prisons by government agencies and NGOs is important to provide sustainable livelihood. Along with vocational training, socio-legal counselling facilities need to be arranged to provide emotional and legal support and help prisoners towards their rehabilitation.

2.6 Suggested reforms in the system

Majority of the key informants and respondents agreed that the current system is in need of drastic reforms if the objective of reducing crime is to be achieved. Most of them were dissatisfied with the functioning of the CJS. They made several suggestions to bring changes in the system vis a vis the prisons, police and the courts.

2.6.1 Prison system

The responsibility of rehabilitation

There were various responses to the issue. Some of the key informants stated that prisons are responsible for rehabilitation of prisoners but there are several gaps in implementation. Prisoners spend long periods of time in prisons and prison officials remain in close contact with them during their imprisonment period. They therefore are able to observe and understand the behaviour of prisoners well and could play an important role in the rehabilitation process. For example, a key informant informed that after their release, the police arrest them under suspicion even when they have left the path of crime. There should be a system whereby prison officials could communicate with the police about their assessment about prisoners and prevent the re-arrest of those who have changed their behaviour.

Furthermore, they felt the most civil society organizations did not work effectively. Their presence in the field was dictated by their funding organisations. Rather than provide necessary services to prisoners after their release, these organisations focussed on organising activities inside prisons.

Some of the key informants felt that prison officials and the department was not specialised in the correctional and rehabilitation functions. There was no system of follow-up of prisoners after their release by the prison department. In this scenario, there were greater chances that prisoners may turn towards illegal activities due to lack of supports. Therefore, NGOs should be encouraged to work both inside prison and in the post-release situation, towards the rehabilitation goal. There is need for discussions on this issue with all the departments concerned to arrive at an effective solution to this issue.

Staff-inmate ratio

Most prisons are overpopulated and the prison staff is inadequate to handle the number, thus putting extra burden on the existing staff. There is an urgent need to fill vacancies and create additional posts within the prison department, including those in the correctional, welfare, vocational and educational categories.

Scientific classification of prisoners

There is need to scientifically classify prisoners and segregate them inside prisons on the basis of their offence, first-timer or repeater, gang association, age, etc. This would help to plan the rehabilitation of prisoners.

2.6.2 Courts

Need to strengthen infrastructure and review the bail system

Majority of the respondents stated that there was an urgent need to increase the number of courts to reduce the pendency of cases. They also felt the need to reduce the number of court holidays to increase the efficiency of the system. The system of financial bail needed review and alternatives needed to be explored so that prisoners without social supports are able to go out on bail.

2.6.3 Implementation of the Probation of Offenders Act

Most of the key informants stated that the Probation of Offenders Act should be implemented well to help develop community-based alternatives to imprisonment. There is a need to sensitise the judiciary to the potential of this legislation and increase the number of posts of probation officers. The provision of appointing voluntary probation officers in the Act should be used by the government so that the issue of shortage of staff could be addressed. NGOs could be involved in the implementation of the Act to identify cases in prison who could get benefit of probation, filing of pre-sentence reports and supervision of cases released on probation.

2.6.4 Financial assistance to released prisoners

The financial allocation for the rehabilitation of released prisoners needs to be increased from the present Rs. 5000/- to at least Rs. 50,000/- and should include provisions for emergency assistance, vocational training, sponsorship of course fees, support to children, support for self-employment and stipend for on-the-job training.

2.6.5 Appointment of social workers

There is a need to appoint social workers in every prison and police station. These social workers should be appointed to focus on psycho-social and rehabilitation interventions for prisoners, released prisoners, victims of violence and their families. There should be a separate department of correctional services and social security for this purpose.

2.6.6 Police system

Most respondents strongly felt the urgent need for police reforms. They emphasised that the recommendations of the National Police Commission, especially those relating to separation of the law and order and investigation functions of the police; security of tenure of police chiefs at state, district and police station levels; creating the post of an ombudsman; setting up a grievance redressal mechanism and steps to bring greater accountability and transparency.

CHAPTER X

RECOMMENDATIONS

Recommendations for the Government

- There is a need for a separate agency, wing or department to deal with the subject of rehabilitation of prisoners, monitoring and evaluation of correctional and rehabilitation programmes and carry out research and documentation relating to rehabilitation of prisoners. A Directorate of Correctional Services under the Home Department should be set up to engage in the above mentioned tasks and roles. This recommendation has also been made in the Interim Report of the Justice Dharmadhikari Committee to Prevent Atrocities Against Women.
- There is a need to design a grant-in-aid scheme for the rehabilitation of released prisoners which could be implemented by willing NGOs, administered by the above department.
- There is a need to appoint trained social workers in every prison and police station in the state, to look into and address the psycho-social and rehabilitation needs of prisoners and released prisoners.
- The State Youth Policy should develop schemes and programmes focussing on crime prevention amongst 'at risk' youth and to address rehabilitation needs of youth in crime. The Policy should administer such programmes with the support of NGOs, with a special focus on geographical areas within cities and districts where the Muslim population is high. There is a need to develop a grant-in-aid scheme for NGOs willing to implement such programmes designed by the government. This would not only benefit Muslim youth but for all sections of youth who are prone to deviance or crime.
- The socio-economic backwardness of Muslim prisoners is one of the major findings from this research, which was also pointed out in the 'Sachar Committee Report'. In this regard, the state government should take into consideration the report and its major recommendations for the overall socio-economic welfare of the community. The income generation programmes designed for minority groups (including the PM's Fifteen Point programme) should be effectively implemented in areas where the minority population is high, as per the guidelines issued by the GOI under the Multi-Sectoral Development Programme (MSDP).
- The study has revealed that there are implicit prejudices in the police and prison administration towards Muslim prisoners which further affects their victimization. Specialised sensitization programmes and workshops should be introduced for police and prison personnel to address this issue.
- Respondents in the study have revealed that there is high level of corruption in the police, prison and the legal system, and effective steps need to be taken by the government to deal with the same. Prisoners' rights and rights and facilities

for prisoners' families should be publicised by printing booklets and pamphlets for distribution to prisoners and their families as well as boards displaying these rights should be put up at prominent places both inside and outside the prison premises.

- The amount allocated for the rehabilitation of prisoners under the grant in aid scheme for released prisoners (currently implemented by the Department of Women and Child Development, GoM) should be increased from the present Rs. 5000/- to minimum of Rs. 50,000/-, and should cover expenses like vocational training and sponsorship of course fees, grant for starting small business enterprises, subsistence amount for at least three months after release, house repairs, deposit and rent for one year, sponsorship of educational expenses for children of prisoners, travel subsistence, stipend for on-the-job training, etc. An expert committee should be set up to design this scheme with the help of academicians and NGO representatives.
- The Probation of Offenders Act, 1958, should be better implemented which would help in reduction of overcrowding of prisons, and help in the rehabilitation of young offenders and those convicted under less serious offences. Towards this, all vacancies of probation officers in the Department of Women and Child Development should be forthwith filled. The District Probation Office and its staff should only be given the responsibilities of implementation of the PO Act, doing liaison and counselling of prisoners, addressing problems faced by prisoners and their children left outside and implementation of the grant-in-aid scheme for released prisoners.
- The Probation unit, currently under the Department of Women and Child Development, should be brought under the Home Department to better to ensure better coordination with prisons and focus on issues relating to rehabilitation of prisoners, released prisoners and children of prisoners.

Recommendations for the prison department

- In prisons which are overcrowded, especially Thane Central Prison and Mumbai Central Prison, the staff-population ratio is highly inadequate. This puts extra pressure on the staff and negatively affects the functioning of the department. There is also a need to strengthen the infrastructure facilities inside prisons, towards better prison management and correctional administration.
- There is a need to introduce innovative and effective vocational training programmes to prepare prisoners find meaningful and sustainable employment opportunities after their release. There is a need to introduce certificate courses for under trial and convict prisoners, through government run or approved training institutions, such as ITIs and Jan Shikshan Sansthan, to provide marketable skills to prisoners. The Prison Department can play a crucial role in liaising with the various departments and organizations towards this.

- There are many vocational training activities inside the prisons such as carpentry, textile manufacturing, welding, agriculture, etc. The government should support such activities by providing technological, infrastructural and financial assistance to help prisoners learn different skills.
- The work of civil society organisations in prison should be encouraged. Prisoners should be made aware of such facilities. The Prison Department should evolve a transparent policy for empanelment of NGOs in prisons in areas such as education and vocational training, library facilities, recreational activities, counselling, legal aid and guidance, awareness programmes on government schemes and welfare services, family counselling, services for children of prisoners and the rehabilitation of released prisoners.
- To address the mental health needs of prisoners, counselling and meditation facilities should be arranged. There should be an arrangement with the nearest government or civil hospital to provide for visiting psychiatrists/psychiatric social workers at least on a once-a-week basis.
- Illiteracy is a major concern for Muslim prisoners. Therefore, there is a need to start adult literacy classes in all prisons with the help of government agencies concerned and/or NGOs working on this issue.
- At the time of the entry into prison, there are inadequacies in the recording of basic legal and family details about prisoners. A computerised MIS (management information system) should be put in place so that accurate data pertaining to the legal status, family details, health status, etc. can be recorded and retrieved smoothly. This can also help in scientific classification of prisoners and help in the rehabilitation process.
- Prisoners from all communities live in prisons. Keeping this in mind, secular NGOs should be encouraged to work in prisons, so that ill feelings among the various communities are resisted inside the prison environment.

Recommendations for the police

- The police system needs reforms. There should be a special action plan to bring greater accountability and transparency in their work. The recommendations of the National Police Commission, especially relating to security of tenure of heads of the police department at the levels of police station, district and state; creation of the State Security Commission for selection of important police posts; separation of investigation and law and order functions of the police and the creation of independent grievance redressal mechanisms need to be forthwith implemented.
- Mohalla committees and Mahila Dakshata *samities* attached to police stations should be made more effective and accountable in their functioning. This could be done if accredited social workers and activists are appointed, instead of the current practice of appointing persons with political affiliation.

- Self disclosure of information under the RTI Act should be done on an exhaustive and regular basis, to reduce scope for corruption in policing. This should be done with particular reference to FIRs registered, charge sheets filed and status of the registered cases in courts, in cases where either the complainants or the accused persons belong to the category of women, children, SC/STs or minority community. A system of periodic reporting and monitoring of this data should be established within the police department and action taken reports should be sent to the Women's, Children's, SC/ST and Minorities Commissions on an annual basis.

Recommendations for the judiciary

- The slow pace of trials in courts creates frustrations in the minds of prisoners, disrupts their family life and impedes their rehabilitation process. The judicial infrastructure should be strengthened to ensure speedy trials. The number of criminal courts should be increased in proportion to the number of pending cases in the various districts of the state, to provide justice for all in a timely manner.
- There is need for providing legal aid to prisoners who are not in position to take care of their legal expenses. For strengthening the legal aid facilities, a special allocation of funds needs to be made to remunerate legal aid lawyers better both at the bail and trial stages. Duty counsels appointed in prisons under the Maharashtra State Visits to Jails and Children's Homes Rules 1985, should be better remunerated to make the scheme more effective.
- There is a need to appoint full-time legal aid lawyers rather than the current system of appointing legal aid lawyers on honorarium basis. A fixed number of lawyers can be appointed for every court depending on the case load of the court. This will ensure better accountability of the lawyers and improve access to legal aid for those who are in need of the same. An expert sub-committee may be appointed by the Maharashtra State Legal Services Authority to work out the details of this proposal, once it is accepted by the government in principle.

Recommendations for Maharashtra State Minority Commission

- It has been found that nearly 50 per cent of convicted Muslim prisoners will complete their term of imprisonment within the next one year. Therefore, there is an urgent need to plan rehabilitation strategy according to their needs. The MSMC can start a pilot project for their rehabilitation.
- The MSMC may organize awareness programmes about crime and its impact especially on youth and other important issues such as education, legal rights, women empowerment, obtaining citizenship documents and government schemes for the minority groups in the areas where a significant percentage of the Muslim community resides. It should start counselling-cum-information centres in such areas which are staffed by a team of social workers and lawyers.

Recommendations for civil society

- It has emerged that the attitude of people in society towards the prisoners is negative which needs to be changed. This is especially true in the case of prisoners and arrestees from the Muslim Community. There is a need to encourage CSOs and NGOs work with such groups both inside prisons and in the community, so that such biases and prejudices could be addressed at the systemic level. The MSMC should develop awareness programmes and public service films and broadcast the same in the audio, visual and print media to remove such misconceptions. The findings from this study may be used by the Commission for this purpose.
- Lack of healthy communication between Hindus and Muslims needs to be promoted to remove the mistrust between the communities. Peace building measures including public meetings, awareness programmes, workshops and seminars towards this objective need to be encouraged towards this end. Pilot projects aimed at strengthening communal harmony should be funded by the MSMC and the Department of Minority Affairs in communally sensitive districts and areas, to be implemented in collaboration with CSOs and NGOs.
- Awareness about the socio-legal impact of involvement in criminal activities especially crimes such as drug or human trafficking; crimes against women, children and other vulnerable groups; extortions, *supari* killings, kidnappings and other gang related activities; and illicit trades such as adulteration of medicinal drugs, food products, oil and liquor should be created through public broadcasting systems. This should be done keeping in mind the involvement of youth in crime, the dangers of such involvement to the lives of the youth and the harm caused to the victims of these crimes. Such awareness programmes should also be carried out on a regular basis in schools, colleges and in the community.

ANNEXURE -I

INTERVIEW SCHEDULE FOR PRISONERS

Date:

Interview Schedule No.:

1. Personal Information:

1.1 Name: _____

1.2 Age: _____

1.3 Sex: Male _____ Female _____

1.4 Marital status: Unmarried Married Divorcee/ Separated Widow

1.5 Family Information:

No.	Relation	Sex	Age	Educational Status	Occupation	Monthly Income
1						
2						
3						
4						
5						

1.6 Permanent Address/ Present Address:

1.7 Education:

No.	Educational Status	Tick correct option
1.	Illiterate	
2.	Pre Primary (1 st std – 4 th std)	
3.	Primary (5 th std to 7 th std)	
4.	Secondary (8 th std to 10 th std)	
5.	Higher Secondary (11 th std to 12 th std)	
6.	Graduate	
7.	Post Graduate	
8.	Other	

1.8 Skills:

1.9 Work background (Last five years):

No	Name of the Company / Type of Work	Designation / Job description	Period of Employment	Monthl y Income	Additional Informatio n
1.					
2.					
3.					
4.					
5.					

2. **Legal Status:** 2.1 Case backgrounds

No.	Case Details	
1.	Under trial No. / Convict No.	
2.	Under Section	
3.	Date of Arrest	
4.	Police Station	
6.	Court	
8.	Period in Police Custody	
9	Date of Judicial Custody	

2.2 Whether Under trial or Convict :

2.3 If convicted, period of sentence:

2.4 Period left for release : -

2.5 First arrest or repeat arrest (details):

No.	Case Details		
1.	Under Section		
2.	Police Station		
3.	Date of Arrest		
4.	Court		

2.6 Previous conviction record:

2.7 Status of present case/s: (Use tick mark)

Charge sheet filed	Bail granted	Type of Bail and Amount. Cash / Surety	Charge framed	Trial started	Judgment stage

2.8 Whether any co-accused: Yes No

If yes, details

Total no. of co-accused	Religion	Gender	Current status	
			Whether in custody	Got bail

2.9 Whether any preventive detention: Yes No

If yes, details – for e.g.: MPDA, NSA, Chapter case.

2.10 Lawyer: Yes No

If yes: Private Legal aid

2.11 Who is paying for lawyer's fees?

3. Family / Other Support

3.1 Whether anyone comes for *mulakat*? If yes, who?

3.2 Whether anyone comes on court dates? If yes, who?

3.3 Whether any communication with family – phone call, letter, etc. if yes, how often?

3.4 Last contact with family mention details

3.5 Any contact with NGOs/CSOs. If yes, details about nature of contact and communication, help offered, taken, etc.

4. Post Arrest Situation

4.1 Were you allowed to meet your family after arrest? Yes No

4.2 Did you apply for bail – when, who, how?

4.3 When was bail granted? Details.

4.4 Was bail rejected? If yes do you know why?

5. Situation of Children

5.1 Do you have children with you in prison? Yes No

If yes, details

5.2 What facilities are there for children in prison?

5.3 Do you have children left outside? Yes No

If yes details

5.4 Under whose care are these children living?

5.5 Are you aware of any problems they are facing? Yes No

If yes details

5.6 Do you have children living in institutions? Yes No

If yes, details (where, how many) _____

Are in contact with them? Yes No

5.7 When did you last meet them? _____

5.8 Are you aware of any problems they may be facing in the institution? Yes No

If yes details _____

6. Post Release Situation

6.1 Do you have a place to go to after your release? Who and where?

6.2 What kind of immediate support do you think you may require after release?

- a. Shelter
- b. Medical
- c. Legal aid
- d. Money for Subsistence
- e. Children Education
- f. Emotional Support

6.3 What kind of long-term support do you think you may require after release?

- a. Shelter
- b. Medical
- c. Livelihood/Income
- d. Children Education
- e. Marriage

6.4 What steps according to you, need to be taken to rehabilitate prisoners – inside and after release?

6.5 Should there be any special facilities in prison keeping in mind the socio-cultural aspects of the Muslim community

7. Any other comments:

8. Researcher's comments / observations (if any)

ANNEXURE – II

INTERVIEW SCHEDULE FOR PRISON OFFICERS

Date: _____

Prison/Region:- _____

Place:- _____

Interview Schedule No.: _____

1. Personal Information:

1.1 Name: _____

1.2 Age: _____

1.3 Sex: Male Female

2. Work Related Information:

2.1 Designation: _____

2.2 Total Period of experience: _____

3. Rehabilitation:

3.1 Do you think there are some special needs of prisons from the Muslim community from the point of view of their rehabilitation?

Yes

No

If yes, what are these needs and what would you propose to be done in this regard?

3.2 What can be an effective rehabilitation strategy for prisoners from Muslim Community?

4. Researcher's comments / observations (if any)

ANNEXURE- III

INTERVIEW GUIDE FOR IN-DEPTH INTERVIEWS (CASE STUDIES)

Date:

Interview Guide No.:

1. Demographic Profile:

- a. Name:
- b. Age:
- c. Gender:
- d. Native Place/Present Address:

2. Family Profile

- a. Serial No.
- b. Age
- c. Gender
- d. Occupation
- e. Income
- f. Relation
- g. Education
- h. Any other

3. Social Background

- a. Relationship with inmates from Muslim community
- b. Relationship with inmates from other communities
- c. Relationship with prison officials
- d. General social environment in prison
- e. Social environment at the native place (Peer group, neighborhood, family, etc)

4. Economic Situation :-

- a. Past job description
- b. Past income.
- c. Past savings
- d. Current source of income and amount (in prison)
- e. Current expenditure

5. Involvement in crime (how)

- a. When did you get involved in crime?
- b. How did you get involved in crime?
- c. For how many years you have been involved in crime?

6. Quality of Life:-

- a. What is your daily routine?
 - b. What is the quality of basic services that you receive in the prison?
 - c. How do people treat your family when they come to meet you in the prison as well as
3. Back home?
- d. What do you know about your rights as a prisoner?

7. Discrimination:-

- a. Do you think that you are discriminated against in the prison by the fellow inmates or by the prison officials?
- b. If yes, then what according to you should be done or can be done to tackle this situation?
- c. What do you think that you can do yourself to fight against this discrimination in the prison?

ANNEXURE - IV
INTERVIEW SCHEDULE FOR NGO PERSONNEL / KEY INFORMANTS

Date:

Place:-

Interview Schedule No.:

1. Personal Information:

1.1 Name:

1.2 Age:

1.3 Sex: Male Female

2. Work Related Information:

2.1 Place of employment

2.2 Designation:

2.3 Primary job:

2.3 Total Period of experience:

3. Information of the NGO (If not applicable skip to next question.)

3.1 Name of the NGO

3.2 Aims and Objective

3.3 History of the NGO

3.4 Target Group

3.5 Activities and Programmes

3.6 Why you felt the need to work in the prison?

3.7 How do you identify the different issues of inmates in order to work with them?

3.8 How is the response of the prisoner to the activities and services provided by you?

3.9 What is your strategy of work for the rehabilitation of the prisoner?

3.10 Do you face any kind of difficulties while working in the prison? If yes what are they?

4. Perspective:

4.1 Do you think there is a disproportionate representation of Muslim community in the prison? Yes No

If yes what are reasons behind over representation of prisoners from Muslim Community

4.2 Is there a shift in the proportion of prisoners from Muslim community in the past two decades?

Yes No

If yes what are the reasons behind this shift 4.3 In what type of crimes the majority of prisoners from Muslim community are involved? (Reasons)

4.4 Have you witness any discrimination in between Hindu and Muslim prisoners?

4.5 What is the attitude of Prison officials and staff towards Muslim Prisoners?

5 Rehabilitation:

5.1 Do you think there is a need of special provision for the rehabilitation of prisoner from Muslim Community?

Yes No

If yes what: _____

5.2 What can be an effective rehabilitation strategy for prisoners from Muslim Community?

4. Researcher's comments / observations (if any)

ANNEXURE - V

FORMAT FOR STATISTICAL INFORMATION ABOUT PRISONERS

Under section	Date of Arrest	Police Station	Court	Edu	Marital Status			
					Married	deserted	Widow	not married

ANNEXURE -VI

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