

Over-Representation of Muslims The Prisons of Maharashtra

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An analysis of the study of Maharashtra prisons commissioned by the state's Minorities Commission finds an over-representation of Muslims in jails. A clear link is established between the criminal justice system and discrimination faced by this minority. This study points to the need for State and non-State institutions to address the marginalisation faced by Muslims which leads to such discrimination.

The conditions in prisons in India came into focus in the late 1970s and early 1980s, thanks to the investigative journalism and judicial activism around that time. K F Rustomji, a retired police official and member of the National Police Commission, highlighted prison conditions and the plight of undertrial prisoners through the press, which led to a slew of public interest litigation (PIL) and landmark judgments.¹ The rising number of undertrial prisoners in post-colonial India has resulted in unprecedented overcrowding of prisons, which in turn was an outcome of rising pendency of cases in courts, judicial delays and the inability of undertrial prisoners to avail of bail due to lack of sureties and/or inability to pay cash bail. As per the Prison Statistics India (PSI) 2010 report, there are 1,393 prisons in the country, with a population of 3,68,998 prisoners as against a stipulated capacity of 3,20,450 prisoners. Out of this number, as of 2010, 34.1% were convicts, 65.1% were undertrials and the balance 0.8% were détenues and others. As far as the male-female ratio is concerned, about 96% were males and 4% were females. Thus overcrowding and a burgeoning population of undertrials are characteristic features of our prisons.

Social Composition

In terms of caste and religious denomination, as per PSI 2010, the scheduled castes/scheduled tribes/Other Backward Classes (SC/ST/OBC) population in prisons constitutes 63% and the religious minorities are 28% of the total prisoners in the country. Out of the latter, 21% are Muslims with the other minorities constituting the balance 7%. This is in keeping with the trend across the world wherein religious and ethnic minorities in prisons are far in excess of their numbers in the general population. The states with the most

disproportionate number of Muslims in prisons are Maharashtra, Gujarat and Kerala. As reported by Seema Chishti (2006) in the *Indian Express*, the Sachar Committee had pointed out that Muslims account for 10.6% of the general population in Maharashtra; yet they comprise 32.4% of the prison population in the state.² For those incarcerated on terms of less than a year, the figure rose: 42% of prisoners on short-term sentences in the state are Muslims. In Gujarat, where Muslims account for 9.06% of the populace, they accounted for 25% of all prison inmates.

There are debates about the causes of this discrepancy between the population of Muslims in the general population and in prisons. The higher level of poverty among Muslims is one of the reasons attributed to this discrepancy.³ Another factor cited by experts is the issue of bias in society and the criminal justice system, especially the police against minorities, which contributes to their rising numbers in prisons.⁴

The Study

However, there are hardly any studies conducted in the Indian context around this issue. The commissioning of this study by the Maharashtra State Minorities Commission (MSMC) presented us with an opportunity. It examined the current social composition of Muslims in prisons, the reasons for their over-representation in prisons and their experiences in prison. It attempted to understand the socio-economic and educational backgrounds of the Muslim prisoners as well as their rehabilitation needs, and suggests measures to address them.⁵

Methodology

In order to achieve these objectives, the quantitative methodology using the survey method was used to collect primary data. In addition, interviews with prisoners included questions to capture some qualitative dimensions about their situation and their subjective viewpoints about their reasons of arrest and entry into the crime world. These responses were qualitatively analysed to triangulate the findings emerging from the quantitative analysis which

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was done using the Statistical Package for Social Sciences (spss) package.

The universe of the study consisted of Muslim prisoners across Maharashtra. It included male and female prisoners, undertrial and convict prisoners from central prisons and district prisons class I and II in all regions and districts of the state. For arriving at the sample size, six criteria were taken into consideration – regional distribution of prisons, the type of prison, i.e., central or district prison, sex-wise distribution of inmates, type of prisoners, i.e., convicts or undertrials, urban and rural distribution of prisons and prisons with a larger representation of Muslim prisoners. Based on this classification and sampling procedure, 15 out of the 28 prisons in the state were identified for the survey. A total of 3,086 Muslim prisoners were identified from the prison records from the 15 selected prisons and the data from the records was analysed. From this number, 339 prisoners were randomly selected for detailed interviews, and supplemented with interviews with key informants such as prison officials and non-governmental organisations (NGOs) representatives working with prisoners in Maharashtra.

Major Findings

Location: It emerged from the prison records that the central prisons in Thane and Mumbai together housed 38.3% of the total Muslim population in the 15 prisons surveyed across the state. They also housed 52% of the total number of undertrial Muslim prisoners among these 15. The Muslim population in the Thane and Mumbai region is about 30.4% of the total population in these districts (2011 Census), thus highlighting the over-representation of Muslims in prisons in this jurisdiction. The highest number of crime incidents in the state are registered in the Mumbai, Thane and Pune city commissionerates (Maharashtra Police 2012), leading probably to the highest number of arrests from these areas. Whether this is leading to a disproportionately high number of arrests of Muslims as a result of an inherent bias against the community needs to be probed further. It reinforces the dynamics and challenges of the Mumbai Metropolitan

Region, which includes Mumbai and Thane regions. Among the convicted Muslim prisoners, Nashik, Yerwada and Kolhapur central prisons reported the highest number of Muslim prisoners. This may be because most convicted prisoners, especially those convicted for longer sentences, are kept in central prisons like Yerwada (Pune), Nashik, Aurangabad, Kolhapur, Nagpur and Amravati.

Age: The prison records showed that the majority of Muslim prisoners belong to the age group of 18-30 years, accounting for 65.5% of the total Muslim population in prisons in the state. This trend is much higher than that of the general population in prisons across India. As per the Government of India (2010) report, youth in the age group of 18-30 years in prisons is 43.37%. For Maharashtra, it is about 35% (ibid). This shows that a substantially higher percentage of Muslim youth are in prison than the percentage of youth from the general population, thus implying that Muslim youth run a higher risk of being arrested and remaining in prison than youth from the general population.

Education: It emerged that while 31.3% are illiterate, 61.8% are educated up to primary level and 4.4% up to the secondary level (Table 1). Only 7% of the Muslims in prison are educated beyond the primary level, thus indicating the poor educational status of Muslims in prisons across the state. This has implications in terms of

their social status, employment opportunities and ability to defend them in the legal process. Therefore, there is a need to start adult literacy classes as well as distance education courses in all prisons, with a special focus on prisoners with poor literacy and education levels, with the help of government agencies concerned and NGOs working on this issue.

Types of Offence: Most of the Muslim prisoners, i.e., 42.50% have been charged with offences against the human body or violent offences, followed by 29.4% charged with offences against property (Table 2, p 14). Violent offences include murder, causing hurt, wrongful confinement, assault, criminal use of force, kidnapping and rape. The property offences include theft, extortion, robbery and dacoity, criminal breach of trust, cheating, fraud, causing mischief, criminal trespass, and housebreaking. The interviews with respondents and case studies indicate that many of the violent offences resulted from relationship conflicts arising from property disputes, business rivalries, love affairs and marital disputes, rather than with a motive to make profit. For example, Moiz (name changed), arrested on charges of the murder of his wife, had this to say about the incident:

My wife was short-tempered. 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

Table 1: Educational Status of Muslim Prisoners

SrNo	Name of the Prison	Educational Levels							Total
		Illiterate	Primary	Secondary	Higher Secondary	Graduation	Post-graduation	Other	
1	Akola	45	7	0	0	0	0	0	52
2	Thane	176	378	45	7	5	1	2	614
3	Aurangabad	21	107	0	0	0	0	0	128
4	Chandrapur	0	28	0	0	0	0	0	28
5	Kalyan	91	90	28	2	2	0	0	213
6	Ratnagiri	0	1	3	1	0	0	0	05
7	Taloja	55	64	0	0	0	0	0	119
8	Nashik	101	256	0	0	0	0	0	357
9	Amravati	23	80	5	2	3	0	0	113
10	Mumbai	147	422	0	1	0	1	1	572
11	Byculla	78	53	6	0	0	0	0	137
12	Jalgaon	9	14	6	0	1	0	0	30
13	Kolhapur	45	63	27	7	7	0	0	149
14	Pune	141	202	9	15	11	2	0	380
15	Nagpur	37	143	7	1	1	0	0	189
	Total	969 (31.3)	1,908 (61.8)	136 (4.4)	36 (1.1)	30 (0.9)	4 (0.1)	3 (0.09)	3,086 (100)

Figures in brackets are in percentage.

Table 2: Section-wise Distribution of the Inmates

Section	Akola		Thane		Auranga- bad		Chandrapur		Kalyan		Ratnagiri		Taloja		Nashik		Amravati		Mumbai Central		Byculla		Jalgaon		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	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	0	7	0	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	0	2	0	7	0	0	0	0	0	0	1	2	10	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	1,312	42.5		
(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/OSA	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		
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		
BP 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	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	3,086	100		
Grand total	52		614		128		28		213		5		119		357		113		572		137		30		149		380		189					

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behaviour 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.

This pattern is in tune with the overall crime trends in India whereby violent offences tend to be higher than property offences. In a country where large parts remain primarily rural and feudal, violent offences result from exploitative land and social relations whereas profit-oriented offences are more prevalent in the urban areas.

It must also be pointed out here that only 6.2% of the Muslim prisoners across the 15 prisons were arrested under organised crime or terrorism-related offences – 1.4% under Maharashtra Control of Organised Crime Act (MCOCA), 1999, 0.8% under Terrorist and Disruptive Activities (Prevention) Detention Act (TADA) 1987, Unlawful Activities (Prevention) Amendment Act (UAPA), 2008 or Official Secrets Act (OSA), 1923, and 4% under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985. This data challenges notions about most Muslim offenders being largely involved in organised and/or terror-related crimes.

Income: Most of the respondents, i.e., 95.6% had an employment history before

their arrest. As far as income is concerned, while 42.7% of the respondents earned a monthly income in the range of Rs 2,001 to Rs 5,000, 12.4% earned less than Rs 2,000 per month (Table 3). The family profile of the respondents revealed that 41% had only one earning member in the family (Table 4). That 26.5% of the respondents did not have any other earning member except themselves is significant and indicates that these families had no income-earning member after the arrest of the respondent.

Given the poor educational status of most Muslim prisoners, it is clear therefore

Table 3: Monthly Income

No	Income	Frequency	Per Cent
1	NA	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 4: Total Earning Members in the Family

No	Earning Members in the Family	Frequency	Per Cent
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

that more than half the respondents were of very poor socio-economic status. This finding is corroborated by the Sachar Committee report. The state government needs to take effective steps towards the overall socio-economic development of the community, through the effective implementation of the prime minister's 15-point programme in areas where the minority population is high.⁶

Mulakat,⁷ Family Support and Children:

It was found that family members of 62.8% of the respondents came to meet them in prison while for 30.9% respondents no one came for their *mulakat* (visit) (Table 5). Family members coming for *mulakat* is a good indicator of family support. It also emerged from the interviews that 95.3% of the respondents had a place to go after their release from prison; among them, most, i.e., 87.6% stated that they would

Table 5: Prison Mulakat and/or Visits on Court Dates

No	Details	Prison Mulakat		On Court Dates	
		Frequency	Per Cent	Frequency	Per Cent
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	Girlfriend	02	0.5	02	0.5
6	Employer	00	0	01	.2
	Total	339	100	339	100.0

go back to their family home (Table 6). It is therefore evident that the majority of the respondents had family support, thus indicating that most Muslim prisoners were not disconnected from their families. This is an indication of the fact that most Muslim prisoners were not entrenched in the criminal nexus.

Table 6: Place of Shelter after Release

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

Case Status: Out of the 339 respondents interviewed, 69% were undertrials and 31% were convicts (Table 7). Amongst the undertrials, the trials had started in only 17.9% of the respondents' cases while 3.8% were at the judgment stage. The remaining 78.3% cases of the undertrial respondents were at various stages of pendency in court (Table 9). This reflects the general situation of undertrial prisoners across the country. Of the convicts, 49.5% were sentenced to life imprisonment and 21% were sentenced to periods ranging between seven and 14 years, thus indicating that most of them were probably convicted for violent offences such as murder (Table 8). This matches with the earlier analysis of the break-up of offences from prison records for which the prisoners were arrested.

Table 7: Type of Prisoner: Undertrial or Convict

No	Type of Prisoner	Frequency	Per Cent
1	Undertrial	234	69.0
2	Convict	105	31.0
	Total	339	100.0

Table 8: Period of Sentence

No	Period of Sentence	Frequency	Per Cent
1	Up to six months	5	4.7
2	One to three years	12	11.4
3	Three to seven years	13	12.3
4	Seven to 14 years	23	21.9
5	Life imprisonment	52	49.5
	Total	105	100.0

Table 9: Status of Cases Pertaining to Undertrial Prisoners

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

Arrest History: It has emerged that among the total respondents, 75.5% were arrested for the first time and 24.5% are repeat arrestees (Table 10). This shows that majority of the respondents were not career criminals. This further supports the earlier data on offences background which showed that the majority of Muslim prisoners were arrested in non-gang related offences.

Table 10: First-time or Repeat Arrestees

No	Arrest Details	Frequency	Per Cent
1	First-time arrestees	256	75.5
2	Repeat arrestees	83	24.5
	Total	339	100.0

Legal Aid: Table 11 shows that 43.6% respondents had lawyers to fight their cases while 25.4% did not have any legal representation. This is cause for serious concern and reflects the sorry state of the free legal aid system guaranteed under our Constitution. Going by the experience of the researchers and existing literature, this situation may be true for other marginalised groups in prison as well. In the case of 70% of the respondents who had lawyers, the lawyer's fees were paid by their families, indicating that most respondents' lawyers had been appointed by their families, again reiterating the fact that they did not have gang connections or that they were not supported by habitual criminals (Table 12).

Table 11: Legal Representation

No	Whether Lawyer Appointed	Frequency	Per Cent
1	NA (convict)	105	31.0
2	Yes	148	43.6
3	No	86	25.4
	Total	339	100.0

Table 12: Payment of Lawyer's Fees

No	Details	Frequency	Per Cent
2	Self	25	16.8
3	Family	104	70.2
4	Friends	11	7.4
5	Co-accused	5	3.3

There is therefore a need to provide legal aid and guidance to prisoners who are not in a position to take care of their legal expenses. 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.⁸

Relationship with the Police: A majority of the respondents viewed themselves as victims of a corrupt police system. It emerged from some of the case studies and narratives that the criminal background of the respondents followed them even when they wanted to get out of crime. According to them, the police often arrested them on account of their criminal record, implicating them in false cases or arresting them under preventive detention charges. For instance, Sajid (name changed) complained that due to his criminal record, 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.

Some respondents felt that the biased attitude of the system against the Muslim community was responsible for their repeated arrests. Some of them added that the bias was greater against people who had migrated from northern India. Thus, in addition to a religious bias, the data revealed elements of regional bias too. For example, Asim (name changed) attributes bias against his region and 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.

It needs to be highlighted here that a majority of the respondents had negative experiences with the criminal justice system and particularly viewed the police – who in their opinion used unfair methods in the performance of their duties – as unjust. For example, many respondents arrested under property offences 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

Table 13: 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 14: Support Required after Release

Sr No	Details	Immediate Support		Long-Term Support	
		Frequency	%	Frequency	%
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

from prison, the police “fix” them in another case. They thus find it difficult to come out of the circle of crime.

To partially address the issue of implicit prejudices in the police towards Muslims, sensitisation programmes and workshops should be introduced for police personnel both at the entry level as well as in the form of refresher courses. The representation of Muslims and other minorities in the prison and police department

needs to be substantially increased to address the issue of bias from the structural point of view. The study has highlighted the need to appoint trained social workers in every police station and prison in the state, to address the legal rights, psychosocial and rehabilitation needs of persons arrested under criminal laws.⁹

Post-Release Needs: While most respondents had family support at least in terms of a place of shelter after their release, about 80% expressed a need for jobs after their release (Table 14). Given the fact that 48% of the respondents had no formal skills (Table 13) and 55% earned less than Rs 5,000 per month prior to their arrest, lack of sustainable livelihood options emerged as a major rehabilitation gap. In the light of the above findings, there is a need to introduce relevant vocational training programmes in prisons through government-recognised certificate courses.

Conclusions

The key issues emerging from the study are that Muslims are highly over-represented in Maharashtra’s prisons, especially in the big cities and towns. A majority of them are young (18-30 age group), coming

from a poor educational and socio-economic status. Most of them were in some kind of employment prior to their arrest, and are first-time arrestees. They have family support and a home to go back to after their release, but need support to find sustainable employment. Their negative experiences with the police on one hand, and the near absence of social workers/NGOs in prisons, can have serious negative consequences from the point of view of their further criminalisation, as individuals and as a community.

This study is perhaps the first of its kind in the Indian context and has been an eye-opener both in terms of the findings as well as the need to bring in policy reform in policing and prison administration. While it has brought into focus the issue of over-representation of the Muslim community in our prisons and examined some of the underlying reasons for this, the malaise runs much deeper. It points to the larger issue of social exclusion and marginalisation of communities which suffer from structural and systemic discrimination.

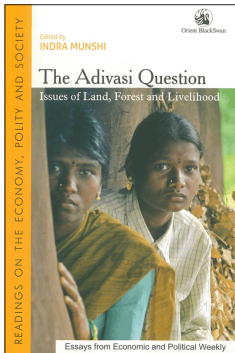
NOTES

¹ Some of these landmark judgments during this period include *M H Hoskot vs State of Maharashtra*, AIR 1978 SC 1548; *Motiram and Others*

The Adivasi Question

Edited By

INDRA MUNSHI



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Depletion and destruction of forests have eroded the already fragile survival base of adivasis across the country, displacing an alarmingly large number of adivasis to make way for development projects. Many have been forced to migrate to other rural areas or cities in search of work, leading to systematic alienation.

This volume situates the issues concerning the adivasis in a historical context while discussing the challenges they face today.

The introduction examines how the loss of land and livelihood began under the British administration, making the adivasis dependent on the landlord-moneylender-trader nexus for their survival.

The articles, drawn from writings of almost four decades in EPW, discuss questions of community rights and ownership, management of forests, the state’s rehabilitation policies, and the Forest Rights Act and its implications. It presents diverse perspectives in the form of case studies specific to different regions and provides valuable analytical insights.

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- vs *State of MP*, AIR 1978 SC 1594; *Sunil Batra Etc vs Delhi Administration and Ors Etc 1978*, AIR SC 1675, 1975 SCR (1) 392; *Hussainara Khatoon vs Home Secretary State of Bihar*, AIR 1979 SC 1360; *Francis Coralie Mullin vs The Administrator, Union Territory of Delhi and Ors*, AIR 1981 SC 746; and *Sheela Barse vs State of Maharashtra 1983 SCC96*.
- 2 According to this newspaper report, this crucial data was deleted from the final report of the Sachar Committee (Chishti 2006).
 - 3 The Sachar Committee notes that in urban areas, Muslims living at the poverty level account for 44% of the urban poor, compared to the national figure of 28%.
 - 4 Some of these studies from the west include L Snowball and D Weatherburn, *Australian and New Zealand Journal of Criminology*, 2007, Vol 40: 272, DOI: 10.1375/acri.40.3.272, accessed on 25 June 2012; S E Howell, H L Perry and V Matthew, *Political Behaviour*, Vol 26, No 1, March 2004, pp 45-68, Stable URL: <http://www.jstor.org/stable/4151358>, accessed on 26 June 2012; A Sapertstein and A M Penner, *Social Problems*, Vol 57, No 1, February 2010, pp 92-113, Stable URL: <http://www.jstor.org/stable/10.1525/sp.2010.57.1.92>, accessed on 26 June 2012.
 - 5 The study entitled, "A Study of the Socio-economic Profile and Rehabilitation Needs of Muslim Community in Prisons in Maharashtra" was commissioned in 2009 and the final report was submitted to the MSMC in May 2011.
 - 6 As per the guidelines issued by the GOI under the Multisectoral Development Programme.
 - 7 *Mulakat* is the commonly used term for interviews (meetings) between family members and prisoners as per prison rules.
 - 8 Currently, the honorarium paid to lawyers appearing under the free legal aid scheme is an appalling Rs 600 per case in the lower courts and Rs 900 per case in the sessions courts. The honorarium paid to duty counsels for visiting prisons and custodial institutions is a paltry Rs 60 per visit.
 - 9 A report of the Police-TISS Committee set up in 1993 to study the Need for a Cadre of Trained Social Workers in the Criminal Justice System was submitted to the director general of police, Maharashtra, in 1994, which had strongly recommended the appointment of trained social workers at police stations, prisons and courts to provide legal guidance, information about schemes and services, counselling and psycho-social intervention to citizens being processed by the CJS, and act as a link between the system and the citizen. The report is since pending with the home department, Government of Maharashtra.

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