CHAPTER - I
INTRODUCTION

Crime is the great effort of a single individual against the dominant conditions. In Marxist interpretation crime is a brutal and barbarously violent form of a social war of hostility between the individual man and every one else produced by the capitalist society (Engle 1945: 12). The theory of economic determinism propounded by Marx defines crime as “the crimes such as frauds, thefts, assaults, family quarrels, cheating, stealing, burglary, suicide, fights, evils recurrently produced by the bourgeois society (Ibid; 151)”. Theoretically, the crime may be an offence against law, where law has been created and controlled by the bourgeois and therefore crime is more conspicuous and extreme form of the concepts of the working class against the capitalist social order. Irrespective of the types of society and level of their development, we find people breaking established socio-cultural norms. While some disregard the family norms and a few pilferages of the public property, others remain involved in activities to which the state reacts. The state and the society take these actions of deviance into cognizance and try to bring normalcy through institutional means and the treatment thus aimed at are reformatory in nature. Criminal acts, the behavior of the criminals and their socio-economic background are intimately related. However, the act of any one to be treated as crime has to be seen in its cultural context. By and large, crime as a concept has its genesis in the context of the concerned ethnic background and the history of the concerned area and people.
The act of the statecraft of any area having differential entry to resources makes a few powerful. To protect life and property the state has made certain regulatory and statutory measures. Thus, this protects their interest and maintains status quo of the powerful people marginalizing the larger mass. In legal framework some curative and reformative tools with specific sanction came into force. These have been class biased. The greed of mankind attempted to break the norms to acquire power and that is the root of crime causation. When we try to dive down into the history of origin and development of crime as a negative value created against certain practices for maintenance of social order, we presume that the customary law, social values and reprisal procedures are the incipient legal forums for respective societies.

The Indian society by birth is hierarchical and the acts to deviance are viewed differentially depending upon caste and class of their origin. The early pantheons bear the testimony of differential treatment to people depending upon their ethnic identity, ascribed status and class character. Ideological study has mentioned the Varna ideology and its association with the patterns of punishment. Different disciplines approached the study on criminals in their own perspective. In order to have an understanding of Indian penology we need to depend on social sciences that can give us an idea on socioeconomic backgrounds of the criminals through cross-cultural comparison. Crime as dynamic concept has undergone drastic changes in the last century. A few decades back crime was viewed as an act deserving punishment for social harmony and stability and now it is viewed as
social fact and a product of socialization. In local Oriya language there is a saying — “abhabe swabhabe nasta” meaning poverty breeds crime.

Therefore, it demands reformatory approach to transform criminals into rational and dignified persons to lead the normative way of life. In fact, good law wants people to become citizens; but takes a great deal of individual social effort to achieve this (Singh 1987:38). The laws have meaning when it has wide proclamation. Criminal law has been strongly influenced in the past century or two by the social sciences, especially criminology, sociology, social anthropology and psychology. The empirical methods of the social sciences have been introduced into legal research and have done much to improve legislation, the court’s approach to sentencing, as well as the planning methods of law-enforcement agencies. With regard to behavioral norms the fact is that the crime rates in many countries including India have risen faster that the population. This has brought into question the relevance of the law itself and whether or not laws against crime actually have any influence on an individual’s behavior. Various large-scale inquiries have been made into the relation between law and civil order. Law and civil order the world over are complementary. In India some attempts were made to make studies on customary law of communities, the works of traditional law makers like Manu and prescriptions offered for crimes depicted in great traditional texts and pantheons with a view to enriching the legal inputs. Yet many more remained to be studied for societies of groups like ours and not for the societies of individuals like western countries. One statement emerging from these inquiries is that criminal legislation ought to he restricted to acts that pose a serious
threat to public order and that can be effectively dealt with by the police, the courts, and various correctional institutions like prison. The effort to punish the behaviour that is considered immoral or deviant, such as drunkenness, gambling, disorderly conduct, vagrancy, and sex offences simply multiplies the number of crimes without changing the norms of behaviour. Penologists are of the opinion that crimes are to be analyzed in their context and awarding punishment is an essential corrective measure for rehabilitation.

The most recently formulated theory of punishment puts emphasis on rehabilitation. This theory is based upon the idea that through treatment and training the offender should be rendered capable of returning to society and functioning as a law-abiding member of the community. This idea began to establish itself in legal practice in the 19th century. Although, seen by many as a humane improvement on former practices, it did not always result in the offender’s receiving a more lenient penalty than a retributive or deterrent philosophy would have given him. For many offenders, rehabilitation meant release on probation under some form of condition instead of period in prison. For some others it meant a longer period in custody undergoing treatment or training that would have been acceptable if it had been designated as punishment. One expression of the concept of rehabilitation was the indeterminate sentence popular in nation’s jurisdictions, under which the length of detention was governed by the degree of reform exhibited. Across the world beginning in the 1970s’ the concept of rehabilitation came under considerable criticism. And it is no longer as widely accepted as previously. The reasons for this growing skepticism are, first, the failure of
criminologists to demonstrate that rehabilitation can be achieved in a systematic way. A second objection to rehabilitation as theoretical basis for penal treatment is that sentences based on the concept typically give too much authority to the administrator, who may be empowered to decide to release or to continue to detain the offender, depending on his assessment of the offender's progress. This may itself be a vaguely defined measure. There have been cases in which this has led to gross abuse and the detention of offenders guilty of minor crimes for long, out of all proportion to the gravity of their offences, simply because of their inability or refusal to accept or adopt a subservient attitude to those in authority. A more fundamental objection to the concept of rehabilitation rests on a challenge to the criminological and political assumptions on which it is based. The idea that the offender can be successfully treated assumes that he is in some respect inadequate to comply with the legitimate demands of society on its citizens and is in need of additional training to supplement the deficiencies of his upbringing, education, or personality. Modern criminological theories that challenge this interpretation and portray criminal behavior as a legitimate or at least predictable reaction to structural defects in society undermine the basis on which the concept of treatment is founded. This is reinforced by the similarities seen between the treatment of delinquents and that of political dissidents in some countries. Some modern criminologists assert "the right to be different" and question the right of society to seek to change the values and ideas of individuals who choose to behave in a manner that bring them into conflict with the law. The prison shelters persons from within the society who are found / suspected to be guilty. Those who are proved
guilty therefore need confinement for reformation. The under trial prisoners are supposed to be kept away from the convicts separately. Theoretically, they are not exposed to rehabilitation programmes because they remain innocent till their actions are proved guilty with sufficient evidential supports. Thus, prison assumes the status of an institution for the confinement of persons convicted of major crimes of felony. In the 19th and 20th centuries, imprisonment replaced corporal punishment, execution, and banishment as the chief means of punishing serious offenders.

**Crime and Social policy**

Crime has been defined in terms of social and legal terms. Since most of the studies of criminal behaviour have highlighted the legal aspects of crime, the legal definition of crime is more popular. According to popular legal definition crime is the “intentional act or omission of violation of criminal law committed without defense or justification”. Thus, crime is an intentional act and the person knows or apprehends his/her action. In this sense the criminal act is a violation of the criminal law of the lands. As a result of this, whenever such an act is committed, the state authorities through its internal security personnel (the police) initiate action against the wrongdoers. One of the elements of criminal behaviour is that the act committed may or may not have any justification. If the act is proved to be in self-defense it will not be considered as a crime even if it causes injury or harm. Therefore the legal definition of crime emphasizes the circumstances in which the crime is committed.
Increasing crime appears to be a feature of all modern industrialized societies, and no developments in either law or penology can be shown to have had a significant impact on the problem. The effect of crime on the quality of life cannot be measured simply in terms of the actual incidence of crime, because the fear of crime affects far more people than are likely to become actual victims and forces them to accept limits to their freedom of action. Paradoxically, many social changes that are perceived as progress may lead to further escalation in the incidence of crime—economic progress, producing greater wealth, almost always leads to greater opportunities for crime in the form of more goods to steal or enhanced possibilities for crime in the form of more goods to steal or enhanced possibilities for successful fraud and an increase in individual liberty may have similar effects, as the older constraints on behavior are discarded. Crime is least likely to be a serious problem in a society that is economically undeveloped and subject to restrictive religious or similar restraints on behavior. For the modern urbanized society, in which economic growth and personal success are dominant values, there is little reason to suppose that crime rates will not continue to increase. Since the emergence of feudal order there has been a necessity of fulfill the desire of the State administration.

Development of the Prison System

The reformative theory advocates in favor of treating criminals in peno-correctional institutes such as the prisons so that they can be carefully transformed into good citizens. It is an admitted fact that punishment always carries with it a stigma in as much as it entails deprivation of normal liberty of individual.
Prisons are believed to be places where criminals are kept. Functionally, it also states that these are places where State crime is regularly perpetuated (Satpathy 1992:35). Dailey exposed to the more sinister face of law, the prisoners’ ignorance of their rights, renders them helpless even in the face of the most sadistic harassment and brutal torture that they suffer at the hands of a dehumanized police (Williams 1990:4). Until the late 18th century, prisons were used mainly for the confinement of debtors who could not meet their obligations, of accused persons waiting to be tried, and of convicts who were waiting for their sentences—either death or banishment to be put into effect. But imprisonment gradually came to be accepted not only as device for holding these persons but also as a means of punishing convicted criminals. During the 16th century a number of houses of correction were established in England and on the continent for the reform of minor offenders. The main emphasis was on strict discipline and hard labour. The unsanitary condition and lack of provisions for the welfare of the inmates in these houses of correction soon produced widespread agitation for further changes in method of handling criminals.

Solitary confinement of criminals became an ideal among the rationalist reformers of the 18th century, who believed that solitude would help the offender to become penitent and that penitence would result in reformation. This idea was first tried out in the United States, at Eastern State Penitentiary, which was opened on Cherry Hill in Philadelphia in 1829. Each prisoner of this institution remained in his cell or its adjoining yard, working alone at trades such as weaving, carpentry, or shoemaking, and saw no one except the officers of the institution and
an occasional visitor from outside. This method of prison management, known as the "separate system," became a model for penal institutions constructed in several other U.S. states and throughout much of Europe.

Meanwhile, a competing philosophy of prison management known as the "silent system" arose. The main distinguishing feature of this system was that prisoners were allowed to work together in the daytime. Silence was strictly enforced at all times, however, and at night prisoners were confined in individual cells. Vigorous competition between supporters of the silent system and of the separate system prevailed until about 1850, but by time the silent system had been victorious in most U.S. states.

The mark system was developed about 1840 by Captain Alexander Maconochie at Norfolk Island, an English Penal Colony located east of Australia. Instead of serving fixed sentences, prisoners were require to earn marks or credits proportional to the seriousness of their offences. The same type of credit system has also been incorporated in India for the prison population. Credits were accumulated through good conduct, hard work, and study, and could be denied or subtracted for indolence or misbehavior. When a prisoner obtained the required number of credits he became eligible for release. The mark system presaged the use of indeterminate sentences, individualized treatment, and parole. Above all it emphasized training and performances, and inculcated some form of entrepreneurship for self-earning for dignified living rather than solitude, as the chief mechanisms of reformation.
Sir Walter Crofton, director of Irish prisons, developed further refinements in the mark system in the mid-1800s. Irish inmates had to pass through three stages of confinement before they were returned to civilian life. The first portion of the sentence was served in isolation. Then the prisoners were allowed to associate with other inmates in various kinds of work projects. Finally, for six months or more before release, the prisoners were transferred to “intermediate prisons”, where inmates were supervised by unarmed guards and given sufficient freedom and responsibility to permit them to demonstrate their fitness for release. Release was also conditional upon the continued good conduct of the offender.

The leaders of the reformatory movement advocated the classification and segregation of various types of prisoners, individualized treatment emphasizing vocational training and industrial employment, indeterminate sentences and rewards for good behavior and parole or conditional release. The reformatory philosophy gradually permeated the entire prison system in East and West. The Irish system and the American innovations have great impact upon European and Asian correctional practices in the 20th century. There is legacy of the British prison administration in India. Except a few changes made in corrective measures for Indian prison inmates it has been observed that they continue the system of the past.

There are several justifications for the use of incarceration in the criminal justice system. It is seen as an effective form of punishment, the threat of which serves as deterrent to potential criminals. And by isolating a convicted offender for
lengthy periods of time, society is thereby protected from the crimes he might have committed while free. Moreover, the controlled environment of a prison offers opportunities for the rehabilitation of criminals through psychotherapy services, education, vocational training, and so on. These arguments assume that the isolation of the offender is not outweighed by the possibility of his becoming more criminal while in prison and that the social and economic costs of isolating the criminal from the rest of society are less than those incurred if he had been left free. The idea of imprisonment as a form of punishment is relatively modern. Until the late 18th century, prisons were used primarily for the confinement of debtors who could not pay revenue, the accused person waiting to be trailed, and the convicted waiting for their sentences. The holding of accused persons awaiting trial remains an important function of all kinds of prisons.

Criminology goes hand in hand with victimlogy. According to the classical school of criminology, that started around mid 18th century it was the result of rational consideration on the part of offenders. The offender was considered to have possessed free will. The classical school propagators supported the penal sanctions oriented to the extent of individual response to criminality (Schneider; 1991). Towards the last part of 19th century criminologists treated crime causation as determined by the offender’s physical, mental and social characteristics. According to them the offenders possess no free will and required treatment to prevent them from wrong doings. In a sense positivist criminologists opposed the classical school. The positivists and the classical theory of criminology viewed the criminal offences to be individually isolated entities, which were unable to offer
adequate explanation of mass criminality such as crime caused by the terrorists.
The modern school of criminology that grew in response to the Second World War, emphasizes the role of interpersonal conflicts in crime causation. Crime causation refers to relationship between the offenders and the victims and both are grounded into the socio-cultural processes. In contemporary society the explanation of crime causation have been attributed to the social learning processes. Therefore, the modern theory is based predominantly on the theory of socialization, that of symbolic interaction and that of exchange. Until recently for the logical explanation, supported by the psychoanalytical evidences, the socio-psychological theorists of crime causation held supreme.

In India traditionally we have concepts like Papa, Danda, Sasti, Mimamsha, prayaschita and Shurti. All these are related to doer’s criminal acts and suitable punishments mentioned in Hindu pantheons for social harmony were awarded to the criminals in public so that all get to know the result of criminal acts. For example; to tell a lie to authority (mithya), to steal other’s property (chaurya), to get involved in prostitution (besyabruti) and to kill a human (nara hatya) are crimes to be punished with equal degree of penalty. Similarly, the Bible writes the first crime to be the murder of the younger brother Abel by elder brother Care who happens to be the son of Adam and Eve. The Islamic Holy Koran says that a person is a criminal who deviates from the prescribed behavior components of the Koran and the type of punishment for acts of crime are also mentioned in the Holy text. The definitions, the objectives, process of execution of these were written in traditional texts and to explain the texts carried the examples
so that to identify the guilt, the kings in the past were taking suggestions from the Jury to award punishment appropriate to the crime and suitable for the caste. In the Ramayana, Mahabharata, Manu Sanhita and such other texts the concept of crime and punishment was mentioned. The ought doings were the norms and tolerated to certain extent so long it was thought not to threaten the institution. The norms were getting renewed through awarding punishing to those who violated the norms. The views taken by law makers and the courts with regard to guilt and punishment often reflect the perception about the purpose of incarceration. In oriental framework, penology dominant theories regarding incarceration were that of "retribution" or "deterrence". In India during the reign of Rajas and Maharajas royal courts were responding to these theories of punishment by adopting the "hands cut-off" approach to the prisoners. However, in India the contemporary penology has already distanced from the oriental penology in its forms and contents and the prison house is looked at as a reformatory and years spent in jail should be with a view to provide rehabilitation to the prisoners as the sentence is over (Sanjay Suri Vs. Delhi Administration, AI R 1988 SC 414 : 1988 Cri.L.J.705).

Generally speaking, Hindu law is the personal law applying to 85 percent of the population and constituting the main juridical product of Indian civilization. The word Hindu does not imply a strict religious orthodoxy and is more ethnic than creedal in its emphasis. Nevertheless, since independence India has aimed at abolishing the personal laws in favor of a civil code (Constitution, article 44), which would unify, as far as practicable, the diverse Hindu schools and customs
applicable to the various communities. Modern Hindu law is the creation of the Hindu Marriage Act (1955), and of the Hindu Minority and Guardianship Act, Hindu Succession Act, and Hindu Adoptions and Maintenance Act (all of 1956). Until 1955-56 Hindus were entitled to claim exemption from the personal law if a custom could be proved of sufficient certainty, continuity, and age and was not contrary to public policy. Very little scope is now allowed to custom. As an example of the changes, the Special Marriage Act (1954) provided that any couple might marry, irrespective of community, in a civil, Western-type manner, and their personal law of divorce and succession automatically would become inapplicable. In the new divorce law they have, in addition, a right of divorce by mutual consent after they have lived apart for a year and have waited an additional year.

Indian criminal law, on the other hand, has been very little changed since the Indian Penal Code was enacted in 1861. Thomas Babington Macaulay’s original draft of that code which remains its nucleus” was not based on the contemporary English law alone. Many of the definitions and distinctions are unknown to English law, while later developments in English law are not represented. Yet Indian courts frequently consult English decisions in order to construe sections of the code. In spite of the fact that the wording of the code, when strictly construed, enables many wrongdoers to escape, India has modified it in only marginal respects. This is remarkable in view of the extreme rarity of the code’s coincidence with the criminal laws in force in India prior to 1861. The Criminal Procedure Code (1898), by contrast, is a true Anglo-Indian amalgam and
has been amended further to suit peculiarly Indian conditions and the climate of opinion.

**Discourse on Crime in the contexts of Behavioural Norms**

Various large-scale inquiries have been made into the relation between law and civil order. For example; in the United States the President’s Commission on Law enforcement and administration of Justice; in Europe, several research studies sponsored by the Council of Europe; in Germany, the hearings of the Criminal Reform Commission of the Bundestag and in India the reports on jail reform committee and a few recent studies undertaken by home ministry New Delhi. One conclusion emerging from these inquiries is that criminal legislation ought to be restricted to acts that pose a serious threat to public order and that can be effectively dealt with by the police, the courts, and various correctional institutions. The effort to punish all behavior that is considered immoral or deviant, such as drunkenness, gambling, disorderly conduct, vagrancy, and petty sex offences, simply multiplies the number of crimes without changing the norms of behavior.

This approach emphasizes the social realities as a whole where its every constituent part contributes for the maintenance of harmony among interrelated and interdependent units with appropriate roles enacted. From the functionalists view every society has stability, integration functional coordination and consensus as its fundamental characteristics. For them reality is an empirical event. Radical social scientists put facts in scientific analysis and opined that all sciences would
be superfluous if the outward appearance and the essence of things directly coincided. The empiricist often ignore the totality while reduce the facts to the fetishistic relations of the isolated parts that appear as timeless law valid for every society (Lukacs 1972 :9) The major concern of the political economy approach is with the understanding processes that result in the qualitative change in society’s institutions of reducing the criminal acts through appropriate measures This approach argues that man’s desire for material goods promotes the production of an economic surplus and authority emerges as a result of acquiring control over surplus This, in fact, begets crime.

India’s penology dates back to Kautilya’s Arthasastra (4th century B.C) Penal science then were known as Raja Dharma (Royal Policy). Kautilya has referred many times to works of some penal schools and individuals. The schools mentioned were Masnavas, Barhaspatayas, Ausanasas, Ambhiya, and Parasara and individuals are Bharadvaja, Visalaksi, Pisuna, Kaunapadanta, Vatavyadhi, and Bahudantiputra. In Mahabharat the penal science was expressed in semi-divine manner and in the vein of Dharma (right conduct), artha (wealth or property) and kama (pleasure). Since men were governed by the law of punishment and punishment was meant to maintain the peace and harmony, in society helping the world to get protected from evils ,the principles was known as Dandanity. It is said that the original form of Brahmana had contained some thousand of lessons. In Santi Parva of Mahabharat Danda as a penal system has occupied a distinct position. In post Mahabharat period and pre-British Period the crime and punishment were functional in form of oral tradition. Criminals who violate -the
nitis "(the norms of moral code of conduct) were given sasti as a corrective measure. The traditions of treatment to criminals however was linked to the inscriptive status. Poor and untouchables had to be the receiving ends. Later it sided sharply to the favor of the rulers and the rich. During British rule the crimes and criminals in India were differently treated. The Gadjats were given magisterial power over the revenue area entrusted to them for collection in lieu of which they were enjoying tax free land and were to work under the sovereignty of the British crown. The coastal region (Mogalbandis), however, was under the direct control of the British. The justice was as per the whims and caprices of the political power. In post independent era since 1950 it has become a part of Govt. to protect the citizens under codified law equally while protecting the human dignity. With regard to the constitutional provisions of Art 14, 19, and 21 for regulating prisoners terms in jail it guarantee the constitutional benefits to the prisoners and defines the role of court as follows; “The court process casts the convict into prison system and the deprivation of his freedom is not a blind penitentiary affliction but a lighted institutionalization geared to a social good. The court has a continuing responsibility to ensure that the constitutional purpose of the deprivation is not defeated by prison administration” (Mudgal 1999: 59).

In India, theoretically speaking, contemporary penology favours “rehabilitation”, that is, reforming prisoners so that they may be released and become honest, law respecting, productive members of society. In fact according to rehabilitation theory, “the prison is regarded as a correctional institution” which should treat prisoners as human beings worthy of respect and impute of them
useful employment and skill for self-improvement and law respecting values. The
prison manuals include diet, health care, physical and sanitary requirements, daily
routine, separation of prisoners, employment, prison discipline, appropriate
punishments for committing prison offences, interviews and other communications
with outsiders and rule regarding parole, furlough, remission of sentence and
release. In due course of time due to representation of the inmates to the appellate
authorities since late 19705 there has been improvements. A few cases like Charles
Sobraj Vrs. Superintendent, Central Jail Tihar in AIR 1978 SC 1514; DBM
Delhi Administration AIR 1980 SC 1579 treated prisons to provide rehabilitation
to the inmates and the convicts are not by the mere reasons of their detention
denuded of all the fundamental rights they possess rather they retain all the rights
enjoyed by free citizens except those lost necessarily as an ancient of
incarceration. However, to our misfortune, the committee reports that Indian
prisons are characterized by insufficient accommodation, indiscriminate huddling
of offenders, unhygienic conditions, sub-standard food insufficient water supply,
use of drugs on inmates, atrocities on women, and children maltreatment on
prisoners and corruption (report of All India Committee on Jail Reforms 1983) The
conditions of the jails in India though meant for social reformation are devaluing
the human rights The Justice Bhagabati of the Honorable Supreme Court of India
citing a case of Hussainara Khat ton (I) v/s Home secretary I State of Bihar I
1980(1) SC 81 stated that: “An alarming large number of men, women, and
children including, are behind prison bars for years, awaiting trial in courts of law.
The offences with which some of them are charged are trivial, which even if proved do not warrant punishment for more than “a few months, perhaps for a years or two, and yet these unfortunate forgotten specimens of humanity are in jail, deprived of their freedom, for periods ranging from three to ten years without even as much as their trial having commenced”.

Although, much of the manuals prescriptions are good and valid, it has been realized that the manuals are nonetheless severely antiquated and colonial in their approach. Looking at the theories of punishment like deterrent theory, retributive theory, preventive theory and reformatory theory one realizes that preventive theory has got some effect but then it too highlights on the procedure through which the, punishment are awarded. The frequent jailbreaks have contributed the failures of preventing criminals. One Supreme Court criminal advocate said that when administration fails and fear of law vanishes and the poor classes become frustrated the crime takes its birth and criminals are born out of the atmosphere (Trikha 1967).

The Recent few high lights on facts of Crime at the National level

During early 1990s Indian politics was criminalized. The fallout from two events that had occurred during 1992 dominated it: the destruction of the Babri Mosque in Ayodhya and the scandal in the stock market. There was an escalation of activity by Hindu. Fundamentalists, a growing sullenness among Muslims, and inter religious riots in many cities. While a joint parliamentary committee was investigating the “scam” (the popular term for the stock market scandal), the
principal actor, Harshad Mehta, contended that he had personally given Rs.10 million to Prime Minister P.V. Narasimha Rao, who promptly denied the charge. His political savvy and the people's weariness over the prospects of another midterm election enabled Rao to survive the combined onslaught of the opposition parties. The Government won a vote on the budget (248-197) in May and defeated a no-confidence motion (265-251) in July. Indians would also associate 1993 with its worst earthquake in half a century; some 10,000 people lost their lives (Encyclopedia Britannica 2001). Hindu-Muslim riots that broke out in Bombay claimed 557 lives in recent past; the estimated Rs.40 billion in property damage included the destruction of 10,000 homes. There were also disturbances in Ahmedabad and other cities. On January 7, the president issued an ordinance for the acquisition of 27.4 ha (67.7 ac) of land in Ayodhya around the site of the demolished Babri Mosque. The ordinance also called for the setting up of two trusts, one to rebuild the mosque to solace the Muslims and the other to build a temple for Lord Rama to satisfy Hindus. The ordinance also requested the Supreme Court to decide whether, there was evidence that a Rama temple had stood on the site before the mosque was built. The ordinance was later adopted by Mr. Parli the home minister of democratic republic India. L. K. Advani, M.M. Joshi, Ashok Singhal, and other Hindu leaders who had been arrested in December 1992 were released on January 10. A tribunal that reviewed the ban imposed on the Rashtriya Swayamsevak Sangh (RSS), the Bajrang Dal, and the Vishwa Hindu Parishad (VHP) upheld the ban only in respect to the VHP. The tribunal, however, was of the view that the demolition of the mosque had been carefully planned.
The Hindu parties had organized interstate marches to mobilize popular support. In October the Central Bureau of Investigation filed cases against Advani, Joshi, Bal Thackeray (head of the Shiv Sena), and others for planning the demolition.

The Government came out with a bill to separate politics from religion. After strong protests from avowedly Hindu and Muslim political parties, it was referred to a select committee of Parliament. The joint parliamentary committee investigating the scam did not issue its final report, but its interim report blamed weaknesses in the governmental system rather than any individual for failure to exercise necessary supervision. Another committee that investigated the dimensions of the scam determined that the total loss was of the order of Rs.40,242,000,000. The Union Cabinet was reshuffled on January 17. Dinesh Singh was inducted as Minister for External Affairs and Prannab Mukherjee as Minister of Commerce. A few days earlier, Madhavrao Scindia had resigned as Minister for Civil Aviation. Early in March the Minister of Defense, Sharad Pawar, assumed the new post of Chief Minister of Maharashtra.

The Mandal Commission’s recommendations that 27% of the jobs in the central government and public-sector undertakings be reserved for backward classes (above the 22.5% for designated castes and tribes) came into effect in September. The Government had earlier, following a Supreme Court directive, identified the “creamy layer” in these classes who would not be eligible for the benefit.
The Supreme Court acquired a new Chief Justice, M.N. Venkatachaliah. One of the most important rulings of the court was that the Chief Justice of India should have primacy in the choice of judges for the state High Courts and the Supreme Court. In another judgment, the court held that free education was candidates prepared to pay higher fees could fill a right only up to 14 years of age and that in professional colleges 50% of seats. There could be no quota for families, caste, or communities that might have set up colleges. An impeachment motion against Justice V. Ramaswami, the first against a Supreme Court judge, failed to secure a majority in May.

To meet domestic and external allegations of widespread violence and brutality by the police and security forces, the Government announced the appointment of a Human Rights Commission. While the threat of militancy in Punjab had generally ebbed, the same could not be said of the state of Jammu and Kashmir. An Encounter in Sopore claimed 50 lives in January. There was a serious confrontation with the separatists in October. The army cordoned off the Hazratbal Mosque in Srinagar and demanded the surrender of the armed militants who had taken refuge there. The militants laid down their weapons only on November 16. There were demonstrations against the action of the army. The Border Security Force fired on a crowd in Bijbihara on October 22, killing 43 people. There were also politically motivated explosions in Calcutta in March (60 deaths), in Bombay in April (33 deaths), and at the office of the RSS in Madras in August (11 deaths).
Several states changed their governors, including Maharashtra, West Bengal, Tamil Nadu, Uttar Pradesh, Rajasthan, Madhya Pradesh, Orissa, Himachal pradesh, and Mizoram. Elections were held in Manipur, Tripura, and Meghalaya. The Left Front led by the Communist Party of India (Marxist) returned to power in Tripura with a strong majority. The president gave assent to two constitutional amendment bills (the 72nd and 73rd), both of which had been passed by Parliament in the second half of 1992. They were intended to enhance the governing powers of village councils (Panchayats) and municipalities. The recent case of political turmoil in Tamil Nadu chief minister Ms Jayalaitha’s non-parliamentary obtrusive to chair and demoralising the demographic chair and her political dictum is one of the glaring examples of political criminalisation of people’s representation in welfare state needs modification/amendment or revision to the contents of existing legal set ups. Her removal from chair by the order of the Supreme Court in September 2001 upheld the democratic value in politics to some extent.

An earthquake devastated the districts of Latur and Osmanabad in Maharashtra in the pre-dawn hours of September 30. Although it measured a modest 6.4 on the Richter scale, the death toll was heavy; some 10,000 were believed to have died, substantially fewer than the 35,000 figure that appeared in early unofficial reports. In addition, an estimated 140,000 were rendered homeless. The recent Gujrat earthquake and mega cyclone of Orissa have witnessed huge loss of life and property. The relief, rehabilitation and reconstruction processes for such devastation had also witnessed the poverty. For
the officers and the politicians it was an opportunity because they submitted the utilization certificates and siphoned a lot to their personal fund. This expresses the poverty of mind and inhuman events, exploitation, corruption, nepotism and other forms of crimes. In the recent past during the super cyclone of Orissa, the global support received by the state administration were soon “utilized” on paper without having any tangible improvements. The authorities suppressed the aggrieved mass and in many cases there was outbreak of disturbances. The reviews found guilt and awarded punishments to a few bifurcate and concerned members in rehabilitation processes. All these directly or indirectly influence the criminal activities.

The reformist attitude of people in society towards the criminals, whose genesis is the same society, need not be inclined to search for the truth as means to the ends of criminal acts of mankind rather it should probe into the matter to understand the roots of crime holistically. The nexus between individuals, societies and the state has to observed such that it directs the observer understand the nature and power of law that regulate the social transaction through the existing norms. It is said that if law is to be respected, it must be noted in the sense of doing justice, and justice does not involve the obstinate and stereotype following of the rules and procedures. Law should not fail to proclaim good principle; but it should not overstep its legitimate limits so as to become oppressive. Today crime is viewed as a socio-pathological phenomenon, whose genesis is the fabric of socio-cultural transactions; the criminality can be completely cured by proper diagnosis and timely treatments. A criminal,
therefore, should not be viewed as an antisocial elements of the society, instead should be understood as a maladjusted person due to the hostile socio-cultural and environmental conditions of his / her grooming. For a long time attention was given to the individual who committed the crime and not the crime itself. The reformation to the offenders then became the prime object of punishment across the nations. Any form of law has meaningful pro-active, reformative or corrective contribution for the welfare of the society if and only if it is being honored and practiced by people for whom it is meant and has public proclamation whose law makers and norm retainers of the state administration do treat it as a spring board for their benefits. Criminal law has been strongly influenced in the past century or two by the social sciences, especially criminology, sociology, and psychology and social anthropology. The empirical methods of the social sciences have been introduced into legal research and have done much to improve it is true that punishment is a form of treatment prescribed on the criminal legislation and the courts’ approach to sentencing, as well as the planning methods of law-enforcement agencies.

In dealing with the socioeconomic aspects of crime causation it is known that qualitative approach can never replace or can never get replaced by the quantitative approach. However, systematic quantification of different aspects of crime has substantial advantages of reliability, rigour and precision (Johnson : 1978) Quantification is not necessarily mechanistic and depersonalized and therefore inappropriate to study the socioeconomic backgrounds of the prison inmates. The qualitative sphere of relations of the offender, his consciousness and
struggle obviously remains incomparable and irreducible to quantity. Basing in the facts stated above I have evolved a specific methodology for the present research.

Hypotheses

The formulation of hypothesis is an important step in any explanatory research. The research has tested the following hypotheses.

1. Prisoners with low literacy status of married middle age of large sized family background belonging to lower socio-economic category have closer association with the crime causation.

2. All initial crimes commissioned by socio-economically backward rural male folk are unintentional and emotional who feel guilt for their crime and due to social stigma they prefer to rehabilitate in urban setup after getting released from jail. Prisoners belonging to upper socio-economic category are associated with white-collar crimes.

3. Prisoners of economically poor class belonging to rural middle caste categories face severe problem for rehabilitation.

4. Long-term prisoners reintegrate with the society sooner than the short-term prisoners.