CHAPTER VII
EXPERIENCES WITH THE CRIMINAL JUSTICE SYSTEM
AND PERCEPTIONS

This chapter analyses the experiences of the youth vis a vis the criminal justice system and processing, as well as their perceptions emerging from the same. In other words, it examines their experiences as well as their subjective views of their interactions with the police, the judiciary, the prison authorities and their legal counsels or lawyers, after their arrest and/or imprisonment. This chapter assumes significance from two standpoints – it gives an insider’s view of the system and what ails it and lessons that can be drawn about criminal justice processing arising from the same. The chapter is divided into four sections: police, prison, judiciary and legal aid or counsel.

The police

It emerged from the analysis of the narratives that by and large, the youth interviewed by the researcher have had negative experiences with the police and therefore harbour negative perceptions about them.

The broad themes around which these narratives were woven are: violence inflicted during interrogation in the police lock-up, not allowing family members to meet the accused person in the lock-up, harassment of the family to get them to surrender (if they were ‘absconding’ after the case came to light) or to reveal facts or evidence related to the case; harassment of youth with a criminal record in terms of preventive arrests, calling them for questioning now and then, making demands of money or pressurising them to become informers; manipulation of facts to strengthen or weaken a case (due to bribery or use of influence brought upon the police); threat of killing an accused in fake ‘encounters’; charging them with false cases or applying harsher sections of the law; and discrimination on account of their religious background.
Bittu does not allege any use of violence against him after he was arrested in the extortion case. But he does point out that he has been arrested a couple of times under section 151 of Bombay Police Act (preventive detention for 24 hours) on the eve of festivals and released the next day; he says that this is a routine practice that the police use against persons who have a previous record, especially if their earlier arrest/s involved use of violence. Bittu had a previous case under section 324 IPC (simple hurt).

Umesh, Bittu’s co-accused, absconded from the area after the fight and the ‘extortion’ incident at the restaurant (after he came to know that the restaurant owner had filed a police complaint). The police ‘picked up’ his minor brother to apply pressure on him to surrender, which worked.

> After the incident, I ran away from the area. The police picked up my younger brother and kept him in the lock-up even though he is just seventeen years old. I surrendered to the police after one day.

Akash too says that his family was harassed by the police to reveal his whereabouts, till he finally surrendered before them. He says the police tortured him a lot and also did not allow his family members to meet him.

> The first time I was arrested, I was in police custody for almost three months. Third degree methods were used against me. ...I was not allowed to meet my family members. My mother ...used to come and meet me on my court dates every 14 days. I was not allowed to speak to my mother. No one was allowed come near me. ...I could not walk properly due to the physical torture. My mother would cry a lot seeing my physical condition. I would feel very bad seeing her like this.

> ...The police was very angry with me. The DCP of the Zone was very violent towards me. They wanted the gang leader. I did not know his whereabouts. There was pressure from the top to get him. This continued violence and verbal abuses created feelings of tremendous anger inside me towards the police.

Akash also alleges harassment and demanding money from the family, when they were on the lookout for him some years down the line (in connection with some new cases). He adds that the police were probably planning to kill him and his accomplice in a false ‘encounter’. This time too, he surrendered before the court, owning to these tactics.
...Police were on the lookout for me and the harassment of my family increased. They were also making demands for money in return for avoiding my arrest. I had come to know that the police was planning my ‘encounter’. They were maintaining continuous vigil outside the galli (lane) where I was living.

Once in 1999, my friend and co-accused Vikas and I were picked up by the police outside our wadi (area around the tenements), while we were going to attend a wedding. I somehow escaped but Vikas was taken into custody. He was kept holed up in a room in the red light area for two days by the police. Vikas’s family registered a missing complaint in all police stations and also faxed a complaint of illegal detention by the police to the National Human Rights Commission (NHRC). After two days, the police brought Vikas to the police station and allowed him to call his lawyer after three days in custody. I think the police had plans to bump him off. But because of the fact that his family had filed a missing complaint against him in all police stations and also faxed a complaint to the NHRC, they charged him under section 398 IPC and later discharged him in the case after three days.

Fed of all these demands and harassment, I surrendered before the Sessions Court and Vikas surrendered before the police in 2000.

Joseph alleges manipulation of the recovered cash amount in the robbery case in which he was arrested, in collusion with the complainant, to recover the insurance claim. He says that he was tortured severely in police custody, to the extent that he vomited blood when he was taken to court. He also says that his wife was taken into custody and physically tortured as a pressure tactic to get him to confess his involvement in the robbery.

When the CID arrested me, it was regarding an FIR of robbery of Rs. 37 lacs lodged with a police station in central Mumbai. The case was later transferred to the CID based on an FIR of robbery of Rs. 1.07 crores. A cash recovery of Rs. 40 lacs was shown against us (9 co-accused). It was a false recovery. It was actually a racket by the shop owner (in collusion with the police) to claim insurance. The ‘recovered’ cash belonged to the complainant. Once the insurance claim was settled, the recovered cash was returned to the complainant through a court order. The police got a ‘cut’ from the insurance claim and also the credit of busting a robbery case.

At the time of my arrest, the CID also picked up my wife and kept her in the lock-up. Male officers beat her to put pressure on me to ‘confess’ to this robbery. I complained about my wife’s detention by the police to the judge. Based on my complaint, the magistrate transferred my custody to the DCP of the Zone and sent a court official to verify whether the police had illegally detained my wife. Before the official could reach the police station, the police let her go. ...My wife was also
badly beaten; there was no woman police constable or officer during her interrogation. They did not keep her in the women’s lock-up but in the Crime Unit lock up.

Joseph further adds that the police had plans to kill him in an ‘encounter’ but he was saved by an honest officer, due to retire. He distinguishes between a good and bad police officer in terms of corruption and thorough and systematic investigation.

They had plans to kill me in a fake encounter. ...Luckily for me, the ACP of Unit landed up at the police station and came to know about the plan. He was an honest cop and had two months left to retire. He did not want any lafda (problems) on the verge of his retirement. He protected me. He sat at the police station till 1.00 am, called me and told me not to go out anywhere with the police. He gave a strict warning to the subordinate officers not to play any mischief.

The police beat me severely after the ACP left. They thought I had ‘connections’ in the police. They told me that they would teach me a lesson after I got released. The main reason behind all the beating was to get me to ‘cough up’ money and solve their unsolved cases. I was a big catch for them and they were sure that I would pay them rich dividends both in terms of money and unsolved cases, if they continued their beatings.

...In my opinion, a good police officer is one who is non-corrupt, uses his powers correctly, does not involve innocent persons, does a thorough investigation of the case and attends court dates to prosecute the offender. A bad police officer, on the other hand, is corrupt, uses third degree methods indiscriminately against all persons, closes a file easily without proper investigation and frames innocent people in cases in order to solve his cases.

Bhima says there was no violence used against him by the police after he was arrested in the case. But he alleges that he has been framed to strengthen the case, due to political pressure. Since the extortion threats were made to an elected Member of the Legislative Assembly (sitting MLA) from his constituency, it became a sensational case with media coverage, and there was pressure on the police to crack the case and find the offenders. He became a scapegoat in the process. He is very bitter about this fact.

I am suffering for no fault of mine. Sometimes I feel that I should now go into the crime line...I believe in God. I do not know why this has happened to me. There are others too like me inside – around twenty percent of prisoners are innocent. Some of them say that the next time, they will commit a crime and come inside.
Ilyas alleges that because his case was sensitive (Muslim boy eloping with a Hindu girl) in an environment of communal tensions in the town, and the fact that the victim was from the same political dispensation as the party in power, the police were excessively violent against him; they wanted him to reveal where he had hidden the sword, with which he had attacked the activist.

...The police beat me very badly, as I did not reveal to them where I had kept the sword with which I had attacked the auto driver. There was a lot of political pressure on the police to solve this case... Their man had been attacked and they took it as an insult; the local leaders wanted revenge.

However, Ilyas adds that the police do not arrest totally innocent persons, but are prone to being manipulated.

In my view and experience, the police do not frame totally innocent people. There is some level of involvement in the crime for which an accused gets arrested. But police is a saleable item. If you have money, you can manipulate and weaken the case.

Fazlu fails to understand why the police were so harsh against him after he was arrested. He contends that being a first-timer and peripherally involved in the extortion incident, the police should have booked him under a lesser charge; instead they booked him under MCOCA and showed him as part of an organised gang network.

Police used third degree methods against me. They showed me as a member of a known gang. I do not even know who this person is. ...My mother passed away in shock, due to my arrest. ...booked me under MCOCA, which is only used against those involved in organised crime. I asked my investigation officer why he was doing this to me and I didn’t get any satisfactory reply.

Nilesh claims he was innocent in the case of robbery of bikes for which he was arrested along with his other co-accused. According to him, the police charged him too in order to strengthen the case.

The police knew that I was not involved, but said that they needed a minimum of three persons to be arrested in a robbery case (under section 399 IPC).
Murli was arrested after his co-accused in the case, Latif revealed during investigations that he had come to know details about the wealth and the whereabouts of the complainant through Murli. Murli says that though the police did not use much violence against him, the fear of violence was sufficient to ‘force’ him to confess being an accomplice to the crime, even though he was not connected to the offence.

In police custody, the officers were good to me. They did not use much violence against me. But the fear of police violence was enough to make me confess... Police should not be so brutal.

Harish alleges the use of excessive violence by the police against him while he was in police custody. He attributes the violence against him owing to his previous arrest (he had been arrested earlier for simple hurt under section 324 IPC, as a result of a fight he was involved in with the boys from the ‘other’ group; he was out on bail in this case at the time of his second arrest) and due to the fact that the local police knew him and had a negative impression about him. He also alleges harassment by the police against persons who have a previous arrest record.

Before my arrest, when I would go for work in the night shift, I had to pass the police chowki and the constables who knew me would often harass me. They would ask me for information about other boys in the area who were into petty thieving. They wanted to make me a khabri (informer). I once complained about this to the ACP and the harassment stopped for some time, but after a few days it restarted. I was really fed up of this harassment.

Harish also attributes the violence inflicted on him and Pervez by the police due to the pressure from the builder lobby to solve the case.

After our arrest, we were kept ‘extra’ (in illegal detention) for six days. We were tortured very badly by the police, due to the pressure from the builder lobby. Pervez has still not recovered from the after effects of the torture. They wanted us to spill the beans about the weapon we had used in the extortion case and recover it from us, to strengthen the case.

Rocky was arrested within four-five days of reaching Mumbai. He was kept in illegal detention for a month before the police formally ‘arrested’ him and produced him in court. One of the co-accused in his case was killed in a fake ‘encounter’ by the police after he was picked up. Rocky has a very negative view of police behaviour. He feels that indiscriminate use of ‘third degree methods’ against one and all can be counter
productive and create feelings of revenge in them, especially if they happen to be innocent. He advocates the use of counselling as an alternate method to get information out of at least some of the alleged offenders. He speaks about the double standards of the police, innocents being arrested (who can be later lured into crime by habitual elements in prison) and manipulation of the law due to corruption.

When the police take the law into their hands to counter people who have broken the law, it sends out a mixed message. It smacks of double standards, feels hypocritical. ...the same law being applied differently on people ...through money power or use of influence. The police can weaken the case, change the sections being applied, and even change the place of occurrence of a crime.

The role of the police should be to reduce crime. They should find out why someone committed a crime and try to rehabilitate the person. They should not resort to indiscriminate use of violence and false encounters. Police goondagardi (hooliganism) has to stop.

In the first three instances when Vijay was involved in assaulting people – first time he beat up his neighbour with a cricket bat and injured him seriously on his skull and on the next two occasions he was a part of group fights which had led to serious injuries to the victims – he was able to get away without formally being arrested for the crimes committed by him. His family used money and influence (once the influence of the local MLA and another time his cousin who was a member of a famous gang, had intervened) to ‘settle the matter’.

In the first incident, instead of a case being registered under section 326 IPC (grievous hurt), he was booked under section 151 of the Bombay Police Act for breach of peace and released the same day. In the second incident, he had attacked the victim with a chopper (a result of turf wars between warring groups in the area) and should have been booked for attempt to murder under section 307 IPC. This time too, the family paid money to the police and used the influence of the local MLA to arrive at a settlement.

The third incident was a case of use of violence against the victim in the course of settling a property dispute by the gang (of which he was now gradually becoming a part of). Again it was a case of attempt to murder, but a compromise was arrived with the help of his cousin who was a member of the gang and the complainant withdrew his complaint, thus settling the matter.
It is no surprise therefore that Vijay holds a view of the police that can be manipulated, if one has money or influence.

*Power, contacts and money talk. For example, in my earlier arrests, no violence was used against me, as my cousin (who was from the gang) had contacts in the police, and also my father paid money to them. But in the present case, I was brutally tortured by the police, because my rival who had a role in my arrest was a police informer and was also a powerful man.*

*Police often say, “Galat kaam karna hai toh bata ke karo and humko share do” (If you want to indulge in criminal activities, tell us about it and give us a share from the proceeds). They also tell us to give them cases i.e. tell them about crimes committed. This helps ‘solve’ cases in the police records or helps ‘open’ new cases (about which police did not have any information). Once cases are opened, they can be ‘fixed’ on someone else, instead of on the person who revealed / committed them. A lot can happen at the police station level. Cases can be weakened or strengthened.*

Farooq alleges that the police used ‘third degree methods’ against him, probably because he belonged to the minority community. He was forced to confess because the police threatened that they would arrest his younger brother too and confiscate his car (which would have negatively impacted on his car rental business). He also alleges that they manipulated his ‘place of arrest’ to strengthen the case against him.

*I was in police custody for a month. The police was extremely harsh with me. They passed electric current through my body. They were rude and discriminated against me, because of my religion. One of the co-accused was a local leader of a political party (the one who passed away later, due to a heart attack) and another was a Jai Bhim²⁸. They were both arrested on the spot. I was arrested later from my residence, but the police have shown me as having been arrested from the spot and the Jai Bhim person from his residence. I was tortured the most by the police. They forced me to confess, under the threat that they would arrest my younger brother and seize my car.*

Farooq has no faith in the police and is rather negative about them.

*I have found the police to be manipulative, corrupt, discriminatory and wheeler-dealers. I am yet to come across a good police officer.*

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²⁸ *Dalits* are referred to as *Jai Bhims* by some sections of non-*dalits* in Mumbai (including sometimes in a derogatory manner) because of the fact that they greet each other by saying “Jai Bhim!” in memory of their leader, Dr. Bhimrao Ambedkar.
Asif too alleges severe physical torture being used against him. He withstood the violence and he did not reveal much. He felt that is was better to bear the violence than open his mouth, as that could lead to more cases being opened up against him. Pervez alleges excessive violence used by the police against him. He also says that the police did not allow his mother to meet him while he was in the police lock-up.

Ramesh does not speak of any violence used against him, but tries to distinguish between a good and bad policeman. He also says that the police always view an accused with suspicion and can be influenced through corruption.

A good police officer is one who relies on his investigation skills and techniques, tries to ‘search for the truth’, believes in the scope and possibility of rehabilitation, works through his intelligence and is a patriot. A bad police officer uses violence indiscriminately, does not listen, behaves like a kasai (butcher), forces everyone to give money and is given to addictions.

The police should listen to the complaints of citizens. It should involve social workers in doing its work. It should give guidance to people who are going astray. Use of third degree is both right and wrong. If used unnecessarily, it is wrong. The police should first try to study how the crime was committed – the circumstances of the case. Encounter tactics against criminals should only be used against very serious offenders – those who cause harm to the nation’s interests e.g. smuggling, drug and human trafficking, terrorism, etc. Minor offenders should be given a chance to reform after studying the social circumstances. The government should take care of victims of crimes.

Nandu too does not speak of any violence used against him but has a negative perception about the police. He speaks of their penchant for using violence against suspects to gather evidence rather than scientific collection of evidence. He also speaks of wrongful arrest of persons with a criminal record to extort money from them, or pressurising such people to become ‘informers’.

In three cases (Sharad, Jeevan and Nilesh), their experiences with the criminal justice system did not feature in the narratives, due to paucity of time and/or the sessions having ended rather abruptly.
Of the sixteen respondents who expressed their views on this issue, only three of them have specifically mentioned that there was no violence used against them by the police while they were in police custody (Bittu, Umesh and Bhima). Murli said that the police did not use any violence, but the fear of violence was sufficient to ‘force’ him to confess his involvement in the crime. Two of the respondents (Ramesh and Nandu) did not mention anything about violence used against them but have elaborated about it in a general sense. It is possible that they were trying to convey an image of being senior members of the gang hierarchy to the researcher; hence they did not want to discuss this aspect. All remaining eleven respondents spoke of varying degrees of violence inflicted against them by the police, ranging from ‘rough treatment’ to the most severe forms of torture including ‘passing electric current’.

Apart from violence, some of the other tactics used by the police to get the youth to confess to their involvement in crimes or to collect evidence related to their cases, or to get them to surrender before the police included keeping the accused in illegal detention for some days before officially producing them in court, harassment of family members (including threatening to or detaining a family member) and not allowing family members to meet the accused in police custody. There have been allegations of violence being used due to religious bias (belonging to the minority community) or as an act of revenge (in the case of a Muslim youth eloping with a Hindu girl).

Manipulation of facts relating to cases have been alleged by at least eight of the youth, in terms of hiking up the amount of cash recovered from the accused, changing the location of the site of arrest, and falsely charging an accused in a case to strengthen the case. Harassment of youth due to past criminal record emerged as a theme including use of excessive violence, booking them under preventive sections of the law, forcing them to cough up money or pressurising them to become ‘informers’. Venkatesh’s (2008) study too brings out police using pressure on ex-gang members to turn informants and the danger this poses on the youth concerned (see Chapter III: Review of Literature, p. 138).

At least four of the respondents spoke of the threat of fake ‘encounters’ as a strategy used by the police to deal with criminals; one of them related that one of his co-accused was
killed in one such encounter. Aftab Qureshi, a senior member of a well known gang and a key informant, echoes the views of respondents about role of police in the criminalization of youth offenders.

The overall content of the experiences of the youth vis a vis the police and their perceptions about the police can be termed as ranging from negative to very negative. One interesting highlight that emerged from the analysis was that the issue of use of violence was not so much a matter of contention for the youth; it was almost a given. Negative perceptions about the police emanated from how the youth perceived the police using violence as a tool, against whom and in what circumstances. They connected this with concepts of justice and fair play.

They were opposed to use of money power and influence to manipulate cases and the use of strong arm tactics to strengthen a case or to increase the culpability of an accused in a case. Many narratives contained descriptions highlighting false cases registered by the police against them. For example Joseph said that out of twelve cases of robbery registered against him, three were false cases. Manipulation, double standards and dishonesty seem to emerge as the main grouse of the youth rather than the unconstitutionality of methods.

**The judiciary**

One of the themes emerging from analysis of the narratives about the judiciary is their unresponsive, uncommunicative and insensitive attitude; and the possibility of their being influenced or manipulated by extraneous factors. Six of them (Murli, Fazlu, Ilyas, Rocky, Bittu and Vijay) spoke about these issues during their interviews with the researcher.

Murli alleges lack of communication with the judge. The judge has only once asked him about any violence inflicted on him by the police and if he needs legal aid, but no action was taken by him about the same.
Ilyas had completed four months since his arrest, but the charge sheet was yet to be filed in his case and the case had not yet been committed to the Sessions court\(^29\). The judge was unresponsive to his requests.

> He is very rude (khadoos). There is no chance of getting PR Bond as the judge routinely refuses PR Bond applications.

He adds that judges can be bribed and often are just going through the motions rather than pursuing the ends of justice.

> I have hardly come across any good judge. They perform their duties in a routine manner. They ask the accused if he needs a lawyer and whether third degree methods were used against him while in police custody, but they make no effort to find out the truth. These are routine questions they ask just to get on with the procedure.

Fazlu says that the judge is unresponsive, and his case is dragging on, interminably.

> My judge is not good. My case is dragging on. I made an application for speedy trial and for PR bond, but there has been no response. The judge is rude and he does not speak properly with the accused.

Rocky is frustrated about delays in trials, especially in case of under trial prisoners. He feels the judiciary is unresponsive to the socio-economic situation of prisoners at the time of granting bail.

> Judges are generally speaking, callous. There are endless delays in the trial process. Even if they listen to the accused, they do not take action against the officers. Very few judges take into consideration the social circumstances of the accused at the time of granting bail. What about a trial of an under trial prisoner that takes years and ends in an acquittal? Who will compensate the person? I know of an under trial prisoner in UP who was in prison for 22 years charged with 60 cases. He was acquitted in all of them!

Bittu is astounded with the bail amount granted in his case; this and his refusal to release him on personal bond, he feels, is a travesty of justice.

> The judge has granted bail of Rs. 15000/- in a case of extortion of Rs. 100/-! Is this justice? I gave an application for release on PR Bond but he refused to entertain my application.

\(^29\) As per the provisions of the Cr.P.C., the charge sheet should have been filed within 90 days of his arrest in his case, and subsequently committed to a court of sessions (http://www.vakilno1.com/bareacts/CrPc/s167.htm, accessed on December 2, 2009)
Vijay feels the judiciary can be influenced and manipulated.

Witnesses and evidence can be manipulated. Judges and public prosecutors can be bribed. The entire system is corrupt.

One the other hand, some of the youth have had mixed experiences with the judiciary i.e. not entirely negative. They have a few good things to say about their judges. Four of them (Farooq, Joseph, Ramesh and Akash) gave a mixed or a balanced picture about the judges.

Farooq has mixed experiences and views on the judiciary. He finds his judge to be fair but moody at times. But he is upset with the slow pace of the trial.

My judge is fair as far as the trial is concerned. Otherwise, he is a bit moody. Once during roza, I requested him to instruct the prison authorities to send me back to my barrack after I returned from court in the evening (where I can break the fast with my fellow Muslims), instead of the usual practice of keeping prisoners who return after bandi time in the ‘after’ barrack. The judge agreed to the request and passed an order accordingly. But the barrack jailor refused to comply with the order. However, when I complained to the judge about this, he refused to take any action.

My trial is dragging on in court since 2006, whereas 2007 cases have been completed.

Joseph too has had mixed experiences with the judiciary. He has been fearless about reporting the excesses of the police or the prison authorities to the judge, and has sometimes been able to move the judge to take effective action. For example, when he vomited blood in court (due to physical torture in police custody), the judge transferred him to JJ Hospital and based on the doctor’s report, transferred him to judicial custody. He organised a hunger strike by prisoners lodged under the MCOCA, to draw the attention of the High Court to the delays in trials in MCOCA cases. The High Court instituted an enquiry into the issue and increased the number of MCOCA courts in Mumbai from two to three as an outcome of the enquiry. However, he has one major complaint against the judiciary – they do not exercise the powers given to them under the law to protect the innocent and the under privileged.

30 Prisoners who return late from court are kept over night in a separate barrack, know as the ‘after’ barrack, because taking them back to their original barrack disturbs the head count that is done at the end of the day, when prisoners are locked into their respective barracks/cells (bandi time).
The main problem is with the judiciary; they do not uphold the law. If they did their job well, innocents would not languish in prison. 40% of under trials in prisons have little or no involvement in the crimes, or at the most chance/circumstantial involvement, or they are acquaintances of criminals or indirectly involved. The judiciary does not use the powers at their disposal to protect the innocent.

A good judge follows the law, listens to the accused, and follows High Court and Apex Court judgments. A bad one is corrupt and does not follow the law; acts on his whims and fancies.

Ramesh stresses that a judge should listen to both sides before deciding on a matter; they should communicate with the accused and should be reformation-oriented.

A good judge listens to all sides and then decides, gives reasons for his orders passed, strikes a personal rapport with the accused and gives a chance to the accused to reform. A bad judge does not listen and decides unilaterally.

Akash seems to have a balanced view about the judiciary. He emphasises that judges should inform the accused persons about their legal rights and should release petty offenders on personal bond. He empathises with their work load and says that he has come across some good judges in courts.

The judges usually do not speak to the accused about their case and their rights. Witnesses and panchas are kept in the same room even before the examination starts. This may lead the person to know the name of the accused and identify him even if it a false witness. In petty offences, cases should be discharged after six months in custody are over or they should be released on PR Bond. Judges have a very heavy work load. So much of their time is wasted in petty matters such as signing on the warrants.

There are good judges too. They study the papers produced before them. They keenly observe the accused in court. They follow the case and remember incidents in the past.

Two of the respondents (Bhima and Nandu) gave positive accounts of the judiciary.

Bhima has no complaints about his judge.

The judge in my case is nice to me. He listens to me if I have anything to say and replies to my queries.
Nandu is unequivocally positive about the judiciary.

*The judiciary is the best of the lot. They are doing their duty and performing their role. They know that the police commit atrocities. They try to protect the rights of the accused and provide them legal aid.*

Seven of the youth (Umesh, Harish, Pervez, Jeevan, Sharad, Asif and Nilesh) did not elaborate nor have much to say on this issue. This could imply that while they did not have negative experiences or perceptions about the judiciary, they were not willing to say anything positive about them. They were either neutral towards them or preferred to remain silent on this subject.

Overall, one gets a slightly better picture as far as experiences of the youth with the judiciary are concerned, compared to that of the police. Lack of responsiveness and sensitivity, and delays in trials seem to emerge as the main criticisms against the judiciary.

**The prison**

The broad themes emerging from the narratives about prison conditions are: shortcomings in basic facilities including food, hygiene, sanitation and health care; space crunch and overcrowding; use of violence by prison staff; corruption and availability of contraband items and drugs; sexual exploitation by convict warders; extra facilities given to those from gangs or with money or influence; and running of illegal rackets (extortion or gambling) by gangsters from inside.

The issue of lack of family support and / or legal aid and contact with habitual elements or gang members emerges as an important factor leading to prisonisation and criminalization of youth offenders, first-timers and those arrested in petty crimes. The need for a positive environment through the provision of recreational, educational, library, vocational training and counselling facilities and the role that social workers and voluntary organisations ³¹ can play to rehabilitate prisoners has been another recurring

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³¹ The researcher has used the term voluntary organisation rather than the more popular term NGO, throughout the text of the thesis. However, wherever a respondent has used the term NGO, he has retained the word to maintain the original flavour of the narratives.
theme in the narratives. Watching TV and small talk about their lives and their cases seem to be the only avenues of ‘passing time’ in prison.

Bhima seems to have positive experiences as far as prison life is concerned. He expresses the need for library facilities – to read newspapers and short stories. He tends to keep to himself and has cordial relations with the other inmates. He watches TV for ‘time pass’ and underscores the role of voluntary organisations coming inside for spiritual and moral guidance.

_In prison, no one has troubled me so far. The basic amenities here are fine. I fell ill once in prison. I had fever and was sick for ten days. I was treated by the doctor and became fine. The jawabdar (barrack monitor) is from my handi32. People are generally nice to me. I do not maintain close relations with anyone inside._

_For time pass, I watch TV and chat with my barrack mates. My favorite TV serial is Jo Kahoonga Sach Kahoonga (I Will Speak Nothing but the Truth). I like this serial because it depicts lives of people who have been wrongly arrested by the police and how they get acquitted in their trial due to the arguments of their lawyer. I would like to read newspapers daily and also short stories in Hindi or Marathi. Sometimes NGOs come and preach about the teachings of Christ. They also showed a film about Christ. I liked the film._

Pervez does not have any major complaints about prison conditions. He is however upset about not being produced on court dates due to lack of police escorts.

_Prison is a place where one makes contacts in the criminal world. But if one wants to reform, one can use this place to reflect and change._

Fazlu was very depressed when he came to prison (his mother had passed away after his arrest). He complains about the food but says there was no physical harassment in prison. He was detected with TB and was treated for the same; he is completely cured now. He keeps himself busy with work and vocational training activities conducted by a voluntary organisation; he likes to interact with their staff.

_I keep myself busy with work; I sit for the computer classes conducted by an NGO. I have also done a three-month certificate course in electrical repairs organised by an NGO which works in_

32 A *handi* is an informal social group in prison whose members share their food together during meal time. Apart from food, they tend to sleep together and also support each other during time of any crisis or problem or illness.
Jeevan took seriously ill inside. He tested HIV positive which later proved negative. He lost both his parent when he was in prison the first time and his wife (she was HIV positive) during this period of imprisonment. His only son lives with his parents-in-law. He wrote to the President of India about his situation and received a positive response from her.

I wrote to the President about my condition and requested her to set me free. She is from my native place. She wrote back to me, I can show you her letter. I became famous in prison when I received her reply. She has recommended my release. But the police and the judge pay no heed.

Umesh seems to be a loner in prison; he says he has minimal interaction with other prisoners. He is also not aware of the work done by NGOs and does not have faith in them.

I do not like to mix with other prisoners. Prison friendships are not good (jail ke dosti achhi nahi hoti). I have only one close friend inside; he is arrested in a case of robbery. I have never spoken to the social worker (from the NGO) who visits the baba barrack. It is of no use. No one helps anyone inside. I do not know if he has been of any help to other prisoners. I have never asked any prisoner about him. I spend my time sleeping, watching TV and chatting with my friend.

One can sense the anguish of Murli. One on hand he says that he has no complaints; on the other he feels that even enemies should not suffer prison life. He tries to keep to himself. No one has come to visit him in prison. He speaks about the uncaring attitude of prison staff and also about feelings of revenge which emanate from within. It emerges that he loathes prison life. He alleges that most people in prison are innocent.

I have no complaints inside. I have no friends here. I stay by myself. Prison is a terrible place, especially for an innocent person – high walls, closed to the outside world, staying with unknown and criminal elements; death is better than being here. Even enemies should not see this place. But sometimes I feel that my Seth should be made to stay here for a few days. He should be made to realize his mistake of making a false accusation against me to the police.

No one has come for my mulakat – to meet me. I have a boil on my face and it pains a lot. No one has taken me to the hospital. I have no faith in the prison staff. The jailors have no time for the ordinary prisoners; they are there only for the bhai log (gang members). Sometimes I feel very angry. I feel like taking revenge. I am inside for no fault of mine. But later I calm down.
Ninety percent people in prison are innocent. One can make out from their faces and behaviour. They have been framed and forced into crime by unscrupulous elements.

Ilyas showers praise on the Superintendent; prison conditions have improved considerably. But he adds that corruption continues to be unchecked. Absence of family supports can lead to dependence on criminal elements in prison (as it happened in his case). He stresses on sensitizing the prison staff, humanizing the prison environment and advocates the role of social workers and correctional facilities.

The present superintendent is good. The basic facilities are good – food, medical care, water supply, cleanliness of toilets, etc. There is now less harassment of the poor. But corruption is not controlled. Charas, ganja and private cash can be brought into the prison. If you can pay the staff, you get a better place to sleep, better food, police escort on your court dates or for sending you to JJ Hospital. But there generally no violence, except if you create mischief.

Prison is a criminalizing agency. If one were to make the prison into an agency for reformation, one will first have to improve the staff behaviour. They should treat prisoners as human beings. The discrimination on the basis of money or religion should stop. Basic facilities should be decent. There should be social workers to provide legal aid and counseling. Recreational, educational and vocational activities should be organised on a regular basis to counter criminalizing influences.

Nilesh relates how he came into contact with gang members in prison, which changed the course of his life.

I was initially kept in the baba barrack of the prison, as an under trial. Later I was moved to another barrack (I do not know the reason) and this is where I made friends with members of a prominent criminal gang, involved in extortions, killings and drug trafficking.

Harish is very critical of the food served, the health facilities, violence inflicted by the staff and availability of drugs inside. He tends to stay by himself and is suspicious of relationships made in prison. He spends his time thinking and discussing about his case, his family situation and what beholds after release. He too likes the TV show which portrays lives of arrested persons.

There are no friends here. Everyone is selfish and all relationships are temporary. No helps with a genuine intention.
Rocky feels that prisons are den houses of corruption and inefficiency. He also emphasises about the prisonisation processes (see Chapter I: Introduction, p. 25). He advocates that prison authorities should focus on provision of legal aid and correctional facilities.

No one gets reformed in prison. It’s a place where people end up becoming bigger criminals that what they were when they came inside.

If we want criminals to reform inside prison, the prison authorities should firstly inform all prisoners about the rules and regulations, so that people are aware of them. They should make arrangements for legal aid. They should help the family in bail matters, so that people do not fall into the wrong hands. Moral lectures should be organised regularly. There should be vocational training and educational activities inside. Social workers should work at a deeper level. Those in prison for drug addiction related offences should be sent to detox and rehab centres. The superintendent should take keen interest in each prisoner. Someone has to take the position of the family, especially for those who have no support.

Farooq is very critical of the prison conditions in terms of food, sanitation, health facilities and the space crunch. Corruption leads to availability of drugs and special facilities for those with money power or influence. Custodial violence occurs when a prisoner behaves in an ‘undisciplined’ manner. He says that NGOs do not do much inside. The prison environment can be improved by focussing on basic facilities, reducing corruption and violence, provision of opportunities for constructive engagement and legal aid, and introducing the role of social workers.

In 2007 end, I had fallen very ill – I had fever and vomiting bouts for two months. There was no proper treatment. I was referred to JJ Hospital for treatment. By the time I would reach JJ, the OPD timings would be over and the doctors would send me back to prison without a check-up. ...By and large, I found the prison officers to be corrupt. Money talks here. You can even get drugs inside with money. People in the maximum security anda barrack cook their own food. Things have improved a little of late due to the Superintendent. But physical beatings only happen when someone misbehaves or acts over smart. ...one has to first create good health care facilities, decent food, enough access to clean water (for drinking, bathing and washing) and toilets. They should engage prisoners in some constructive activities and work everyday for a few hours. There should be a good system for legal aid to counter the influence of gangs and habitual offenders. There is a role of a social worker in prison, to help people who want to get out of crime; counsel and support them.
Vijay points out the gaps in the prison system by saying there should be provision for legal aid, vocational training, recreation facilities, counselling services and post release support in terms of shelter and employment.

There is a need for social workers in prison – someone to talk to, explain the rules, give timely help, arrange for recreation, sports, reading and writing activities, vocational training, educational activities, religious preaching and to arrange for jobs and temporary shelter after release.

Joseph chooses to refrain speaking about prison conditions, but does talk about what facilities should be provided.

Prison life is not conducive to reformation. ...The prisoner’s physical and mental needs should be taken care of. Along with the basic needs, his communication with the family should be facilitated. In the absence of family support, the prisoner’s dependence on his friend circle will increase and the person can go astray. Medical care and legal aid should be taken care of by the system and the family. This is especially important for the ordinary prisoner, the first timer and the young offender.

A good prison officer in my opinion explains the prisoners about prison procedures and follows the prison manual. A bad one would be corrupt and one who does not performs his duties.

Asif speaks about the difficulties of prison life and hints at discrimination by the prison staff because of his religious background. He reads the Koran which gives him strength to bear his sufferings. He also helps those arrested in minor offences and the baba barrack inmates. He watches the TV show on lives of arrested persons and another on lives of women.

It is very difficult to lead a life in prison without any support. I manage my expenses in prison through money orders sent by friends (made inside) from time to time. They sometimes send around Rs. 1000-1500 after their release. I use this money for 2-3 months to take care of expenses – mainly tobacco.

It’s very difficult inside – food, space, toilet - everything is a problem. On top of that, people who sport a beard are discriminated against. They are viewed with suspicion. However, there is no physical torture in prison unless one creates mischief inside. It’s very difficult to pass the time in prison.

I help boys inside who are arrested in minor cases including those from the Baba Barrack. I do not want my story to be repeated with others. I get great strength from reading the Koran. It has
been my source of sustenance inside. Its teachings have helped me get direction in my life. I do not read any other books, though I do watch TV sometimes. I like a TV serial called Sach ke Siva Kuch Nahi Kahoonga (I’ll speak nothing but the truth). It’s about innocent people arrested in cases who are saved by lawyers in court. I also watch another serial called Stree (‘woman’), which is about family values.

Ramesh’s life in prison typifies the facilities enjoyed by those with gang connections. He says prison is a breeding ground for criminals.

Prison life was like a picnic – good food, watching TV and films through a VCR and passing time chatting with other inmates and prison staff. All the TVs in prison were donated by a charitable trust, which was floated by our gang leader. An Aqua Guard water filter and water cooler were installed in the office section of the prison through this trust. Indoor games such as carrom, chess and card games, and outdoor games like volleyball, cricket and daily exercises kept us busy throughout the day.

Whenever one felt like going out, all one had to do was pay a bribe to the prison medical officer (it was called money order), who would fill form 32 and send us for a ‘check up’ to JJ Hospital. After spending a few days in JJ, we would be sent back to prison. Bribe in prison is known as mithai or good luck. The entire prison staff and warders were bribed by all gangs in prison. It was more like a monthly salary paid to each staff member, who had some favour to dole out to you!

According to Ramesh, family support is critical to negate the criminalizing influences in prison. He elaborates on extortion and gambling rackets being run from inside the prison by gang members in collusion with corrupt prison staff, and about drugs being freely available inside. He says the activities of NGOs have a temporary impact on prisoners. He lists the steps to be taken to create a positive environment in prison.

Six months in prison is enough to gain knowledge and develop contacts to enter the crime world. One can gain membership of a group, develop individual contact with influential gang members and gain knowledge, information and skills required to get entrenched in crime.

There are extortion rackets that run from inside prison. The moment a ‘big catch’ gets arrested and enters prison – usually under the Customs Act, COFEPOSA, smuggling, financial scams, etc., news about his arrival is given by the prison staff. These people are known as the doh number wale (No 2 people). These people are threatened by gang members to extort large and small sums from them, as ‘protection money’ while they are in prison.
Drugs, charas and ganja are easily available in prison and the conduits for bringing the 'stuff' inside are the prison staff. There are regular gambling rackets run inside prison. Most people in prison believe in the value of 'making money’ – achche line sey paisa nahi bantaa.

There are various activities conducted by voluntary groups who come to prison – yoga, vipassana, prayer sessions, preachings, etc. These activities have a temporary effect on the minds of most prisoners – only as long as the sessions last.

If a positive environment is to be created in prison, the focus has to be on:

- Keeping the prisoners’ mind busy for the entire day with different activities – sports, reading, writing, studies, music, art, etc.
- Converting the prison into a school like place – eight periods of one hour each, with different activities conducted in each hour.
- Using prison time to upgrade education levels – making it compulsory for all prisoners including under trials.
- Focussing on education, music, art, theatre.
- Changing their thinking from 'making money' to 'earning money'.
- Avoiding use of violence – disciplining prisoners like one does in a school.
- Increasing contact with family, especially with mother and/or wife.
- Trying to attack the root cause of why people get into crime – either due to force of circumstances (majboori) or due to enmity (dushmani).
- Treating prisoners as students, not as slaves (which is often how prison staff treat them).”

Ramesh expounds about the difference between a good and a bad prison officer.

A good prison officer treats every prisoner as his child and student, does not resort to violence easily, goes on regular ‘rounds’, responds to requests made by prisoners and ‘earns’ the respect of his staff and inmates. A bad prison officer does not ‘listen’ to prisoners, uses fear and violent tactics to control prisoners and does not command any respect from his staff and inmates.

Akash’s experiences about prison life corroborate Ramesh’s as far as misuse of the system by gangs is concerned.

I would eat prison food as there was no one to get home food. But I would also get home food brought by family members of other members from the gang. Every day, three families would
come by turns with home food by bribing the prison staff, and we would all get to partake of it—home food, biscuits, fruits, etc.

Medical care was available in the prison, unlike in police custody. We could go for a medical check up to JJ Hospital or to the Civil Hospital (when I was in other prisons) by bribing the prison doctor. If any of us wanted to go out for a drink or for having charas or ganja, the tactic would be to ‘go for a medical check up’ on Saturdays, since it is easier to get police escort on Saturdays (courts are usually closed on Saturdays).

Everyone from the doctor, the guards, the jailors to the superintendent were paid by the company. Only when food was smuggled into the prison on the way back from court dates, the individual prisoner had to pay at the gate to the stuff inside.

For ‘timepass’, we played volleyball, cricket, cards or watched TV. ...Prison is a den of evil thoughts; no one can get reformed in prison. If one has to change the environment in prison, the only way is to have regular activities inside prison. Constructive activities to keep the prisoner busy are the only way by which some kind of reformation will happen.

Nandu reiterates what Ramesh and Akash have to say about the discriminatory treatment by the prison staff based on who can bribe the system. Organised crime elements are able to influence the system to get special facilities. He also speaks about the exploitation of small-timers by the convict warders – making them sleep near the toilets, washing their clothes and sodomising them. He says that prison is a recruitment ground for organised crime gangs; they give help to first-timers, especially those in for violent offences and lure them.

Fazlu elaborates about the exploitation by convict warders and the impact of this on young minds, in terms of criminalisation.

Prison is a place where chances of getting further into crime are high. The main culprits inside are the convict warders. They abuse, beat and get work out of everyone. The boys working as deputies (jawabdars) under the warders are also exploitative – unka zulum chalta hai andar (their writ runs large inside). The warders sodomise young, attractive boys. When anyone complains about such practices, at the most, the perpetrator is transferred to another barrack. These atrocities have a negative influence on the mind of the prisoner and he begins to develop feelings of revenge against society. The influence of peers inside also adds to the process of criminalization. Sometimes innocent persons get arrested and this also leads to feelings of revenge – that next time I will do something big and come inside.
Nandu adds interestingly, that seven out of ten persons entering prison do not come back – these are people who still have some respect and status left in society and hence can rejoin the social mainstream. The remaining who become habituals are those who have nothing to lose.

Five of the youth (Bhima, Pervez, Fazlu, Murli and Ilyas) in prison did not have any complaints about prison conditions or in fact were satisfied with the food and medical facilities on offer. Two of them mentioned that things had significantly improved after the current superintendent had taken over. One of these five did however, complain about the non-provision of police escort for court hearings leading to missing the court dates and delay in the trial process.

Three of them (Harish, Asif and Farooq) were, on the other hand, very critical about the conditions, in terms of food, medical facilities and overcrowding. Five of them (Farooq, Asif, Murli, Ilyas and Harish) spoke about either discrimination by prison staff on the basis of religious background, or about their insensitive or uncaring attitude towards prisoners. Six of them (Ilyas, Rocky, Farooq, Ramesh, Akash and Nandu) spoke about the rampant corruption and the availability of contraband items and drugs inside. Two of them (Nandu and Fazlu) spoke about the exploitation (including sexual) of small timers by the convict warders.

Violence did not emerge as a recurring theme in prison (as compared to police custody). Four of them (Farooq, Fazlu, Akash and Ramesh) said that violence was used by the staff as a strategy to maintain discipline and their authority over prisoners. Any instance of arrogance, indiscipline, ‘misbehaviour’, ‘over-smartness’ or incidents of violence between prisoners, or the discovery of some illegal racket being run inside by prisoners were met with severe violence, whereby ‘innocents’ (those not involved) too would not be spared. Such incidents were used to send out a strong message to prisoners that the administration would not tolerate any ‘nonsense’.

Nine of them (Umesh, Jeevan, Nilesh, Joseph, Asif, Vijay, Rocky, Bittu and Sharad) were silent or refused to comment about the issue of prison conditions. This could mean that they either did not face problems relating to food, medical care or space in prison (a
possibility with at least four of them considering that they came from a serious offence background or gang connection and therefore could manage better facilities inside) or they were apprehensive of speaking about the same. It could also mean that decent living conditions in prison was not an important issue as far as they were concerned or that poor living conditions was something they had come to accept.

Three of the youth (Ramesh, Akash and Nandu) who had been part of organised gangs when they were in prison, presented a rather rosy picture of the time they spent in prison; they seemed to be having a good time – good food brought by their families or from a fixed place (a restaurant or a caterer)\(^{33}\), playing volleyball or carrom, watching TV, chatting, going to hospital for a few days under the pretext of ‘medical check-up’ (for a change) or even going out for a drink on the way back from court to prison. Gangs were able to corrupt everyone from the top to the bottom levels and they gave an impression that the staff were at their beck and call.

The effects of prisonisation and presence of criminalizing influences emerged very clearly from the narratives of at least eight of the respondents (Nandu, Ramesh, Akash, Rocky, Ilyas, Fazlu, Nilesh and Joseph). First-timers, those arrested in cases involving use of violence and even petty crimes are vulnerable to being sucked into the criminal nexus, especially in the absence of family support and pro-social influences.

Habituals and gang members often provide legal guidance and/or legal aid; money or coupons to buy cigarettes/bidis or eatables from the canteen; sharing their food with them; protection from excesses committed by other prisoners or prison staff/convict warders and emotional support in times of crisis. These youth may get obliged to these elements and readily agree to work for them once they are out of prison. Vijay says that it is very easy to form your own gang from inside by giving such help to those inside without supports. Once they are released on bail (with the help of the gang member), they can be made to carry out extortions on behalf of the gang and take regular instructions from the gang during prison mulakats and court visits.

\(^{33}\) The prison rules used to allow under trial prisoners to get home cooked food. Now it is only allowed under court orders.
It is for this reason that some of the youth said that they keep to themselves or have only one or two friends inside. They are aware that prison relationships can get them into further trouble once they get out. At least five of the youth made it a point to highlight that they do not mix around much with other prisoners inside (Bhima, Umesh, Murli, Harish and Vijay). Vijay says he has moved out from the barrack which houses members of his gang out of his own volition (by requesting the prison authorities), since he wanted to cut off from his gang membership and take the support of only his family. He maintains friendly relations with all irrespective of their social status, but likes to keep to himself; he gets tensed in a crowd. He is also taking psychiatric treatment for his anger outbursts.

Legal aid emerges as one of the most significant supports and the absence of it can lead a prisoner to take the help of a habitual or gang member.

The entry of voluntary organisations and intervention of social workers assumes significance in this context. Bhima and Fazlu say that the visits by NGOs help them to stay positive and hopeful. Bhima attends the sessions organised by a religious group and Fazlu spoke of his participation in a vocational training course organised by an NGO. He received a certificate for an electrician’s course, which he said will be helpful in his career (he is already an electrician, but did not have formal training). However, Umesh, Ramesh and Farooq felt that voluntary organisations coming inside were not very helpful or their impact on prisoners was temporary, at the most.

Almost all the youth emphasised the need to improve living conditions in prison, and create facilities which would foster rehabilitation. Nine of them made specific suggestions (Bhima, Fazlu, Ilyas, Rocky, Farooq, Vijay, Joseph, Ramesh and Akash), in terms of creating a positive environment through improvement in basic facilities, provision of legal aid and organising activities – educational, vocational training, library facilities, counselling sessions, moral and spiritual lectures and support in finding employment and shelter after release.

At present, reading newspapers or magazines, watching TV and chatting with each other seemed to be only avenues for ‘time pass’. Six of them (Bhima, Umesh, Harish, Asif,
Vijay and Akash) said that they pass their time in prison by reading and watching TV. Vijay reads the *Sai Satya Charitra* thrice a day, and says he gets great strength from praying to *Sai Baba* every morning. A TV show which depicts the lives of persons who have wrongly arrested and get out with the help of a lawyer, seems to be very popular in prison, probably having a cathartic effect on them.

Out of the nineteen youth, eleven of them (Fazlu, Farooq, Harish, Pervez, Bittu, Sharad, Umesh, Vijay, Ramesh, Akash and Nandu) were/are in touch with their families while in prison. It emerges that family support and the bond they share with at least one member of the family has a crucial bearing on the rehabilitation chances of the youth. Family support has created a positive impact on the minds of the youth. The impact of this positive relationship with the family can be gauged by the actions of the youth such as advising their families not to bother to come to meet them time and again (every visit to prison or to court has financial and emotional implications); severing connections with the gang; feeling very guilty about their actions and resolving to remain straight henceforth.

In cases where there is little or no family contact, the youth seemed to be very uncertain about their future. They were not even sure whether they would go home after their release. The lack of contact seemed to be the outcome of a combination of factors – poverty and inability to come for *mulakat* (Bhima and Murli), breakdown of relationships (Rocky, Ilyas and Asif), self-pride (Rocky, Ilyas and Joseph) and absence of family (Jeevan). The absence of a catalyst to motivate the family to take interest may also be a factor at play. This was proved in Ilyas’s case, where the family came forward to get him out on bail, after the organisation which works in the prison intervened.

**Legal aid or counsel**

Most of the youth interviewed had private lawyers. However, very few of them reposed faith on them. They had complaints against lawyers in terms of the high fees charged by them, not communicating with them, not being regular in attending court, etc.
Ramesh feels that lawyers only understand the language of money; they have no ethics.

*There is no such concept as a good lawyer. They are all after money.*

Vijay is very upset with his lawyer; he concurs with his father’s view\(^{34}\) that his lawyer has done little to get him out on bail.

*My lawyer has not applied for bail in the last fourteen months that I have been inside. He does not even come for my court dates. ... I have to 'set right' my lawyer (hisab kitab karna padega).*

The need for an effective legal aid system emerged as one of the most important gaps which need to be plugged. Murli sounds very despondent when he speaks about his need for a lawyer in his case.

*The charge sheet in my case has not yet been filed in court. I do not have lawyer in my case. I need a legal aid lawyer because I do not have any support here.*

Absence of legal aid can lead a prisoner to desperation and push him to take the help of habitual offenders and gang members, which can push them into the criminal nexus. Akash says that uppermost in the minds of most prisoners is how does one get out. Legal aid assumes importance in this context.

*The main thought inside was how to get out. Questions like what would happen in my case, when will I get bail – these were the predominant thoughts...*

### Summing up

Overall, it can be concluded that most of the youth had rather negative experiences with the criminal justice system and therefore had negative perceptions about it. On a comparative scale, the police came across as the most negative followed by the prison. The image of the judiciary too was negative but more of a mixed picture. Ramesh sums it up well.

*The criminal justice system is biased towards the powerful and influential. The fact that I was a gang member (and a senior member at that) actually helped me to get away without a conviction. I could get the police to frame weak cases against me and got support from politicians, who influenced the police to weaken my cases.*

\(^{34}\)Vijay requested the researcher to speak to his father over the telephone to find out about what his lawyer was doing to get him out on bail. The father sounded very angry and said that the lawyer was doing nothing to get his son out on bail.
The need to bring reforms in the system emerged clearly. Some of the areas for improvement which have emerged from the narratives include desisting the excessive use of violence as a method to ‘solve’ cases by the police, need to strengthen legal aid and family contact to counter criminalizing influences; speeding up the trial process, introducing alternatives to the financial system of bail, improving living conditions in custody; provision of educational, vocational, recreational, spiritual and counselling facilities in prison, introducing social services and the role of social workers, and setting up of after care facilities in terms of employment and temporary shelter.